



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 4 March 23, 2023

SUBJECT: Tentative Tract Map No. 5771 – Time Extension No. 4

Grant a fourth one-year discretionary time extension to exercise Tentative Tract Map No. 5771, which authorized a planned residential development consisting of 79 single-family residential lots and a 10.14-acre remainder lot totaling approximately 37.24 acres in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) and R-2(c) (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Conditional) Zone Districts.

LOCATION: The subject property is located south of Marina Drive within the Millerton New Town Specific Plan area between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant (APN: 300-542-19 & 21) (Sup. Dist. 5).

OWNER/APPLICANT: Jeffery Roberts

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a fourth one-year discretionary time extension for Tentative Tract Map No. 5771; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Land Use Map
3. Zoning Map
4. Tentative Tract Map 5771
5. Board Agenda Item and Minute Order dated July 17, 2012 with Planning Commission Resolution dated March 8, 2012.
6. Request Letter

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Millerton New Town Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim.

An Environmental Assessment (Initial Study No. 5709) was prepared for Vesting Tentative Tract Map No. 5771 under the provisions of CEQA, resulting in the determination that the previously certified EIR and Addendum for the Millerton New Town Specific Plan remain adequate for the project. Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless:

- 1) substantial changes are proposed to the project;
- 2) substantial changes occur with respect to the circumstances under which the project is undertaken;
or
- 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 13 property owners within 1320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Map expires two years after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date. This would be the third discretionary time extension. Three additional discretionary time extensions remain.

Starting in 2008, the State of California passed six separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are:

- 1) Senate Bill (SB) 1185 approved 2008, Map Act Section 66452.21, granted an automatic one-year time extension.

- 2) Assembly Bill (AB) 333 approved 2009, Map Act Section 66452.22, granted an automatic two-year time extension.
- 3) Assembly Bill (AB) 208 approved 2011, Map Act Section 66452.23, granted an automatic two-year time extension.
- 4) Assembly Bill (AB) 116 approved 2013, Map Act Section 66452.24, granted an automatic two-year time extension.
- 5) Assembly Bill (AB) 1303 approved 2015, Map Act Section 66452.25, granted an automatic two-year time extension.
- 6) Assembly Bill (AB) 2973 approved 2018, Map Act Section 66452.26, granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date according to Section 66452.25 of the Subdivision Map Act.

Granting an extension of a Tentative Map is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot condition the grant of extension unless the Applicant agrees to such additional conditions. If the Applicant does not agree to such additional conditions, the Commission may deny the extension if it finds, based on the evidence, that the project will be injurious to public health, safety or general welfare if the additional conditions are not imposed.

BACKGROUND INFORMATION:

On March 8, 2012, the Planning Commission approved Vesting Tentative Tract Map No. 5771, Classified Conditional Use Permit No. 3193, and Site Plan Review No. 7787, authorizing the development of a 37.24-acre planned residential development consisting of 79 single-family residences and a 10.14-acre remainder lot. The Planning Commission's decision was appealed to the Board of Supervisors based on the argument that mitigation measures related to wildlife habitat and biological resources were unsatisfactory and unenforceable. The Board considered the appeal on May 22, 2012, and upon a request by the appellant for a continuation, to July 17, 2012. On July 12, 2012 the appeal was withdrawn, allowing the Planning Commission's March 8, 2012 approval of the project to stand.

Subsequent to the Tentative Map expiring on March 8, 2014, Assembly Bill (AB) 116, effective July 11, 2013, granted an automatic two-year time extension for the Tentative Map resulting in a new expiration date of March 8, 2016. Subsequently, AB 1303, effective October 10, 2015 granted another automatic two-year time extension for the Tentative Map resulting in a new expiration date of March 8, 2018. The first discretionary one-year time extension was approved on March 15, 2018 resulting in a new expiration date of March 8, 2019. On June 18, 2019, the Board approved a two-year time extension under the provisions of Map Act Section 66462.26 (AB 2973) which extended the expiration date to March 8, 2021. On June 10, 2021, the Planning Commission approved a second one-year time extension, which extended the expiration date of the map to March 8, 2022. The applicant applied for and was granted a third time extension request extending the expiration date to March 8, 2023. The current application is to allow the fourth discretionary one-year time extension which was filed on January 24, 2023, prior to expiration of the map.

Action	Approval Date	Usable Life	Expiration Date
Tentative Map Approved	3/8/2012	2	3/8/2014
AB 116 (effective July 11, 2013)	Auto	+2	3/8/2016
AB 1303 (effective October 10, 2015)	Auto	+2	3/8/2018
1st PC Time Extension	3/15/2018	+1	3/8/2019
AB 2973 (required Board action)	6/18/2019	+2	3/8/2021
2nd PC Time Extension	7/21/2021	+1	3/8/2022
3rd PC Time Extension	5/19/2022	+1	3/8/2023

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5771 was approved on March 8, 2012 concurrently with Classified Conditional Use Permit (CUP) No. 3193 and Site Plan Review No. 7787 based on a determination that the required CUP findings could be made. Attached is a copy of the original Subdivision Review Committee Report and Staff Report with Planning Commission Resolution.

According to the Applicant, the subject request is necessary to allow additional time to create the necessary vehicular access for the ability to file a final map, additionally the portion of site may be used as a “Beneficial Reuse Area” which would necessitate the redesign of the lotting pattern.

The current time extension request was routed to the same agencies that reviewed the original project in 2011. None of those agencies identified any change in circumstances or the need for additional conditions and did not express any concerns with the proposed extension of time.

However, per the comments received from the Fresno County Fire Protection District, the project shall adhere to the updated fire codes noted below as Project Notes. The Applicant has been advised to consult with the Fresno County Fire Protection District.

