

# REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

#### **NOTICE AND AGENDA**

Tuesday, December 9, 2025 6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 86149755429# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <a href="https://www.zoom.us/j/86149755429">https://www.zoom.us/j/86149755429</a>. Comments will also be accepted via email at <a href="planningcommissionpubliccomment@madera.gov">planningcommissionpubliccomment@madera.gov</a> or by regular mail at 205 W. 4th Street, Madera, CA 93637.

## **CALL TO ORDER:**

## **ROLL CALL:**

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Tim Riche
Commissioner Abel Perez
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

## **INTRODUCTION OF STAFF:**

## **PLEDGE OF ALLEGIANCE:**

## **APPROVAL OF MINUTES:**

#### **PUBLIC COMMENT:**

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the

speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

#### **PUBLIC HEARINGS:**

TSM 2022-03 EXT & TSM 2022-04 EXT – Ventana I and Ventana II (Report by Jon Bartel)

**Subject:** Consideration of a one-year (12 month) extension of two Tentative Subdivision Maps (TSM 2022-03 & TSM 2022-04) proposing to subdivide <u>+</u>237.5 acres into 999/units lots for the development of 855 single-family residences, 144 multi-family residential units, 3 park sites and a drainage basin consistent with the adopted Ventana Specific Plan. The site is bound by Pecan Ave. to the north, Road 28 ¼ to the east, Hazel Ave. to the south, and an existing subdivision and Parkwood Elementary School to the west.

## Recommendation:

Conduct a public hearing and adopt:

a. A Resolution of the City of Madera Planning Commission determining the project has been previously assessed in accordance with the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) was previously prepared and certified for the Specific Plan and tentative maps; there have been no changes as contemplated by CEQA Guidelines Section 15162(a), and no further environmental documentation is required. Therefore, approving a one-year (12 month) extension of Tentative Subdivision Map 2022-03 and Tentative Subdivision Map 2022-04.

#### 2. CUP 2025-11 & SPR 2025-27 – Wireless Telecommunication Tower (Report by Robert Smith)

**Subject:** Consideration of an application for a Conditional Use Permit (CUP 2025-11) and Site Plan Review (SPR 2025-27) to allow for the construction of a new wireless telecommunication facility (cell tower) composed of a 65 foot tall monopole/tree and associated ground facilities within a 500 square-foot lease area on a <u>+</u>3.77-acre parcel located on the west side of Golden State Boulevard between Avenue 17 and North Schnoor Avenue (APN: 013-250-001).

#### Recommendation:

Conduct a public hearing and adopt:

a. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Sections 15301/Class 1 (Existing Facilities) and 15303/Class 3 (New Construction or Conversions of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-11 and Site Plan Review 2025-27, subject to the findings and conditions of approval.

THE APPLICANT HAS REQUESTED THIS ITEM BE CONTINUED TO THE JANUARY 20<sup>TH</sup>, 2026 PLANNING COMMISSION MEETING.

**ADMINISTRATIVE REPORTS**:

**COMMISSIONER REPORTS:** 

**ADJOURNMENT:** 

- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
- The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing <u>planninginfo@madera.gov</u> to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

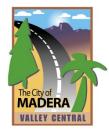
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.

## REPORT TO THE PLANNING COMMISSION



Prepared by: Meeting of: December 9, 2025

Jonathan Bartel, Senior Planner Agenda Number: 1

## **SUBJECT:**

Tentative Subdivision Map 2022-03 — Ventana I and Tentative Subdivision Map 2022-04 - Ventana II - Extension 1.

## **RECOMMENDATION:**

Conduct a public hearing and:

1. Adopt a Resolution of the Planning Commission of the City of Madera approving a 12-month time extension to Tentative Subdivision Maps 2022-03 and 2022-04.

## **PROPOSAL:**

An application for an extension of Tentative Subdivision Map (TSM 2022-03) Ventana I and Tentative Subdivision Map (TSM 2022-04) Ventana II approved by Planning Commission (Commission) on December 12, 2023 for the purpose of subdividing four parcels encompassing approximately 237.5 acres into 999 lots/units for the development of 855 single-family residences, 144 multi-family residential units, 3 park sites and a drainage basin consistent with the adopted Ventana Specific Plan. TSM 2022-03 was approved allowing for the creation of a 855-lot residential subdivision with lots ranging from a minimum of 3,000 square feet (ft) to more than 6,000 sf in size. TSM 2022-04 was approved allowing for the creation of 19 lots ranging from 0.75 acres (Lot 5) to 22.7 acres (Lot 15) and a remainder. In addition to the 19 lots and remainder, the proposed subdivision map identifies the park and storm basin outlots. The purpose of these maps is to allow sections of the Ventana Specific Plan Area to be sold to and developed by one or more home builders. All previously approved conditions of approval remain in effect.

Table 1: Project Overview		
Project	TSM 2022-03 Ventana I - TSM 2022-04 - Ventana II - Extension 1	
Number:		
Applicant:	Lak Brar / Brar Construction	
Property	Lak Brar	
Owner:		
Location:	Southwest corner of Pecan Avenue and State Route (SR) 99 (APNs 012-	
	490-002, 004, 005, and 006); Bounded by Pecan Avenue to the north,	

Table 1: Project Overview		
	Road 28 ¼ to the east, Hazel Avenue to the south, and an existing	
	subdivision and Parkwood Elementary School to the west.	
Project Area:	237.5-acres; Ventana Specific Plan Area.	
Planned Land	LD (Low Density Residential), MD (Medium Density Residential), P&SP	
Use:	(Other Public & Semi-Public Uses), and C (Commercial)	
Zoning District:	PD 3000 (Planned Development, one unit per 3,000 square feet of site	
	area), PD 4500 (Planned Development, one unit per 4,500 square feet of	
	site area), PD 6000 (Planned Development, one unit per 6,000 square	
	feet of site area), PF (Public Facilities), and CN (Neighborhood	
	Commercial)	
Site	The project is located on land that is currently used for agriculture.	
Characteristics	Planned land use bordering the site is Low Density Residential and	
	Other Public & Semi-Public land uses to the west, Village Reserve to the	
	south and east, and Very Low Density Residential to the north.	

## **SUMMARY:**

Tentative Subdivision Map (TSM 2022-03) Ventana II allows for the creation of 855-lot residential subdivision with lots ranging from a minimum of 3,000 square feet (ft) to more than 6,000 sf in size. Tentative Subdivision Map (TSM 2022-04) Ventana II allows for the creation of 19 lots ranging from 0.75 acres (Lot 5) to 22.7 acres (Lot 15) and a remainder. In addition to the 19 lots and remainder, the proposed subdivision map identifies the park and storm basin outlots.

The applicant is requesting a 12-month extension due to a slow housing market and delays finalizing documents with a homebuilder. This extension request is allowed under the California Subdivision Map Act. A precise plan is required to address any subsequent development within the subdivision. Pursuant to the Madera Municipal Code (MMC) Section 10-3-4.103, no construction, grading or new development activity shall commence in a PD zone prior to the approval of a precise plan by the Commission.

#### **PUBLIC COMMENT:**

Comments were received from a surrounding property owner regarding an annexation agreement between the surrounding property owner and the previous applicant. A copy of the subject agreement is attached. The City of Madera is not party to the attached Annexation Agreement or Assumption of Annexation Agreements and is not responsible for its enforcement; the agreements and terms contained therein represent the agreements and responsibilities of the parties signature thereto. However, the proposed extension does not have any effect on the terms of the private annexation agreement or assumption of annexation agreement.

To the extent allowed by law, the City will honor and cooperate with the terms of the Annexation Agreement respective to zoning, including the legal non-conforming use of land, as well as the provision of services and acknowledge said agreement are intended to run with the land.

## PRIOR ACTION:

TSM 2022-03: Approved by Planning Commission on December 12, 2023, Resolution No. 1970, allowing for the creation of 855-lot residential subdivision with lots ranging from a minimum of 3,000 square feet (ft) to more than 6,000 sf in size.

TSM 2022-04: Approved by Planning Commission on December 12, 2023, Resolution No. 1970, allowing for the creation of 19 lots ranging from 0.75 acres (Lot 5) to 22.7 acres (Lot 15) and a remainder.

TSM 2022-04: Modification of conditions of approval approved by Planning Commission on February 11, 2025, Resolution No. 2022, amending the conditions of approval to allow the filing of multiple final maps.

## **SURROUNDING LAND USES:**

Table 2: Bordering Site Information			
Direction	Existing Use	General Plan Designation	Zone District
North	Single-Family Residences	Very Low Density	RA (City)
East	Ag-Right Enterprises, Agriculture	Village Reserve	CRG (County), AR-5 (County)
South	Madera Irrigation District, Agriculture	Village Reserve	ARE-20 (County), ARE-40 (County)
West	Single-Family Residential Subdivision, Parkwood Elementary School	Low Density Residential, Other Public & Semi-Public	PD 4500 (City), PF (City)

RA – One unit per each 12,000 square feet (City)

CRG – Commercial, Rural, General District (County)

AR-5 – Agricultural, Rural, (Five Acre) District (County)

ARE-20 – Agricultural, Rural, Exclusive (20 acre) District (County)

ARE-40 – Agricultural, Rural, Exclusive (40 acre) District (County)

PD 4500 – Planned Development (One unit per each 4,500 square feet) (City)

PF – Public Facilities (City)

#### **ANALYSIS:**

TSM 2022-03 and TSM 2022-04 was approved by the Commission on December 12, 2023. MMC Section 10-2.402.8.1(A) stipulates an approval of a tentative subdivision map shall expire 24 months from the date of approval of the map. Thus, the approval of TSM 2022-03 and TSM 2022-04 was scheduled to expire on December 13, 2025. However, the State of California has the ability

to grant statutory extensions to maps that met certain criteria (Government Code Sections 66452.22 – 66452.25). Approval of the requested extension would result in a new expiration date of December 13, 2026.

Staff agrees with the applicants request and recommends a 12-month extension. A 12-month extension would allow ample time for coordination with a prospective homebuilder and recordation of the final map.

## **ENVIRONMENTAL REVIEW:**

This project has been previously assessed for compliance with the California Environmental Quality Act (CEQA). The City Council previously certified an EIR for the project on March 7, 2007. The current iteration of the project has been reviewed for conformity with the previously certified EIR and has been deemed to be consistent with this previous action under section. The setting for the project has not substantially changed since the certification of the EIR and no additional development in the area has occurred since the approval that would require additional environmental analysis of the project. The extension of time for a tentative subdivision map does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment beyond what has previously been studied. Therefore, the certified EIR is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is warranted, no further environmental review is required.

## **PLANNING COMMISSION ACTION:**

The Commission will be acting on Tentative Subdivision Map 2022-03 – Ventana I and Tentative Subdivision Map 2022-04 - Ventana II - Extension 1. All required findings for approval under the Municipal Code and law can be made and are described in the Resolution attached to the report. Staff recommends the Commission conduct a public hearing, make the necessary findings and:

1. Adopt a Resolution of the Planning Commission of the City of Madera approving a 12-month time extension to Tentative Subdivision Maps 2022-03 and 2022-04.

## **ALTERNATIVES:**

As an alternative, the Commission may elect to:

- Move to continue the public hearing. (Planning Commission to specify date and reason for continuation, including necessary information to be provided at continued meeting.)
- Move to deny the request, based on specific findings: (Planning Commission to specify reason for denial and substantiation of findings.)

## **ATTACHMENTS:**

- 1. Vicinity Map
- 2. Aerial Map
- 3. Tentative Subdivision Map TSM 2022-03
- 4. Tentative Subdivision Map TSM 2022-04

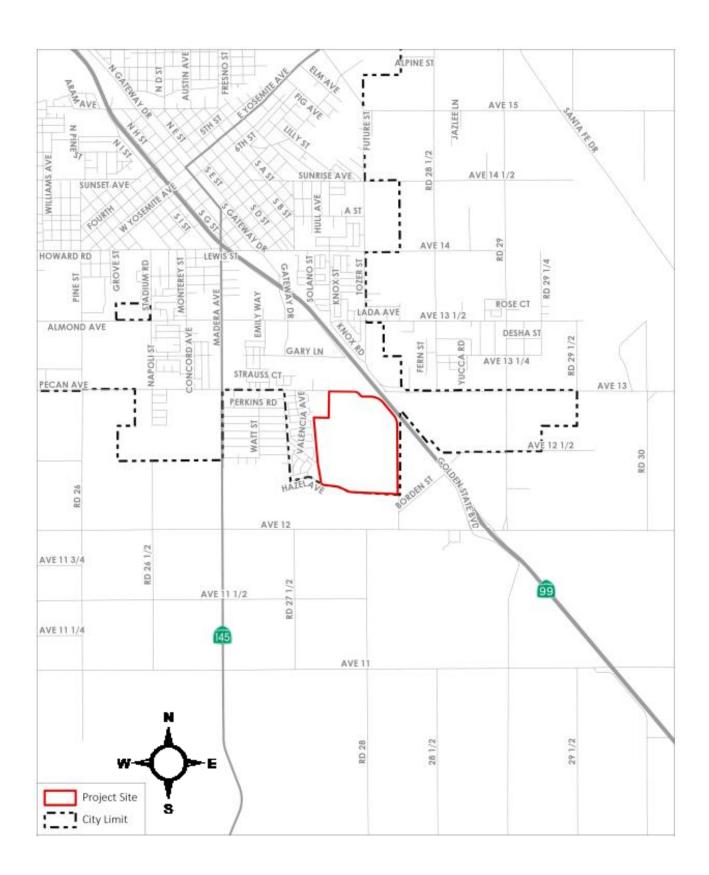
5. Planning Commission Resolution
Exhibit "A" – Amended Conditions of Approval

6. Public Comment

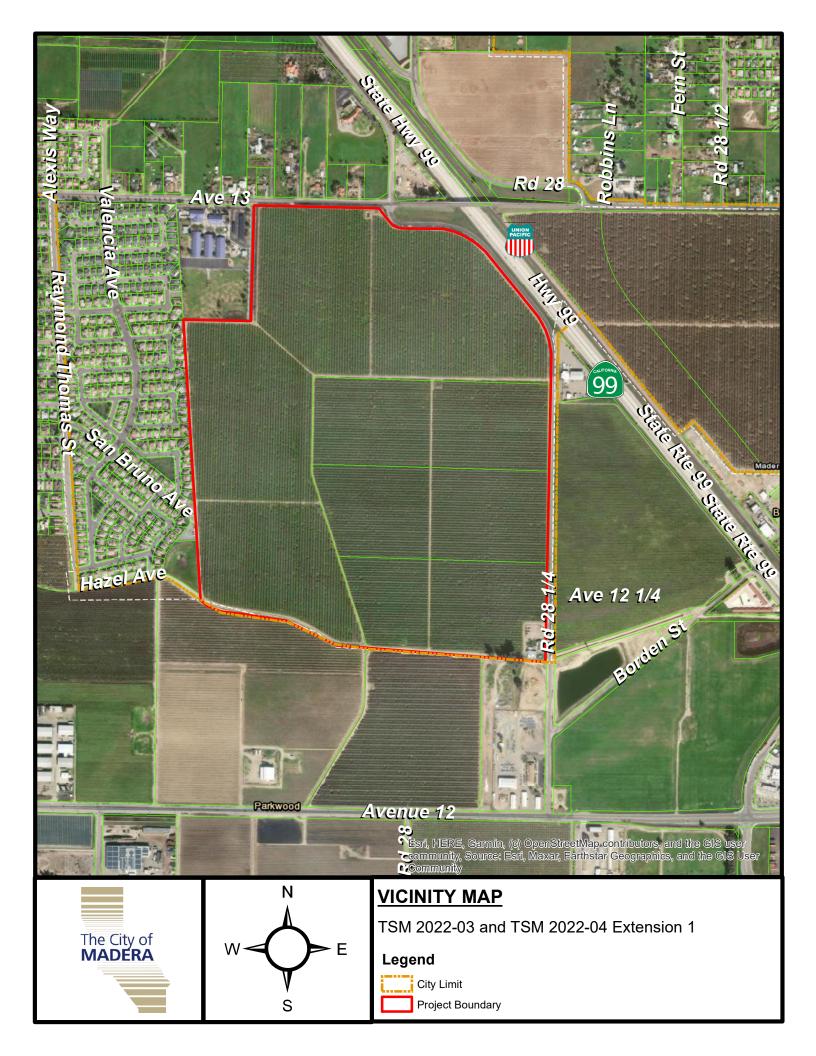
Annexation Agreement (Private)
Assumption of Annexation Agreement (Private)

