



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 2 March 15, 2018

**SUBJECT:** Vesting Tentative Tract Map No. 5771 - Time Extension

Grant a first one-year time extension to exercise Vesting Tentative Tract Map No. 5771, which authorizes 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, between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APNs 300-542-19, 21).

**OWNER/  
APPLICANT:** The Clarksfield Company

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

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

**EXHIBITS:**

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Subdivision Review Committee Report and Staff Report dated March 8, 2012 with Planning Commission Resolution
5. Applicant's letter requesting the first one-year time extension

**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 seven (7) property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**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.

Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) which granted an automatic two-year time extension; d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; and e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date.

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.

Subsequent to staff's determination that the Tentative Map would expire 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. Since all automatic time extensions have been exhausted for the project, the subject request is to allow the first discretionary one-year time extension through the consideration of the Planning Commission. The Applicant filed the subject request on January 18, 2018.

### **ANALYSIS/DISCUSSION:**

Tentative Tract Map No. 5771 was originally approved in 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 complete the expansion of the Water Treatment Plant and additional infrastructure improvements (if needed) for the project. Additionally, the Applicant has spent a significant amount of time on altering the configuration of Tract No. 5771 to accommodate additional cultural sites and on acquiring approval of the Environmental Assessment under NEPA (National Environmental Policy Act) to meet a requirement of the County for water delivery to the plan area (Exhibit 5).

The current time extension request was routed to the same agencies that reviewed the original project and previous time extensions. 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.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Staff believes the first one-year time extension for Vesting 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, 2019.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

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

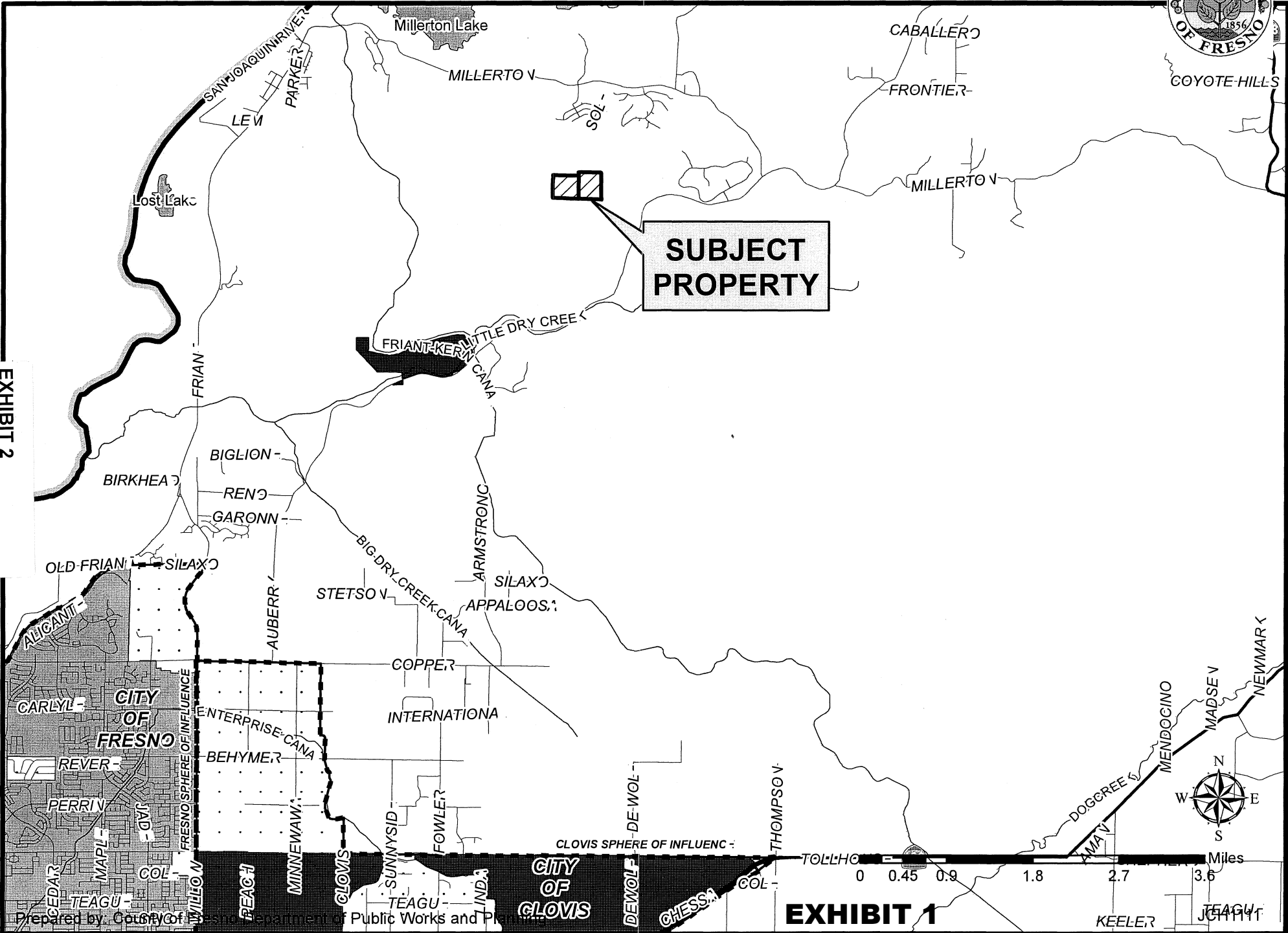
**Alternative Motion** (Denial Action)

- Move to deny the first one-year time extension request for Vesting Tentative Tract Map No. 5771 (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.

EA:ksn

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# LOCATION MAP



**SUBJECT  
PROPERTY**

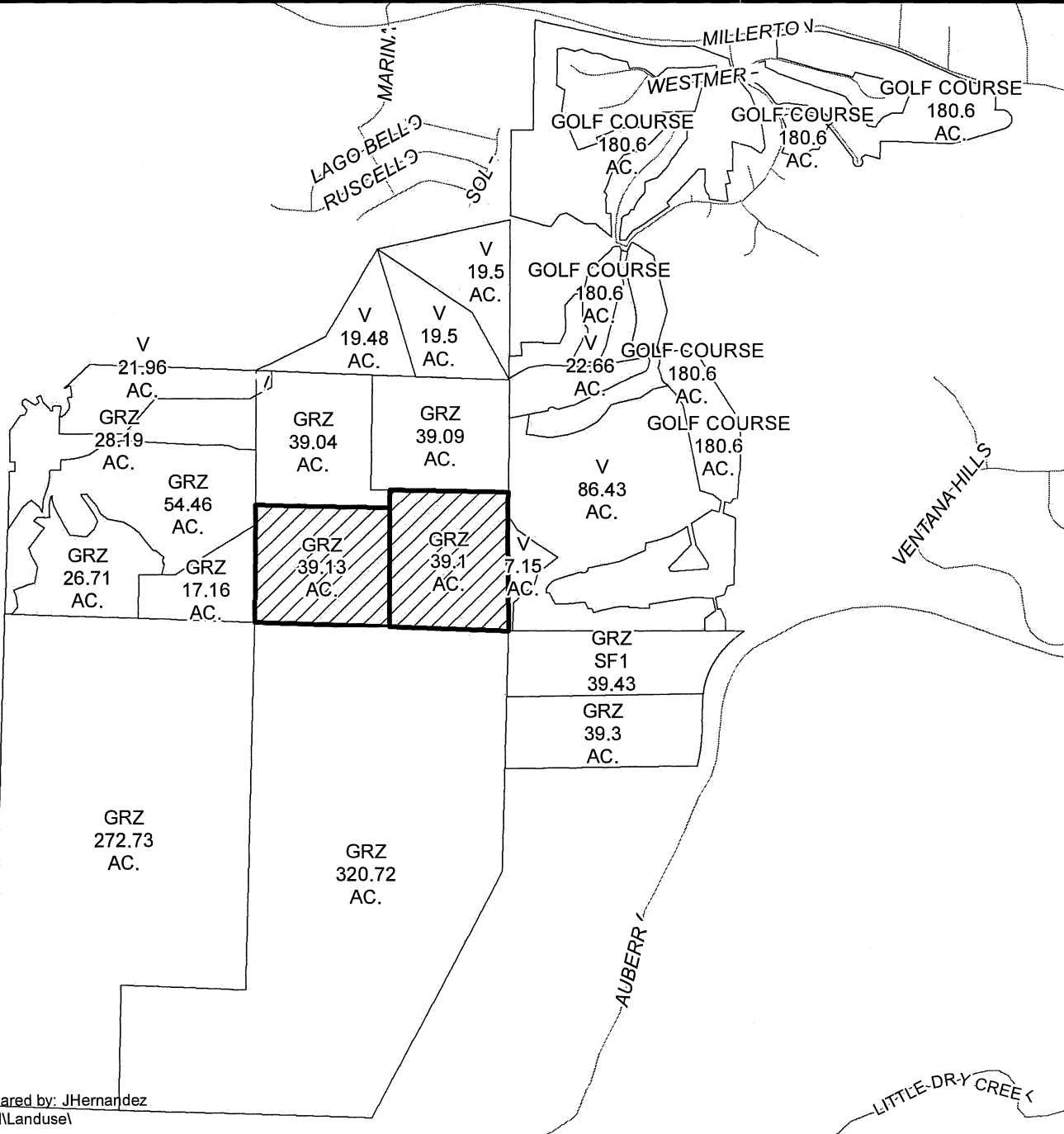
EXHIBIT 2

**EXHIBIT 1**

# EXISTING LAND USE MAP



EXHIBIT 4

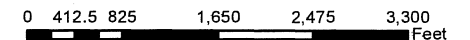
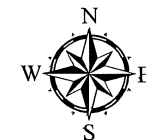


### LEGEND

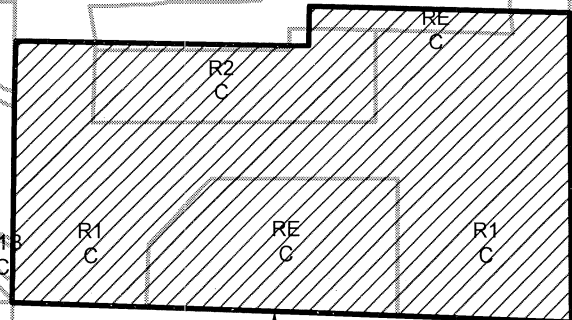
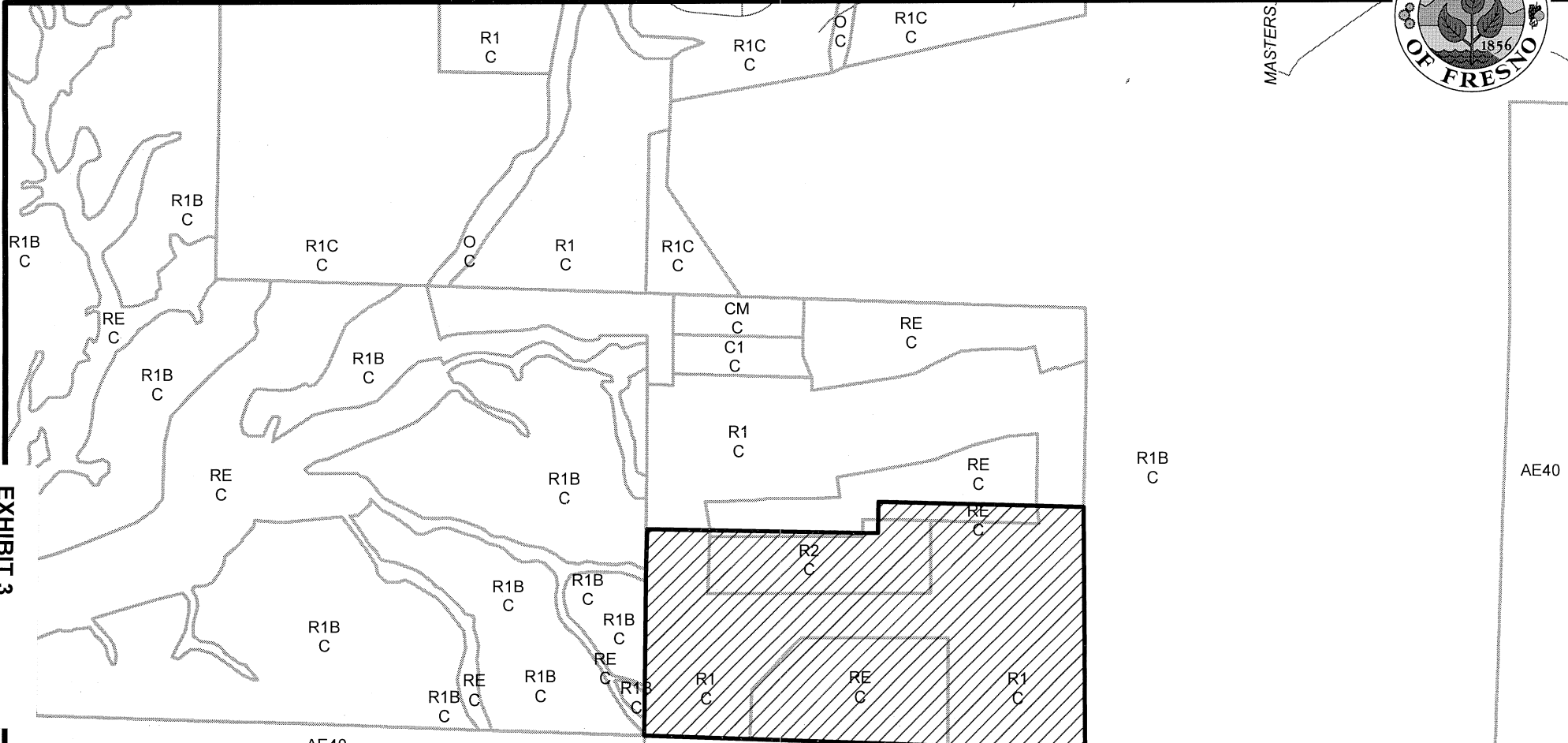
- SF# - SINGLE FAMILY RESIDENCE
- GRZ - GRAZING
- V - VACANT

### LEGEND:

 Subject Property



# EXISTING ZONING MAP



**SUBJECT  
PROPERTY**

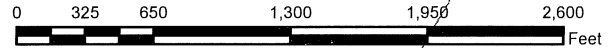


EXHIBIT 3



# Agenda Item 12

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**

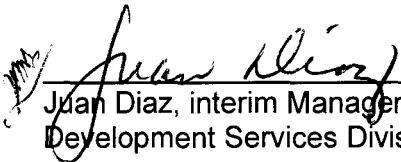
Deputy  
 UNANIMOUS X ANDERSON \_\_\_\_\_ CASE \_\_\_\_\_ LARSON \_\_\_\_\_ PEREA \_\_\_\_\_ POOCHIGIAN \_\_\_\_\_



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.