CONCLUSION:

Staff believes this fourth one-year discretionary time extension for Tentative Tract Map No. 5771 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to March 8, 2024.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the fourth one-year discretionary time extension for Tentative Tract Map No. 5771; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Denial Action)

- Move to deny the fourth one-year discretionary time extension request for Tentative Tract Map No. 5771 and state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required in order to comply with State or Federal law; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

AA:jp

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LOCATION MAP



TT 5771 EXT 4

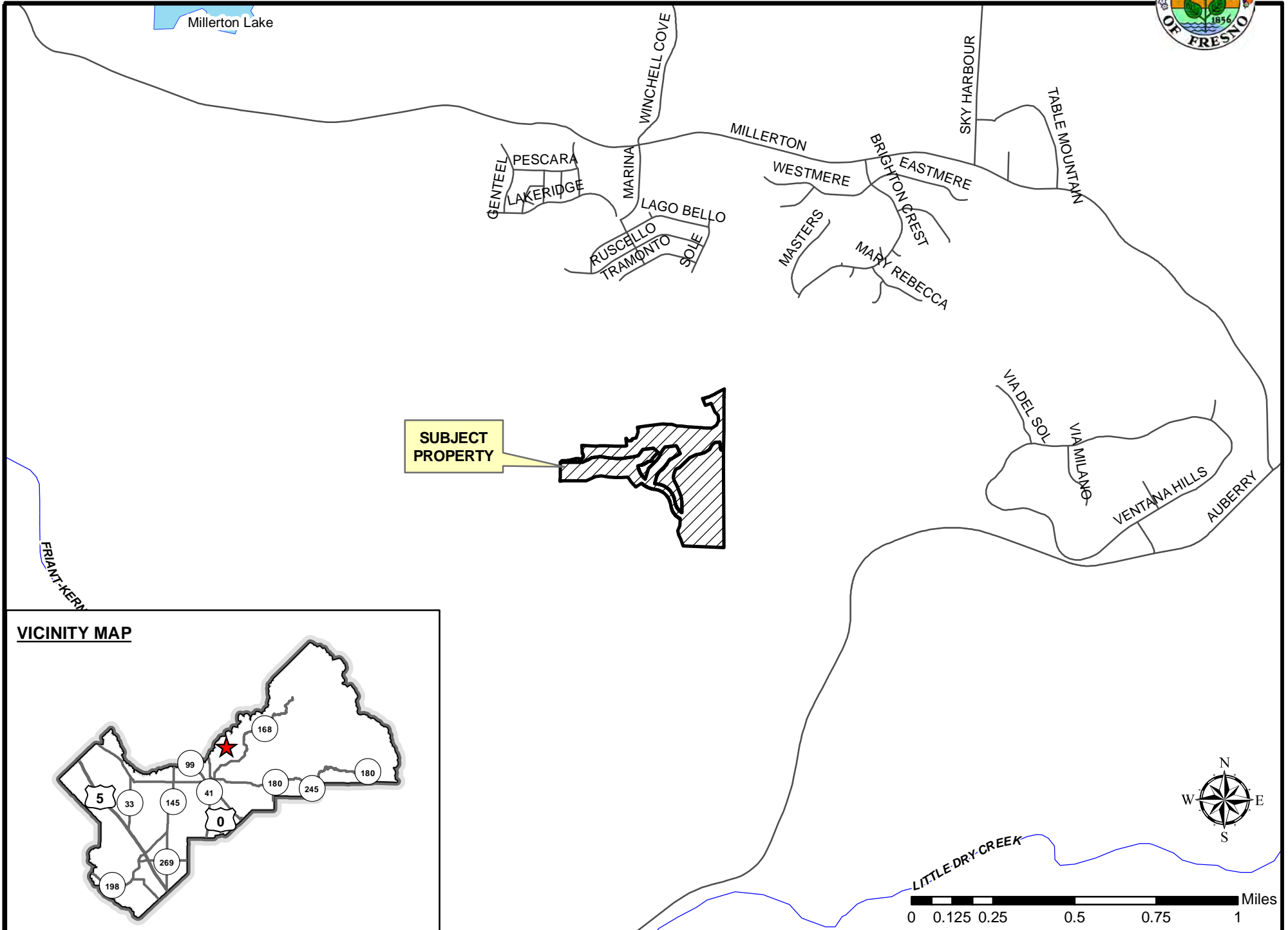
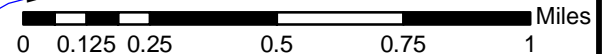
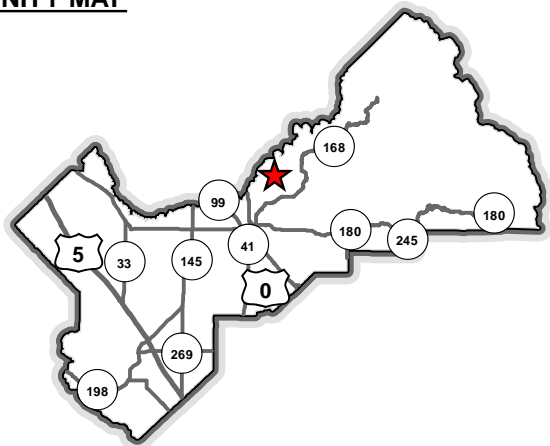