7. Extension Request Letter

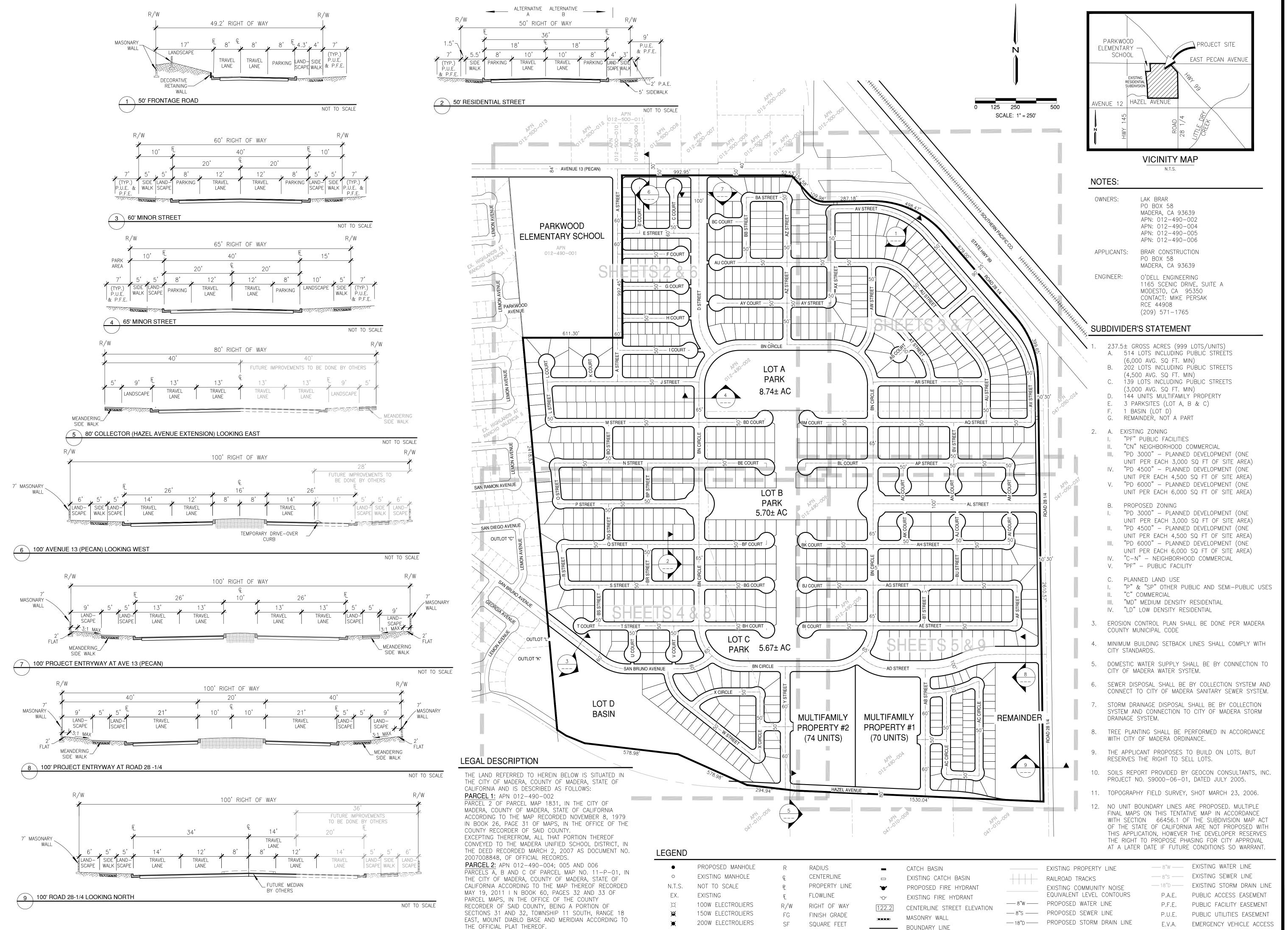
ATTACHMENT 1 Vicinity Map	



ATTACHMENT 2 Aerial Photo	



<b>ATTACHME</b> Tentative Subdivision Ma	



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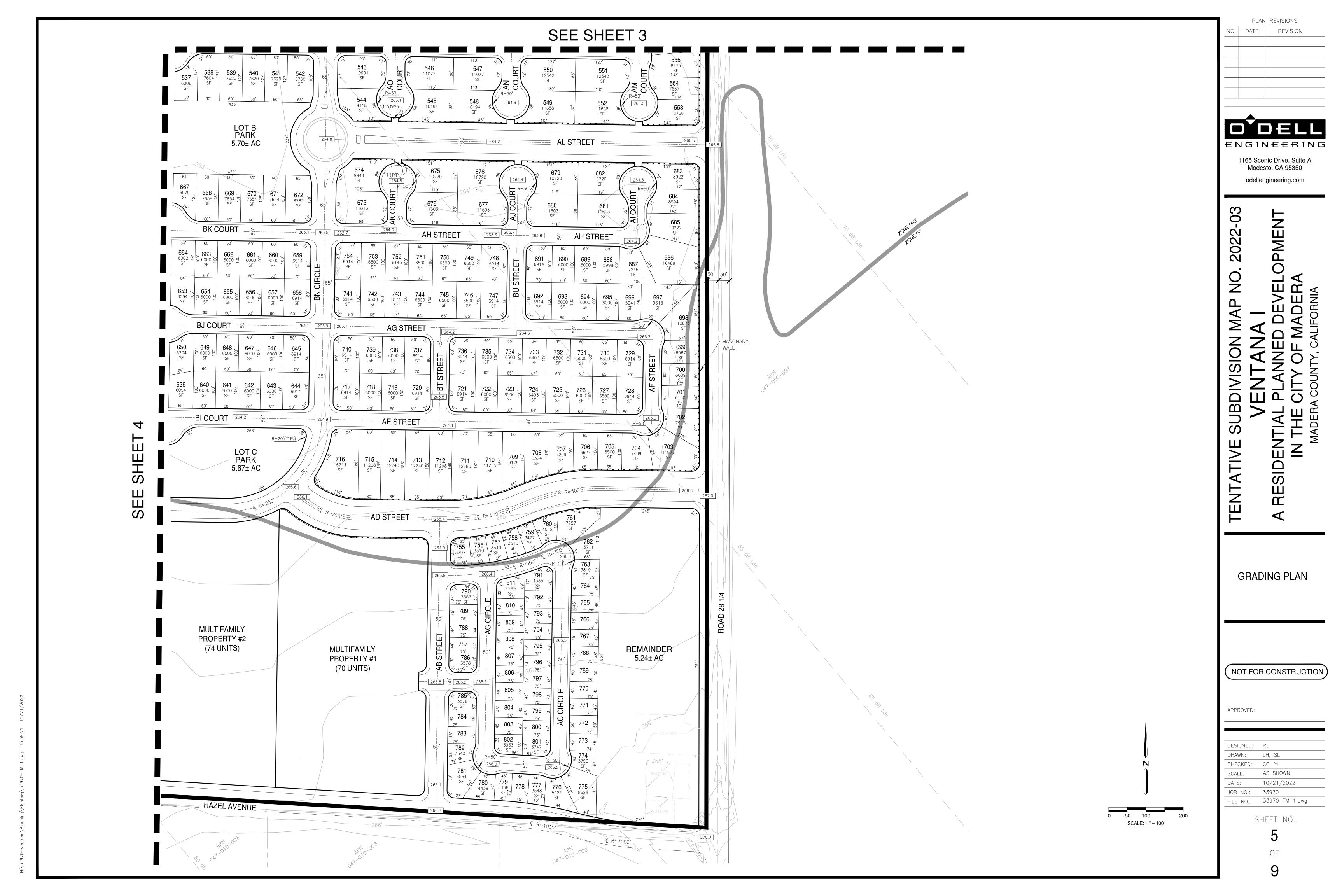