**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**

| <b>Mitigation Measures</b>    |               |   |                                      |                                  |   |
|-------------------------------|---------------|---|--------------------------------------|----------------------------------|---|
| <b>Mitigation Measure No.</b> | <b>Impact</b> | <b>Mitigation Measure Language</b>  | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b> | <b>Time Span</b>                        |
| 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:<br/>           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 'B'**

**Mitigation Measures**

| <b>Mitigation Measure No.</b> | <b>Impact</b> | <b>Mitigation Measure Language</b>  | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b> | <b>Time Span</b> |
|-------------------------------|---------------|---|--------------------------------------|----------------------------------|------------------|
|                               |               | <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> |                                      |                                  |                  |

**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 |

**Mitigation Measures**

| <b>Mitigation Measure No.</b> | <b>Impact</b>     | <b>Mitigation Measure Language</b>   | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b>  | <b>Time Span</b>                        |
|-------------------------------|-------------------|--|--------------------------------------|---|---|
|                               |                   | 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    |

\*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

**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>  |

**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.   |



**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.   |

| <b>Conditions of Approval</b> |  |
|-------------------------------|--|
| 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.  |
| <b>Notes</b>                  |  |
| 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.  |

**Notes**

3

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.

f1

EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

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

Listed below are the fees collected for the land use applications involved in this Agenda Item:

|  |                                |
|--|--------------------------------|
| Initial Study Application:                     | \$ 2,895.00 <sup>1</sup>       |
| Vesting Tentative Tract Map Application:       | \$23,186.00 <sup>2</sup>       |
| Classified Conditional Use Permit Application: | \$ 3,207.00 <sup>3</sup>       |
| Site Plan Review Application:                  | \$ 705.00 <sup>4</sup>         |
| Health Department Review:                      | \$ <u>1,591.00<sup>5</sup></u> |
| <b>Total Fees Collected</b>                    | <b><u>\$31,584.00</u></b>      |

| Fee Description  |
|--|
| <sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation of environmental documents, circulation and incorporate analysis into Staff Report.   |
| <sup>2</sup> Agency coordination, review of agency and departmental comments related to map, conducting Subdivision Review Committee meeting, preparation of Subdivision Review Committee Report, review and finalizing Conditions of Approval, and public hearings before the County Planning Commission and County Board of Supervisors. |
| <sup>3</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.  |
| <sup>4</sup> Agency coordination, review of agency and departmental comments related to site compliance and conformity.  |
| <sup>5</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and provide comments.   |



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

## Subdivision Review Committee Report and Staff Report Agenda Item No. 3 March 8, 2012

**SUBJECT:** 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

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, 6,000 square-foot minimum parcel size), R-2(c) (Low Density Multiple Family Residential, 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 (Supv. District: 5) (APNos.: 300-541-38, 43, and 44).

Applicant/Owner: The Clarksfield Company, Inc.

**STAFF CONTACT:** Roy Jimenez Jr., Planner  
(559) 600-4251

Chris Motta, Senior Planner  
(559) 600-0427

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5709; and
- Approve Tentative Tract Map Application No. 5771 and Classified Conditional Use Permit Application No. 3193 and Site Plan Review Application No. 7787 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

(no page 16)

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**IMPACTS ON JOB CREATION:**

The Commission's action will not have any substantial effect on job creation. Housing construction and other improvement activities associated with the approval of this proposal may provide for some short-term job opportunities.

**EXHIBITS:**

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Tentative Tract Map No. 5771
6. Applicant's Submitted Operational Statement
7. Summary of Initial Study Application No. 5709
8. Environmental Impact Report Mitigation Measures and Monitoring Program Matrix (December 2004)

**KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

Date of Subdivision Review Committee Meeting: February 27, 2012

Subdivider: The Clarksfield Company, Inc.

Project Engineer: Provost & Pritchard Engineering Group

| <b>Criteria</b>          | <b>Existing</b>  | <b>Proposed</b> |
|--------------------------|--|-----------------|
| General Plan Designation | Residential in the Millerton New Town Specific Plan  | No Change       |
| Zoning                   | R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size), R-2(c) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Districts | No Change       |

| <b>Criteria</b>  | <b>Existing</b>   | <b>Proposed</b>   |
|--|---|---|
| Surrounding Zoning   | R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), R-2(c) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size), C-M(c) (Commercial and Light Manufacturing), C-1(c) (Neighborhood Shopping Center), R-E(c) (Recreational District, two-acre minimum parcel size) Districts within the plan area | No Change   |
| Land Use on Subject Property                                     | Vacant  | 79 single-family residential lots and a 10.14-acre remainder lot  |
| Surrounding Land Uses  | Single-Family Residential, Commercial, and Recreational   | Single-family Residential   |
| Source of Water and Sewer  | N/A   | Community sewer and water through Community Service Area (CSA) No. 34   |
| Number of Acres  | Approximately 37.24 acres   | No Change   |
| Sphere of Influence  | N/A   | N/A   |
| Nearest City Limits  | Two and one-half miles east of the unincorporated community of Friant   | No Change   |
| Project Site (number of acres, number of lots, minimum lot size) | 37.24 acres   | Planned Residential Development consisting of 79 single-family residential lots (6,000 square-foot minimum lot size) on 37.24 acres |

| <b>Criteria</b>         | <b>Existing</b>   | <b>Proposed</b>                    |
|-------------------------|---|------------------------------------|
| Structural Improvements | None  | 79 single-family residential units |
| Nearest Residence       | Vacant  | No Change                          |
| Surrounding Development | Proposed residential subdivisions to the north, west, and east. Open Space to the south | N/A                                |

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL ANALYSIS:**

An Environmental Impact Report (EIR) and Mitigation Measures and Monitoring Program Matrix (See Exhibit 8) 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; the most recent being in December 2004.

Section 15162 of the CEQA Guidelines provides that a new EIR is not required for a project unless specified events have occurred.

An Initial Study (IS) was prepared for the project under the provisions of CEQA to determine if the existing EIR is adequate for the current project. In accordance with Sections 15162 and 15183 of the Guidelines, the purpose of the Initial Study is to identify environmental effects peculiar to the parcel or project which were not addressed as significant effects in the EIR or provide substantial new information showing that these effects would be more significant than described in the EIR. Within the context of the review, the IS did not identify any significant effects nor was any new information submitted showing the previously identified effects to be more significant. Based on this assessment, staff has concluded that preparation of a subsequent EIR, supplement or addendum to the Millerton Specific Plan EIR is not required and that the existing EIR is adequate for the project. IS Application No. 5709 was prepared for the project by County staff in conformance with the provisions of CEQA. Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the IS and Mitigation Measures are included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: November 28, 2011.

**PUBLIC NOTICE:**

Notices were sent to 22 property owners within 300 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.



## **PROCEDURAL CONSIDERATIONS:**

A Vesting Tentative Tract (TT) Map Application may be approved only if five Findings specified in the Subdivision Map Act and County Subdivision Ordinance are made. In addition, a Site Plan Review Application has been filed as required by Fresno County Ordinance. Classified Conditional Use Permit (CUP) Application No. 3193 is being considered concurrently. Classified CUP Application No. 3193 requests to allow a planned residential development and waive Development Standards regarding lot depth for parcels (Lots Nos. 6–12, 17, and 31-33) and public road frontage. A Conditional Use Permit Application may be approved only if four Findings specified in Zoning Ordinance are made. The proposed Vesting TT Map cannot be approved unless the CUP is approved.

## **BACKGROUND INFORMATION:**

The Millerton Specific Plan was originally approved in December 1984 as a "New Town" as provided for in the Sierra-North Regional Plan Policies (Residential Development Allocation Area A - F). The Specific Plan was amended in 1999 and 2004 which expanded the boundaries of the Plan area. The Millerton Specific Plan today is a planned community on 1,420 acres planned to accommodate a population of 8,000 to 10,000 in approximately 3,499 residential units. The Plan provides for commercial and public facilities, recreation areas and open spaces, and describes standards and implementation methods to be used to develop the site.

The first amendment to the Plan (General Plan Amendment No. 455) was approved by the Board on April 20, 1999, to re-designate and rezone 440 acres (Residential Development Allocation Area G), and reallocate 795 of the previously approved 3,499 residential lots with no overall increase in units within the Specific Plan area.

Likewise, the second amendment to the Plan (General Plan Amendment No. 489) was approved by the Board on December 7, 2004, to re-designate and rezone 156 acres (Residential Development Allocation Area H); reallocate 207 residential units from existing areas of to the Specific Plan; designate a site for the Fresno County Library; allow "resort units" within the hotel/conference center; revise school site location and size; establish/clarify procedures/criteria for various facets of Specific Plan implementation; amend text sections and figures of the Specific Plan as appropriate to bring into consistency with the General Plan to be internally consistent with other changes in the Specific Plan; and approve Unclassified CUP Application No. 3035 amending Unclassified CUP No. 2865 to allow 66 resort units in conjunction with the hotel/conference center in the C-6(c) Zone District in the White Fox Creek Sub-Unit area southeast of the planned intersection of Millerton Road and Marina Drive, and a library in the southwest quadrant of the White Fox Creek Sub-Unit Plan.

Since the adoption of the Specific Plan in 1984, and the most recent Specific Plan Amendment in December 2004 by Board action, the Planning Commission and Board of Supervisors have approved six Vesting TT Maps (total 1,693 residential lots on approximately 731.37 acres of land) and four CUPs for the Specific Plan area. They are as follows:

- Classified CUP Application No. 2865 authorizing a three-par golf and exercise course, a Planned Commercial Development including a hotel/conference center, a service station/convenience store, and 8,400 square feet of retail space approved on April 20, 1999.
- Vesting TT No. 4870, Classified CUP Application No. 2905, and Site Plan Review (SPR) No. 6970, authorizing a Planned Residential Development consisting of 165 single-family homesites on a 49-acre portion of an 83-acre parcel of land approved on February 3, 2000.
- Vesting TT No. 4934, CUP Application No. 2935, and SPR No. 7044, authorizing a Planned Residential Development consisting of 200 single-family homesites on 77.80 acres approved on September 7, 2000.
- CUP Application No. 2942, authorizing an 18-hole golf course and related golf shop, and allowing application of treated wastewater on the 172-acre parcel approved on September 7, 2000.
- Vesting TT No. 4976, CUP Application No. 2955, and SPR No. 7081 authorizing a Planned Residential Development consisting of 184 single-family homesites on a 55-acre portion of a 164-acre parcel of land approved on November 30, 2000.
- Vesting TT No. 4968, CUP Application No. 2956 and SPR No. 7082 authorizing a Planned Residential Development consisting of 308 single-family homesites on 146 acres of land approved on December 14, 2000.
- Unclassified CUP Application No. 2979, authorizing a tertiary-level wastewater treatment plant to serve the portion of the Millerton Specific Plan Area and Brighton Crest Subdivision approved on October 9, 2003.
- Unclassified CUP Application No. 3035, authorizing 66 resort units in conjunction with the hotel/conference room approved on December 7, 2004.
- Vesting TT No. 5393, CUP Application No. 3113, and SPR No. 7654, authorizing a Planned Residential Development consisting of 275 single-family residential lots, two commercial lots, two lots for future use, and other outlots on approximately 224 acres of land approved on May 8, 2008.
- Vesting TT No. 5430, Classified CUP Application No. 3136, and SPR No. 7655, authorizing a Planned Residential Development consisting of 561 single-family residential lots, plus outlot, and one remainder lot on approximately 179.57 acres of land approved on April 13, 2010.

## VESTING TENTATIVE TRACT MAP APPLICATION NO. 5771 AND SITE PLAN REVIEW APPLICATION NO. 7787 ANALYSIS

### ANALYSIS / DISCUSSION:

Finding 1: *The proposed map and the design improvement of the proposed subdivision are consistent with the General Plan and any applicable Specific Plans.*

| <b>Relevant Policies:</b>  | <b>Consistency/Considerations:</b>  |
|--|---|
| <p>General Plan Policy LU-H.7: County shall apply the following general principles to a Planned Unit Development (PUD) proposals:</p> <ul style="list-style-type: none"> <li>a. PUD may include any combination of single-detached or attached units.</li> <li>b. Community sewer and water facilities shall be provided.</li> <li>c. Off-street parking facilities shall provide parking sufficient for occupants of the development and shall be integrated into the development and minimize adverse impacts on neighboring development.</li> <li>d. PUD shall provide common space easily accessible to all the residents of the project and useable for open space and recreational uses.</li> <li>e. The developer shall provide for perpetual maintenance of all common land and facilities through means acceptable to the County of Fresno.</li> <li>f. Streets serving the development must be adequate to accommodate the traffic generated by the proposed project.</li> </ul> | <p>The proposed development will be provided with 79 single-family residential lots; community sewer and water services through County Service Area (CSA) No. 34; off-street parking meet the corresponding District requirements; and a homeowners association (HOA) to conduct open lot maintenance. The Applicant will enter into a Traffic Improvements Agreement for a pro-rata share of future off-site improvements to mitigate potential impacts on California Department of Transportation (Caltrans) maintained roads and highways. This proposal meets these Policies.</p> |
| <p>General Plan Policy PF-C.12: County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.</p> <p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p> <p>General Plan Policy LU-F.21: County shall require community sewer and water</p>  | <p>The project will utilize community sewer and water services provided by CSA No. 34.</p>  |

| <b>Relevant Policies:</b>  | <b>Consistency/Considerations:</b>   |
|--|--|
| <p>services for urban residential development in accordance with the Fresno County Ordinance Code or as determined by the State Water Quality Control Board.</p> <p>Millerton Specific Plan Policy SP1-P7: Millerton shall be served by a community water system and a community wastewater treatment and disposal facility.</p> |  |
| <p>General Plan Policy PF-E.6: County shall require that drainage facilities be installed concurrently with and as a Condition of development activity.</p>  | <p>The project will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. A Soils Report to address the feasibility of the site for the type of development as proposed is also required for the subdivision as a Condition of the Final Map.</p>   |
| <p>General Plan Policy PF-G.2: County shall strive to maintain a staffing ratio of two sworn officers serving unincorporated residents per 1,000 residents served.</p>   | <p>This proposal includes mitigation requiring a funding mechanism to be established to support the cost for Sheriff protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties.</p>   |
| <p>General Plan Policy PF-H.2: County shall determine the need for fire protection services prior to the approval of development projects.</p>   | <p>The Fresno County Fire Protection District reviewed the project and did not identify any significant concerns with the proposal. Per the discussion in Finding 5 of this Report, a project Note has been included requiring the proposal to comply with the California Code of Regulations Title 24 Fire Code.</p>  |
| <p>General Plan Policy PF-H.9: County shall require new development to develop fire protection services.</p>   | <p>The project will comply with California Code of Regulations Title 24 – Fire Code, and Development Standards required of properties within the State Responsibility Area (SRA). The location and number of fire hydrants shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the Fire District.</p> |
| <p>General Plan Policy PF-J.3: County shall require new residential development to underground on-site utility lines.</p>  | <p>All new utilities resultant of this proposal will be placed underground in accordance with the provisions of the Subdivision Ordinance. The proposal is consistent with this Policy.</p>  |

| <b>Relevant Policies:</b>   | <b>Consistency/Considerations:</b>  |
|---|---|
| General Plan Policy TR-A.7: County shall assess a fee on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.                      | Caltrans identified potential impacts to the existing transportation system from traffic generated by the proposed project and requires that the project shall pay a pro-rata share for off-site traffic improvements. This requirement has been included as Mitigation Measures. |
| Millerton Specific Plan Policy SP1-P2: Planned Development shall provide improved design features through increased flexibility in development siting, and preservation of open space and significant natural features. | A condition has been included requiring the applicant to establish provisions to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those adjacent to the development.                  |
| Millerton Specific Plan Policy SP1-P95: Projects shall incorporate clustering, variable setbacks, and other site planning techniques to avoid the appearance of a solid line of development on ridgelines.              | Modifications to the Property Development Standards related to lot depth due to dual zoning on several lots within the tract and public road frontage are addressed through Conditional Use Permit.   |

The subject 37.24 acres are located within the Millerton Specific Plan designated Medium Density Residential and Medium High Density Residential. The project is comprised of 79 single-family lots and a 10.14-acre remainder parcel. The proposed project has integrated a single-family neighborhood into the natural environment and open space areas. Surrounding properties consist of the Brighton Crest Subdivision and Golf Course located to the east of the project site. An approved golf course and spray area adjoins the property on the easterly side and approved Millerton Specific Plan residential tracts to the north and west which have not been constructed.