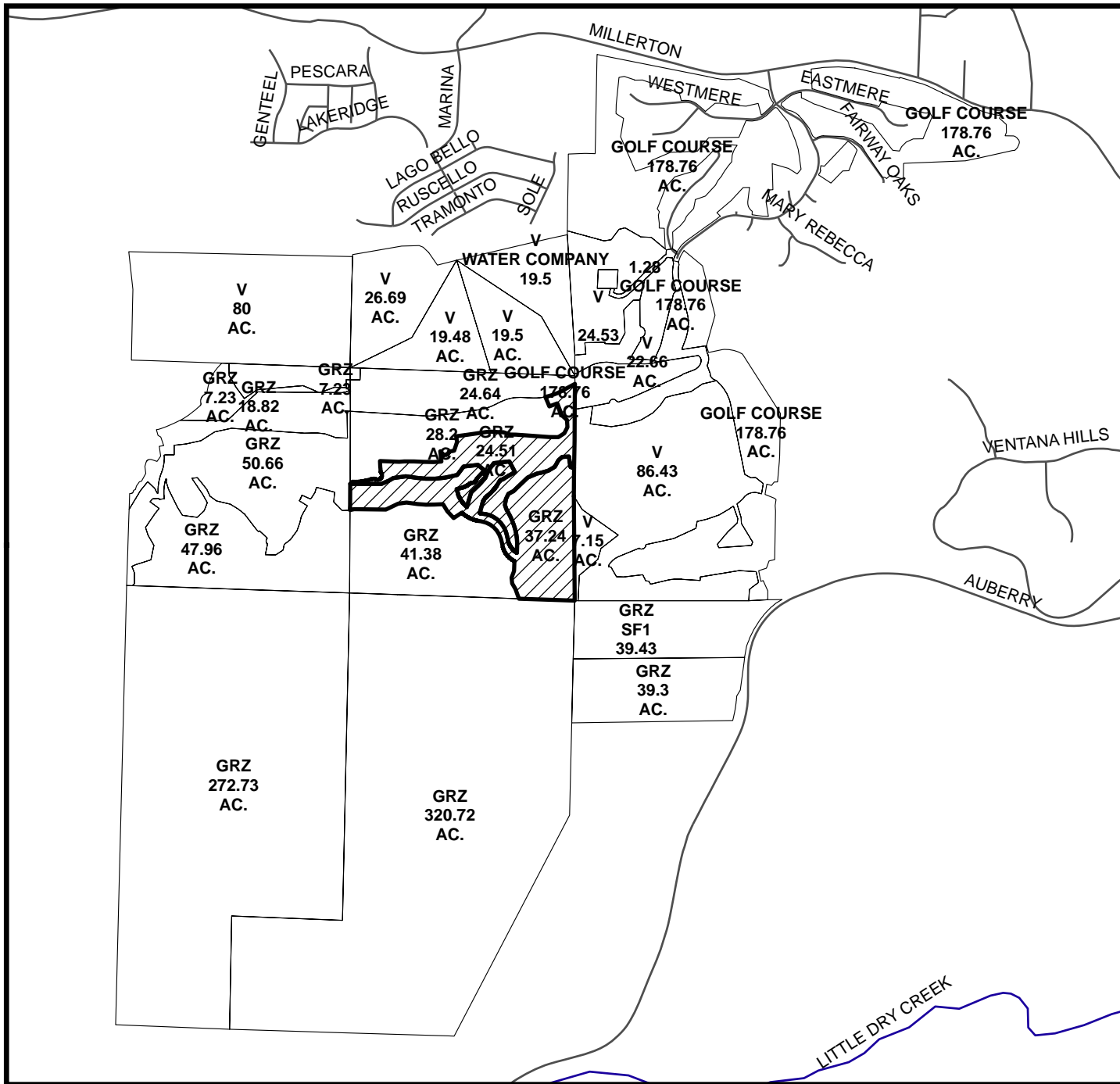
EXHIBIT 1

VICINITY MAP



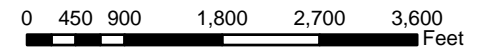
EXISTING LAND USE MAP

TT 5771 EXT 4



LEGEND	
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

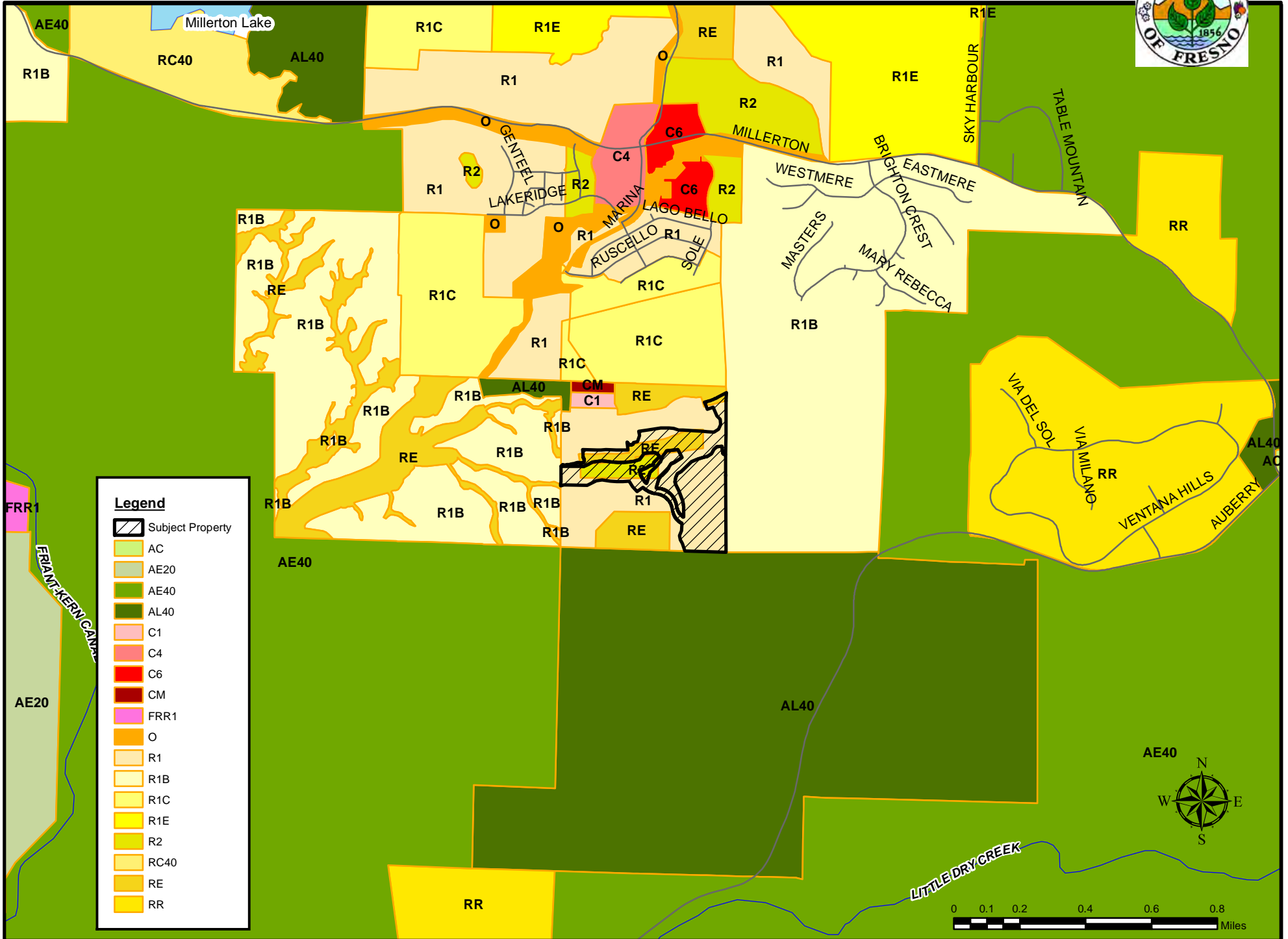
LEGEND:
 Subject Property



Department of Public Works and Planning
 Development Services Division

EXHIBIT 2

EXHIBIT 3 EXISTING ZONING MAP



Legend

- Subject Property
- AC
- AE20
- AE40
- AL40
- C1
- C4
- C6
- CM
- FRR1
- O
- R1
- R1B
- R1C
- R1E
- R2
- RC40
- RE
- RR

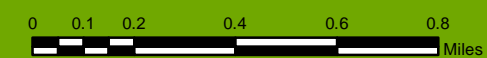


EXHIBIT 3

EXHIBIT 4



DEPARTMENT OF PUBLIC WORKS AND PLANNING

VESTING TENTATIVE TRACT MAP No. 577 I
IN THE COUNTY OF FRESNO

SUBDIVIDER'S STATEMENT

Tract No. 577 I
Date 2/10/2012

TO: Fresno County Planning Commission
2220 Tulare Street
Fresno, California 93721

Gentlemen:

I hereby apply for approval of the attached Tentative Tract Map.