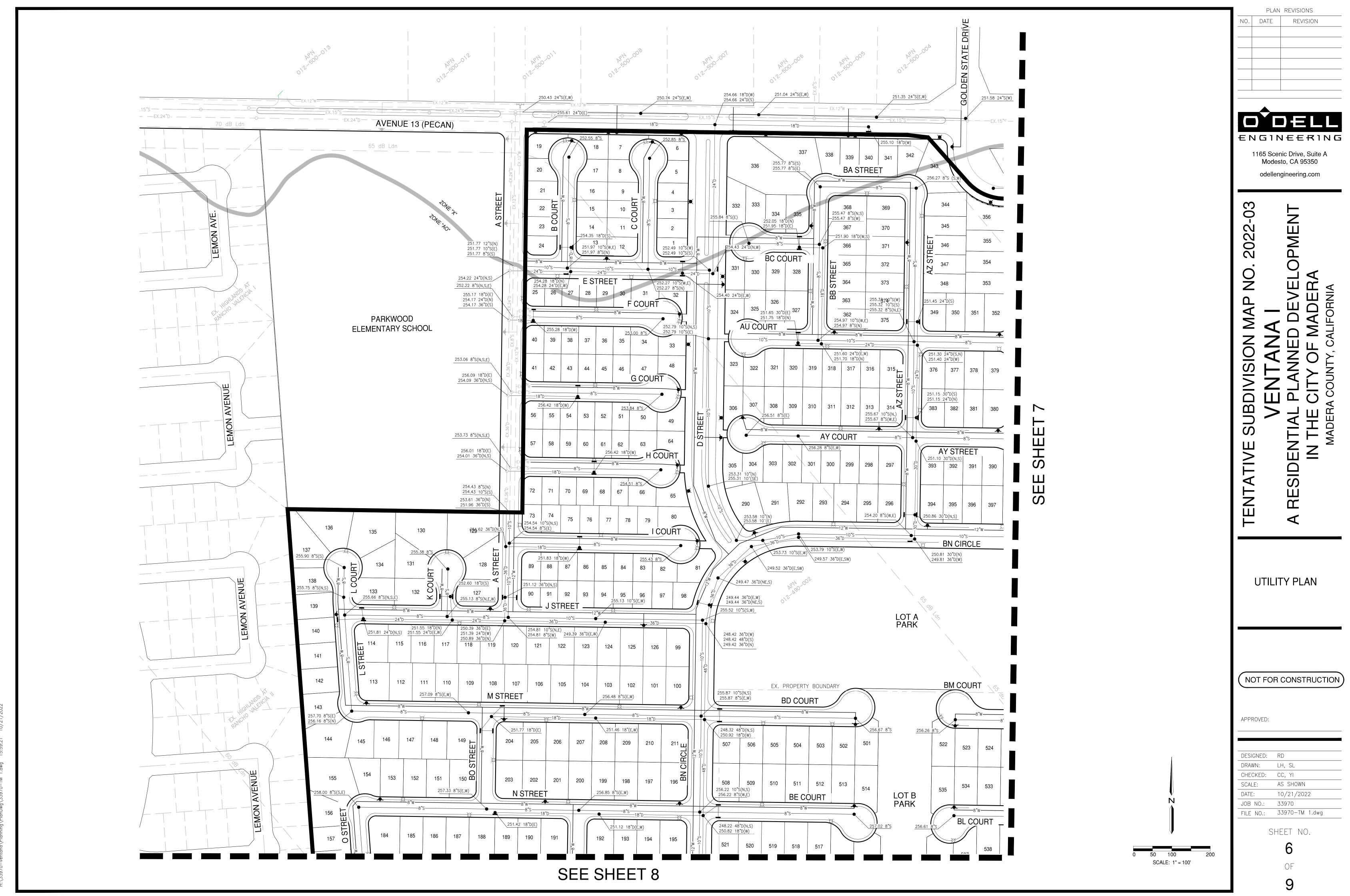
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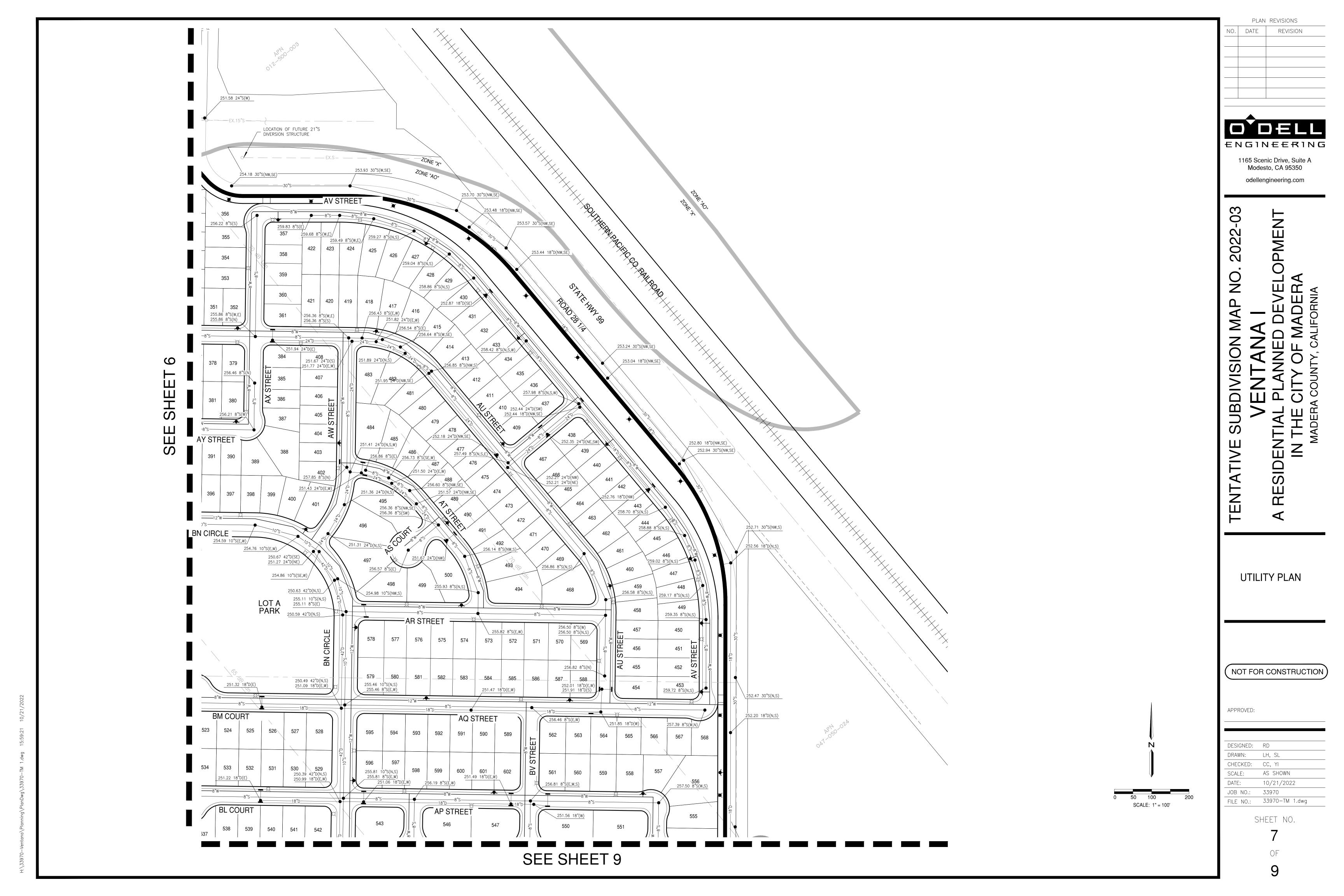
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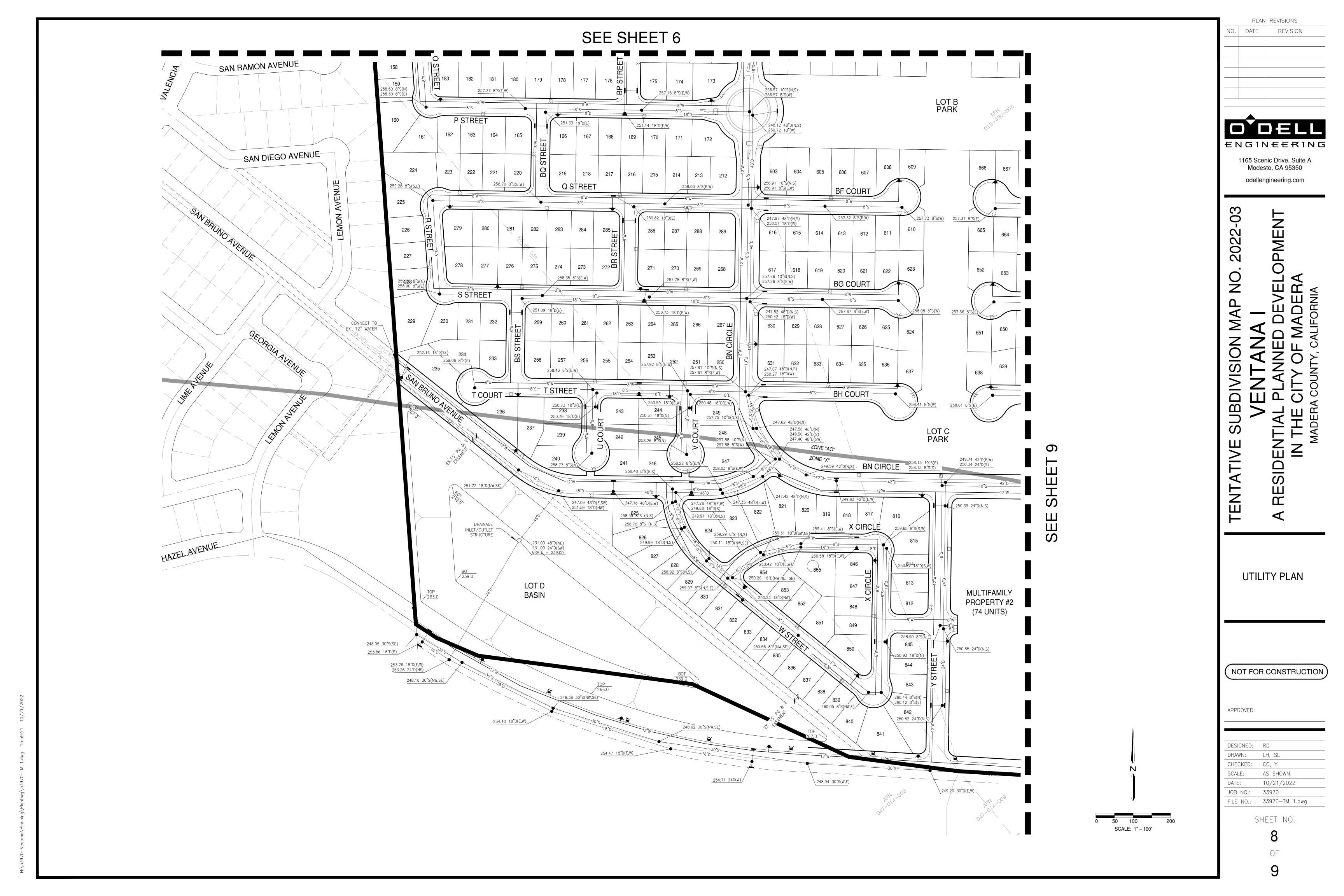
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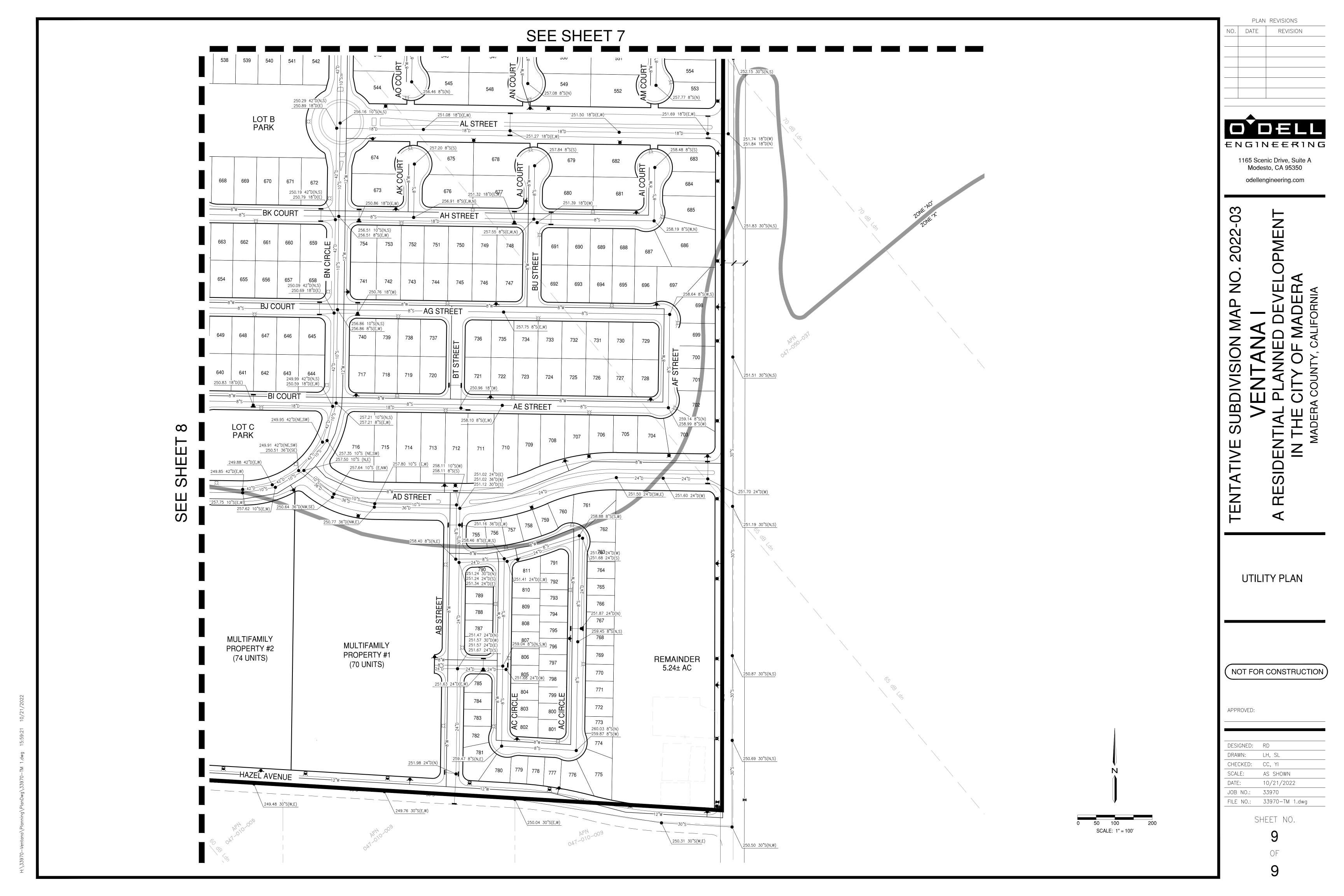
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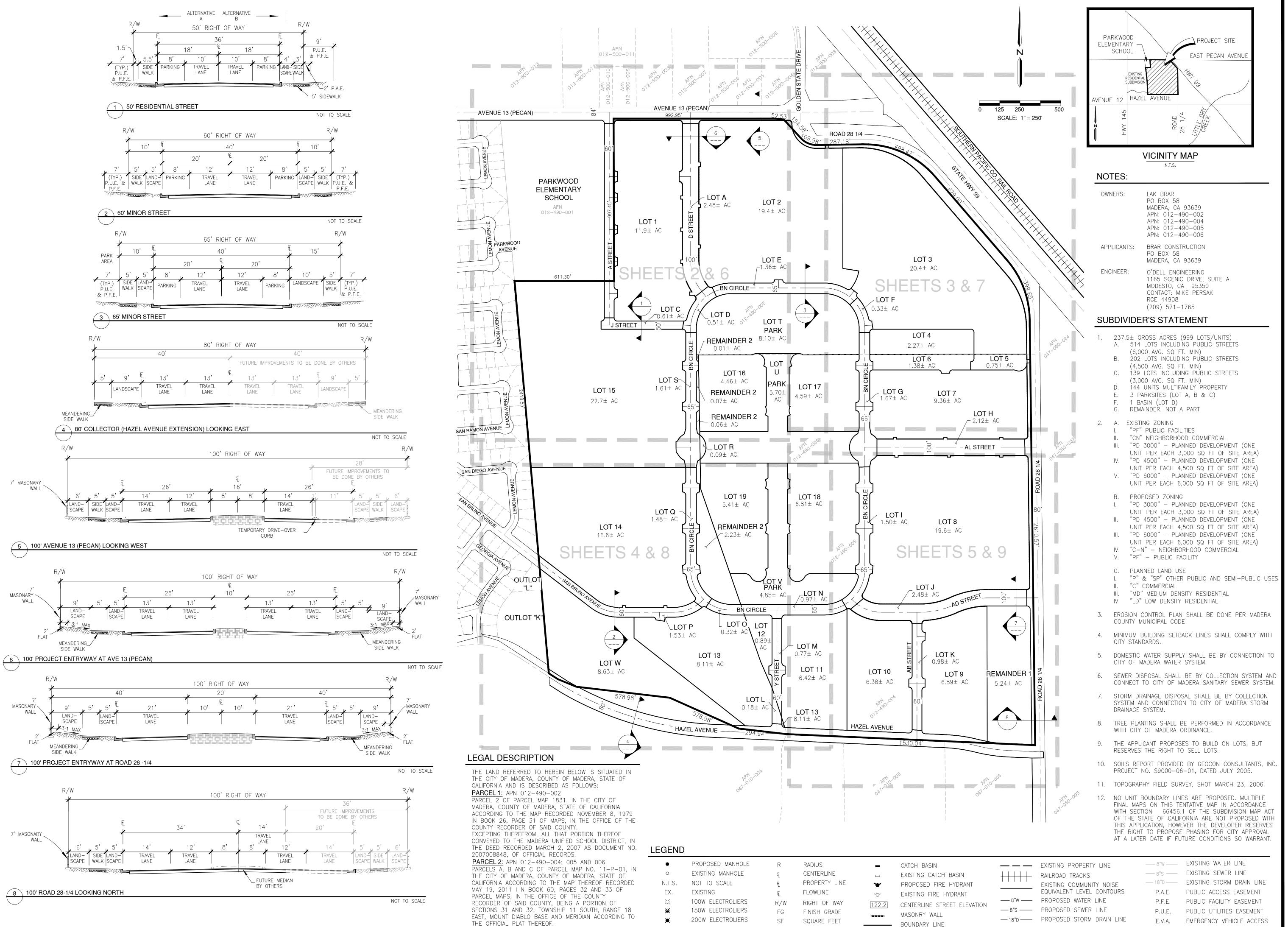