The Millerton Specific Plan contains Policies, Standards and Criteria that must be addressed through the design of the subdivision or through Conditions of Approval and Mitigation Measures. These Policies, Standards and Criteria are addressed in the following discussion:

Land Use Element

The Millerton Specific Plan provides that all residential development within the Plan area shall be through the Planned Unit Development process. The Millerton Specific Plan is divided into Residential Development Allocation Areas. The subject property is located within Allocation Area H. Allocation Area H is limited to a maximum of 207 residences. The total number of residential lots contained in the proposed tract is 79 lots. The proposed 79 lots will not exceed the maximum residential units allowed within the Allocation Area.

The conditional zoning requires that all projects within the Millerton Specific Plan be implemented as a Planned Residential Development by CUP and provide improved design features through increased flexibility in development siting, and preservation of open space

and significant natural features. The proposed lots have been planned with physical or visual access to open space to ensure that development will be sensitive to the area's rolling topography, grassland valleys, and the prominent knolls.

### Transportation Element

The Standards and Criteria of the Transportation Element set specific Design Standards for the interior roads within the subdivision, as well as the system of primary and secondary roads designed to carry local traffic within the subdivision and to connect with the existing County road network. The Plan requires that all road improvements be constructed in accordance with Fresno County Improvement Standards, except if modified by the Plan. All interior roads of the subdivision will be constructed to County Public Road Standards in accordance with the Specific Plan and provision made for their maintenance.

The increased traffic generated by the proposed development will have an impact on the circulation system outside the project boundary. In order to address the impact, Mitigation Measures specified in the EIR and Addendum for the Millerton Specific Plan will be applied to this development requiring that prior to recordation of a Final Map, the project will be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the area-wide improvements. In addition, Caltrans reviewed the proposal and indicated the developer will be required to participate on a pro-rata basis in the funding for future improvements towards the State Route 41 at Friant Road interchange. A Condition of Approval has been included requiring the Applicant to enter into a Pro-rata Share Agreement with Caltrans, prior to the issuance of a Building Permit.

### Environmental Resources Management Element

The Environmental Resources Management Element of the Millerton Specific Plan addresses land resources, flooding and drainage, open space and recreation, recreation corridors, water conservation, energy conservation, archaeological resources, habitat preservation, and air quality such as establishment and maintenance of wildlife habitat areas, maintaining the natural drainage courses, and encourages the use of alternative energy sources. The Policies, Standards, and Criteria relating to these topics provide guidance in developing the community's overall semi-rural character and are intended to reinforce those other Elements of the Specific Plan such as Land Use, Transportation, Community Design, and Public Facilities. The Policies, Standards, and Criteria in this section of the Plan that are applicable to the proposed subdivision have either been addressed by being incorporated in the project design, recommended as Conditions of Approval, or are Mitigation Measures of the EIR.

The Policies and Standards relating to land resources ensure that there will be a proper grading design by requiring that a detailed Erosion and Drainage Control Program be developed and that certain Grading Standards be met. Flooding and Drainage Policies require that prior to recordation of a Final Map, Drainage Plans be submitted that demonstrate compatibility with adjacent properties within the sub-watershed. Open Space and Recreation Policies require that each proposed planned development contain open space free of buildings, streets, driveways, or parking areas. Policies, Standards, and Mitigation Measures relating to water and energy conservation, in part, will require that water conservation devices be used and water meters be provided for all residences and

that site planning and building design provide for solar access and a Street Tree Planting Program. Mitigation Measures for the Specific Plan also have been imposed which will address air quality impacts.

Wildlife habitat and resources occur in the project area that are potentially significant and should be protected. A Mitigation Measure has been incorporated which requires compliance with the State and Federal Endangered Species Act and shall avoid any protected species. Whereas 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 or Consistency Determination form which shall include Mitigation and Avoidance Measures for plants and animals as acceptable to the California Department of Fish and Game and the United States Fish and Wildlife Service.

#### Public Facilities Element

The proposed project will require community facilities and services including a community water system, a community sewer system, fire protection, schools, and law enforcement. The Specific Plan requires that urban services and related infrastructure be implemented in accordance with an approved Infrastructure Plan to be financed by property owners within its boundaries.

Although projects such as the proposed subdivision can be initially approved, the Specific Plan requires that an Infrastructure Plan for water, sewer, and drainage be adopted before a Final Map is recorded or a Building Permit is issued. In order to ensure that the infrastructure requirements of the Specific Plan are met, staff is recommending that a Condition be imposed requiring that an Infrastructure Plan in accordance with the Policies of the Specific Plan be adopted prior to recordation of a Final Map and the appropriate infrastructure required for this project be constructed prior to issuance of Building Permits. In addition, the Policies, Standards, and EIR Mitigation Measures relating to the community water and sewer facilities ensure that the facilities will be adequately designed, operated, and maintained. The water and sewer facilities will be required to be designed and operated in accordance with state and local standards. Both systems will be required to be operated and maintained by CSA No. 34. The Resources Division, Special Districts Administration indicates no concerns at this point with regard to the operation and maintenance of the facility.

Fire protection services for the proposed development will be provided by the Fresno County Fire Protection District. The District has indicated that the proposed project will increase demand on fire protection resources in the area therefore, various fire protection measures specified in the Specific Plan will be required as Conditions of Approval such as adequate fire flows, fire hydrants, and storage facilities. In addition, a Mitigation Measure of the Millerton Specific Plan EIR requires that prior to recordation of a Final Map a funding mechanism be established for the maintenance and replacement of fire equipment and staffing of the Millerton New Town Fire Station when it can be shown that the funding will provide a greater level of fire protection service to the affected property.

The Standards and Criteria regarding police protection indicate that the Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. Prior to recordation of a Final Map, a funding mechanism shall be established through CSA No. 34 to support the cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents served. This is consistent with General Plan Policy PF-G.2.

### Community Design Element

The Policies and Standards regarding the community design are intended to help enhance the natural features which contribute to the scenic qualities of the Plan area, including preserving the visual quality of prominent ridgelines; and to strengthen the individuality of and enhance the overall community identity of Millerton New Town. The Policies and Standards specifically require site planning and building design that will preserve the natural character of ridgelines and that an Architectural Review Committee is formed to establish and implement standards for architecture, lighting, fencing, and signage. The Community Design Element also includes Policies and Standards relating to undergrounding of utilities, landscaping, and use of drought resistant trees and plants, lighting, signage, and structure characteristics.

The Tentative Map submitted by the Applicant indicates that the project has been designed so that the proposed lots will be located in a relatively level location. The project description submitted by the Applicant indicates that the homes proposed for the development will have a contemporary theme creating a strong indoor/outdoor relationship through the use of windows, doors and landscaping, which the Plan deems appropriate for Millerton New Town.

*Finding 2: The project site is physically suitable for the type and density of development proposed.*

The subject property is located within the low foothills just south of Millerton Lake. According to the EIR prepared for the Millerton Specific Plan, there are possible geological, grading, and erosion impacts associated with development that could occur on the project site. The Specific Plan Mitigation Measure and Monitoring Program included Mitigation Measures, which address slope stability, erosion, and other potential geologic hazards.

The Development Engineering Section of the Department of Public Works and Planning is recommending that provisions be made to maintain the natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those areas adjacent to the development. Provisions must also be made to retain all stormwater generated from this tract on-site. To ensure this will occur, Development Engineering is recommending that a Condition be imposed requiring that all additional run-off generated from this development be retained within drainage ponds or other acceptable facilities. In addition, the Specific Plan requires that before initial residential or commercial development occurs, an Infrastructure Plan that includes a Drainage Element must be approved, the infrastructure is in place, and CSA No. 34 is ready to provide service.



The proposed project and the rest of the Millerton Specific Plan area will be served by a community water system. The source of water will be surface water from Millerton Lake with groundwater as an emergency back-up source. The area has basic water allocations from Millerton Lake and additional surface water allocations through contracts, which will avoid significant impacts, particularly those related to draw down of groundwater. Hydrological impacts will be further reduced with the implementation of Mitigation Measures of the Specific Plan which include the construction of water infrastructure facilities necessary to serve the development, finalized agreements whereby the project proponent provides an adequate water supply to CSA No. 34, and the adoption of various water conservation measures.

The Department of Public Health, Office of Drinking Water and Fresno County Water/Geology/Natural Resources Unit reviewed the proposal and both had concerns with water sources and estimated use for the proposed subdivision. Additional documentation was provided which indicated water allocation and distribution within the Millerton Specific Plan area including the subject subdivision. The Department of Public Health and County Water/Geology/Natural Resource Unit indicated based on the submitted information they had no further concerns with the proposed subdivision.

Based on the above factors, the project site can be considered suitable for the proposed development.

*Finding 3: The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Subdivision Ordinance requires that a Tentative Map be denied if a Finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. The project site is located in a foothill setting within the Millerton Specific Plan. Millerton Lake is located approximately 1.65 miles north of the subject property. Surrounding parcels range in size from under five acres to over 100 acres in size. The subject property is vacant. Surrounding land uses to the west and south include grazing. To the east is the developing Brighton Crest Subdivision and Golf Course.

An EIR was originally prepared for the Millerton Specific Plan and was certified by the Board of Supervisors at the time the Specific Plan was approved in 1984. More recently in April 1999, an Addendum to the EIR was approved for amendments to the Specific Plan to include the subject property and additional land (440 acres) to the west and south. An extensive list of Mitigation Measures is incorporated into the EIR and has been incorporated into the project and will be imposed as Conditions of Approval.

The IS identified a number of potential environmental impacts. Potential impacts related to compaction, over covering of the soil, and wind and water erosion will be addressed by mandatory adherence to the County's Grading and Drainage Ordinance and County Building Code.

The San Joaquin Valley Unified Air Pollution Control District reviewed the proposed project and indicated that the level of emissions associated with the project exceeds the Air

District's thresholds of significance for adverse air quality impacts. The air quality effects of development in the Specific Plan area have been previously analyzed in the EIR prepared for the Millerton Specific Plan. As a result, Mitigation Measures were approved which will reduce the impacts to air quality to a level not considered significant. The District indicated the proposed project will be subject to the District's Rules and Regulations in order to reduce emission in the San Joaquin Valley. In addition to the Air District's Rules and Regulations, the Applicant must adhere to the Millerton Special Plan, Mitigation Measures and Monitoring Program Matrix, Climate and Air Quality Mitigation Measures No. 17 a – m (Exhibit 8). The Applicant must also adhere to the various District's Rules and Regulations in order to reduce emission in the San Joaquin Valley including Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510, adopted to reduce the impacts of growth in emissions from new land development in the San Joaquin Valley Basin, an Indirect Source Review (ISR) was required due to the proposal exceeding 50 residential lots. An Air Assessment Application for the ISR was applied for and approved by the District on January 31, 2008.

The Air District encourages other measures to reduce the project's overall level of emissions. These include careful selection and installation of sidewalks and bikeways connecting to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas to encourage walking and bicycling, and limiting construction activities during certain hours and seasons. Information on these measures has been provided to the Applicant.

Impacts related to the destruction of wetlands area, loss and degradation of plant and wildlife habitat including vernal pools within the Specific Plan area were previously identified by the California Department of Fish and Game, the State Department of Parks and Recreation, the Natural Resources Conservation District, and the Sierra Resource Conservation District. A Mitigation Measure which requires development of a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program prior to recordation of a Final Map or SPR will be required for the proposed project as outlined in the Mitigation Measures and Monitoring Program Matrix. The Applicant has filed a concurrent SPR Application with this proposal. In addition, an additional Mitigation Measure was included that addressed the concerns raised by the United States Fish and Wildlife Service, which requires the Applicant to complete a Biological Assessment which may conclude in additional Mitigation and Avoidance Measures for plants and animals acceptable to the United States Fish and Wildlife Service and compliance with the Endangered Species Act.

Based on this, the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

*Finding 4: The design of the subdivision or types of improvements are not likely to cause serious public health problems.*

The Subdivision Ordinance requires that a Finding be made that the design of the subdivision and the type of improvements proposed by this project will not conflict with any easements required by the public at large for access through or use of the property. There is one known public easement traversing through the proposed tract which will be relocated as part of the Final Map. In addition, all proposed utilities will be required to be placed

underground in accordance with County requirements. Easements for these utilities will be required as a Condition of this Map.

*Finding 5: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

Neither the design of the subdivision nor the types of improvements proposed is likely to cause any serious health problems. Both community water and sewer facilities will be provided for in this development. These facilities will be designed and constructed in accordance with County requirements, and will be owned and operated by a CSA or other public entity acceptable to the County.

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.

The Standards and Criteria regarding police protection indicate that the Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. Mitigation Measures of the EIR also require that 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 the cost for Sheriff's protection services to achieve a ratio of 2.0 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.

Based on these considerations, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with the Conditions of Approval and project Notes.