The acreage of this tract is 37.24 ±. There will be 79 SINGLE FAMILY UNITS (LOTS 1-79)

R1 zoned lots in this tract with a minimum lot size of 9,350 square feet.

The existing use of this property is IDLE

The proposed use of this property is RESIDENTIAL / PROPOSED SUBDIVISION

The existing zoning on this property is R1 AND R2

The proposed zoning on this property is R1 AND R2

The existing structures on this property include NONE

The existing easements on this property include AS SHOWN

All improvements will conform to County Standards with the following exceptions:
N/A

*Multiple Final Maps will be recorded from this Tentative Map.

Type of street trees to be planted are AS PER OPERATIONAL STATEMENT

The intervals of these trees will be PER COUNTY REQUIREMENTS feet.

The proposed drainage, flood control measures and method of storm water disposal is:
CSA No. 34 AND SEDIMENTATION BASIN

The proposed fire hydrant and water flow will conform to County Standards. Fire hydrants will be installed at intervals of PER COUNTY REQUIREMENTS feet.

The proposed source of water supply is CSA No. 34 (SURFACE WATER)

The proposed method of sewage disposal is CSA No. 34

The following utilities are to be provided ELECTRICAL, CATV, PROPANE AND TELEPHONE

arrangements (have) (have not) been made with utility companies serving this area.

There is attached hereto a copy of the restrictive covenants to be recorded.

There is attached hereto sufficient Log of Borings and Percolation tests to permit the Health Department to make a determination regarding lot size and design. (Not applicable when sewers are proposed).

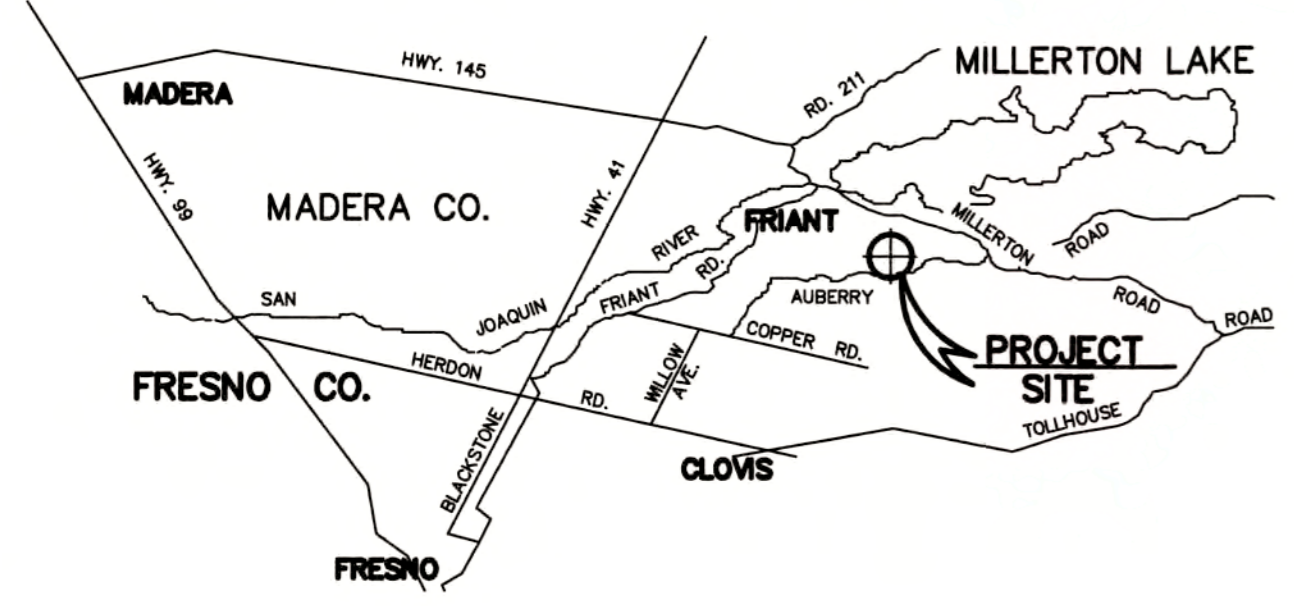
Signature of Subdivider/Owner	Signature of Subdivider/Owner	Signature of Subdivider/Owner
Name A. BEN EWELL, JR.	Name A. BEN EWELL, JR.	Name A. BEN EWELL, JR.
THE ROCHESTER COMPANY, L.L.C.	THE CLARKSFIELD COMPANY, INC.	Address 735 W. ALLUVIAL AVE., #103
A CALIFORNIA LIMITED LIABILITY CO.	A CALIFORNIA CORPORATION	City FRESNO Phone 437-1990
Address 735 W. ALLUVIAL AVE., #103	Address 735 W. ALLUVIAL AVE., #103	
City FRESNO Phone 437-1990	City FRESNO Phone 437-1990	

Signature of Agent	Signature of Engineer
Name A. BEN EWELL, JR.	Name ADAM B. LEE
THE CLARKSFIELD COMPANY, INC.	PROVOST & PRITCHARD CONSULTING GROUP
A CALIFORNIA CORPORATION	Address 286 W. CROMWELL AVE
Address 735 W. ALLUVIAL AVE., #103	City FRESNO Phone 449-2700
City FRESNO Phone 437-1990	

OWNER'S CERTIFICATE

I, _____, hereby certify that I (am the record owner of) the property shown on the Tentative Map of Tract No. _____, examined the map and consent to its submission to the Fresno County Planning Commission for consideration.