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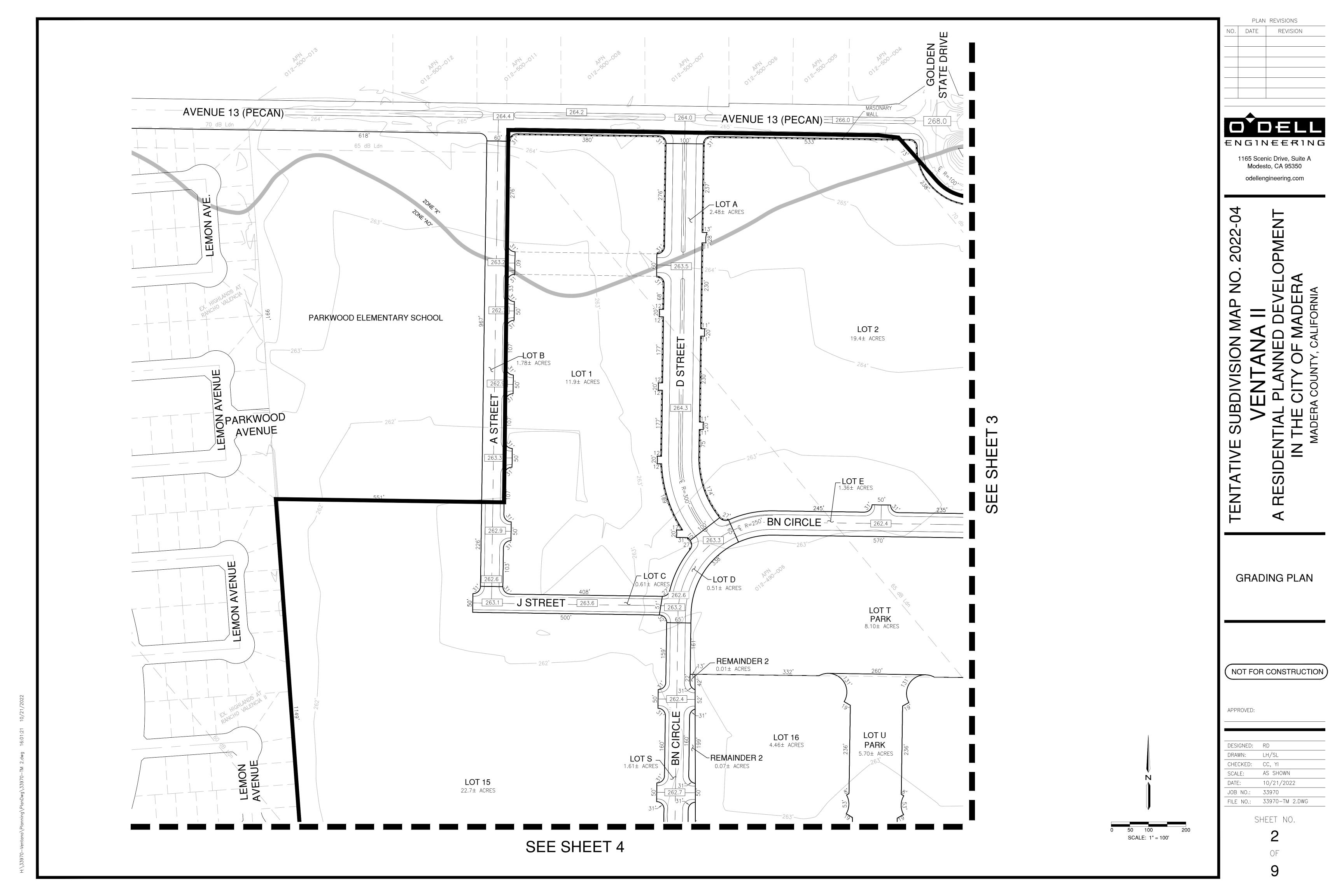
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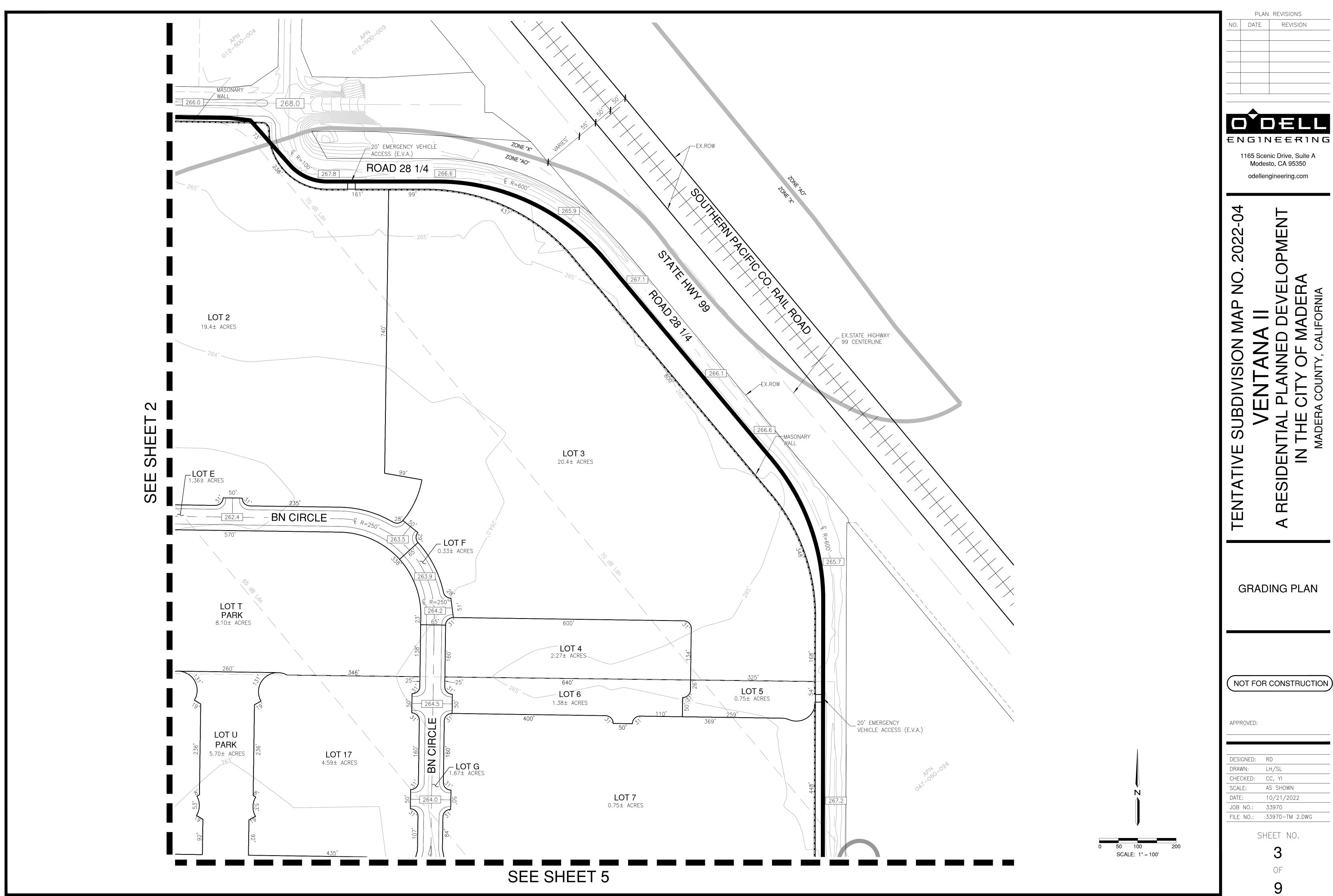
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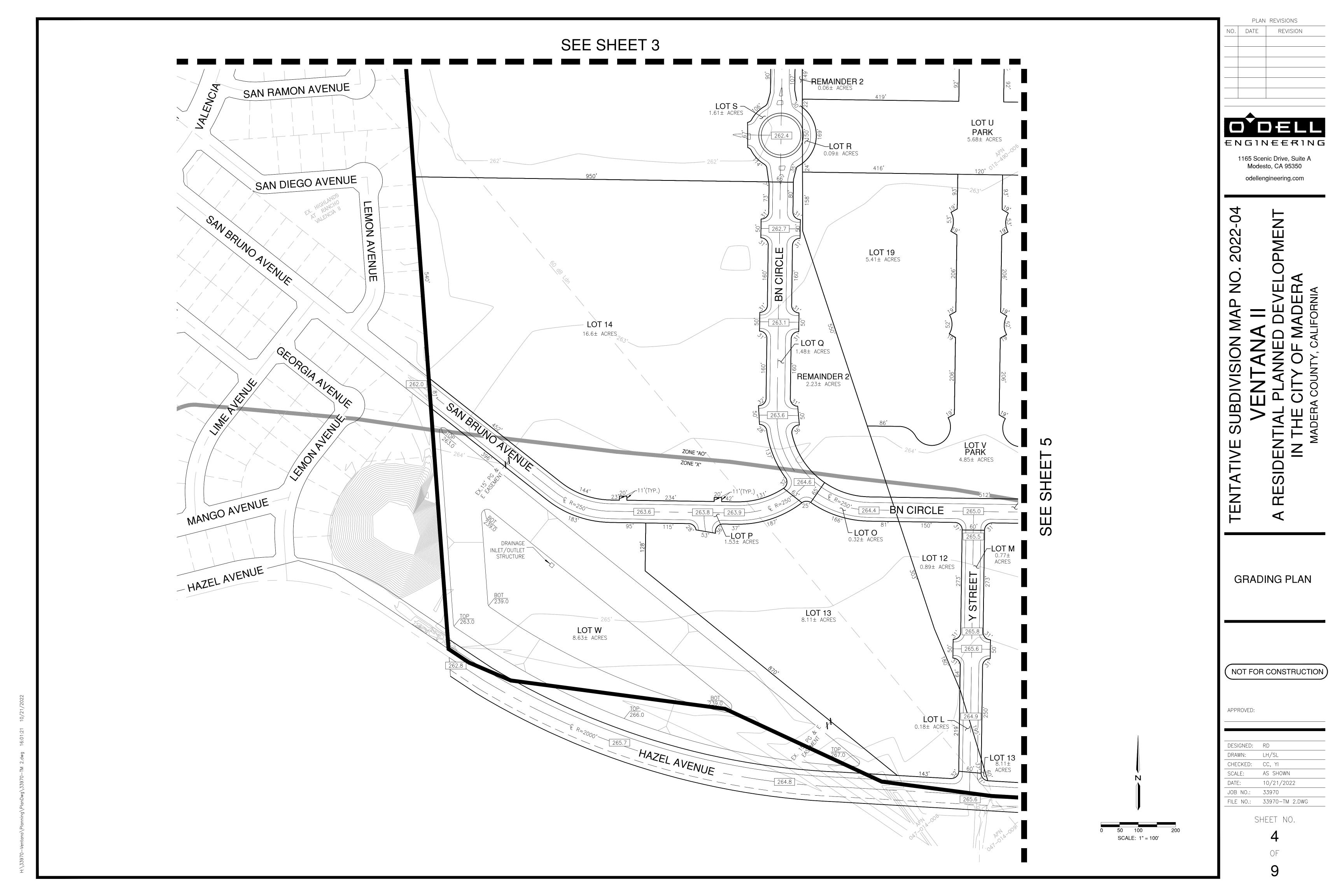
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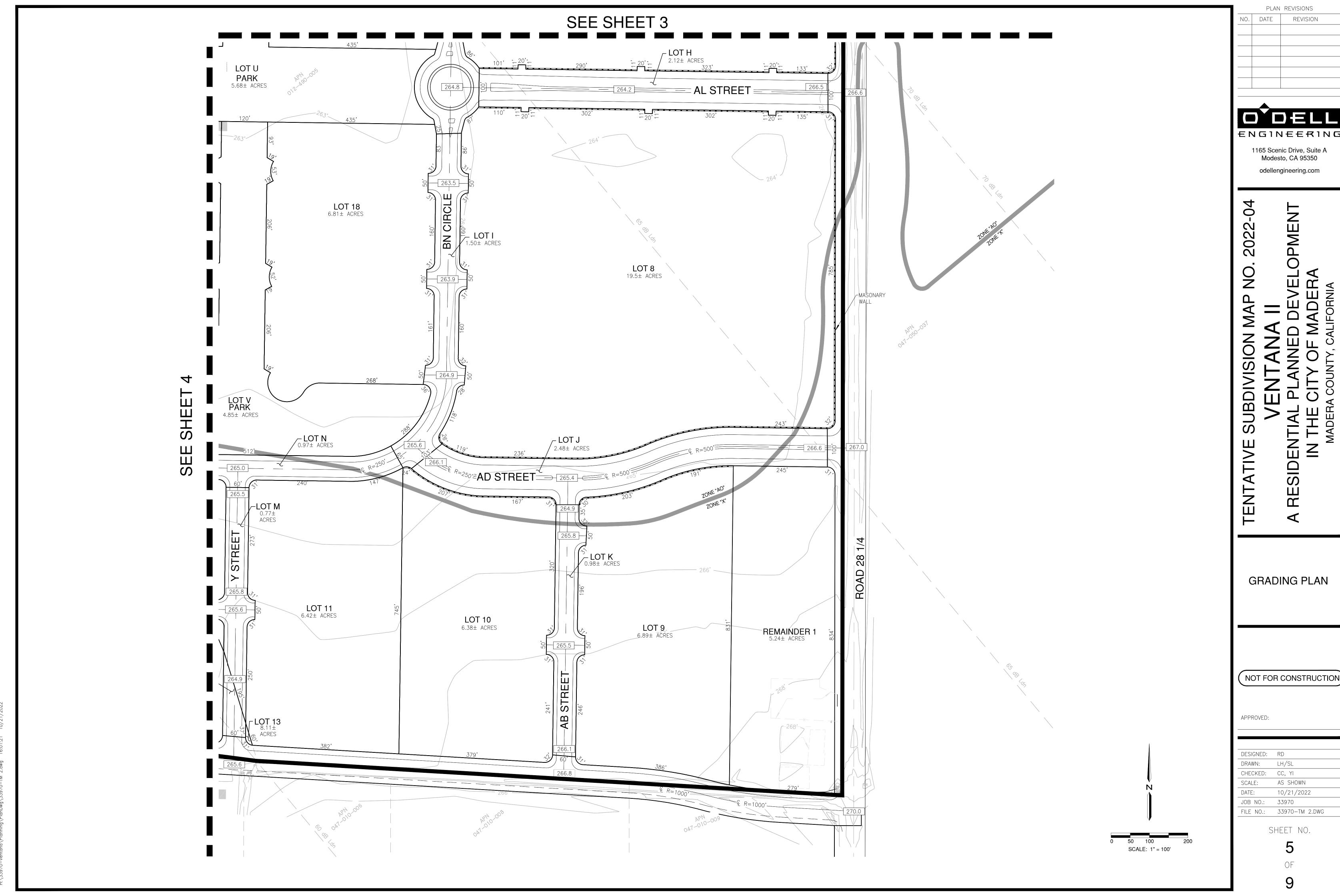
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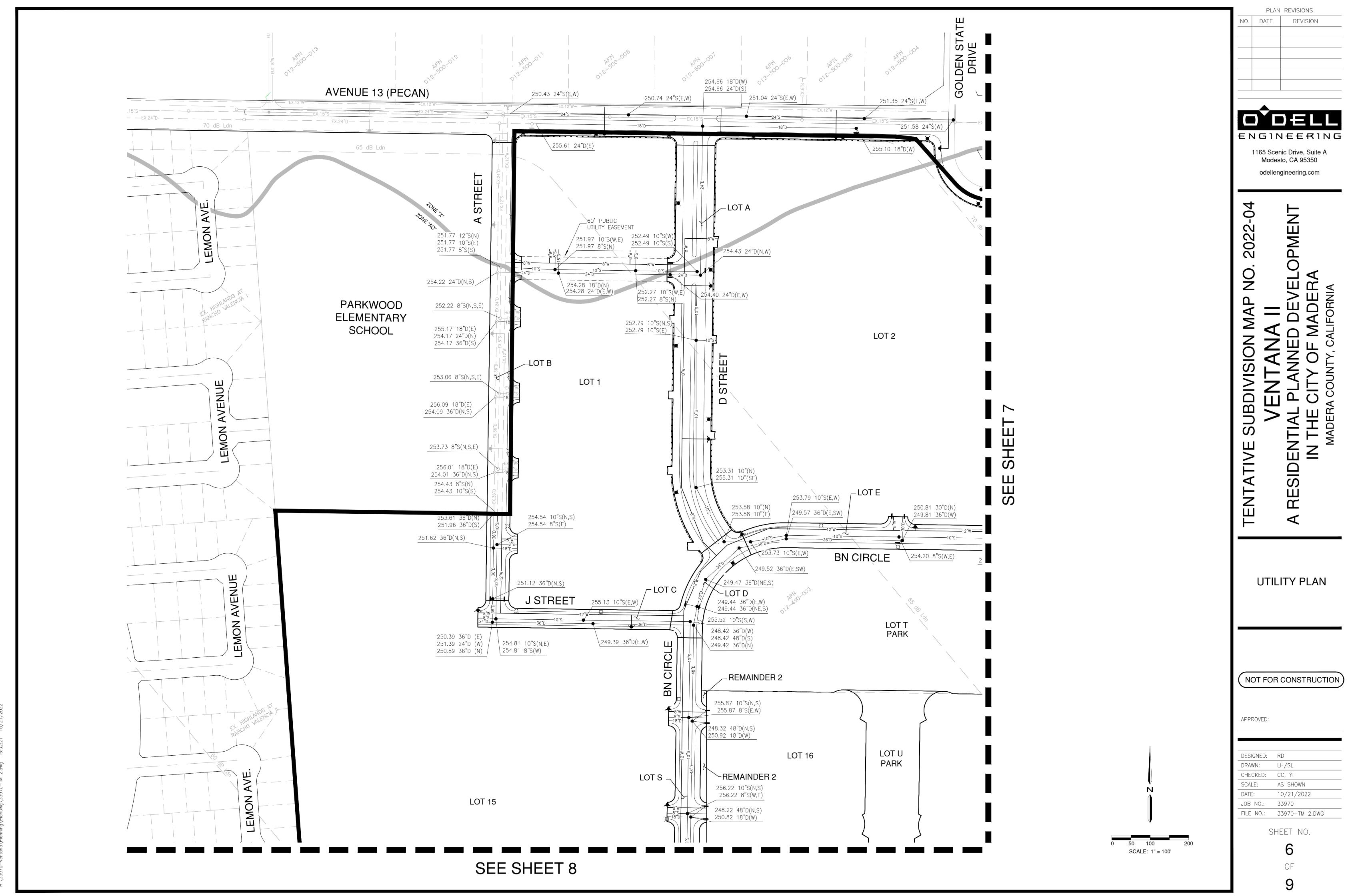
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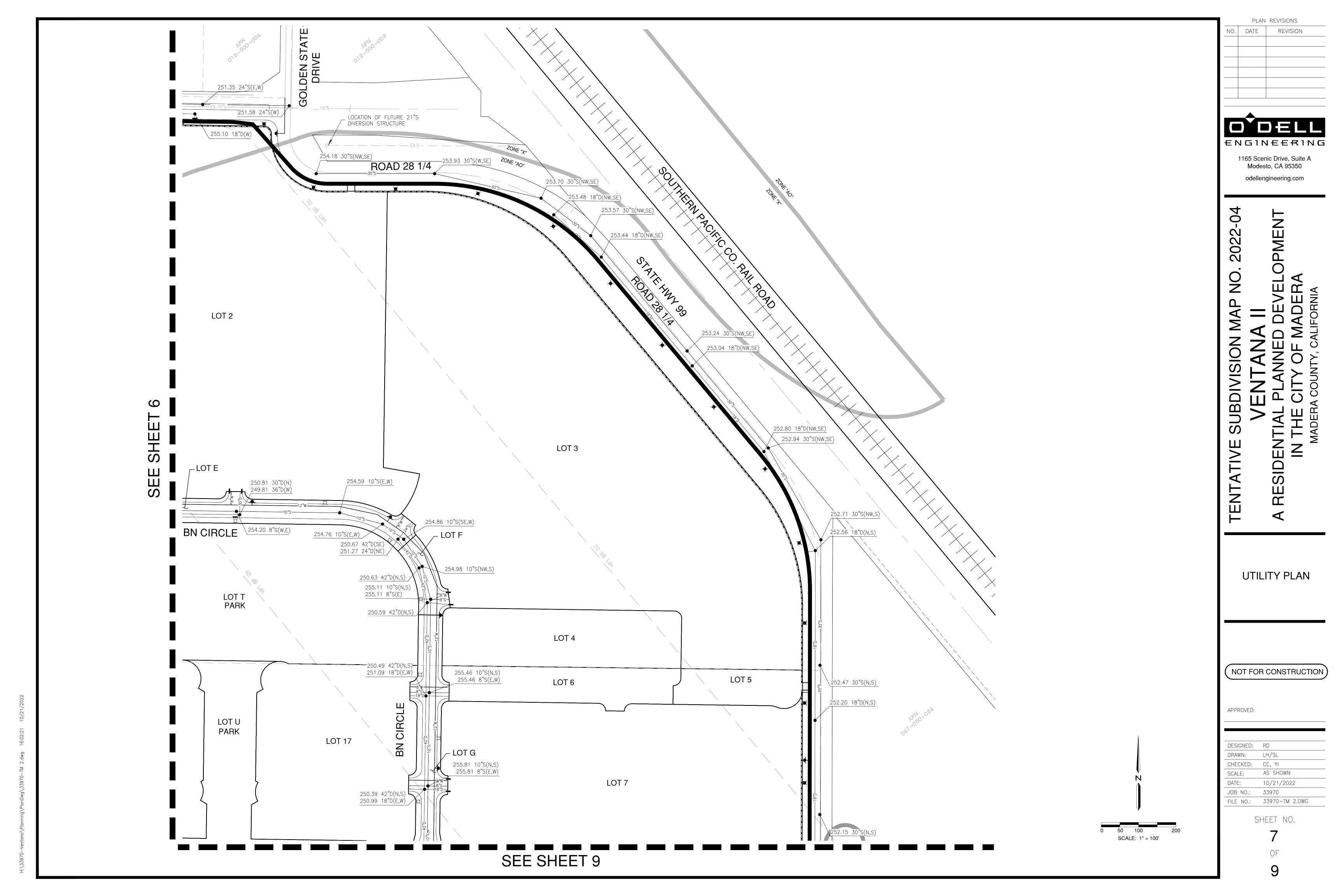