## **CLASSIFIED CUP APPLICATION NO. 3193 ANALYSIS**

### **ANALYSIS / DISCUSSION:**

*Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

**Setback, Separation and Parking**

|                              | <b>Current Standard:</b>   | <b>Proposed Operation:</b> | <b>Is Standard Met (y/n)</b>  |
|------------------------------|--|----------------------------|---|
| Setbacks                     | R-1(c) Zone District:<br>Front: 25 feet<br>Sides: 7 feet<br>Rear: 20 feet<br><br>R-2(c) Zone District:<br>Front: 20 feet<br>Sides: 5 feet<br>Rear: 20 feet   | No Change                  | Yes. The proposed Planned Residential Development meets all required setbacks and off-set requirements, concurrent Tract Map Application No. 5771.  |
| Lot Depth                    | R-1(c) and R-2(c) Zone Districts: Minimum depth of 100 feet  | 60 to 70 feet lot depth    | Yes: Modifications to the Property Development Standards related to lot depth due to dual zoning on several lots within the tract and public road frontage will be addressed through CUP. |
| Parking                      | R-1(c) and R-2(c) Zone Districts: One parking space in a garage or carport for every dwelling unit.  | No Change                  | Yes. The proposed Planned Residential Development meets parking standards.  |
| Lot Coverage                 | R-1(c) Zone District:<br>Maximum lot coverage by building and structures shall not exceed 40% of the total lot area.<br><br>R-2(c) Zone District:<br>Maximum lot coverage by building and structures shall not exceed 50% of the total lot area. | No Change                  | Yes   |
| Separation Between Buildings | R-1(c) Zone District: Six feet between main building and accessory buildings.  | No Change                  | Yes   |

|                                       | <b>Current Standard:</b>  | <b>Proposed Operation:</b>  | <b>Is Standard Met (y/n)</b> |
|---------------------------------------|---|---|------------------------------|
|                                       | R-2(c) Zone District: Ten feet between main building and accessory buildings.   |   |                              |
| Fences, Hedges, and Wall Requirements | R-1(c) and R-2(c) Zone Districts: Not greater than six feet on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines. And no fence, wall, hedge over three feet in height shall be permitted in any front yard. | No Change   | Yes                          |
| Septic Replacement Area               | N/A   | N/A. The proposal will utilize a community sewer system through Fresno County CSA No. 34. | N/A                          |
| Water Well Separation                 | N/A   | The proposal will utilize a community water system through Fresno County CSA No. 34.      | N/A                          |

**Circulation and Traffic**

|                              |     | <b>Existing Conditions</b> | <b>Proposed Operation</b>   |
|------------------------------|-----|----------------------------|---|
| Private Road                 | Yes | N/A                        | Private roads.  |
| Public Road Frontage         | No  | None                       | Private roads proposed.<br><br>Requirement for public road frontage waived per CUP (Planned Residential Development). |
| Direct Access to Public Road | Yes | Marina Drive               | Private roads.  |

|                                     |    | Existing Conditions | Proposed Operation   |
|-------------------------------------|----|---------------------|--|
| Road ADT                            |    | N/A                 | Residential traffic.                                       |
| Road Classification                 |    | N/A                 | In accordance with County Improvement Standards.           |
| Road Width                          |    | N/A                 | 50-foot wide.  |
| Road Surface                        |    | N/A                 | Paved.   |
| Traffic Trips                       |    | N/A                 | Residential traffic.                                       |
| Traffic Impact Study (TIS) Prepared | No | N/A                 | TIS prepared per EIR for Millerton New Town Specific Plan. |
| Road Improvements Required          |    | N/A                 | In accordance with County Improvement Standards.           |

### Surrounding Properties

|        | Size:            | Use:                                      | Zoning:            | Nearest Residence: |
|--------|------------------|---|--------------------|--------------------|
| North: | 39.09            | Vacant                                    | R-E(c)<br>R-1(c)   | N/A                |
| South: | 592.91           | Vacant                                    | R-E(c)<br>AL-20    | N/A                |
| East   | 18.92 –<br>86.43 | Golf course and Single Family Residential | R-1-B(c)           | N/A                |
| West:  | 17.16 –<br>54.46 | Vacant                                    | R-1-B(c)<br>R-E(c) | N/A                |

### Reviewing Agency/Department Comments regarding Site Adequacy:

Zoning Section of the Development Services Division: Approval of a Classified CUP is required to allow the proposed 79-lot development and remainder parcel to be a Planned Residential Development.

### Analysis:

Staff review of TT Map Application No. 5771 and the Operational Statement provided by the Applicant demonstrates compliance with all Development Standards of the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size) and R-2(c) (Low Density

Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts. The Conditional Zone Districts require that all projects within the Millerton Specific Plan be implemented as a Planned Residential Development by CUP. The Planned Residential Development concept allows departure from standard Property Development Regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. In this case, the Applicant has requested modifications to the Property Development Standards related to lot depth due to dual zoning on several lots within the tract and public road frontage, as discussed in detail in Finding 4 of this Report.

The project site is also adequate in size and shape to accommodate all required public facilities and utilities as well as private roads constructed to Specific Plan and County Road Standards.

**Noteworthy Conditions of Approval:** None.

**Conclusion:**

Finding 1 can be made.

*Finding 2: That the site for proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

See discussion above in **Traffic Element** beginning on Page 9 of the Staff Report.

**Reviewing Agency/Department Comments:**

As discussed above, the Development Engineering Section of the Development Services Division identified Development Standards for the proposed private roads which have been included as a Condition of Approval. Conditions of Approval have been identified by the Design Division and Caltrans requiring a pro-rata share of cost to mitigate resultant impacts to State highways.

**Analysis:**

Based on the above information and with adherence to Mitigation Measures and recommended Conditions of Approval, staff believes that the existing and proposed roadways will be adequate to accommodate the proposal.

**Noteworthy Conditions of Approval:**

- *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.*

**Conclusion:**

Finding 2 can be made.

*Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

See discussion above in **Community Design Element** on Page 11 of the Staff Report.

**Reviewing Agency/Department Comments:**

As discussed above, the project will: 1) comply with California Code of Regulations (CCR), Title 24, Part 2, known as the 2010 California Building Code (CBC) for fire suppression; 2) connect to community sewer and water services provided by CSA No. 34; 3) comply with grading and drainage requirements of the County Ordinance; 4) pay for a pro-rata share of cost towards traffic related improvements; and 5) will pay for funding towards police services.

**Analysis:**

The proposal entails the creation of a 79-lot Planned Residential Development on approximately 37.24 acres created by TT No. 5771 in the Millerton Specific Plan. Approval of TT No. 5771 will result in construction of 79 single-family residential units and a 10.14-acre remainder parcel. This proposal is compatible with other residential development previously approved within the boundaries of the Millerton New Town Specific Plan.

The project will: 1) be provided with community sewer and water services through CSA No. 34 thereby reducing any impact on groundwater; 2) adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements to ensure that additional stormwater generated by the proposed development shall not impact neighboring properties; 3) adhere to the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday to avoid noise impacts on the neighboring properties.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval and project Notes regarding mandatory requirements, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Noteworthy Project Note:**

- *Adherence to the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday to avoid noise impacts on the neighboring properties.*

**Conclusion:**

Finding 3 can be made.



Finding 4: That the proposed development is consistent with the General Plan.

See Table on Page 7, **Analysis/Discussion/General Plan Consistency**.

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division: The project area is designated Residential in the Millerton New Town Specific Plan. The proposed development shall adhere to the aforementioned General Plan Policies. The site is not restricted by a Williamson Act Contract and is not located within any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or within an identified airport noise contour.

**Analysis:**

According to the General Plan Policy LU-H.7 and the Zoning Ordinance, Section 855-N. 20, planned developments are intended to promote efficient use of the land through increased design flexibility and quality site planning. Planned Residential Development may allow for departure from standard property development regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. Planned Residential Developments can benefit the community through the more efficient use of land, greater provision of open space, and improved aesthetics.

The submitted Site Plan indicates several lots will have dual Zone Districts of said parcels. According to the Applicant, the design of the proposed tract was based on the topography in the area therefore, the need to have parcels encroaching Zone Districts was necessary. The Site Plan (Exhibit 5) indicates Lots 6-12, 17, and 31-33 will have dual Zone Districts, the R-1(c) and R-2(c) Zone Districts. Although both Districts require a similar lot depth of 100 feet; parcels with dual zoning will not meet the minimum requirements per the Zoning Ordinance.

As indicated above, the Planned Residential Development may allow departure from standard property development regulations for more efficient use of the land. Staff believes that the proposal is consistent with General Policy for Planned Residential Development.

Based on the analysis provided above, staff believes the project is consistent with the Policies of the Fresno County General Plan and the Millerton New Town Specific Plan.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**STAFF RECOMMENDATION**

Staff recommends approval of the Mitigated Negative Declaration prepared for this project.

Staff believes the required Findings can be made based upon the factors cited in the analysis, the recommended Conditions, and the Notes regarding mandatory requirements. Staff therefore recommends that the project be approved. If the Commission approves concurrent Conditional Use Permit Application No. 3193, staff recommends that the Commission adopt the required Findings and approve Vesting Tentative Subdivision Map No. 5771, subject to the listed Conditions.

**PLANNING COMMISSION MOTIONS:**

**RECOMMENDED MOTION** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5709.
- Adopt Findings noted in the staff report and approve Vesting Tentative Tract Map Application No. 5771 and Classified Conditional Use Permit Application No. 3193, and Site Plan Review Application No. 7787, subject to the Conditions listed on Exhibits 1 and 8.
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**ALTERNATIVE MOTION** (Denial Action)

- Move to determine one or more of the required Tract Map Findings or Classified Conditional Use Permit Findings cannot be made for the following reasons (state which finding(s) and reasons), and move to deny the project.
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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**Exhibit 1  
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**

| <b>Mitigation Measures</b>    |               |  |                                      |  |   |
|-------------------------------|---------------|--|--------------------------------------|--|---|
| <b>Mitigation Measure No.</b> | <b>Impact</b> | <b>Mitigation Measure Language</b>   | <b>Implementation Responsibility</b> | <b>Monitoring Responsibility</b>                         | <b>Time Span</b>                        |
| 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 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 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 and the United States Fish and Wildlife Service.</p> <p>Examples of said Measures are but are not limited to:</p> <p>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/CA Dept. of Fish and Game/US Fish and Wildlife | Once; during specified Mitigation Phase |

**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 Incidental Take Permit (ITP) or if applicable a Consistency Determination with the California Department of Fish &amp; Game. 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</p> |                               |                           |           |

**Mitigation Measures**

| Mitigation Measure No. | Impact             | Mitigation Measure Language   | Implementation Responsibility | Monitoring Responsibility                                  | Time Span                               |
|------------------------|--------------------|---|-------------------------------|--|---|
|                        |                    | <p>unavoidable, no disturbance should occur 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 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 |

**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 2.0 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    |

\*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

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**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 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>   |

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 County Service Area subject to development by the subdivider or his assignee.   |
| 12 | All existing Property Development Standards of 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 | 20-foot x 20-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  |

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Conditions of Approval

|    |  |
|----|--|
|    | County shall review and approve the Grading and Drainage Plan for the project.   |
| 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 County Service Area (CSA) 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. |

**Conditions of Approval**

|    |  |
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| 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.   |
| 38 | Prior to Final Map recordation, the Applicant shall form a Zone of Benefit within CSA 34 or annex to the existing CSA 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 County Service Area (CSA) 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 backup 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 34 or annex to the existing CSA 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.  |

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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.

# LOCATION MAP

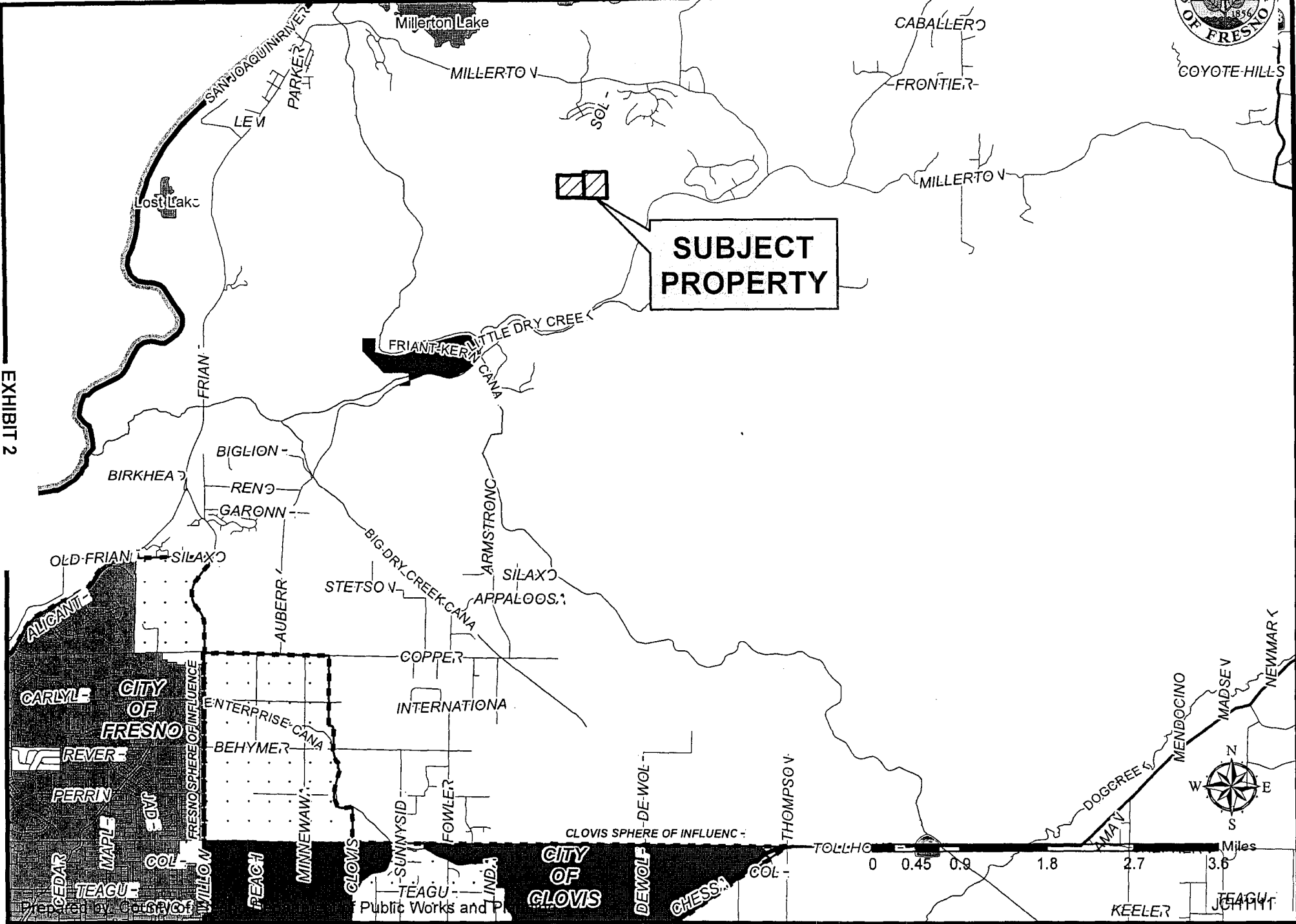
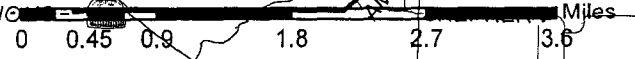