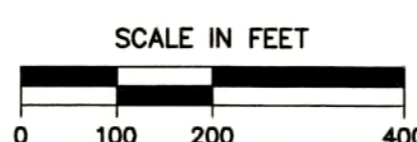
Signature	Signature	Signature
Name A. BEN EWELL, JR.	Name A. BEN EWELL, JR.	Name A. BEN EWELL, JR.
THE ROCHESTER COMPANY, L.L.C.	THE CLARKSFIELD COMPANY, INC.	Address 735 W. ALLUVIAL AVE., #103
A CALIFORNIA LIMITED LIABILITY CO.	A CALIFORNIA CORPORATION	City FRESNO Phone 437-1990
Address 735 W. ALLUVIAL AVE., #103	Address 735 W. ALLUVIAL AVE., #103	
City FRESNO Phone 437-1990	City FRESNO Phone 437-1990	



LOCATION MAP
nts



TENTATIVE MAP TRACT 4048
BRIGHTON CREST BOUNDARY



LEGEND
--- BOUNDARY OF TRACT

LEGAL DESCRIPTION

Portion of the southeast quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:
That portion of said southeast quarter of Section 15, lying northerly and easterly of the following described line:
Beginning at a point on the south line of said southeast quarter of Section 15, said point bears North 88° 05' 11" West, a distance of 609.59 feet from the southeast corner of said southeast quarter; thence North 19° 22' 03" West, a distance of 135.40 feet; thence North 31° 30' 14" West, a distance of 71.34 feet; thence North 06° 32' 18" West, a distance of 67.56 feet; thence North 20° 27' 18" East, a distance of 85.00 feet; thence North 01° 56' 28" East, a distance of 114.97 feet to the beginning of a non-tangent curve, concave northeasterly and having a radius of 250.00 feet, a radial to said point bears South 24° 59' 50" West; thence northeasterly, along the arc of said non-tangent curve, through a central angle of 52° 26' 10", an arc distance of 228.80 feet; thence North 12° 34' 00" West, a distance of 71.97 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 275.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 69° 00' 43", an arc distance of 331.71 feet; thence North 81° 40' 43" West, a distance of 31.46 feet to the beginning of a tangent curve, concave northeasterly and having a radius of 375.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 33° 49' 05", an arc distance of 221.34 feet; thence South 55° 17' 05" West, a distance of 113.35 feet; thence North 42° 48' 08" West, a distance of 108.35 feet; thence North 31° 38' 47" West, a distance of 94.56 feet; thence South 85° 46' 10" West, a distance of 101.72 feet; thence South 88° 38' 01" West, a distance of 95.90 feet; thence North 87° 12' 10" West, a distance of 98.08 feet; thence North 82° 48' 51" West, a distance of 128.76 feet; thence South 80° 47' 11" West, a distance of 98.35 feet; thence South 63° 25' 49" West, a distance of 158.30 feet; thence South 89° 43' 00" West, a distance of 367.82 feet; thence North 77° 46' 21" West, a distance of 62.31 feet to a point on the west line of said southeast quarter of Section 15, said point bears North 00° 58' 05" East a distance of 941.13 feet from the southwest corner of said southeast quarter, being the terminus of said described line.

Excepting therefrom that portion of said southeast quarter of Section 15, lying northerly of the following described line:
Beginning at a point on the east line of said southeast quarter of Section 15, said point bears South 00° 41' 39" West, a distance of 1108.80 feet from the northeast corner of said southeast quarter; thence North 89° 18' 21" West, a distance of 7.01 feet to the beginning of a tangent curve, concave northeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 36° 52' 11", an arc distance of 32.17 feet to the beginning of a reverse curve, concave southeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said reverse curve, through a central angle of 6° 57' 59", an arc distance of 7.82 feet; thence North 07° 04' 52" West, a distance of 116.70 feet; thence South 85° 43' 21" West, a distance of 78.41 feet; thence South 47° 30' 28" West, a distance of 60.71 feet; thence South 29° 27' 13" West, a distance of 85.00 feet; thence South 58° 10' 17" West, a distance of 85.00 feet; thence South 72° 31' 28" West, a distance of 85.00 feet; thence South 81° 22' 28" West, a distance of 85.63 feet; thence South 66° 05' 55" West, a distance of 118.83 feet; thence South 46° 17' 47" West, a distance of 231.52 feet; thence South 62° 04' 48" West, a distance of 65.74 feet; thence South 25° 10' 34" West, a distance of 67.96 feet; thence South 10° 52' 28" West, a distance of 70.99 feet; thence South 20° 10' 25" East, a distance of 60.63 feet; thence South 28° 28' 04" East, a distance of 85.00 feet; thence South 22° 02' 38" East, a distance of 90.00 feet; thence South 17° 27' 12" East, a distance of 90.00 feet; thence South 09° 16' 13" East, a distance of 85.00 feet; thence South 01° 24' 16" East, a distance of 85.00 feet; thence South 01° 56' 28" West, a distance of 85.00 feet to the beginning of a non-tangent curve, concave northeasterly and having a radius of 200.00 feet, a radial to said point bears South 31° 15' 06" West; thence northeasterly, along the arc of said non-tangent curve, through a central angle of 46° 10' 54", an arc distance of 181.20 feet; thence North 12° 34' 00" West, a distance of 71.97 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 325.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 69° 00' 43", an arc distance of 332.03 feet; thence North 81° 40' 43" West, a distance of 31.46 feet to the beginning of a tangent curve, concave northerly and having a radius of 325.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 3° 28' 01", an arc distance of 19.76 feet; thence North 16° 13' 00" East, a distance of 118.85 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 175.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 33° 59' 14", an arc distance of 103.81 feet to the beginning of a reverse curve, concave northeasterly and having a radius of 625.00 feet; thence northeasterly, along the arc of said reverse curve, through a central angle of 15° 14' 28", an arc distance of 166.25 feet; thence North 34° 57' 46" East, a distance of 65.45 feet to the beginning of a tangent curve, concave southeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 41° 24' 35", an arc distance of 38.14 feet to the beginning of a reverse curve, concave northeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said reverse curve, through a central angle of 18° 09' 45", an arc distance of 15.85 feet; thence North 58° 12' 30" East, a distance of 154.87 feet; thence North 27° 51' 02" West, a distance of 139.69 feet; thence South 83° 05' 02" West, a distance of 180.86 feet; thence South 35° 47' 29" West, a distance of 110.95 feet; thence South 22° 53' 28" West, a distance of 90.23 feet; thence South 41° 00' 30" West, a distance of 89.90 feet; thence South 46° 17' 05" West, a distance of 147.85 feet; thence South 16° 13' 00" West, a distance of 177.69 feet to the beginning of a non-tangent curve, concave northeasterly and having a radius of 50.00 feet, a radial to said point bears South 40° 45' 37" West; thence northeasterly, along the arc of said non-tangent curve, through a central angle of 35° 32' 34", an arc distance of 201.61 feet; thence North 13° 41' 49" West, a distance of 38.86 feet; thence North 76° 03' 40" East, a distance of 44.82 feet to the beginning of a tangent curve, concave northeasterly and having a radius of 275.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 25° 15' 02", an arc distance of 121.19 feet to the beginning of a reverse curve, concave southeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said reverse curve, through a central angle of 37° 49' 39", an arc distance of 33.01 feet to the beginning of a reverse curve, concave northeasterly and having a radius of 50.00 feet; thence northeasterly, along the arc of said reverse curve, through a central angle of 83° 37' 35", an arc distance of 72.98 feet; thence North 41° 03' 17" East, a distance of 134.08 feet; thence North 49° 42' West, a distance of 96.11 feet; thence South 83° 05' 02" West, a distance of 188.98 feet; thence South 36° 16' 15" West, a distance of 121.65 feet; thence South 76° 07' 44" West, a distance of 90.00 feet; thence South 79° 17' 31" West, a distance of 90.00 feet; thence South 84° 08' 07" West, a distance of 85.00 feet; thence South 89° 59' 14" West, a distance of 85.02 feet; thence North 86° 41' 19" West, a distance of 92.80 feet; thence North 82° 47' 34" West, a distance of 97.05 feet; thence North 82° 14' 29" West, a distance of 63.66 feet; thence South 81° 28' 55" West, a distance of 147.85 feet; thence South 88° 18' 48" West, a distance of 56.81 feet; thence South 85° 51' 39" West, a distance of 100.83 feet; thence South 89° 43' 00" West, a distance of 350.00 feet to a point on the west line of said southeast quarter of Section 15, said point bears South 00° 58' 05" West a distance of 1399.74 feet from the northwest corner of said southeast quarter, being the terminus of said described line.