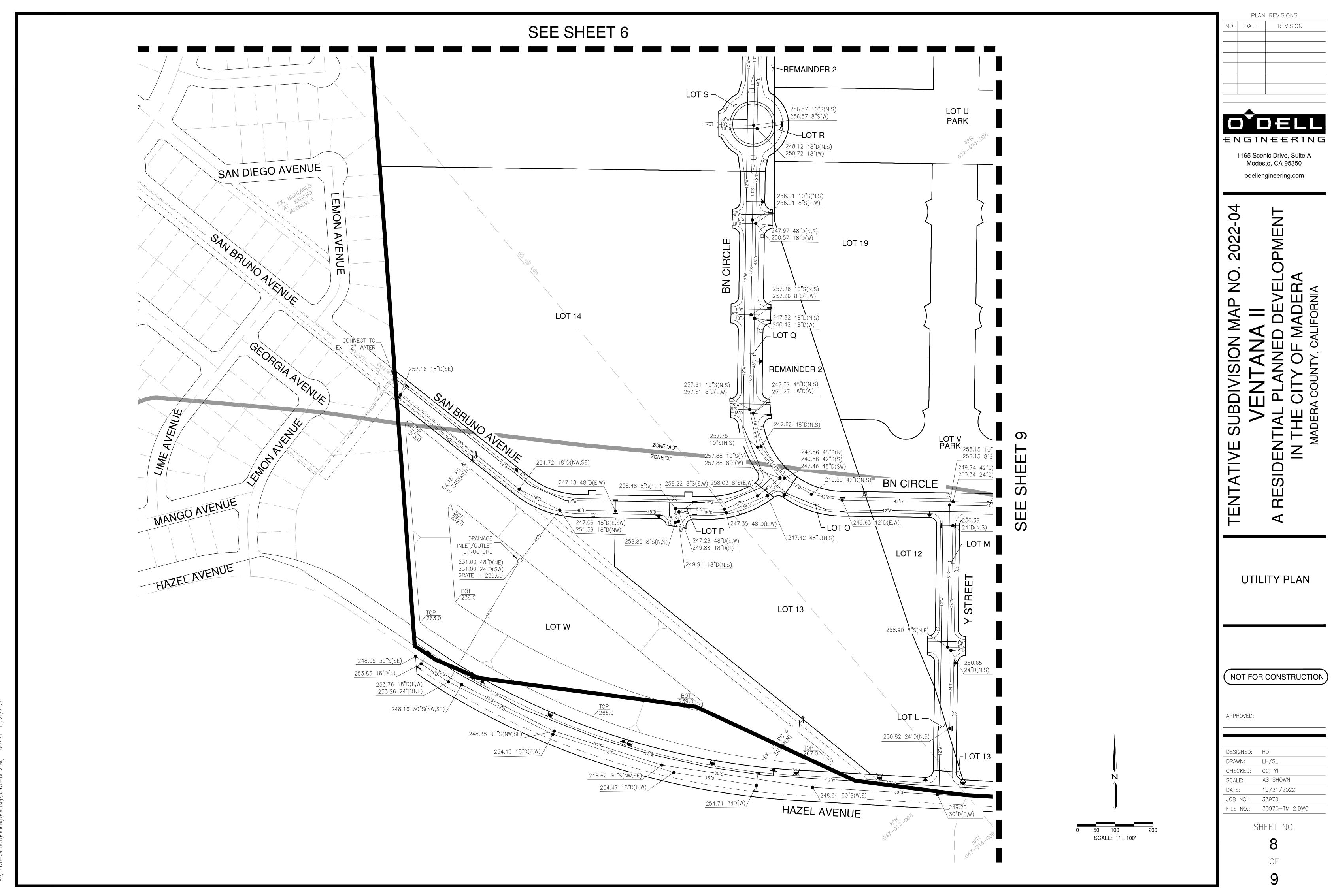




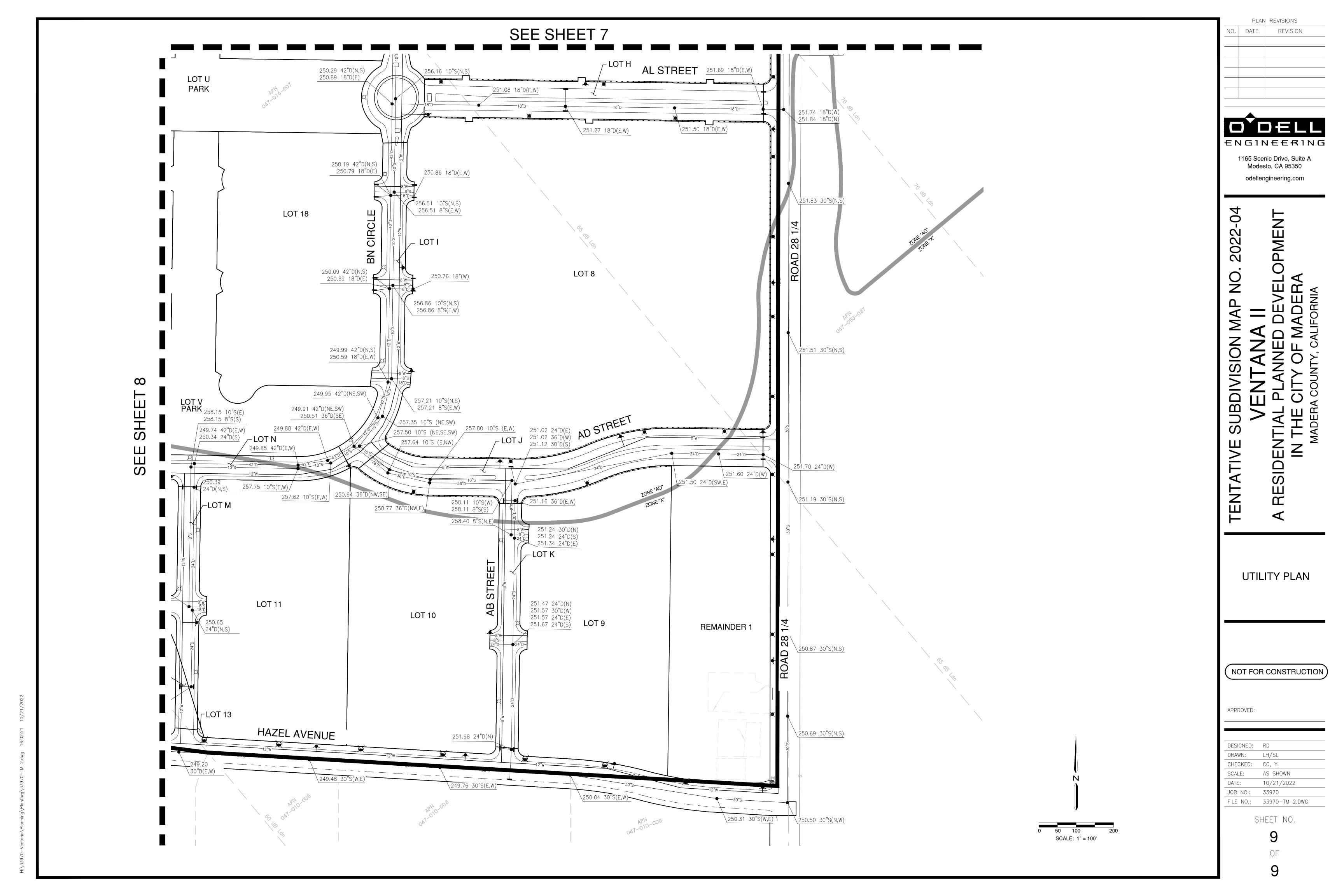


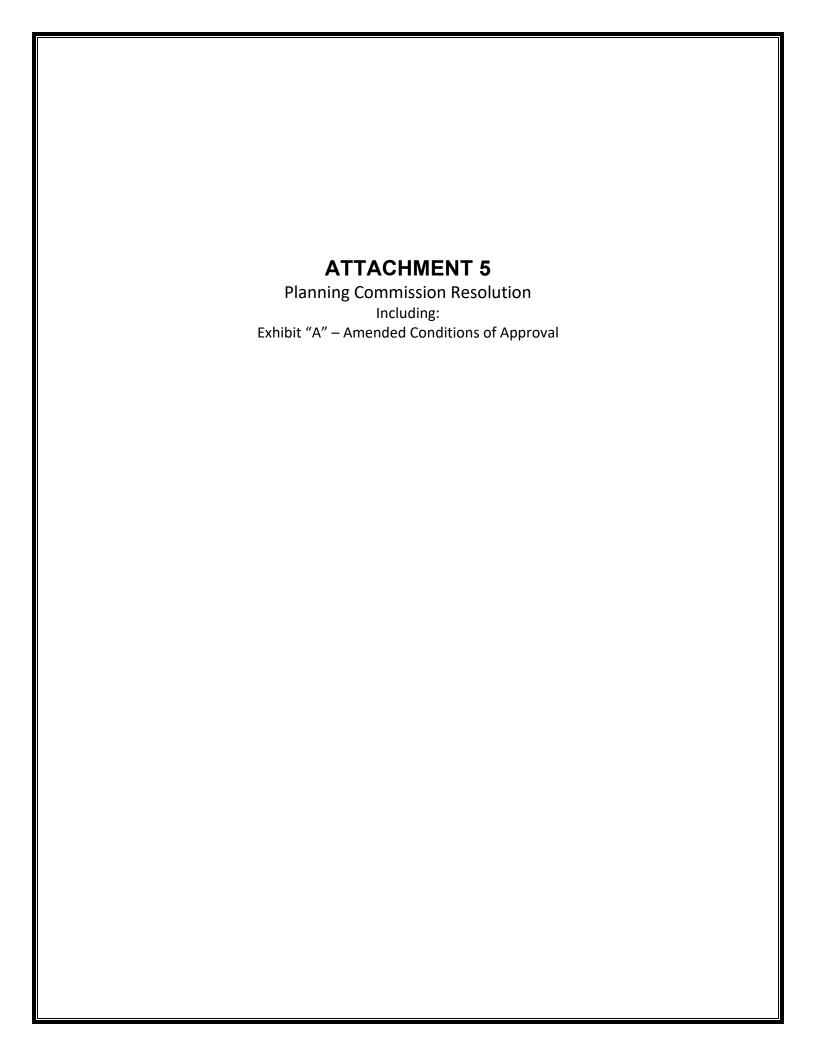
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## RESOLUTION NO. \_\_\_\_

# RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA APPROVING A ONE-YEAR (12-MONTH) TIME EXTENSION TO THE EXPIRATION DATE OF THE APPROVALS FOR TENTATIVE SUBDIVISION MAP 2022-03 AND TENTATIVE SUBDIVISION MAP 2022-04

WHEREAS, the Planning Commission of the City of Madera (Commission) on December 13, 2023 conditionally approved the Ventana I and Ventana II Tentative Subdivision Maps (TSM 2022-03 and TSM 2022-04) through adoption of Commission Resolution No. 1970; and

WHEREAS, approval of TSM 2022-03 authorized the creation of a 855-lot residential subdivision and approval of TSM 2022-04 authorized the creation of 19 lots located on the southwest corner of East Pecan Avenue and Road 28 1/4 (the sites); and

**WHEREAS,** the expiration date for the approvals of TSM 2022-03 and TSM 2022-04 is December 13, 2025, 24 months from the date of approval by the Commission; and

**WHEREAS,** on November 11, 2025, Lakhwinder S. Brar filed a request for a 12-month extension for TSM 2022-03 and TSM 2022-04; and

WHEREAS, pursuant to the provisions of Government Code Section 66452.6(e) upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by an advisory agency authorized to approve or conditionally approve discretionary extensions to tentative maps for a period or periods not exceeding a total of six years; and

WHEREAS, this project was assessed in compliance with the California Environmental Quality Act (CEQA). The City Council previously certified an EIR for the project on March 7, 2007. The current iteration of the project has been reviewed for conformity with the previously certified EIR and has been deemed to be consistent with this previous action; and

**WHEREAS,** pursuant to the provisions of Section § 10-2.402.8.2 et. Seq., of City Municipal Code (CMC), the Planning Commission is authorized to review and approve tentative subdivision map extensions on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law; and

WHEREAS, the Planning Commission received and independently reviewed TSM 2022-03 EXT and TSM 2022-04 EXT at a duly noticed public hearing at the regularly scheduled meeting of the Planning Commission on December 9, 2025; and

**WHEREAS,** at the December 9, 2025 public hearing, the public was provided an opportunity to comment and evidence, both written and oral, was considered by the Commission; and

**WHEREAS,** after due consideration of all the items before it, the Commission now desires to adopt this resolution approving a one-year (12-month) time extension to the expiration date of the approvals

for Tentative Subdivision Map 2022-03 and Tentative Subdivision Map 2022-04, subject to the findings and conditions of approval dated December 12, 2023.

**NOW THEREFORE,** be it resolved by the Planning Commission of the City of Madera as follows:

- 1. <u>Recitals</u>: The foregoing recitals are true and correct and are incorporated herein.
- 2. <u>CEQA</u>: This project has been previously assessed. The Planning Commission finds that the mere extension of time to complete an approved map is a procedural matter that does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. In the alternative, Planning Commission also finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2022-03 EXT and TSM 2022-04 EXT based on the following:
  - a. No substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report (EIR) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application maintains the same density, intensity and is otherwise consistent with, and proposes no changes to, the development originally proposed and approved for the subject site exactly as contemplated by the EIR. As such, an extension of the tentative maps has the same environmental impacts assessed in the previous EIR and no further environmental review is necessary or required.
  - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application is exactly consistent with the originally approved tentative map as assessed by the EIR and there are no new substantial changes in the physical environment that were not anticipated in the EIR, including its analysis in light of development contemplated in the General Plan and Specific Plan for the Villages at Almond Grove.
  - c. There is no new information, which was not known and could not have been known at the time of the previous EIR that the project will have significant effects not discussed in the EIR. The extension of the time limits for the project will not have any more significant effects than that already discussed and assessed in the EIR, and was specifically contemplated by the EIR. As an Environmental Impact Report was previously certified for the project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, the Commission determines that this project has already been environmental assessed and no further environmental documentation is required for this application for a discretionary extension of the tentative maps.

- 3. <u>Findings for TSM 2022-03 EXT and TSM 2022-04 EXT</u>: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:
  - a. There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.
    - The Tentative Subdivision Maps remain consistent and compatible with the City's General Plan land use designations for the subject site and surroundings. The project site(s) is subject to a Specific Plan adopted specifically for purposes of facilitating the project and including these tentative subdivision maps.
  - b. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of the development code apply to the project.
    - Surrounding properties, existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision maps. No changes are proposed; the project will remain consistent with the City's Zoning Ordinance.
  - c: There have been no changes to the capacities of community resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.
    - Adequate service capacity remains available to service the subject site.
  - d: There have been no changes in the character of the site, its surroundings, or the project that that would require major revisions to the previous EIR or would cause substantial environmental damage or injury to wildlife.
    - No changes are proposed to the development originally approved for the project site(s). The Project remains exactly as contemplated by the EIR. The adopted Environmental Impact Report remains adequate. Pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, including but not limited to changes in project conditions or circumstances, no further environmental review is required.
- 4. <u>Approval of TSM 2022-03 EXT and TSM 2022-04 EXT:</u> Given that all findings can be made, the Planning Commission hereby approves TSM 2022-03 EXT and TSM 2022-04 EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" and Exhibit "B" to extend the expiration of approvals for TSM 2022-03 and TSM 2022-04 an additional one years (12 months) to December 13, 2026.
- 5. Effective Date: This resolution is effective immediately.