EXHIBIT 2



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# EXISTING ZONING MAP

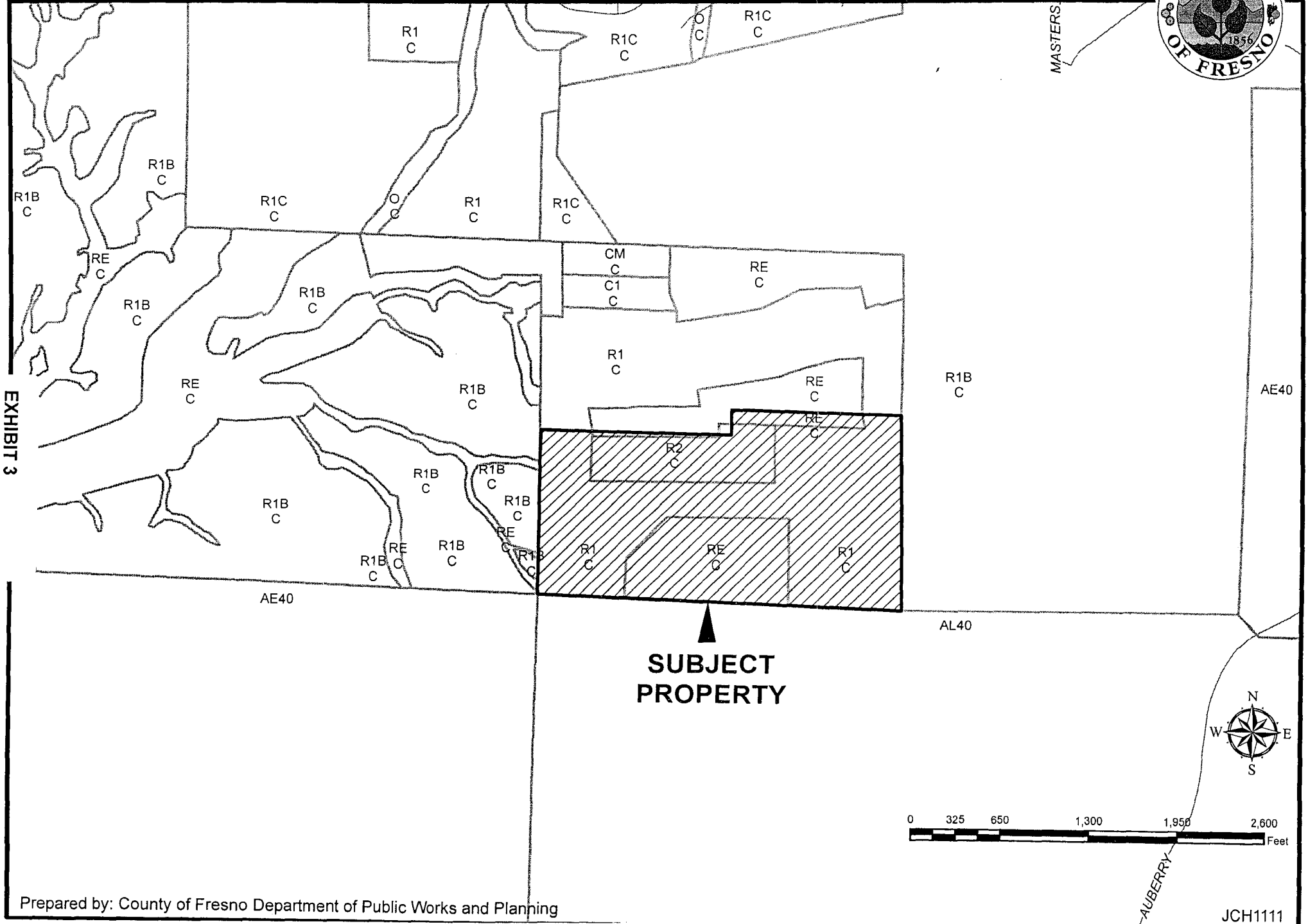
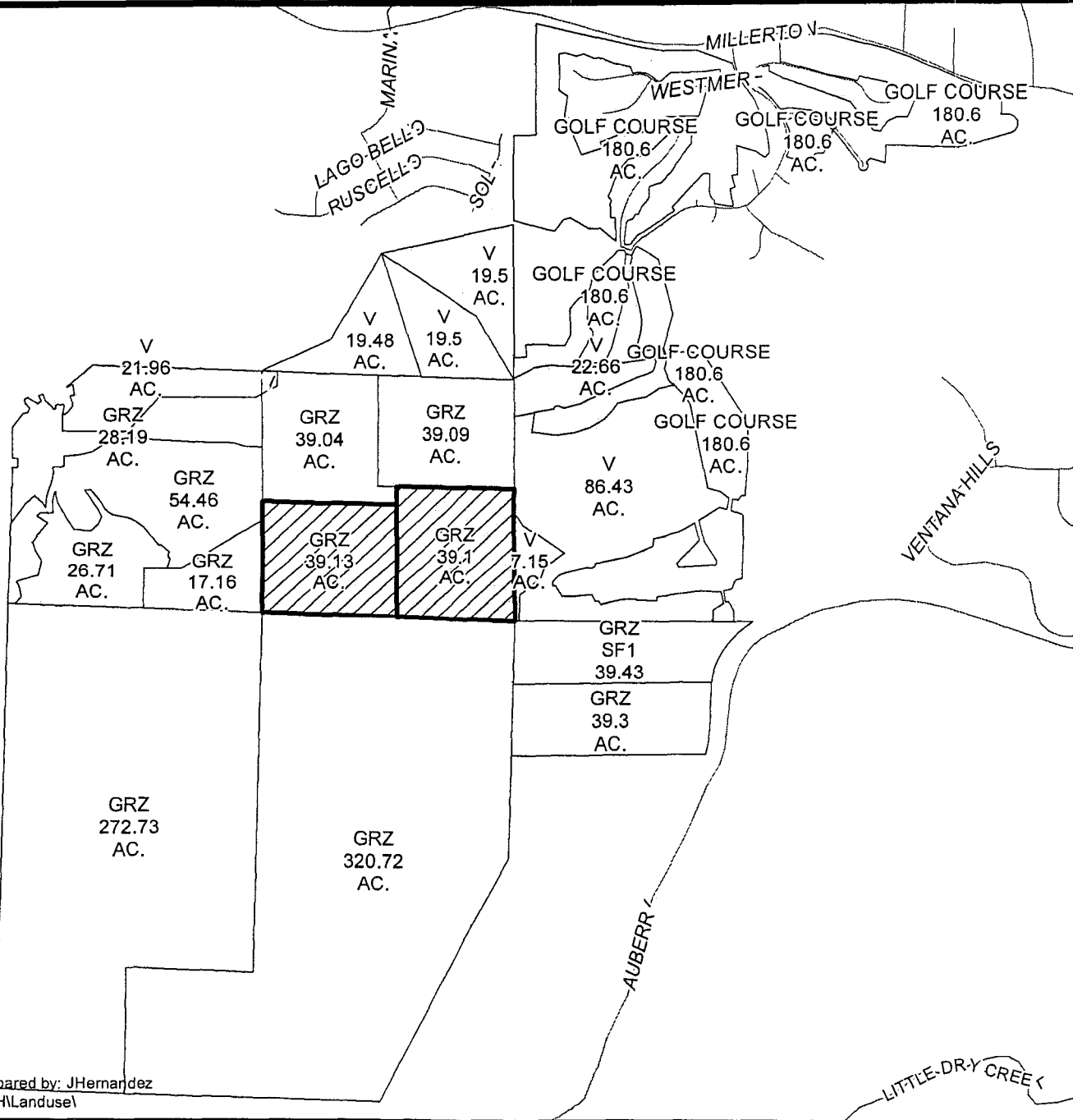


EXHIBIT 3

# EXISTING LAND USE MAP

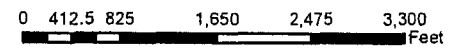
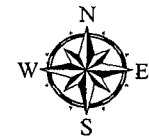


EXHIBIT 4



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

**LEGEND:**  
 Subject Property



Department of Public Works and Planning  
 Development Services Division

Map Prepared by: JHernandez  
 J:GISJCH\Landuse\

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TRACT MAP No. 5771

IN THE COUNTY OF FRESNO  
CONSISTING OF FOUR SHEETS  
SHEET TWO OF FOUR



APPROVED VESTING  
TENTATIVE MAP  
TRACT 5393

NOTES  
TOTAL TRACT ACREAGE OF 37.24±  
ACRES INCLUDES THE FOLLOWING:  
(A) LOTS 1-79 (SINGLE FAMILY RESIDENTIAL)  
(B) AREAS DEDICATED FOR ROADS  
- TOTAL A+B (27.10 AC)  
(C) REMAINDER PARCEL (10.14 AC)

REMAINDER  
10.14 AC

BRIGHTON CREST BOUNDARY  
TENTATIVE MAP TRACT 4048

|   |  |   |  |
|---|--|---|--|
| TRACT NO. 5771<br>FAIRWAY CREST<br>FRESNO COUNTY<br>THE CLARKSFIELD COMPANY INC.<br>VESTING TENTATIVE TRACT NO. 5771  |  | No. 1 BY DATE<br>REVISION   |  |
| DESIGN ENGINEER:<br>ABL<br>LICENSE NO.<br>CE #89,104<br>DRAFTED BY<br>KVV<br>CHECKED BY<br>ABL  |  | SCALE: AS SHOWN<br>DATE: 7/13/2012<br>JOB NO: 12370607<br>DWG. NO:<br>SHEET           |  |
| EST. 1976<br><b>PROVOST &amp; PRITCHARD</b><br>CIVIL ENGINEERS & ARCHITECTS<br>4400 Highway 99 South, Suite 100<br>Fresno, California 93720-4400<br>(559) 231-1900<br>(559) 231-1901<br>FAX: (559) 231-1902<br>www.provostpritchard.com |  | 10/21/2008 4:43:33 PM C:\Users\kpritchard\Desktop\12370607\Map\5771\Map_SHEET TWO.dwg |  |
| 2 of 4  |  |   |  |

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# Brighton Hills

A 79-Lot Vesting Tentative Tract Map (No. 5771)  
and Planned Development

## Operational Statement

Submitted to:

Fresno County  
Department of Public Works and Planning  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

Prepared for:

The Clarksfield Company, Inc.  
466 West Fallbrook Avenue, Suite 101  
Fresno, CA 93711  
(559) 437-1990

Prepared by:

The Clarksfield Company, Inc.  
466 West Fallbrook Avenue, Suite 101  
Fresno, CA 93711  
(559) 437-1990

January 19, 2011



## **Operational Statement**

### **1. Project Description**

This Operational Statement provides the design framework and implementation guidelines for the development of approximately 105.3 acres within the Millerton Specific Plan (MSP) area shown on Figure 1. The MSP area is located approximately two miles east of the community of Friant along Millerton Road.

The MSP provides policies and standards for the development of the planned community of Millerton. When completed, the community will include a variety of residential, commercial, public facility, and open space uses. Individual projects within the MSP area must comply with the relevant development criteria and guidelines contained in the Specific Plan. The MSP, including this Project, is subject to a comprehensive Mitigation and Monitoring Matrix.

The primary objective of the Operational Statement is to provide the framework for achieving quality design while considering both area-wide and site-specific issues. The Operational Statement provides a flexible framework which will aid individual developers, design review authorities, and the County of Fresno in ensuring consistency with the Specific Plan.

The MSP designates the Project Tract site containing 79 lots with three different zoning districts: R-1(c), Medium Density Residential, R-2(c), Medium High Density Residential, and R-E, Open Space. The conditional zoning of the Millerton Specific Plan requires that all projects be implemented as a Planned Unit Development approved by Conditional Use Permit. The County Zoning Districts are consistent with the land use boundaries established by the MSP.

The Project is comprised of 79 single-family lots served by a Public Street System as shown on Vesting Tentative Subdivision Map No. 5771 (Figure 2). The Project is envisioned as a single-family neighborhood integrated into the natural environment and open space areas. Special attention has been given to landscaping and streetscape to provide for a pleasant community lifestyle.

An existing residential project and golf course (Brighton Crest, Tract 4048) adjoin the Project on the easterly portion of the Project. An approved golf course and spray area adjoins the property on the westerly side and approved MSP residential tracts on the northerly side.

The MSP provides that all residential development shall be through the Planned Unit Development process. All lots will meet the minimum size requirement applicable to the Zoning Districts in which they are included; however, the total number of lots of 207 for Specific Plan Allocation Area H, which include Tract 5771 and adjacent areas, will not exceed the allocated number of units as shown in the MSP.

The total number of single-family lots contained in Tract No. 5771 is 79, together with five other lots with current zoning as described in the Tract Map and a 10.14-acre remainder parcel. The total of 207 Residential Units for MSP Allocation Area H, of which this Project forms a part, will not be exceeded with this and any previous or subsequent maps.

parcel. The total of 207 Residential Units for MSP Allocation Area H, of which this Project forms a part, will not be exceeded with this and any previous or subsequent maps.

## 2. Neighborhood Character

The neighborhood setting provides both privacy and convenience compatible with the site's natural setting. Homes will be designed with special attention given to creating a strong relationship between the front of the building and the public street, as well as strive to capture views of the natural setting. The Project will also have good access to the future Neighborhood Commercial along Marina Drive, as well as the Neighborhood Commercial found in the southeast expansion area.

The majority of proposed lots have been planned with physical or visual access to open space and other community amenities in mind. The lots range in size from 9,350 square feet (Lots 45, 46, 47, and 51) to approximately 14,718 square feet (Lot 15).

The following residential design guidelines will reinforce the traditional neighborhood qualities and the resident's ability to visually enjoy surrounding vistas and open space amenities envisioned by the MSP.

### Residential Design Guidelines

- a) An emphasis should be given to creating residences with strong indoor/outdoor relationships through the generous use of windows, doors, and appropriate landscaping.
- b) Setbacks may vary for maximum flexibility with the goal of creating a comfortable street edge for pedestrians. Porches are encouraged in order to bring the "social" part of the residential unit closer to the sidewalk.
- c) Building elevations and mass should be articulated to avoid monotony of a single architectural theme, yet avoid mixing significantly different architectural styles.
- d) The visual impact of garages shall be reduced by a variety of means; including, but not limited to, garages which are set back from non-garage façade or porch, units with forward garages which also include courtyards, arbors, arches, or other similar treatments to enhance the streetscape, or side-turned garages.
- e) Exterior wall materials should reflect the character of the region. Stone accents are encouraged along the building base and columns.
- f) The use of lighter, subdued colors as the body color and brighter accent colors to accentuate architectural details are encouraged.

- g) Roofing material shall consist of concrete or clay tile. Medium to dark gray colors and style shall be selected to match the overall architectural theme of the home.
- h) Mechanical equipment (e.g., compressors, air conditioners, antennas, heat pumps, solar collectors, and satellite dishes) should not be visible to the public.

### **Residential Development Standards**

All residential development within the MSP is to be implemented through the Planned Development Process. Planned Developments allow for departure from standard property development regulations. Design elements to be considered include architecture, distance between buildings, building setbacks, building height, off-street parking, open space, fencing, and landscaping.

Residential standards provide regulations for land use, lot configuration, building setbacks, building massing, off-street parking, and fencing. The standards in the County of Fresno Zoning Ordinance are applicable to this Tract.

### **3. Landscaping and Neighborhood Entries**

Plant materials are a strong unifying element and should reflect the physical, functional, and aesthetic qualities of the site and architectural elements. Limited palettes of material in simple compositions are recommended to achieve the overall semi-rural theme of the MSP. Areas which will be landscaped include internal local neighborhood streets, cul-de-sacs leading to open space corridors, neighborhood entries, and Marina Drive's landscape corridor where it abuts the Project site.

#### **Marina Drive**

Marina Drive represents an important nearby edge for Project identification and character due to the visibility of portions of the Project site from this roadway. Since Marina Drive is down slope from the Project site, the landscaping will allow views into the Project while screening adverse views from vehicular traffic. The details for Marina Drive landscaping are set out in the Operational Statement for the adjacent Tract 5393.

### **4. Neighborhood Entries**

A portion of the Project is bordered by the Brighton Crest Tract 4048 Project, and a portion is accessed through Tract 5393. Each of the two primary neighborhoods will have a neighborhood entry. These entries will define the neighborhood character and set the tone for the Project.

The use of stone, fencing, lighting, and signage will be used to draw attention to these entries. Special landscaping highlights such as flowering shrubs and groundcovers dispersed around

stone formations will provide the most visual impact for these areas and enhance the overall Project image. Clear views for traffic safety and Project signage will be maintained.

Neighborhood entry treatments will be located at entry points from Marina Drive. In keeping with the semi-rural theme of the MSP, signage will build upon low-key neighborhood entry treatments that will be easily identifiable to vehicular traffic. Natural materials such as stone or boulder monoliths with signage plaques mounted or carved onto the surface will be used to identify neighborhood entries. A detail of a neighborhood entry treatment is illustrated in Figure 4, with the neighborhood entry plan illustrated in Figure 4A.