Containing 37.24 acres, more or less.
END OF DESCRIPTION
Excepting therefrom all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation by Deed dated October 26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311.

PROVOST & PRITCHARD CONSULTING GROUP
AN Employee Owned Company
286 WEST CROMWELL AVENUE
FRESNO, CALIFORNIA 93711-6182
509/449-2700
www.ppcorp.com

DESIGN ENGINEER:
ABL
LICENSE NO:
CE #69,104
DRAFTED BY: KWW
CHECKED BY: ABL
SCALE: AS SHOWN
DATE: 2/13/2012
JOB NO: 12320601
DWG. NO:
SHEET 1 OF 4

TRACT NO. 577 I
FAIRWAY CREST
FRESNO COUNTY
THE CLARKSFIELD COMPANY INC.
VESTING TENTATIVE TRACT NO. 577 I

REVISION BY DATE

EXHIBIT 4

Agenda Item



DATE: July 17, 2012

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12285 – INITIAL STUDY APPLICATION NO. 5709, VESTING TENTATIVE TRACT MAP APPLICATION NO. 5771, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3193, AND SITE PLAN REVIEW APPLICATION NO. 7787

APPLICANT: The Clarksfield Company, Inc.

REQUEST: Allow a planned residential development consisting of 79 single-family residential lots and a 10.14-acre remainder lot totaling approximately 37.24 acres in the R-1(c) (Single-Family Residential, Conditional, 6,000 square-foot minimum parcel size) and R-2(c) (Low Density Multiple-Family Residential, Conditional, 6,600 square-foot minimum parcel size) Zone Districts.

LOCATION: The subject property is located south of Marina Drive within the Millerton New Town Specific Plan, between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant (Sup. District: 5) (APNos.: 300-541-38, 43, and 44).

PLANNING COMMISSION ACTION:

At its hearing of March 8, 2012, the Commission considered the Subdivision Review Committee Report and Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Rocca and seconded by Commissioner Ferguson to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Subdivision Review Committee Report and Staff Report; and approve Vesting Tentative Tract Application No. 5771 and associated Site Plan Review Application No. 7787; and approve Classified Conditional Use Permit Application No. 3193, subject to the Conditions listed in Exhibit "B".

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE July 17, 2012 APPROVED AS RECOMMENDED *[Signature]* Page 3 of 123
 OTHER X



Official Action of Board of Supervisors

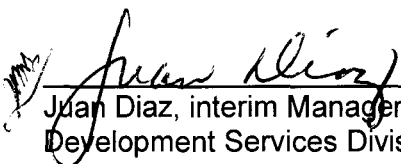
DELETED

Deputy
 UNANIMOUS X ANDERSON _____ CASE _____ LARSON _____ PEREA _____ POOCHIGIAN _____

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Rocca, Ferguson, Bath, Borba, Goodman, Mendes, Niswander, Riojas, Yates
	No:	None
	Absent:	None
	Abstain:	None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Juan Diaz, interim Manager
Development Services Division

JD:RJ:mac
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- NOTES:
1. The approval of Classified Conditional Use Permit No. 3193 and Site Plan Review Application No. 7787 are tied to Tentative Tract No. 5771 and will expire upon expiration of the Tentative Tract Map. Provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.
 2. The approval of this project will expire two years from the date of approval unless a Final Map is recorded. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Attachments

EXHIBIT "A"

Initial Study Application No. 5709
Vesting Tentative Tract Map Application No. 5771
Classified Conditional Use Permit Application No. 3193
Site Plan Review Application No. 7787

- Staff: The Fresno County Planning Commission considered the Subdivision Review Committee Report and Staff Report dated March 8, 2012, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Subdivision Review Committee Report and Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The proposed tract is located within Allocation Area H of the Millerton Specific Plan and is approximately 160 acres in size.
 - The adopted Infrastructure Plan and proposed Mitigation Measures require pro-rata share costs for traffic improvements both within the Millerton Specific Plan area and outside the Plan area.
 - There are architectural guidelines within the Specific Plan and an Architectural Review Committee will be formed to insure there is consistency for new construction with the Specific Plan.
 - The maintenance and repair of the roads will be overseen by the County Service Area No. 34; prior to recordation of Final Map, the County will assess the project and require funding for maintenance and repair for roads whenever it becomes necessary.
 - The existing sewer and water treatment facilities include a tertiary-level waste water treatment facility which will provide irrigation water for the Millerton Specific Plan area.
- Others: One individual spoke in opposition to the project's Initial Study Application, specifically regarding the Biological Resources section and proposed biological mitigations.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program
(Including Conditions of Approval and Project Notes)**