Passed and adopted by the Planning Commission of the City of Madera this 9<sup>th</sup> day of December 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

'EXHIBIT A' Amended Conditions of Approval for TSM 2022-03 and TSM 2022-04

Will Tackett

Community Development Director

# EXHIBIT "A" TSM 2022-03 (VENTANA I) & TSM 2022-04 (VENTANA II) CONDITIONS OF APPROVAL

DECEMBER 12, 2023
AMENDED FEBRUARY 11, 2025

#### **Notice to Applicant**

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

#### **IMPORTANT: PLEASE READ CAREFULLY**

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval for TSM 2022-03 and 2022-04 will ultimately be deemed final unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of the tentative subdivision maps, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative subdivision maps.

#### **General Conditions**

- 1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
- 2. The applicant shall comply with all mitigation measures required by the Final Environmental Impact Report certified for the Ventana Specific Plan.
- 3. TSM 2022-03 and 2022-04 shall each be valid for a period of 24 months from the date of its conditional approval. Prior to expiration of either conditionally approved tentative map, an extension or extensions to this period may be requested pursuant to Section 66453.3 of the Subdivision Map Act.

- 4. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
- 5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
- 6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

# **Planning Department**

- 7. Any minor deviation from the approved TSM 2022-03 or TSM 2022-04 map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
- 8. All modifications not considered minor changes in accordance with Section 10-2.402.9 (Amendments to Approved Subdivisions) shall require an amendment, as appliable to TSM 2022-03 and / or TSM 2022-04.
- 9. TSM 2022-03 and TSM 2022-04 shall comply with all mitigation measures outlined in the in the Mitigation and Monitoring and Reporting Program, dated January 2007 and included as Section Five of the Ventana Specific Plan Final Environmental Impact Report.
- 10. TSM 2022-03 and TSM 2022-04 shall be subject to all requirements, policies, and conditions of the Ventana Specific Plan.
- 11. All landscape plans for improvements within public right-of-ways shall be signed and stamped by a licensed landscape architect.
- 12. Applicant shall coordinate with the United State Postal Service relative to the location of postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five (5) feet.

- 13. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
- 14. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
- 15. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

#### **Street Names**

16. Internal street names shall comply with the recommendations of the Planning Department with the approval of the Final Map.

#### **Access Restrictions**

- 17. Direct residential access to East Pecan Avenue, Road 28 ¼ and Hazel Avenue shall be prohibited and shall be noted on the final map.
- 18. There shall be no access to lots from the street side of corner lots or street rear of double frontage lots.

#### **Fences and Walls**

- 19. A six (6) foot high decorative split face masonry block wall with capstone and stone columns with capstone shall be developed within the subdivision as follows:
  - a. Along the rear property lines of lots abutting East Pecan Avenue, Road 28 ¼, and Hazel Avenue.
  - b. Along the street side yard of corner lots which is extending from the rear property line subject to a masonry block wall to the front yard setback line.
  - c. Masonry block wall stone columns shall be provided at minimum interval of 64 feet on center along the length of the wall, at all locations where the wall changes direction, and at the terminus of the wall.
- All walls proposed on property located in the side yard shall be six (6) feet tall along the side property line. In addition, when the wall is located with the front yard setback, the height of the wall shall be decreased to 2.5 feet. The height of any block wall shall be measured from the base of the wall visible to the public. No masonry block wall shall exceed a height of six (6) feet.
- 20. Any retaining wall shall be split faced masonry block.
- 21. Except as provided in the above condition, six (6) foot tall wooden fencing shall be provided along all side and rear yards.
- 22. Street side yard fencing shall be setback no less than five (5) feet.
- 23. Residential fencing shall have a gate that allows for easy access by waste containers provided by the City. The width of the gate shall be a minimum of 36 inches. The path of travel between the area set as side for waste containers and driveway shall be a minimum of 36 inches and not obstructed by utilities or mechanical equipment or hardware.

#### **Precise Plan**

24. Prior to the commencement of any grading, construction improvements or development activity in any "PD" Zone District, the applicant shall have an approved Precise Plan. The precise plan shall be processed under the provisions for use permits as set forth in Section 10-3.13 of the Madera Municipal Code.

## **Building Department**

25. A building permit is required for all construction on the site.

#### **Fire Department**

- 26. All subdivision development shall be provided with a minimum of two points of access for emergency vehicles, prior to issuance of occupancy.
- 27. Prior to any on-site framing, fire hydrants or other acceptable fire suppression equipment shall be provided at the streets and shall comply with the City of Madera Engineering standards and the California Uniform Fire Code.
- 28. All homes shall be equipped with residential fire sprinklers.
- 29. The fire hydrant system shall comply with appendices B&C of the California Fire Code and the City of Madera Standards.

#### **Engineering Department**

#### General

- 30. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 31. Prior to recording of any final map, all action necessary for the formation of a community facilities district shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
- 32. A final subdivision map shall be required per Section 10-2.502 of the municipal code. TSM 2022-04 shall not be a phased map and must be recorded in advance of TSM 2022-03, or any phase of TSM 2022-03.
  - a. Pursuant to the provisions of Section 66456.1 of the State of California Government Code (Subdivision Map Act), 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.
    - i. If either TSM 2022-03 or TSM 2022-04 is phased, the phasing pattern is subject to approval by the Community Development Director (in consultation with the City Engineer) to ensure that the applicable conditions of approval are satisfied and at such time that completion of all conditions remains feasible for final phases and the viability of the project.
      - The Director, at their discretion and for good cause, may refer such matters to the Commission for consideration.
    - ii. At a minimum, full street (both sides) and utility improvements shall be constructed on all boundaries to a phase in addition to all other improvements

detailed within these conditions that are required to be constructed as part of any first phase of construction.

- 33. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
- 34. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Department prior to acceptance of the subdivision improvements. The City Engineer shall designate the location, or the project engineer shall make a recommendation for the designated location.
- 35. All construction vehicles shall access construction sites by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
- 36. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 37. Development impact fees shall be paid at the time of building permit issuance.
- 38. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
- 39. Developer shall pay all required fees for processing subdivision map and completion of project. Fees due include but shall not be limited to the following: subdivision map review and processing fee, plan review, map recording, easement acceptance, and improvement inspection fees.
- 40. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
- 41. The improvement plans for the project, or any phases thereof, shall include the most recent version of the City's General Notes at the time the project or phase is expected to commence construction.
- 42. Park land, as shown in TSM 2022-03 and TSM 2022-04, and as may be identified elsewhere in these conditions, shall be dedicated to the City in advance of, or in conjunction with, recordation of the first final subdivision map.
- 43. Madera Irrigation District (MID) canal/pipeline on Hazel Avenue shall be placed underground or vacated as directed by MID. Comments from MID shall accompany first engineering plan submittals.
- 44. The developer shall comply with the Federal Emergency Management Agency (FEMA) requirements, as may be applicable. Proposed improvements shall account for the areas of the TSM which lie within the boundaries of FEMA Special Flood Hazard Area, Zone AO, as may be applicable.

- 45. The development is subject to the development standards of the Ventana Specific Plan, including any documents associated with it, as may be applicable. Improvements shall be constructed as detailed and within the time frame identified.
- 46. Development shall occur in a stepwise manner, moving outward from existing infrastructure. Geographically remote development (leapfrog development) of the TSM shall construct all master-planned infrastructure necessary (permanent full street width, water, sewer, storm drain, etc.) to provide adequate services from the nearest logical connection point.

#### Water

- 47. The water system shall be designed for the Ventana subdivision as a whole and for each proposed phase to meet the required fire flow for this type of development. The water system shall be approved by the Fire Department and shall be operational prior to any framing construction onsite. Fire flows shall be determined by Uniform Fire Code appendix III-A. Copies of the water system analysis shall be reviewed and approved by the City Engineering Division and Fire Marshall. The construction of an additional water well, or wells, may be necessary to ensure redundancy and adequate fire flow in accordance with the Specific Plan.
- 48. Prior to commencement of any phase of development, developer shall construct and/or verify the completion of a 12-inch water main along Pecan Avenue from its current termination point at Parkwood Elementary School to the eastern property line of the proposed project site. The water main shall be constructed to current City standards.
- 49. Prior to commencement of any phase of development adjacent to Road 28 1/4, developer shall construct a 12-inch water main along Road 28 ¼ from Pecan Avenue to the southerly limits of the phase. The water main shall be looped through the phase to provide a redundant water source to that phase. Water line construction shall proceed in this manner with each new phase until such time as the improvements extend to and connect into Hazel Avenue. Water main shall be constructed to current City standards.
- 50. Developer shall construct a 12-inch water main along the entirety of Hazel Avenue from Road 28 ¼ and connect to existing water main from adjacent subdivision to the west at such time as the first phase is constructed adjacent to Hazel Avenue or at such time as a secondary connection is required to maintain domestic and fire flow demands. The water main shall be looped through the phase to provide a redundant water source to that phase. The water main shall be constructed to current City standards.

The oversize component (difference in cost between 12-inch and 8-inch pipe) of the construction of these lines is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component is reimbursable from adjacent properties to the Ventana Specific Plan as they develop and connect.

51. Unless the City Engineer or fire flow analysis specifies larger lines, water lines, a minimum of 8 inches in diameter shall be installed in all streets. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of 18 feet or more shall be sterilized in accordance with the water main connection

procedures, including the temporary use of a reduced pressure assembly. Water service connections are required to be hot tap type connection to existing city main. If the subdivision is constructed in phases, blow-offs will be required at each termination point. All water system bacterial analysis testing costs shall be paid by the Developer. If additional testing is requested by the City, testing costs shall be paid by the developer or the cost shall be reimbursed to the City prior to approval of any units for final occupancy.

- 52. Pecan Avenue and Road 28 ¼ intersection requires installation of 12-inch cross with four (4) 12-inch valves and two stub outs, north past north right-of-way line and east approximately 40 feet. Crosses or tees will be installed at other locations as may be necessary for future expansion of the water system as identified by the City Engineer.
- 53. Each phase of development requires in-line valve installation and blow-off assembly to be installed at terminus point of water line for future continuation of each water main.
- 54. Each phase of development shall have a looped water system; two points of connection to existing mains outside of phase being developed.
- 55. Prior to commencement of any phase of development, developer shall commence construction of a new water well and all associated improvements, both on and off-site on a lot measuring a minimum of 150 feet by 150 feet, within the project site or within the vicinity of the project site but as far geographically as possible from Well #33 and shall be fully operational before approval of the first occupancy permit. The well site shall either be dedicated as part of the first tentative map or by separate instrument dependent on final location of the well site. The cost of the municipal well is considered reimbursable through the City's Development Impact Fee Program, subject to availability of funds.
- 56. A second water well may or may not be required dependent of the production rate of the first water well. That determination will be made by the City Engineer as a result of factors that include production capacity of the new well and the existing City water system capacity at the time of such review.
- 57. Prior to beginning any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
- 58. As part of typical subdivision requirements, water services shall be placed 3 feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed, and identified on the curb face. Water meters shall not be located within driveway approaches or sidewalk areas. Water services shall not be located at fire hydrant or street light locations.
- 59. One water quality sampling station, or additional as may be determined necessary by the Public Works Department, shall be shown on the improvement plans for each subdivision and installed within each corresponding subdivision and approved by the water quality division of the Public Works Department.

- 60. Prior to commencement of grading or excavation on site, all water sources used for construction activities shall have an approved back-flow device installed. All water trucks/storage tanks will be inspected for proper air gaps or back-flow prevention devices.
- 61. Water service connection(s) shall be shown on the improvement plans for each phase and shall be constructed to current City standards in effect at time of construction including Automatic Meter Reading (AMR) water meters installed within City right-of- way. Backflow prevention devices shall be required for any water service not serving a residence and installed within private property.
- 62. Water connections not serving a residence shall be constructed per current City standards including water meters located in the City's right-of-way and backflow prevention device installed within private property.
- 63. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
- 64. Developer shall reimburse its fair share cost to the city for previously constructed water main along the Parkwood entry street project frontage.
- 65. Water meters shall be installed, and account activated through the City's Utility Billing Department prior to construction activities commencing on individual dwelling units.

#### Sewer

- 66. The existing sewer system that serves this section of the City is approaching capacity due to constricted sections of the sewer system on Pecan Avenue. Only an approximate one-third (1/3) of the subdivision or approximately 329 units within the northern portion of Tentative Subdivision Map 2022-03 or 2022-04 will be permitted to discharge sewer effluent into the Pecan main contingent upon design and construction by the developer of the following master plan improvements prior to the commencement of any phase:
  - a. A parallel 18-inch sewer main in Pecan Avenue from Watt Street to Conrad Street
  - b. A parallel 18-inch sewer main in Pecan Avenue from Madera Avenue to approximately Seneca Drive

c.—A parallel 18-inch sewer main on Pecan Avenue from Raymond Thomas to Watt Street

The construction of these lines is considered 100% reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

- 67. The remainder two-third (2/3) of the subdivision within the southern portion of TSM 2022-03 or 2022-04 shall discharge sewer into the future master planned sewer main improvements on Hazel Avenue, Road 12 ½ and Road 25. The Developer shall design and construct the following improvements:
  - a. 42-inch sewer main on Hazel Avenue/Burges Road from Road 28 ¼ to SR 145

- b. 42-inch sewer main on SR 145 from Burges Road to Avenue 12 ½
- c. 42-inch sewer main on Avenue 12 ½ from SR 145 to Road 25 (Granada Drive)
- d. 42-inch sewer main on Road 25 (Granada Drive) from Avenue 12 ½ to Pecan Avenue across the railroad tracks

The oversize component (difference in cost between 42-inch and 8-inch pipe) of the construction of these mains is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.

Half of the 8-inch component reimbursable from adjacent properties as they develop and connect.

The Developer shall secure all required easements, acquisitions of right-of-way, fees and all other components required for the installation of a fully functional sewer main capable of servicing this project and all other developable areas identified in the Sanitary Sewer Master Plan.

The sewer mains shall be installed at the depth and slope necessary to serve the areas delineated within the Sewer System Master Plan. Calculations shall be provided supporting the final design. Said analysis shall make use of the Sanitary Sewer Master Plan and various inputs (number of units, pipe slopes, etc.) utilized in sizing the pipeline. Said analysis shall also illustrate that future extensions of the sewer trunk main to the east side of the City will not be negatively affected by the selection of pipe depths or slopes required to be constructed by this project.

There are a number of development proposals at any given time. As such, the developer may wish to partner with other developments to share in costs.

- 68. All sewer mains shall be constructed per City standards and specifications current as of the time they are designed and constructed.
- 69. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of 8 inches in diameter or as required per the pipe size calculations. Sewer main connections to any existing city main that are 6 inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. USB flash drives shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.
- 70. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be 10 feet past the property line. Where contiguous sidewalks are installed, the 4-inch-sewer clean out shall be located 18 inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed 10 feet beyond the property lines as a part of the sewer system installation for testing purposes.
- 71. Calculations for sanitary sewer pipe size design of all proposed sewer mains as a whole and for each proposed phase being developed, shall be submitted with first improvement plan submittal.

- Copies of the sewer system calculations shall be reviewed and approved by the City Engineering Division.
- 72. Prior to recording the first final map, the developer shall reimburse City for half the cost of the 8-inch component of previously installed sewer mains on Pecan Avenue.
- 73. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### **Storm Drain**

- 74. Storm runoff from this development is planned to go to the Hazel basin located to the southwest of the proposed project site. Prior to commencement of any phase of development, the developer shall expand the limits of the existing basin to accommodate the entirety of the TSMs and other tributary areas outside the subdivision mapping and/or may be identified in the Storm Drainage Master Plan. Said expansion shall include dedication of the property and construction of the fence line. Basin excavation shall occur in no more than two phases. Construction of basin improvement (pipe, outfalls, etc.) may occur in phases associated with the requirements of each phase.
- 75. A detailed drainage study shall be provided that depicts recommended storm drainage conveyance and storage improvements within the boundaries of the TSM. The drainage study shall, through detailed engineering calculations and/or modeling consistent with the City's Storm Drainage Master Plan and City standards, support the design of said facilities to be constructed by the developer.
- 76. The developer shall construct full storm drain improvements as depicted in the drainage study between the phase under construction and the basin.
- 77. Property for expansion of the existing basin shall be dedicated as part of the first phase of any development. The basin shall be complete prior to first anticipated rainfall event in which storm runoff will occur. The Project Storm Water Pollution Prevention Plan (SWPPP) may serve to further dictate basin needs and timing.
- 78. Temporary basins will not be allowed.
- 79. Rear yards along basin fencing shall require cyclone fence and wood fence to be installed.
- 80. The project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
- 81. Prior to the approval of the civil improvement plans, a storm water pollution plan shall be prepared, and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size. A plan and a copy of the permit and

report shall be submitted to the Engineering division prior to issuance of any encroachment permits of plan approvals.