The following guidelines are intended to ensure quality entry treatments:

### **Neighborhood Entry Guidelines**

- a) Ornamental and specialty landscape should be used to draw attention to Project entries.
- b) Landscaping should complement adjacent Brighton Crest landscaping, and entry signage and landscape.
- c) Short-lived (seasonal) plantings may be used only as a minor supplement to longer-lived plant materials.
- d) Entry monuments with signage plaques or carved onto the surface of monuments should be used to identify neighborhood entries.
- e) Accent paving materials such as interlocking pavers may be used.
- f) Monument signage at the west entry should be symmetrically arranged on each side of the entry intersection.
- g) Monument signage at the two east entries will be provided only on the southeast side of the entry intersections.
- h) Concealed lighting sources located flush with grade may be used.

### **5. Cul-de-Sac Open Space Entries**

A low wrought-iron fence will be installed along the perimeter of the cul-de-sac exposed to open space corridors. The purpose of the low fence is to prohibit unauthorized vehicular traffic from entering open space corridors while allowing pedestrian and bicycles to enter.

### **Cul-de-Sac Open Space Entry Guidelines**

- a) Physical and visual access into the open space corridor shall be provided from the

adjoining residential neighborhood. Visual access shall be achieved by implementing Type C fencing standards contained in this Operational Statement.

- b) Ornamental and specialty landscape should be used to draw attention to open space corridor entries.
- c) Landscape irrigation runoff shall be managed to protect native plant materials in the parkway from unseasonable water run-off.

## **6. Local Street Trees**

Street trees play an important role in the quality of the local neighborhood environment. Properly planted trees of the correct species will grow into a shade canopy over local streets. The use of canopy trees saves energy by cooling the area and increases property values by improving the neighborhood streetscape aesthetics.

### **Local Street Tree Guidelines**

- a) Street trees should be provided at a regular spacing of 40 feet on center in a uniform distance from the edge of the sidewalk along all local streets within a five-foot planting easement if applicable.
- b) A single street tree species should be consistently used along each street. Varying species may be used for additional yard trees at the builder's option.

## **7. Fencing**

A coordinated system of fencing has been established that responds to a variety of fencing conditions related to aesthetics, privacy, and the overall semi-rural theme of the MSP. The fencing types established specify the type of fencing that is to be utilized within and along the perimeter of the Project site.

The following standards are intended to ensure the coordination, quality, and proper design of all fencing materials within the development area. All fencing should meet the following standards and design described in Figure 5 and Figure 5A. Unless specified in the following standards, fencing shall comply with the requirements of Section 80-4 of the Fresno County Standard Specifications.

### **Type A Perimeter Fencing Standards**

Type A fencing applies to fencing along Marina Drive, and along the westerly perimeter of the development area.

- a) Type A fencing shall be installed along the perimeter of the development area, which is adjacent to the golf course open space area.

- b) Fencing shall be a maximum of six feet high.
- c) Pilasters shall be spaced at a maximum interval of 64 feet on center.
- d) Pilasters shall also be placed at all end points and at all directional changes exceeding 45 degrees.
- e) Wood fence members should consist of redwood or cedar panels, and redwood, cedar or pressure treated fir posts and rails or high quality simulated wood materials.
- f) Fencing panels shall face the exterior of the development area.
- g) Fencing design shall incorporate Landscape Plans that include plantings to soften the visual impact of the fence.
- h) In addition to wood, other acceptable fence materials include wrought iron, fiberglass, and/or concrete.

#### **Type B Residential Yard Fencing Standards**

Type B fencing applies to fencing along all internal neighborhood yard boundaries.

- a) Type B fencing should be installed on all residential parcel rear or side lot lines, which adjoin other residential parcel rear or side lot lines.
- b) Fencing should be a maximum of six feet high.
- c) Wood fence members should be composed of redwood or cedar panels, and redwood, cedar, and/or pressure-treated fir posts and rails or suitable high quality simulated wood material.
- d) Fencing that abuts a street or open space should not have exposed horizontal structure members to the street or open space. In cases where conditions exist on each side of the fence, the structural member should be exposed on the open space side.
- e) In addition to wood, other acceptable fence materials include wrought iron, fiberglass, and/or concrete.

#### **Type C Split Rail Fencing Standards**

Type C fencing applies to all open-ended cul-de-sacs leading to open space corridors. Type C fencing may also be used in conjunction with neighborhood entries.

- a) Type C fencing should be installed at open-ended cul-de-sacs leading to open space corridors.
- b) Type C fencing may also be installed in conjunction with neighborhood entries.
- c) Fencing should be a maximum of four feet high.
- d) Pilasters should be spaced at a maximum interval of 32 feet.
- e) Pilasters should be placed at all end points and at all directional changes exceeding 45 degrees.
- f) Wood fence members should be composed of redwood or cedar and should have the following nominal dimensions:
  - Rails: 2" x 6"
  - Posts: 6" x 4"
- g) In addition to wood, wrought iron, fiberglass, and/or concrete are acceptable fence materials.

**8. Golf Course Open Space Area:**

Portions of the Project face the proposed White Fox Creek Golf Course and the existing Brighton Crest Golf Course and open space. Appropriate setbacks will be used in these areas.

**9. Lighting**

Simple efficient street lighting mounted on standard poles will be provided. Street lighting will be spaced to provide safety to motorists and pedestrians while retaining the overall semi-rural theme of the MSP. Architectural lighting effects are encouraged at neighborhood entries and landscaping to promote nighttime identity and character. Excessive lighting and glare should be minimized through careful selection and placement of lighting standards and illumination levels.

**Lighting Standards**

- a) Street lighting shall be concentrated at intersections, crosswalks, and neighborhood entries [806-05:5.03(b)].
- b) Lighting fixtures should direct light downward and minimize area glare and light spillover.

**10. Circulation**

Components of the MSP Transportation Element (Section 806-02) include a hierarchy of

streets and trail system for pedestrian and bicycle use. Special attention has been given to creating streets and streetscape that balance the needs of automobiles with those of pedestrians and bicyclists. The following street classifications correspond to and are consistent with the adopted MSP.

### **Marina Drive**

Marina Drive serves as the primary circulation route for the easterly half of the Specific Plan and a link to the commercial core area. Marina Drive characteristics are defined in the MSP and in the Operational Statement for Tract 5393.

### **Local Streets**

Local streets provide access and circulation to individual lots. Two local street sections are permitted in the MSP of varying size depending on the number of lots served. All local streets will be constructed as specified in the Specific Plan.

As stated in the MSP, related Environmental documents and Mitigation Matrix, the Developer will enter into a Traffic Improvement Agreement with the County to provide for the funding of the required traffic and transportation improvements. The Agreement will be executed prior to the approval of a Final Subdivision Map.

This Agreement shall specify which off-site road improvements, if any, are to be bonded for or constructed by the Developer as a result of traffic generated impacts. Funds collected from the Developer for some improvements may be reimbursed in the event funds are collected from other developers in the vicinity of the MSP area for such improvements. Required improvements shall maintain a Level of Service as defined by County Standards. The Traffic Improvement Agreement between the County and the Developer shall consider the EIR Traffic Study and any other relevant traffic analyses or information.

## **11. Grading**

The provisions and standards of the MSP will be applicable to grading on the Project site unless otherwise referenced in this Operational Statement. The MSP respects the physical character and environmental qualities of the MSP area and is sensitive to visual qualities, building types, and development efficiency. The Project area is bound by a prominent ridgeline along the south and gentle to moderate slopes to the west.

The Project is designed to be compatible with the physical character and environmental qualities of the area to the south and the gentle slopes that separate the development area from tracts to the east.

## **12. Infrastructure**

To provide for the orderly planning of the connection of the Project site with other future



residential and commercial projects in the MSP area, an Infrastructure Plan for the Specific Plan and certain adjacent properties has been adopted by Fresno County. The Infrastructure Plan provides area-wide systems for the treatment of wastewater, use of reclaimed water, and for the treatment and storage and distribution of surface water. The Infrastructure Plan also summarizes applicable standards for Drainage Plans for site-specific projects in conformance with the MSP.

This Project is subject to the provisions of the MSP set forth in Section 806-07:5:00. All the necessary infrastructure to provide service shall be completed prior to acceptance by County Service Area No. 34 (CSA No. 34). The CSA shall be responsible for the maintenance and appropriate upgrading of infrastructure, but is not responsible for the construction of infrastructure.

The Project will be served with surface water from Millerton Lake to be delivered through CSA No. 34 facilities under an Agreement between the Applicant, Fresno County, and the Deer Creek and Tule River Authority approved by Fresno County originally in December 1999 and amended in 2007. The facilities for the withdrawal of water from Millerton Lake, the conveyance of the raw water to the treatment plant, and treatment of the water supply for domestic use for the Project area are in place and where required will be upgraded.

The Project will be served with a tertiary level wastewater treatment facility which was approved by Fresno County, and the construction of which is substantially completed at the site of the current Brighton Crest (Tract 4048) facility at the southerly end of the Specific Plan area. CSA No. 34 will operate this facility under Wastewater Discharge Requirements and Water Reclamation Requirements issued by the California Regional Water Quality Control Board.

This facility has a current wastewater permitted capacity of 200,000 gallons per day (gpd) and is designed to be expanded in phases to include treatment capacity for the Millerton Specific Plan as described in the Adopted Millerton Infrastructure Plan, including the units in Tract 5771. The current flow is approximately 3,000 gpd. Based on an average daily wastewater flow of 250 gpd per dwelling unit, the Project will generate an estimated 19,790 gpd of wastewater to be treated and disposed of at the wastewater treatment facility.

The Project site will be provided with wastewater treatment service from a tertiary treatment facility approved under approved CUP 2979 which has recently been constructed by upgrading the current plant serving Tract 4048, all in accordance with the Millerton New Town Area Infrastructure Plan which was adopted by Fresno County and other applicable approvals by the State of California Regional Quality Control Board.

In accordance with the Traffic Study previously prepared for the MSP units, this Project will be required to participate pro rata in the construction of area streets and roads. The Developer will be entitled to reimbursement for costs incurred over and above the Project's pro rata share for certain roads as set out in the Traffic Study prepared in accordance with GPA 455, GPA 489, and related projects.

The Specific Plan (Section 806-07:502) identifies the following Developer infrastructure obligations:

- a) Construction of on-site improvements.
- b) Right-of-way dedication and construction of curb, gutter, and sidewalk improvements as applicable on major street frontages.
- c) Extension of facilities from the proposed Project to the nearest improved point of connection if existing facilities are not adequate to serve the Project. This includes right-of-way dedication for streets, water and sewer lines, and construction of these facilities.

For roads, this means dedication of right-of-way and construction of two travel lanes to the nearest improved road (half of a four-lane collector or arterial and construction of the entire travel width of two-lane roads). As adjacent properties develop, each developer shall be responsible for construction of curb, gutter, and parking lane improvements and for reimbursement to the original Developer of their fair share of the travel-width improvements.

- d) Construction of oversized sewer and water lines or easement allowing for parallel lines to nearest point of connection. First-in developers will have to install off-site oversized primary facilities to the nearest point of connection to serve a larger area than their own project. An Agreement will be required between the subdivider and the County Service Area for future reimbursement to the subdivider for the extra cost of trunk line construction.
- e) Dedication and improvement of drainways, recreation corridors, and open space.
- f) Dedication of public facilities sites.
- g) Dedication of improvement of bike lanes.
- h) Dedication of right-of-way for outside travel lanes, median islands, and intersection improvements.
- i) Construction of required berms and walls.

### **13. Other Plans and Maps**

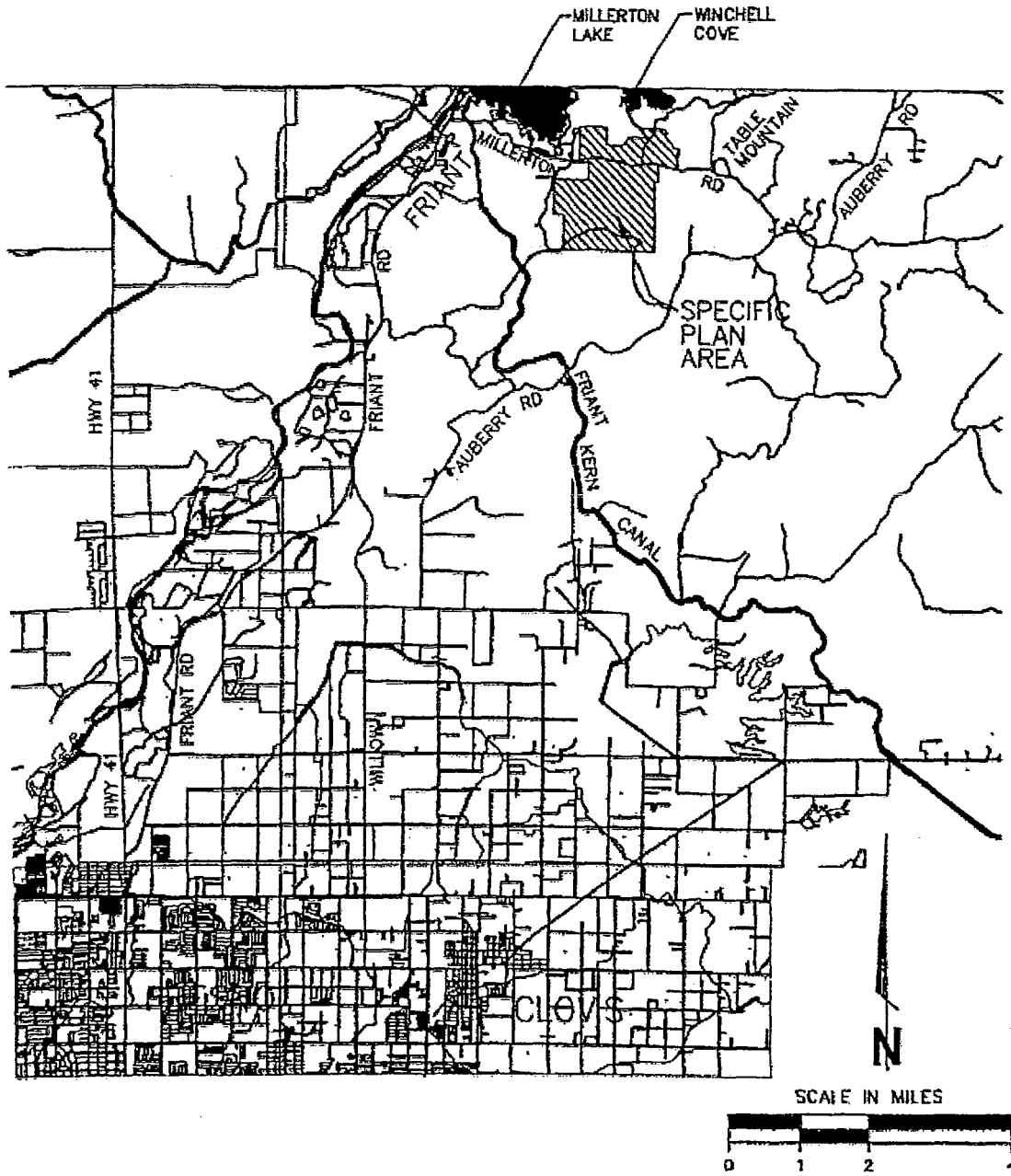
Attached are Figures 3, 6, and 7 out of the Millerton Specific Plan which illustrate the relationship of Tract 5771 to Unit Allocation Area H to the circulation, road profiles, and other standards and requirements of the MSP.