**Initial Study Application No. 5709, Vesting Tentative Tract Map Application No. 5771,
Classified Conditional Use Permit Application No. 3193 and Site Plan Review Application No. 7787**

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1	Aesthetics	All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	Once; during Construction Phase
2	Biological	<p>The Applicant shall comply with the State and Federal Endangered Species Act and shall avoid any protected species. Where avoidance is not possible, the Applicant shall consult with the appropriate Responsible Trustee Agencies and if deemed necessary by said Agencies the Applicant shall complete and submit a Biological Assessment and resulting Biological Opinion, as well as an Incidental Take Permit (ITP) or Consistency Determination from which shall include Mitigation and Avoidance Measures for plants and animals as acceptable to the California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS).</p> <p>Examples of said Measures are but are not limited to: a) Nesting Birds: If appropriate and unavoidable, the construction activities or tree removal must occur during the breeding season (February through Mid-September); surveys for active nests should be conducted by a qualified Biologist no more than 15 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet (or an agreed to distance) should be delineated around active nests until the breeding season has ended or until a qualified Biologist has determined that the birds have fledged and</p>	Applicant	Applicant/CDFG/USFWS	Once; during specified Mitigation Phase

EXHIBIT 5 Page 4

EXHIBIT 'B'

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>are no longer reliant upon the nest or parental care for survival. Should a nest of a listed species or a fully protected species such as the Swainson's Hawk, White-Tailed Kite, Bald Eagle, or Golden Eagle be discovered, all work shall be postponed until after consultation with the appropriate responsible agency.</p> <p>b) Streams and Wetlands: If appropriate and unavoidable, all jurisdictional watercourses shall be protected with a no-disturbance buffer of at least 250 feet (or an agreed to distance) as measured from the top of each bank or the outer canopy of riparian vegetation, whichever is greater.</p> <p>c) California Tiger Salamander (CTS): If appropriate and unavoidable, prior to construction activities, the Applicant shall apply for an ITP or if applicable a Consistency Determination with the CDFG. A Habitat Conservation Plan shall be prepared and identify measures to avoid and minimize the take of State-listed species and fully mitigate the impact of that take such as: delineation of construction sites; take avoidance measures tailored to the affected species; preconstruction notification of the Department; employee education programs; reporting procedures when an animal is killed, injured or trapped; compliance inspections and reports; acquisition and transfer of habitat management lands; and associated funding (including money for document processing and for initial protection (e.g., fencing, posting, clean-up), and endowments for management of the lands in perpetuity.</p> <p>d) Burrowing Owl: If appropriate and unavoidable, no disturbance should occur</p>			

EXHIBIT 5 Page 5

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>within 160 feet (or an agreed to distance) of occupied burrows during the non-breeding season of September 1 through January 31 or within 250 feet (or an agreed to distance) during the breeding season of February 1 through August 31. Avoidance also may require that a minimum of 6.5 contiguous acres (or an agreed to amount) of foraging habitat be preserved with occupied burrow sites for each pair of breeding Burrowing Owls (with or without dependent young) or single unpaired resident bird.</p> <p>e) Listed Plant Species: If State, Federally, and California Rare Plant-Rank listed plant species are discovered and unavoidable, the Applicant, where applicable, shall consult with the appropriate responsible agency to discuss potential "take" under the California Endangered Species Act (CESA). This may result in preparation of a focused Biological Survey conducted by a qualified Botanist during the appropriate floristic period(s) in order to adequately assess the potential project related impacts to special status plant species.</p>			
3	Biological	The proposal shall comply with the Clean Water Act, including any required wetland delineation and verifications, permitting and avoidance and mitigation requirements of the U.S. Army Corps of Engineers.	Applicant	Applicant/US Army Corps of Engineers	Once; during specified Mitigation Phase
4	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has	Applicant	Applicant/Fresno County Coroner/Native American Commission	Once; during specified Mitigation Phase

EXHIBIT 5 Page 6

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.			
5	Noise	A Mitigation Measure is included limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activity occurs between these hours.	Applicant	Applicant/Fresno County Department of Public Health	Once; during specified Mitigation Phase
6	Public Facilities	Prior to recordation of a Final Map, a funding mechanism shall be established through a Community Facilities District or Districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Sheriff	Prior to Recordation of Final Map
7	Traffic	Prior to issuance of Building Permits, the Applicant shall enter into a Traffic Mitigation Agreement with Caltrans in the amount of \$17,700.00 for this project's impacts to future traffic to state facilities and to accommodate funding for future improvements; fair share amounts as related to the Traffic Mitigation Agreement shall be determined prior to recordation of a Final Map.	Applicant	Applicant/Caltrans	Prior to Issuance of Building Permit
<p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document, Conditions reference recommended Conditions for the project, and project Notes reference mandatory requirements of Fresno County for the project</p>					

EXHIBIT 5 Page 7

Conditions of Approval

1	<p>Conditional Use Permit (CUP) No. 3193 shall be tied to Vesting Tentative Subdivision Map No. 5771; if the Tract is denied or expires, the CUP shall also expire.</p> <p>NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a CUP to authorize a Tentative Subdivision Map automatically assumes the life span of the Tract Map.</p>
2	<p>All Mitigation Measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 8) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the Applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.</p>
3	<p>Prior to recordation of the Final Map, a Zone of Benefit within County Service Area (CSA) No. 34 shall be established for the project.</p>
4	<p>The project shall comply with all the applicable provisions of Specific Plan related to Land Use, Transportation, Housing, Environmental Resources Management, Public Facilities, Community Design Elements and implementation.</p>
5	<p>Prior to recordation of the Final Map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.</p>
6	<p>Prior to recordation of the Final Map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an Engineer. In the case of the provision of water and sewer services an analysis, certified by an Engineer, shall be provided demonstrating adequacy of infrastructure for these services.</p> <p>NOTE: In order to discourage the over use of water, a tiered rate structure must be included for review and approval. The tiered rate structure must be significantly tiered to encourage water conservation.</p>
7	<p>Prior to recordation of the Final Map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage over-use of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.</p>
8	<p>Prior to recordation of the Final Map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's Engineer and will be subject to review by the County.</p>
9	<p>The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.</p>