#### **Streets**

- 82. The developer shall construct street improvements in accordance with the locations and cross-sections specified in the Specific Plan to the extent necessary to provide access to each phase, including but not limited to permanent paving, sidewalk, curb and gutter, park strip, streetlights, fire hydrants and all other components necessary to complete construction in accordance with City standards in effect at time of construction, prior to acceptance of improvements by the City.
- 83. All streets identified in the Specific Plan shall be constructed to the cross section delineated therein. Where not specifically identified, those streets shall be constructed in accordance with arterial and collector standards in effect at the time of construction.
- 84. Prior to commencement of any phase of development within either of the TSMs, Pecan Avenue shall be developed to a 100-foot street with a 14-foot sidewalk pattern and a 16-foot landscape median across the frontage of the subdivision. The south half shall include but not be limited to fire hydrants, streetlights, curb and gutter, sidewalk. The north side shall include one permanently paved 12-foot lane and 8-foot shoulder. Asphalt curbing may be considered permissible if existing right-of-way precludes the ability to install an 8-foot shoulder. Adequate pedestrian accessibility, similar to existing or better, shall be maintained on the north side of Pecan Avenue. Adequate transition with the existing improvements relative to grade and alignment shall be provided. All improvements shall be constructed per current City standards. The center three lanes, which include the median island, are eligible for reimbursement through the City's Impact Fee program, subject to funds being available.
- 85. All existing driveways located along the north side of Pecan Avenue fronting the subdivision shall be paved with asphalt or concrete apron a minimum of 6 feet from the edge of the paved shoulder subject to maximum reasonable approach slopes to match existing driveways. All improvements should fully account for existing drainage and new drainage needs as part of the design.
- 86. Temporary pavement shall be constructed to provide for two-way traffic during all phases of construction along Pecan Avenue.
- 87. Prior to commencement of any phase of development immediately adjacent to Road 28 ¼, Road 28 ¼ shall be developed to a 100-foot street, in accordance with the Specific Plan, adjacent to the project or phase to be constructed. In all cases, Road 28 ¼ shall be fully constructed between the phase under consideration and Pecan Avenue. West half shall include but not be limited to curb and gutter, sidewalk, park strip, streetlights, fire hydrants, a 26-foot paved asphalt section and 16-foot landscaped median island. East side shall include but not be limited to one permanently paved 12-foot travel lane, a paved 8-foot shoulder and drainage swale; or one 12-foot travel lane and a combination of shoulder/AC dike and drain inlets as may be necessary to accommodate existing and completed project storm runoff. All improvements shall be constructed per current City standards. The center three lanes (40-foot total), including the median island, are eligible for

- reimbursement through the City's Development Impact Fee Program, subject to the availability of funds. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Road 28 ¼.
- 88. Prior to commencement of any phase of development adjacent to Hazel Avenue or using Hazel Avenue as a circulation route, Hazel Avenue shall be developed to an 80-foot street with a 10-foot sidewalk pattern. North half shall include but not be limited to curb and gutter, sidewalk, streetlights, fire hydrants. The South side shall include but not be limited to a full 16-foot lane and edge swale graded for drainage storage as required. All improvements shall be constructed per current City standards. The center three lanes are eligible for reimbursement through the City's Impact Fee Program, subject to funds being available. Adequate transition with the existing improvements relative to grade and alignment shall be provided with each successive extension of Hazel Avenue.
- 89. Park strip and median island on Pecan Avenue and park strips on Road 28 ¼ and Hazel Avenue shall be landscaped and provided with an automatic irrigation system. A minimum of one city approved street tree every 50 feet shall be provided, along with root guards. No trees shall be planted within 30 feet of any streetlight, or 5 feet from any fire hydrant. Each street tree shall be planted with a city approved root barrier. Detailed landscaping, irrigation, and maintenance plans shall be submitted with the first public improvement plans.
- 90. Direct residential access to Pecan Avenue, Hazel Avenue and Road 28 ¼ other than those access point approved on the TSMs shall be prohibited and shall be noted on the final map.
- 91. Deceleration and acceleration lanes shall be constructed at the main entrance to the subdivision along Pecan Avenue in accordance with the traffic study. An east bound right turn lane shall be constructed at Road 28 ¼.
- 92. A traffic signal shall be constructed at the intersection of Pecan Avenue and Golden State Boulevard prior to the anticipated time at which traffic signal warrants will be met. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. The intersection shall be widened along all 4 approaches to include left turn lanes in all four directions. This traffic signal shall be interconnected with the traffic signal to be constructed at the main entrance into the subdivision. This improvement is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
- 93. A traffic signal shall be constructed at the intersection of Pecan and the main entrance into the subdivision prior to the anticipated time at which traffic signal warrants will be met. Regardless of whether warrants are met prior to the first phase, the developer shall provide the complete signal design and construct all underground improvements and pole foundations with the construction of Pecan Avenue improvements. Should the traffic signal not be warranted prior to the last phase, the developer shall provide a cash payment for the remaining traffic signal improvements with adequate contingency to accommodate 5 years of cost escalations as this location is not eligible for impact fee reimbursements.
- 94. A traffic signal shall be constructed at the intersection of Avenue 12 and Road 28 ¼ prior to the anticipated time at which traffic signal warrants will be met. The intersection shall be widened

to include auxiliary left turn lanes in accordance with the traffic study. This traffic signal shall be interconnected with the traffic signals at Avenue 12 and SR 99. The extent of the traffic signal improvements shall be determined by the County of Madera.

- 95. In satisfaction of the prior three conditions, the developer shall prepare traffic signal warrants prior to submittal of off-site improvement drawings for the first phase and all subsequent phases that support the determination as to whether a traffic signal design shall be completed with the intent of constructing as part of the off-site drawings for said phase. Warrants shall incorporate recently collected turning movement counts by the developer at the subject location along with projections of the additional traffic from the subdivision phase under consideration,
- 96. An access plan shall be developed for commercial site lot at such time as development occurs. The access plan shall be approved by the City Engineer. Driveway spacing shall be situated such that a minimum of 400 feet of spacing is provided.
- 97. The developer shall implement mitigation measures and contribute its fair share to the cost of the improvements as outlined in the traffic study for Ventana subdivision prepared by KD Anderson Transportation Engineers unless already completed as part of another development or public agency project. For those projects that have been completed, the requirement to participate on a fair share basis shall not be waived except under the direct approval of the agency or entity that constructed said improvements. As the traffic study did not prepare fair share calculations, the Developer shall prepare said calculations. Fair share payments shall be made on a per peak hour trip basis. Fair share payments shall be made prior to approval of any final map.
- 98. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Pecan Avenue to provide an ultimate right-of-way width of 100 feet to accommodate an arterial standard roadway.
- 99. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Road 28 ¼ to provide an ultimate right-of-way width of 100 feet to accommodate an arterial standard roadway.
- 100. Developer shall dedicate sufficient right-of-way along the entirety of the parcel's frontage on Hazel Avenue to provide an ultimate right-of-way width of 80 feet to accommodate a collector standard roadway.
- 101. Interior streets shall be constructed in accordance with the Ventana Specific Plan prepared by Quad Knopf which includes:
  - a. 100-foot residential project entryway
  - b. 65-foot loop road
  - c. 60-foot minor streets
  - d. 50-foot residential streets

Interior streets shall be constructed to include curb, gutter, sidewalk, curb ramps, streetlights, fire hydrants, and all other components necessary to complete said construction per City Standards.

- 102. An approved on-site or off-site turn-around shall be provided at the end of each stub-out or roadway 150 feet or more in length pursuant to the uniform fire code. Cul-de-sacs shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of final map. The developer is responsible for all fees associated with the approval of all documents.
- 103. Developer shall be a proponent of annexing into existing Landscape Maintenance District Zone 31A or 31B to include the median island and landscape improvements. If the expansion of the existing Landscape Maintenance District Zone 31A or 31B is not attainable, the developer shall at their sole expense form a Lighting and Landscape Maintenance District zone for the street median landscaping and landscaping adjacent to subdivision along park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to recording any final map.
- 104. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone" LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain landscaping improvements existing and new improvement which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
- 105. "No Parking" signs shall be installed along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontages per City standards.
- 106. Traffic calming features, as approved by the City Engineer, shall be implemented throughout the interior subdivision streets. The maximum distance between calming devices shall be 300 feet. Speed bumps or humps are not permitted.
- 107. Access ramps shall be installed at all curb returns per current City Standards.
- 108. Driveway approaches shall be constructed per current City standards.
- 109. The developer shall be required to install streetlights along Pecan Avenue, Road 28 ¼ and Hazel Avenue frontage and interior subdivision streets in accordance with current City spacing standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
- 110. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall at occupancy have full, uninterrupted ADA access from front door to nearest collector street, arterial street or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as a part of the improvement plan approval and subdivision

- agreement, and bonding for uncompleted work in conjunction with the subdivision's public improvements will not be required.
- 111. If development occurs in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two inches of type "B" asphalt over 6 inches of 90% compacted native soil or 4 inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
- 112. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on 24" x 36" tracing with city of Madera logo on bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, and sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards, updated standards available on the City of Madera website. The plans are to include the City of Madera title block and following:
  - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
  - b. Street plans and profiles;
    - 1. Drainage ditches, culverts, and other structures (drainage calculations to be submitted with the improvement plans);
    - 2.Streetlights;
    - 3. Traffic signals;
    - 4. Construction details including traffic signage and striping plan.
  - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
  - d. Grading plan indicating flood insurance rate map community panel number and effective date;
  - e. Landscape and irrigation plans shall be prepared by a landscape architect or engineer;
  - f. Storm water pollution control plan and permit;
  - g. Itemized quantities of the off-site improvements to be dedicated to the City.
- 113. Submittals shall include (submit a PDF and 8 hard copies for each item):
  - a. Engineering Plan Review Submittal Sheet
  - b. Civil Plan Submittal Checklist all required items shall be included on the drawings
  - c. Four copies of the final map
  - d. Two sets of traverse calculations

- e. Two preliminary title reports
- f. Two signed copies of conditions
- g. Six sets of complete improvements plans
- h. Three sets of landscaping plans
- i. Two sets of drainage calculations
- j. Two copies of the engineers estimate

Partial submittals will not be accepted by the Engineering Department.

- 114. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a 3-sack sand slurry mix extending one-foot past curb and gutter in each direction.
- 115. The applicant shall coordinate with the pertinent utility companies as required regarding establishment of appropriate easements and undergrounding of service lines. Developer shall dedicate a 10-foot Public Utility Easement (PUE) along Pecan Avenue, Road 28 ¼, and Hazel Avenue adjacent to entire project site as well as all internal publicly dedicated streets.
- 116. All existing and proposed public utilities shall be underground except transformers, which may be mounted on pads, and those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.
- 117. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
- 118. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code must be submitted for review prior to the approval of the improvement plans and the filing of any final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
- 119. The sub-divider shall enter an Improvement Agreement in accordance with the municipal code prior to recording any final map. The Improvement Agreement shall include a deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
- 120. Sub-divider may commence off site construction prior to approval of any final map in accordance with Section 7-2.02 MMC, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a 100% performance bond, additional bond (50% labor & material), Storm Water Pollution Prevention Plan (SWPPP), and insurance certificate prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by City Council and shall be paid at the time of permit.

121. For each phase, the developer's engineer, upon completion of subdivision related improvements, shall certify to the City Engineer that the improvements are made in accordance with city requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.

#### Subdivision improvement inspections

- 122. Engineering Department plan check fees along with the engineer's estimated cost of installing offsite improvements shall be submitted along with the improvement plans. Inspection fees shall be due at the time that all other fees are due per the Improvement Agreement.
- 123. Prior to the installation of any improvements or utilities, the general contractor shall notify the engineering department 48 hours prior to construction. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
- 124. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
- 125. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five working days.

### Special engineering conditions

- 126. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls if required shall be approved as to design and calculations prior to issuance of a grading permit, therefore.
- 127. Lot fill in excess of twelve (12") inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve (12") inches or more will require construction of a retaining wall.
- 128. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
- 129. Prior to the approval of off-site improvement plans and any construction on the subdivision, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared, and a storm water permit obtained as required by the state regional water quality control board for developments of over one acre in size.
- 130. Any construction work on MID facilities must not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment upon, removal or modification of MID

facilities, the sub-divider must submit two sets of preliminary plans for MID approval. Permits must be obtained from MID for said encroachments, removal, or modification. Upon project completion as built plans shall be provided to MID. Abandonment of agricultural activities will require removal of MID facilities at the owners' expense. Turnouts and gates shall be salvaged and returned to the MID yard.

- 131. Prior to recording the Final Map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
- 132. The developer of the property can expect to pay current and future development impact fees, including, but not limited to sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time building permits are issued.
- 133. Final street names shall be approved by the Planning Department prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing county roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts should utilize the name of the nearest subdivision street.
- 134. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

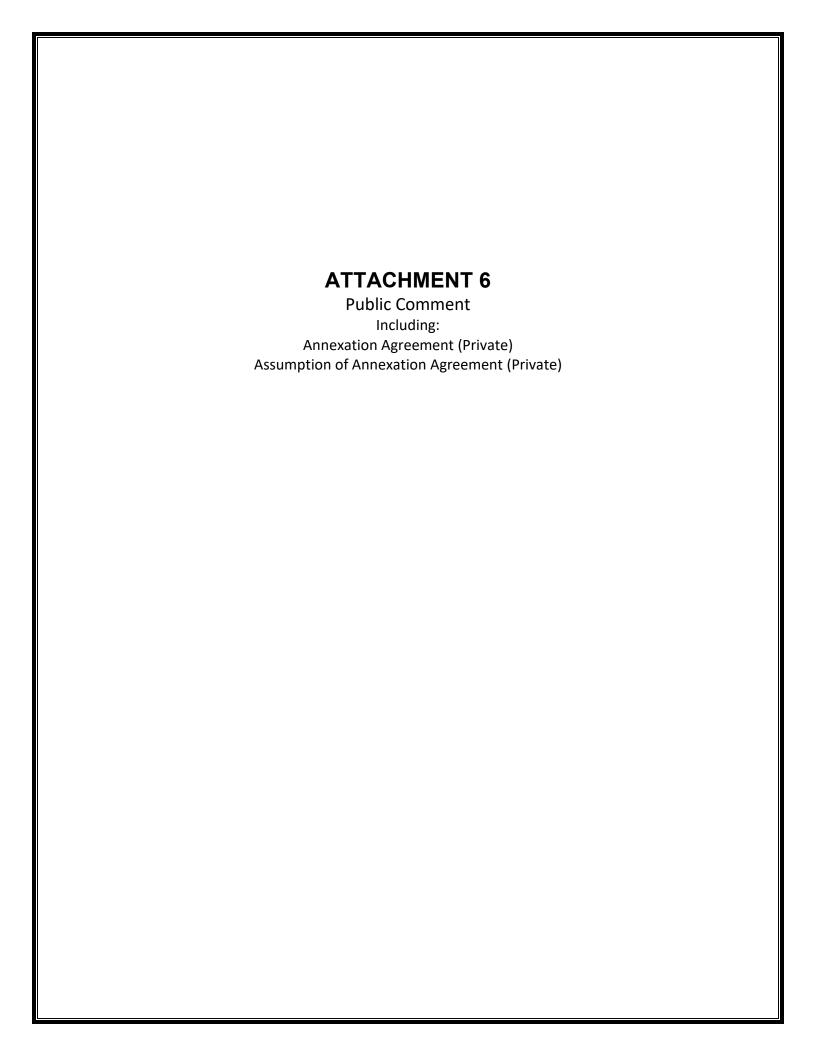
#### San Joaquin Valley Air Pollution Control District

135. The applicant shall consult with and shall comply with the requirements of the San Joaquin Valley Air Pollution Control District, including but not limited to compliance with Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions) and Rule 9510 (Indirect Source Review).

#### **Madera Unified School District**

136. The applicant shall be responsible for payment of fees to the Madera Unified School District and shall provide the City with evidence of payment, or evidence of the District's determination that no payment is required, prior to issuance of a certificate of occupancy.