#### 14. Figures to Operational Statement

- Figure 1: Area Map
- Figure 2: Tract No. 5771 Map
- Figure 3: Residential Development Allocation Areas
- Figure 4: Neighborhood Entry Treatment
- Figure 4A: Neighborhood Entry Plan
- Figure 5: Fencing Standards and Design
- Figure 5A: Additional Fencing Standards
- Figure 6: Land Use and Circulation Element Maps from Specific Plan
- Figure 7: Circulation Element and Bikeways
- Figure 8: Road Profile for Residential and Collector Streets

*CF.FairwayCrest.OperationalStatement.Tract5771.Final10.11.06*

FIGURE 1 - VICINITY MAP - MILLERTON NEW TOWN



CF.FairwayCrest.Figure1.OperState.VicinityMap

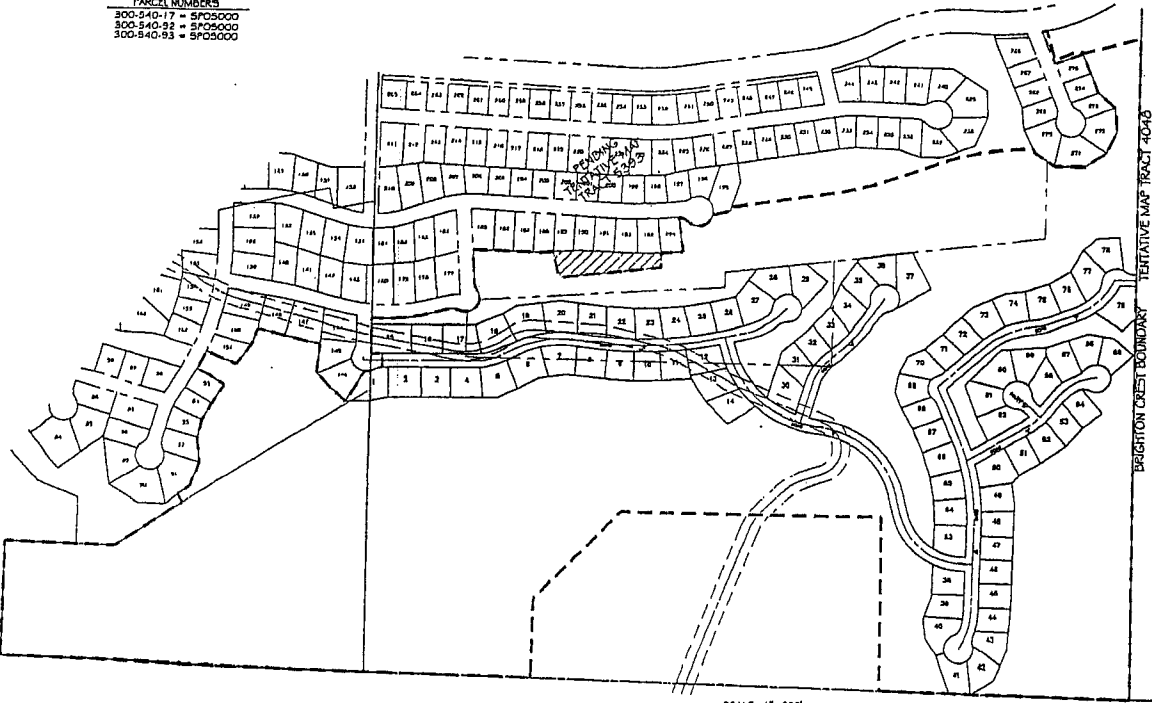
604

65



# DEPARTMENT OF PUBLIC WORKS AND PLANNING VESTING TENTATIVE TRACT MAP No. 5771 IN THE COUNTY OF FRESNO

CONSISTING OF FOUR SHEETS  
SHEET ONE OF FOUR  
PARCEL NUMBERS  
300-540-17 = SPOS000  
300-540-22 = SPOS000  
300-540-93 = SPOS000



### SUBMITTER'S STATEMENT

Tent. No. 5771  
Date 10/16/2008

To: Fresno County Planning Commission  
2330 Tulare Street  
Fresno, California 93721

Customer: \_\_\_\_\_

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

The acreage of this tract is 103.728. There will be 84 TOTAL LOTS.  
There will be 75 SINGLE FAMILY UNITS (LOTS 1-75)

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

The existing use of this property is IND  
The proposed use of this property is RESIDENTIAL / PROPOSED SUBDIVISION  
The zoning on this property is R1, R1B, R2, AND R2  
The proposed zoning on this property is R1, R1B, R2, AND R2  
The existing structures on this property include NONE  
These structures will NOT  
The existing easements on this property include AS SHOWN  
All improvements will conform to County Standards with the following exception:  
NA  
Multiple Final Maps will be recorded from this Tentative Map.

Type of street lines 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. 2.4 AND SEDIMENTATION BARRI

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

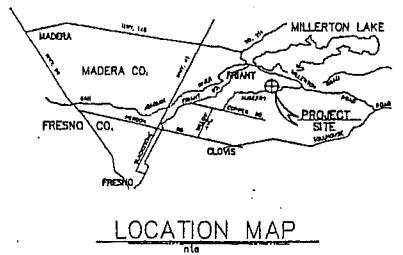
The proposed source of water supply is CSA No. 2.4 SURFACE WATER  
The proposed method of sewage disposal is CSA No. 2.4

The following utilities are to be provided ELECTRICAL, CATV, FIBER, AND TELEPHONE  
arrangements (here) have been made with utility companies serving this site.

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

Signature of Submitter/Owner: \_\_\_\_\_ Name: A. BEN EWELL, JR.  
Signature of Agent: \_\_\_\_\_ Name: A. BEN EWELL, JR.  
Signature of Engineer: \_\_\_\_\_ Name: ADAM B. LEE  
THE CLARKSFIELD COMPANY, INC. THE CLARKSFIELD COMPANY, INC. PROVOST & PROCTOR ENGINEERING GROUP  
Address: 455 W. PALMADOC, # 101 Address: 455 W. PALMADOC, # 101 Address: 286 W. CROWNSHAW AVE.  
City: FRESNO Phone: 437-1890 City: FRESNO Phone: 437-1890 City: FRESNO Phone: 448-8700

FIGURE 2 - TRACT MAP



### LEGAL DESCRIPTION

A portion of the Southwest quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, and on per southeast of Corralles No. 18-1843, recorded April 4, 1987, on Document No. 9754, Official Records, in the County of Fresno, being more particularly described as follows:

PORTION OF:  
Pending Tentative Tract 5383 including Lots 182, 183, 184, 185.

TOGETHER WITH:  
That portion of the Southwest quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, Fresno County, according to the United States Government Plat, described as follows:  
Beginning at a point on the East line of the Southwest quarter of said Section 15, said point being 860.00 feet North 07° 37' 21" East of the Southeast corner thereof; thence South 87° 04' 04" West a distance of 1254.10 feet; thence North 87° 04' 04" West a distance of 135.00 feet; thence North 07° 37' 21" East a distance of 860.00 feet; thence North 07° 02' 04" West a distance of 154.00 feet; thence North 07° 02' 04" West a distance of 243.00 feet; thence North 07° 37' 21" East a distance of 243.00 feet to the point of beginning; or, a more accurate description of the above-described parcel is as follows:  
Beginning at a point on the East line of the Southwest quarter of said Section 15, said point being 860.00 feet North 07° 37' 21" East of the Southeast corner thereof; thence South 87° 04' 04" West a distance of 1254.10 feet; thence North 87° 04' 04" West a distance of 135.00 feet; thence North 07° 37' 21" East a distance of 860.00 feet; thence North 07° 02' 04" West a distance of 154.00 feet; thence North 07° 02' 04" West a distance of 243.00 feet; thence North 07° 37' 21" East a distance of 243.00 feet to the point of beginning.

PORTION OF:  
Pending Tentative Tract 5383 including Lots 186.

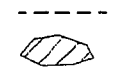
TOGETHER WITH:  
That portion of the Southwest quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, Fresno County, according to the United States Government Plat, described as follows:  
Beginning at the Southwest corner of said Section 15, said point being 860.00 feet North 07° 37' 21" East of the Southeast corner of said Section 15, thence North 07° 37' 21" East a distance of 1254.10 feet; thence North 87° 04' 04" West a distance of 1354.87 feet; thence North 07° 37' 21" East a distance of 1254.10 feet to a point on the East line of the Southwest quarter of said Section 15, thence South 87° 04' 04" West along said East line of the Southwest quarter of Section 15, a distance of 860.00 feet to the Point of Beginning.

Containing 805.73 acres, more or less.

END OF DESCRIPTION

Complete description of all lots and adjacent lots before a copy of 800 feet as approved by Corralles Resources Corporation, a California corporation by deed dated October 30, 1976, is recorded October 20, 1976, in Book 8523, Page 2 of Official Records, Document No. 97511.

### LEGEND



### OWNER'S CERTIFICATE

A. Ben Ewell, Jr.  
I hereby certify that I am the record owner of the property shown on the Tentative Map of Tract No. 5771 and I have authorized the map and consent to its submission to the Fresno County Planning Commission for consideration.

Signature: \_\_\_\_\_  
Name: A. BEN EWELL, JR.  
THE CLARKSFIELD COMPANY, INC.  
Address: 455 W. PALMADOC, # 101  
City: FRESNO Phone: 437-1890

NOTICE: This map is subject to the provisions of the Tentative Tract Map Act, Chapter 10, Article 10, of the California Constitution, and the provisions of the Tentative Tract Map Act, Chapter 10, Article 10, of the California Constitution, and the provisions of the Tentative Tract Map Act, Chapter 10, Article 10, of the California Constitution.

|     |      |          |
|-----|------|----------|
| NO. | DATE | REVISION |
|     |      |          |
|     |      |          |
|     |      |          |

TRACT NO. 5771  
FAIRWAY CREST  
FRESNO COUNTY  
THE C  
VESTING T

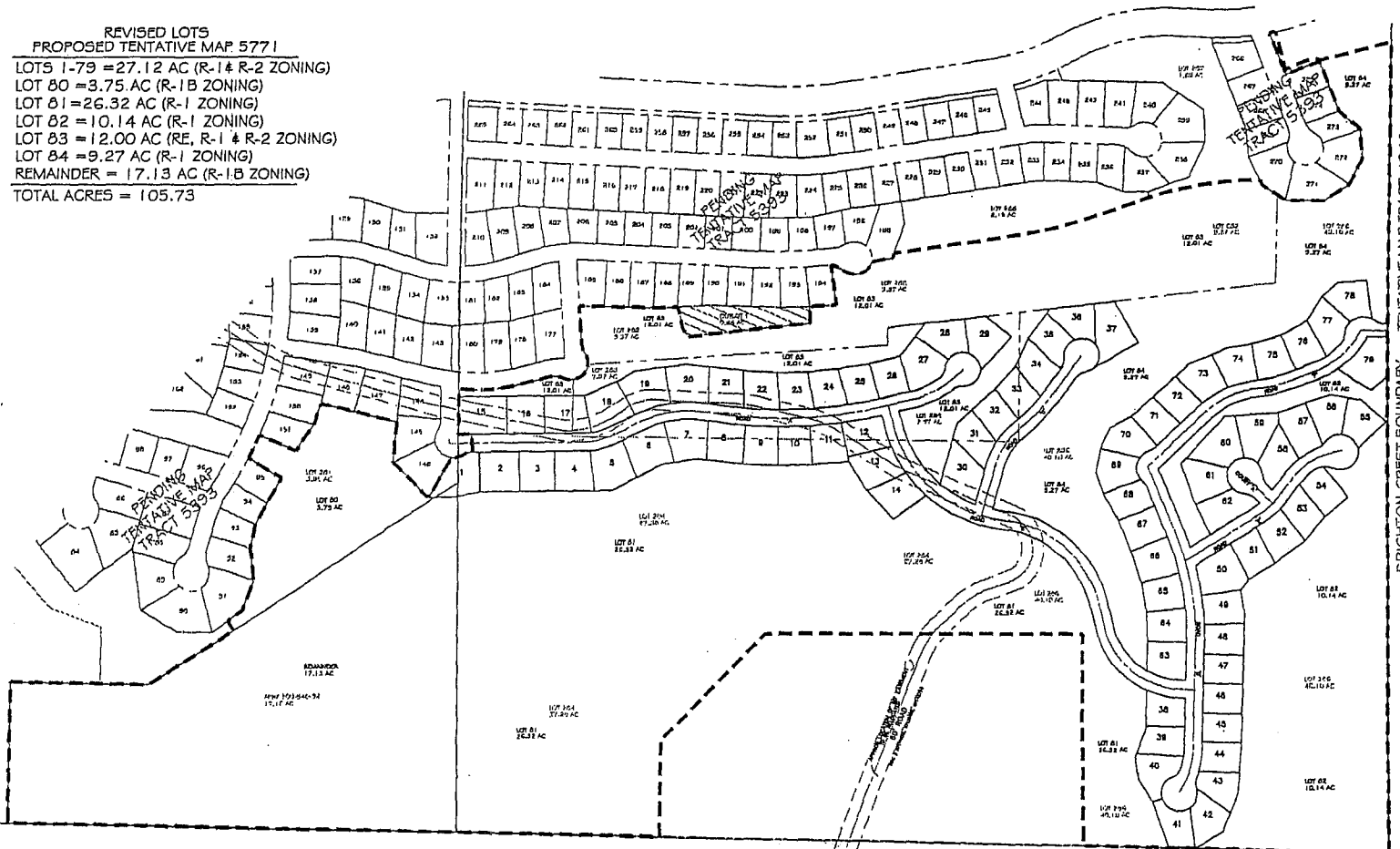
DESIGNER: **PROVOST & PROCTOR**  
ENGINEER: **ABL**  
LICENSE NO: **CE 859,104**  
DRAFTED BY: **CHKLED BY: ABL**  
SCALE: **AS SHOWN**  
DATE: **6/01/2008**  
JOB NO: **12310401**  
DWG. NO:   
SHEET: **1** OF **4**

EXHIBIT 6, PAGE 14



**AFFECTED LOTS**  
**PENDING TENTATIVE TRACT 5393**  
 LOT 281 = 3.85 AC (R-1B ZONING)  
 LOT 282 = 9.37 AC (RE ZONING)  
 LOT 283 = 7.97 AC (R-2 ZONING)  
 LOT 284 = 27.28 AC (R-1 ZONING)  
 LOT 286 = 40.01 AC (R-1 ZONING)  
 APN 300-540-92 = 17.16 (R-1B ZONING)  
 TOTAL ACRES = 105.73

**REVISED LOTS**  
**PROPOSED TENTATIVE MAP 5771**  
 LOTS 1-79 = 27.12 AC (R-1 & R-2 ZONING)  
 LOT 80 = 3.75 AC (R-1B ZONING)  
 LOT 81 = 26.32 AC (R-1 ZONING)  
 LOT 82 = 10.14 AC (R-1 ZONING)  
 LOT 83 = 12.00 AC (RE, R-1 & R-2 ZONING)  
 LOT 84 = 9.27 AC (R-1 ZONING)  
 REMAINDER = 17.13 AC (R-1B ZONING)  
 TOTAL ACRES = 105.73