EXHIBIT 5 Page 8

Conditions of Approval

10	An Infrastructure Plan for water, sewer, and drainage that addresses the Policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. Prior to issuance of any Building Permit, all appropriate infrastructures required for this project by the approved Infrastructure Plan including the wastewater and water facilities shall be completed and accepted by the Resources Division of the Department of Public Works and Planning.
11	All rights to groundwater beneath the subdivision shall be dedicated to the CSA subject to development by the subdivider or his assignee.
12	All existing Property Development Standards of the R-1 (c) and R-2 (c) Zone Districts listed in the Zoning Ordinance, shall apply except for the following deviation: Parcels with dual zoning shall have a minimum lot depth of 100 feet.
13	Marina Drive shall be developed as four-lane divided roadway, in a 106-foot right-of-way, through the commercial area and government center. South of the commercial area and government center, Marina Drive shall be constructed as a two-lane undivided 35 mph design speed public road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant.
14	All interior roads shall be developed in accordance with the Millerton Specific Plan.
15	All local roads shall be constructed to a 25 mph local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 mph design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.
16	Twenty-foot by twenty-foot corner cut-offs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 mph design speed for the interior streets.
17	Roads shall intersect at approximately 90-degree angles.
18	A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
19	All cul-de-sac streets from 300 to 500 feet in length require a fire hydrant installed at the end of the street.
20	Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
21	Engineered Plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report which shall identify a recommended traffic index, R-value, and pavement structural section. If significant cuts and fills are involved, subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.
22	Direct access to each lot shall be certified by a licensed Civil Engineer.
23	Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
24	Additional run-off generated by the development including full residential build-out of the subdivision shall be retained on-site within drainage ponds or approved pipe storage systems or other facilities acceptable to the Director of the Department of Public Works and Planning. Fresno County shall review and approve the Grading and Drainage Plan for the project.

EXHIBIT 5 Page 9

Conditions of Approval

25	A Drainage Study inclusive of both hydrology specific to the area (rational method will most likely not be appropriate due to excessive topography) and hydraulics will be needed to determine sizes and locations of culverts and/or relocated drainage channels.
26	Proposed basins in excess of eighteen inches in depth shall be fenced. Type of fencing shall be chain-link or other form that would discourage public access.
27	If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels and a maintenance organization to maintain them will be required. Said work will require that the Applicant obtain a Stream Bed Alteration Agreement with the State Department of Fish and Game, and/or a Section 404 Permit from the US Army Corps of Engineers.
28	Liberal drainage easements and building setbacks shall be provided for all natural watercourses.
29	The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
30	The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencement of any grading activities.
31	The Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the Plan into the Construction Improvement Plans. The Plan shall be submitted to the County prior to commencement of any grading activities.
32	Design of individual building pads with specific areas of grading for each lot shall be provided as part of the Drainage Improvement Plans submitted for this development.
33	A Zone of Benefit in CSA No. 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the new roads.
34	The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.
35	The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
36	The development shall be served by CSA No. 34 community water system. A "will serve" letter from the supplying District will be required prior to recordation of a Final Map. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the request to be served and any other coordination activities necessary to process, finalize and approve the proposed water connections. An evaluation of the surface water treatment facility will be done in conjunction with the request to be served to determine whether available treatment capacity exists to serve this proposed development. If sufficient capacity is not available, the Applicant will be required to construct additional infrastructure to provide capacity consistent with the Millerton New Town Infrastructure Plan and Implementation Procedures. Allotment of staff time to address the request to be served will commence upon execution of the Agreement and initial deposit of funds to cover staff costs.
37	All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards and must be completed and accepted by the County prior to the issuance of Building Permits for residential construction.

EXHIBIT 5 Page 10

Conditions of Approval

38	Prior to Final Map recordation, the Applicant shall form a Zone of Benefit within CSA No. 34 or annex to the existing CSA No. 34 Zone C in order to be provided for water services. All fees associated with formation or annexation will be paid for by the Applicant.
39	The development shall be served by the CSA No. 34 community sewer system. A "will serve" letter from the supplying District will be required prior to recordation of a Final Map. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the request to be served and any other coordination activities necessary to process, finalize and approve the proposed water connections. An evaluation of the tertiary wastewater treatment facility will be done in conjunction with the request to be served to determine whether available treatment capacity exists to serve this proposed development. If sufficient capacity is not available, the Applicant will be required to construct additional infrastructure to provide capacity consistent with the Millerton New Town Infrastructure Plan and Implementation Procedures. Allotment of staff time to address the request to be served will commence upon execution of the Agreement and initial deposit of funds to cover staff costs.
40	All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and must be completed and accepted by the County prior to the issuance of Building Permits for residential construction. If a sewer lift station is required, a back-up power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
	Prior to Final Map recordation, the Applicant shall form a Zone of Benefit within CSA No. 34 or annex to the existing CSA No. 34 Zone C in order to be provided for sewer service. All fees associated with formation or annexation will be paid for by the Applicant.
41	The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to the Final Map approval.
42	Road grades shall be designed to comply with Fresno County Improvements Standards.
43	Emergency access roads shall be improved to a standard to provide year-round traversability for emergency equipment as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
44	Crash gates shall be provided at both ends of the easement.
45	A Soils Investigation Report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required with the submittal of the Final Map.
Notes	
1	The Clovis Unified School District in which you are proposing construction has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State Law, which authorizes the Fee, may not issue a Building Permit without certification from the School District that the Fee has been paid. The County will provide an official certification form when application is made for a Building Permit.
2	The Fresno County Fire Protection District has performed a preliminary review of the project and did not identify any significant concerns with the overall proposal with compliance with California Code of Regulations Title 24 – Fire Code. A Condition of Approval has been included requiring adherence to said Regulations.

EXHIBIT 5 Page 11

Notes

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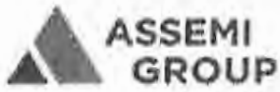
Maximum water use within the proposed development must be consistent with that noted in the January 2010 Report titled "Water Supply Assessment for Tract 5430, 'Lakeridge Communities' Millerton New Town", which identifies the available water supply for tentative tracts throughout the Millerton New Town Area.

Jeff Roberts

Subject: TTM No. 5771 - Time Extension Request

The applicant / owner has filed for an extension of the Tentative Tract Map. The reasons for the request are twofold:

1. The request is to provide sufficient time to create the necessary vehicular access to the site that will provide for the ability to design and file a final map.
2. A portion of this site may be used as a "Beneficial Reuse Area" which would necessitate the redesign of the lotting pattern



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