-END OF CONDITIONS-



RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Bratton Investments, Inc 418 Clovis Avenue Clovis, CA 93612 Attention: James Bratton

APN: 047-014-005

Recorded in Official Records, Madera County

# **REBECCA MARTINEZ**

Madera County Recorder
P Public

Doc#: 2009017303



5/26/2009 1:46 PM

Titles: 1	Pages: 6
Fees	23.00
Taxes	0.00
Other	0.00
PATD	\$23.00

# **ASSUMPTION OF ANNEXATION AGREEMENTS**

This Assumption of Annexation Agreement Obligations (this "Agreement") is made as of February 24, 2009 by James Bratton, a married man, as his sole and separate property ("Bratton").

# RECITALS

- A. Bratton owns approximately 137 acres of real property in Madera County ("County") within the City of Madera city limits identified as Madera County APN # 047-014-005, and more particularly described on Exhibit A attached hereto (the "Bratton Property").
- B. The City of Madera (the "City") has approved the Bratton Property for residential development as part of the Ventana Specific Plan Area, following the annexation to the City of the real property comprising such plan area (the "Ventana Annexation").
- C. The total Ventana Specific Plan Area is comprised of 300.2 acres of real property, including the Bratton Property, an adjacent 100 acre property (the "Meisner Property") owned by the Meisner family ("Meisner") and, eighteen (18) ranchette properties (the "Ranchettes"), aggregating approximately 63 acres, and a school site of approximately 15 acres.
- D. Madera Land Development Co. ("Madera Land") was formerly in contract with Bratton to purchase the Bratton Property and with Meisner on the Meisner Property. While that contract was in effect, Madera Land successfully obtained the consents required for the Ventana Annexation from owners of thirteen (13) of the Ranchettes, in return for obligations by Madera Land described in individual unrecorded annexation agreements (collectively, the "Annexation Agreements") between Madera Land and the consenting owners. Madera Land's performance of such obligations (the "Annexation Agreement Obligations") was conditioned upon Madera Land's completion of the Ventana Annexation.
- E. After Madera Land terminated its purchase contract with Bratton on November 29, 2007 and its purchase contract on the Meisner Property on February 5, 2008, Madera Land abandoned all further efforts to complete the Ventana Annexation without further obligation to perform the Annexation Agreement Obligations.
- F. Bratton elected to complete the Ventana Annexation, notwithstanding Madera Land's termination of its contracts to purchase their respective properties, at his sole expense. At the request of the City and Madera Land, the Bratton has voluntarily agreed, in an effort to be good

neighbors, to honor the Annexation Agreement Obligations by assuming the obligation of the Annexation Agreements on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the terms and conditions herein after contained, the receipt and sufficiency of which are hereby acknowledged, and intending to be mutually bound, the parties hereby agree as follows:

#### **AGREEMENTS**

- 1. <u>Assumption of Annexation Agreements:</u> Bratton hereby agrees to assume its proportionate share of the Annexation Agreements Obligations. For purposes of allocating the responsibility for the Annexation Agreement Obligations between Bratton and Meisner, Bratton shall <u>ONLY</u> be responsible for 60% (152/252 acres) of the costs of performing such obligations. Bratton acknowledges that those obligations consist generally of monetary compensation to be paid directly to the ranchette property owners, payment of sewer and water impact fees on their behalf to the City, and installation of certain physical improvements. A summary of the estimated financial obligations is attached hereto as Exhibit B.
- 2. <u>Time for Performance of Obligations</u>. Although Bratton agrees to perform the Ventana Annexation Obligations as described in Paragraph 1 above, any monetary payments which Madera Land agreed to pay to ranchette owners on the date of completion of the Ventana Annexation shall be paid instead upon the date of recordation of the first Final Map for subdivision of all or any portion of the Bratton property.
- 3. Agreement Runs with the Land. This Agreement and the covenants, benefits and obligations created hereby shall run with the land and inure to the benefit of and be binding upon each party and its successors and assigns.
- 4. <u>Counterparts</u>. This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one agreement.
- 5. <u>Exhibits</u>. The following attached exhibits are incorporated herein and made a part hereof by this reference:

EXHIBIT A Legal Description of Bratton Property

EXHIBIT B Financial Summary of Annexation Agreement Obligations

BRATTON: Johns A Bratton

By: James A Bratton

Print Name

# **ACKNOWLEDGMENT** State of California Fresno County of before me, Debra Giannopulos, Notary Public On February 24, 2009 (insert name and title of the officer) James A. Bratton personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/aresubscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. DEBRA GIANNOPULOS & COMM. #1570831 WITNESS my hand and official seal. NOTARY PUBLIC-CALIFORNIA FRESNO COUNTY My Comm Exp. April 18, 2009 (Seal)

# **GOVERNMENT CODE 27361.7**

I certify under penalty of perjury that the Notary Seal on the Document to which this statement is attached, reads as follows:

Name of Notary: DEBRA GIANNOPULOS  Date Commission Fydires:	
Date Commission Evoires:	
Commission Number: 19, 2009	_
Place of Execution: FRESHO CA	_
Date of Execution: February 24, 2009	
1250000 12500g	_

By: CHRISTYIER FOO BRATTON GROUP (Firm name, if any)

#### EXHIBIT A

## **Legal Description of Bratton Property**

All of that certain real property situated in the State of California, County of Madera, described as follows:

Parcel No. 2 of Parcel Map 1831, recorded November 8, 1979 in Book 26 of Maps at Page 31, in the office of the County Recorder of Madera County.

Excepting therefrom that portion thereof described in the Grant Deed by James Bratton to Madera Unified School District recorded Made 2, 2007 as Series No. 2007 003848 in the office of the County Recorder of Madera County.

#### Reimbursement Expenditures for Ranchette Property Owners (1)

			Sewer / Water	Estimated	Septic	Well	
Property Owner	APN	Totals	Connect Chrg. (2)	Finance Chg. (3)	Removal;	Abandon (4)	Other Notes:
Royce Tiller Baker	034-100-064	\$31,534	\$10,480	\$8,154	\$1,250	\$1,650	\$10,000 Soundwall or in-lieu payment
Gomez	034-100-042	\$12,176	\$5,253	\$4,023	\$1,250	\$1,650	0
Madera Baptist Church	034-100-071	\$40,827	\$9,430	\$13,497	\$1,250	\$1,650	\$15,000 Install Water and Sewer Lines To Church or \$15k in lieu payment
Tanas	034-100-069	\$19,044	\$12,040	\$4,104	\$1,250	\$1,650	0
Sylvia Nassar	034-100-070	\$17,304	\$10,300	\$4,104	\$1,250	\$1,650	0
Theodore Nassar	034-100-009	\$16,272	\$9,430	\$3,942	\$1,250	\$1,650	0
Nassar II	034-100-068	\$25,044	\$12,040	\$4,104	\$1,250	\$1,650	\$6,000 for water and sewer laterals + either frontage improvements or 3k idence; curb and guitter costs
James Blanton	034-100-079	\$21,084	\$10,300	\$7,884	\$1,250	\$1,650	Extension of sewer line in Apricot Lane
Freda Blanton	034-100-077	\$20,458	\$9,430	\$8,128	\$1,250	\$1,650	0
Daniel Loera	034-100-078	\$20,214	\$9,430	\$7,884	\$1,250	\$1,650	
Karen Gray	034-100-074	\$13,743	\$6,820	\$4,023	\$1,250	\$1,650	0
Mariana Alvarado	034-100-041	\$16,394	\$9,430	\$4,064	\$1,250	\$1,650	0
Subtotal		\$254,093	\$ 114,383	\$73,910	\$15,000	\$19,800	\$31,000

<sup>(1)</sup> Summary of expenses, for more information refer to individual unrecorded Annexation Agreements

 <sup>(2)</sup> Estimated Sewer and Water Connection Charges / Development Impact Fees. Estimate Only. City to provide actual charges at time of payment. Based on I.f. of frontage and location of existing utilities
 (3) Esimated City Finance Charge calculated by City Staff based on max assumed property size and known frontage LF; Individual agreements differ as to how many yrs of finance charges are covered. Lump sum payment to be made to Property Owner based on individual agreements. City agreed to charge for water based on max assumed lot size of 8,000 s.f.
 (4) If Property Owner elects to abandon on-site well before annexation must notify developer. No notices received prior to annexation.

# RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Pacific Union Homes 675 Hartz Avenue, Suite #300 Danville, CA 94526 Attention: Chris Tyler

WITH A COPY TO: Amal Tanas and Raja Tanas 1312 E. Brierwood Drive Spokane, WA 99218

APN: 034-100-069

# ANNEXATION AGREEMENT

This Annexation Agreement (this "Agreement") is made as of 34, 24, 2006 ("Effective Date) between Amal Tanas and Raja Tanas (together, "Property Owner") and Madera Land Development Company, Inc. ("Developer").

#### RECITALS

- A. Property Owner owns property in Madera County ("County") located at 27845 Avenue 13, Madera, CA 93637, also known as Madera County APN # 034-100-069 ("Property").
- B. Property is part of peninsula of County land, surrounded to the north and west by City incorporated territory and bordered on the east by State Highway 99.
- C. Madera County LAFCO desires orderly growth, including wherever possible, eliminating the formation of County peninsulas or islands.
- D. Developer wishes to satisfy LAFCO by annexing Property to the City of Madera ("City").
- E. Property Owner wishes to minimize any change to Property's current permitted land usage following annexation to City.
- F. Developer wishes to minimize the expenses described herein that Property Owner may incur resulting from annexation.

NOW, THEREFORE, in consideration of the mutual terms and conditions herein after contained, the receipt and sufficiency of which are hereby acknowledged, and intending to be mutually bound, Property Owner and Developer hereby agree as follows:

- 1. <u>Consent to Annexation</u>. Property Owner agrees to sign the Petition of Annexation and intends to cooperate fully with the annexation proceedings. On and after the Effective Date of the annexation, the Property shall have the same rights and duties as other properties similarly zoned and currently located within the City of Madera.
- 2. <u>Grandfathered Rights</u>. Madera Municipal Code Section 10-3.406 is that portion of the municipal code that addresses non-conforming building and land uses. To the extent authorized by Section 10-3.406 of the Madera Municipal Code, following Annexation to City of Madera, Property Owner may continue to engage in the same activities and employ the same land uses, specifically including any hobby farming and animal raising operations, (the "Non-conforming Land Uses") as are currently enjoyed at the present time on the Property so long as said activities and land uses were permissible under applicable County regulations on the day prior to annexation. To the extent a particular use does not conform to the zoning adopted by the City for the Property, the City's provisions in Section 10-3.406 for the allowance of certain non-conforming use will apply. Property Owner represents that to the best of Property Owner's knowledge the following are the Non-Conforming Land Uses now conducted on the Property:
- 3. Zoning. Upon application by Developer, Property shall be considered for pre-zoning to Very Low Density Residential consistent with the City's General Plan. If pre-zone is approved then, upon annexation, the Property will be zoned Very Low Density Residential. Two years following annexation, Property Owner may petition City to re-zone Property to accommodate future desired land use applications. Subsequent re-zoning of the Property will require that said land uses conform entirely to City of Madera General Plan and Zoning Code as then in effect.
- 4. <u>Fire and Police Services</u>. The Property will be serviced by the City of Madera Fire Department and the City of Madera Police Department following annexation.

#### 5. Water.

- a) Upon annexation, Property Owner shall have the right, <u>but not the obligation</u>, to connect to the City of Madera's domestic water system. If Property Owner elects to connect to the City of Madera's domestic water system, Developer shall cover the cost of completing the connection and shall pay all one-time City of Madera connection and impact charges for a single residential connection. If Property Owner elects NOT to connect to the City of Madera's domestic water system, Developer shall pay an amount equivalent to the then City connection fees directly to Property Owner and Developer shall have no further obligation regarding water to Property Owner.
- b) If Property Owner elects to connect to the City of Madera's domestic water system for potable water service, Property Owner may continue to maintain an ag well for irrigation provided that a physical disconnection between the well and residence to be supplied by the City system is made. Property Owner shall cause an inspection to be made by City of Madera staff to determine that there is no possible risk of water supply cross contamination.

- c) If a well fails, Property Owner may, after obtaining written authorization from the City of Madera, re-drill said well.
- d) If Property Owner decides to abandon any well Property Owner shall notify Developer in writing prior to the annexation. In the event of such notice, Developer agrees to pre-pay to Property Owner at the time of annexation the fixed amount of \$1,650, the estimated cost of the well abandonment, and the abandonment must be completed to local standards.
- e) If Property Owner maintains a well for irrigation purposes but receives domestic water from City services, the City's monthly water charge will be calculated as if the Property was an 8,000 sq. ft. residential lot as long as City water is only used for domestic water purposes and not agriculture uses. This provision will remain in effect as long as the City bills for potable water on an unmetered basis. Developer agrees to pre-pay Property Owner \$3,237.60, representing the estimated finance charge for sixty months of City services, including domestic non-metered water, street cleaning, and sanitation services. This one-time payment shall be made at the time of annexation and Developer shall have no further obligation regarding said services.

## 6. Sewer.

- a) Developer shall be obligated at its sole cost to connect the Property to the City of Madera's sewer system within one year of annexation. Developer shall bear responsibility for all City of Madera impact and connection fees associated with said connection.
- b) At time of connection, Property Owner's septic system must be abandoned and removed in conformance with State of California standards. Developer agrees to pre-pay to Property Owner the fixed amount of \$1,250, representing the estimated cost of a septic system abandonment and removal. This payment shall be made at the time of annexation.
- 8. <u>Dispute Resolution.</u> Property Owner and Developer agree that any controversy or claim arising out of or related to this Agreement, or the breach thereof, shall be settled and decided by arbitration conducted in accordance with the California Code of Civil Procedure, as then in effect, unless the parties hereto mutually agree otherwise in writing.
- 9. <u>Termination.</u> Should the current annexation proceedings not be successful this Agreement shall be deemed null and void.
- 10. <u>Exhibits</u>. The following attached exhibits are incorporated herein and made a part hereof by this reference:

EXHIBIT A Legal Description of Property

DEVELOPER:

Madera Land Development Company Inc., a
California corporation

By:

RAJA S. TANAS

Print Name:

RAJA S. TANAS

By: Dentigetor, 115 C.Fo Print Name

Print Name:

AMAL Z. TANAS

#### **LAND OWNER PETITION**

# Each of the undersigned states:

- 1. I personally signed this petition.
- 2. I am a property owner of the City, County, or District of Madela
- I personally affixed hereto the date of my signing this petition and my place of residence, or if no street or number exists, then a designation of my place of residence that will enable the location to be readily ascertainable.
- 4. My residence and address are correctly written after my name.

5. My signature below indicates that I support the following action(s) <u>Annexation</u>
Agreement

NAME OF SIGNER	ASSESSOR'S PARCEL NUMBER(S)	DATE	OFFICIAL USE ONLY
Sign RAJA S. TANAS Print	034-100-069	3/7/2007	
Sign AMAL Z. TANAS Print	0.34-100-069	3/1/2007	
Sign Print			,
Sign			
Sign Print			

# CONSENT TO INCLUSION OF PROPERTY

The undersigned owner(s) of property hereby consent(s) to inclusion of that property within a proposed change of organization consisting of: (please list all actions) Annexation to the City of \_\_\_\_\_\_ and/or \_\_\_\_\_\_ and/or Annexation to the \_\_\_\_\_\_ District. Detachment from the City of \_\_\_\_\_ and/or Detachment from the \_\_\_\_\_ District. If consent of 100% of the affected property owners is affixed, the Commission may consider the proposal without a public hearing. If the proposal is submitted by a petition signed by 100% of the affected property owners, this consent form is not necessary. (Government Code Section 56837) DATE NAME ASSESSOR'S PARCEL NUMBER(S) March 7,2007 RATA S. TANAS 034-100-069
Razi / Fanas

March 7,2007 AMAL Z. TANAS 034-100-069

Proll X. Tanas Attach additional sheets if necessary.

ATTACHMENT 7 Extension Request Letter						

City of Madera – Planning Department 205 W. 4<sup>th</sup> Street Madera, Ca 93637

Lakhwinder S Brar PO Box 58 Madera, Ca 93639

November 11,2025

Re: Request for 12 month Extension, TSM 2022-04-MOD-Ventana

I would like to request an extension to our application. The housing market has been moving slowly, and we had a delay in finalizing documents and obtaining the necessary signatures with DR Horton. We are on track now and need a 12-month extension. Thank you for your consideration. A prompt response is appreciated.

Best Regards,

Lakhwinder S Brar