PROVISIONS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCES OF THE CITY OF FRESNO, CALIFORNIA, APPLY TO THIS MAP. THE CITY ENGINEER HAS REVIEWED THIS MAP AND HAS ISSUED THIS PERMIT UNDER THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCES OF THE CITY OF FRESNO, CALIFORNIA. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY ENGINEER'S REVIEW DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

PRELIMINARY  
 NOT FOR CONSTRUCTION  
 01/01/2004

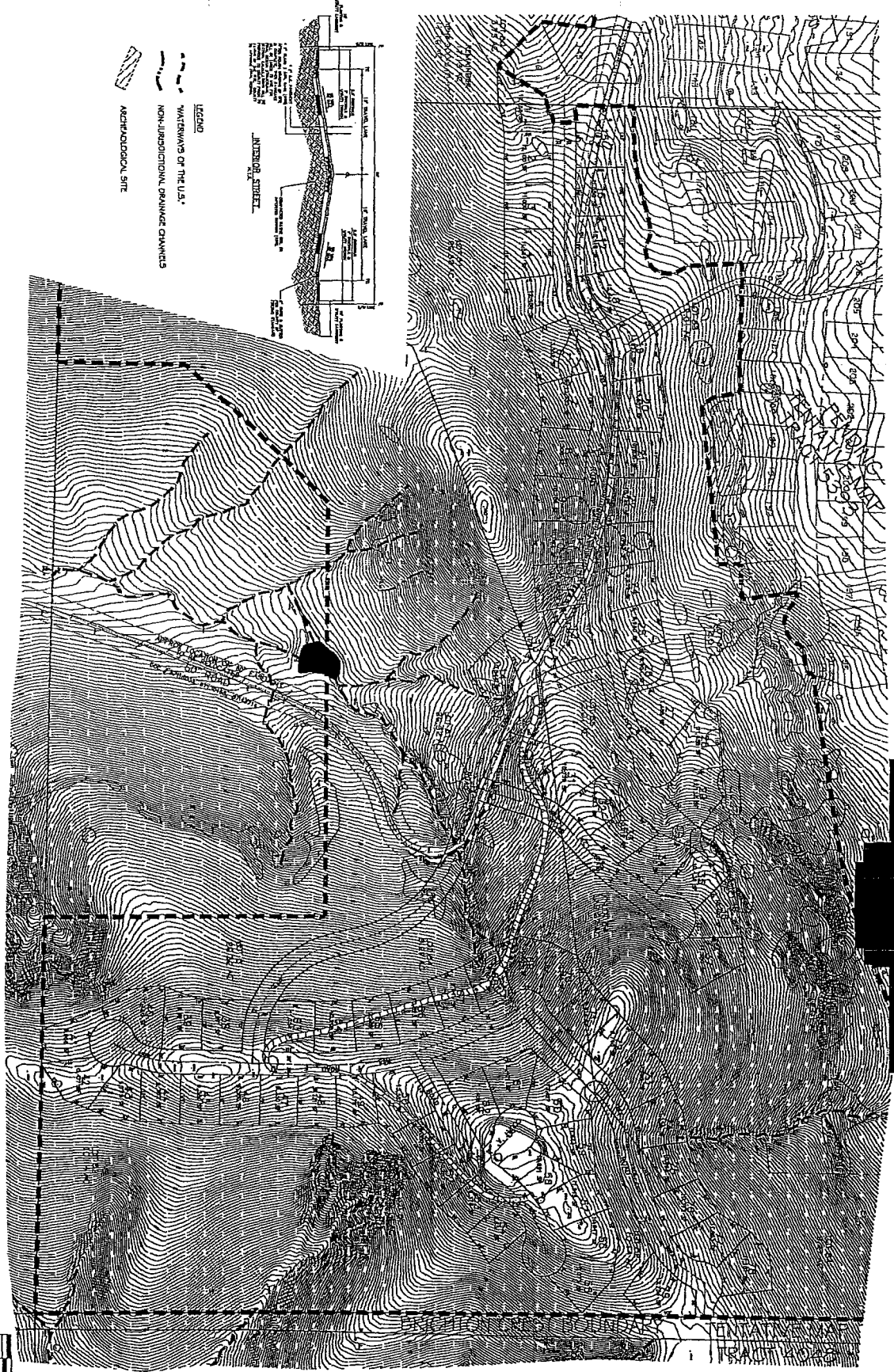
TRACT NO. 5771  
 FAIRWAY CREST  
 FRESNO COUNTY

THE CLARKSFIELD COMPANY INC.  
 VESTING TENTATIVE TRACT NO. 5771

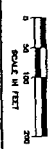
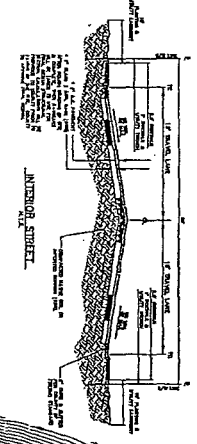
**PROVOST & PRITCHARD**  
 ENGINEERS  
 200 W. CLAYTON ST., SUITE 200  
 FRESNO, CALIFORNIA 93702-3705  
 (559) 238-1300

DESIGN ENGINEER:  
 ARL  
 LICENSE NO.  
 CE #88,104  
 DRAFTED BY: HWY  
 CHECKED BY: ARL  
 SCALE: AS SHOWN  
 DATE: 6/01/2004  
 JOB NO: 12320501  
 DWG. NO:

SHEET  
 2 of 4



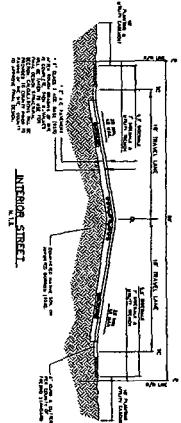
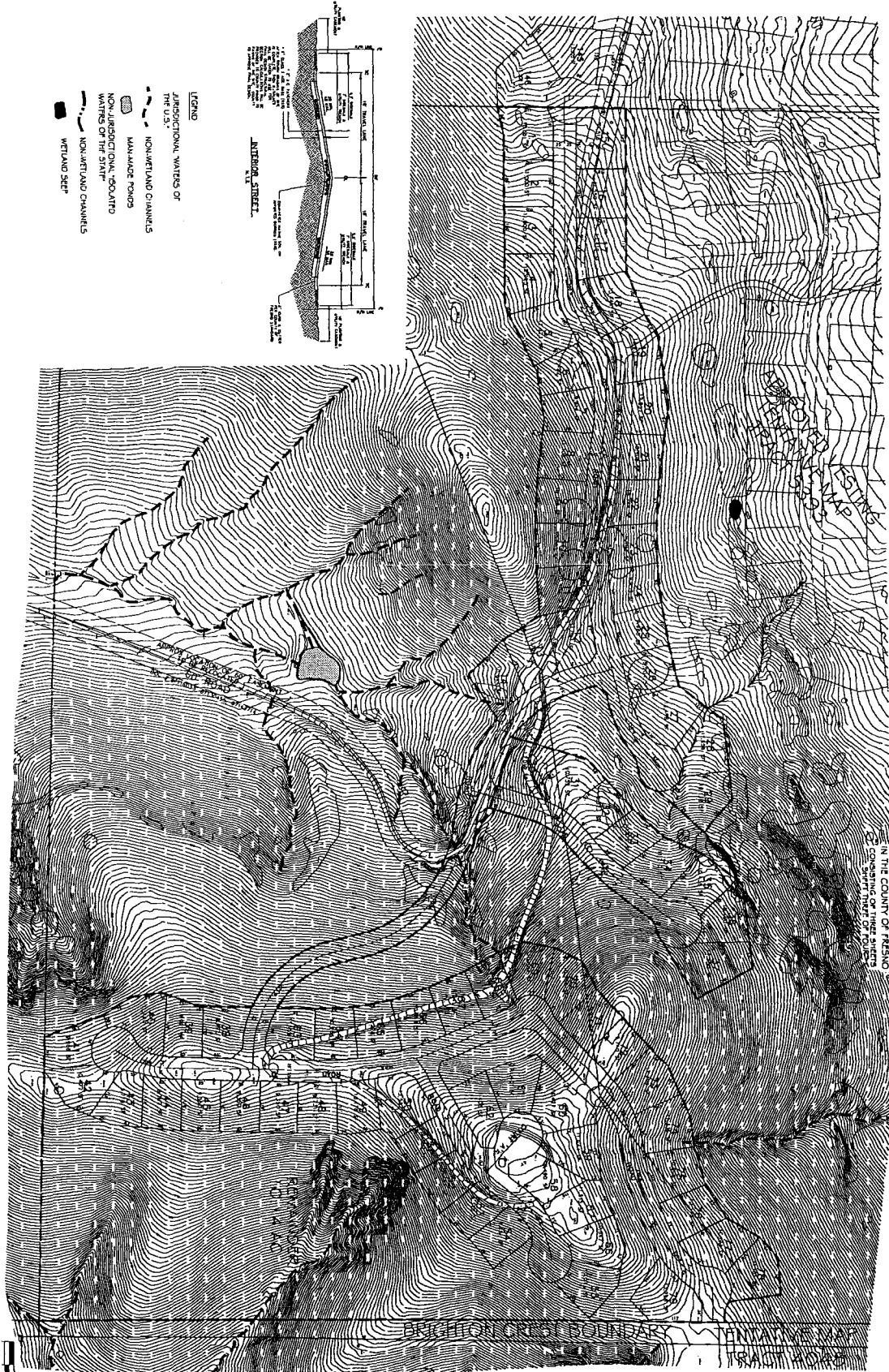
LEGEND  
 WATERWAYS OF THE U.S.  
 NON-ADJUDICATORIAL DRAINAGE CHANNELS  
 ADJUDICATORIAL SITE



|        |   |   |   |                          |  |
|--------|---|---|---|--------------------------|--|
| 3<br>4 | PROVOST & PRITCHARD<br>AN EQUAL OPPORTUNITY FIRM<br>700 WEST CHAPMAN AVENUE<br>FRESNO, CALIFORNIA 93701-8002<br>509/438-2008 FAX 509/438-2770<br>www.pjpr.com | TRACT NO. 5771<br>FAIRWAY CREST   | FRESNO COUNTY<br>THE CLARKSFIELD COMPANY INC.<br>VESTING TENTATIVE TRACT NO. 5771 | REVISIONS<br>NO. BY DATE | THIS PLAN IS THE PROPERTY OF PROVOST & PRITCHARD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PROVOST & PRITCHARD. |
|        |   | FRESNO ENGINEER<br>A/E/C<br>PROJECT NO. 14<br>SHEET NO. 14<br>DATE OF ISSUE<br>DATE OF REVISION<br>DATE OF REVISION<br>DATE OF REVISION |   |                          |  |



TRACT MAP NO. 5771



- LEGEND**
- JURISDICTIONAL WATERS OF THE U.S.
  - NON-WETLAND CHANNELS
  - MAN-MADE PONDS
  - NON-JURISDICTIONAL POUNDS
  - MAN-MADE CHANNELS
  - WETLAND CHANNELS
  - WETLAND STEP

IN THE COUNTY OF FRESNO  
 CONSISTING OF THREE SECTIONS  
 OF THE SEVENTH TOWNSHIP OF RANGE 18E

**PROVOST & PRITCHARD**  
 AN EMPLOYEE OWNED COMPANY  
 284 WEST CHICOPEE AVENUE  
 FRESNO, CALIFORNIA 93711-4982  
 559/449-2700 FAX 559/449-2753  
 www.provostpritchard.com

TRACT NO. 5771  
 FAIRWAY SECT  
 FRESH  
 THE CLARKSF  
**EXHIBIT 6, PAGE 17**  
 VESTING TENTAT

DESIGN ENGINEER  
 DESIGN NO. 04  
 SHEET NO. 04  
 SCALE: AS SHOWN  
 DATE: 1/17/2012  
 DRAWN BY: JACOBSON  
 CHECKED BY: JACOBSON  
 DATE: 1/17/2012  
 SHEET NO. 04  
 OF 4

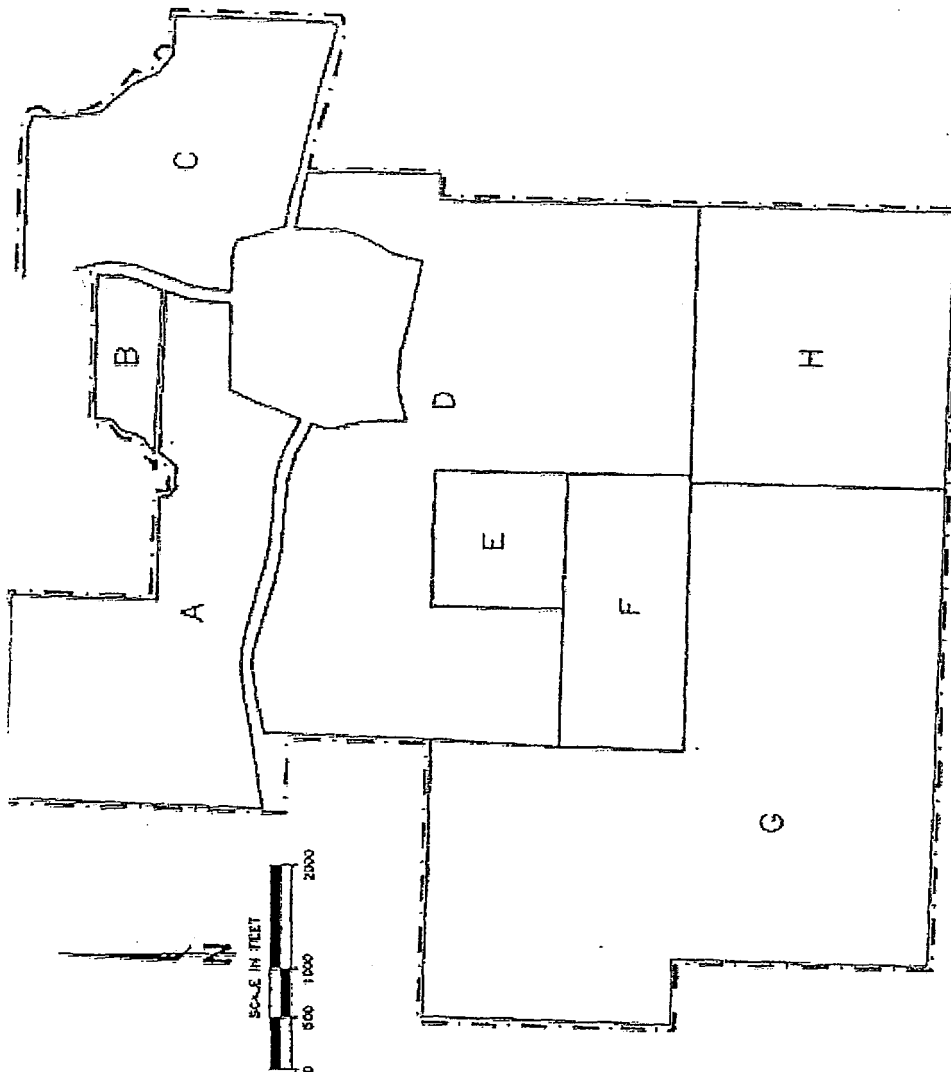
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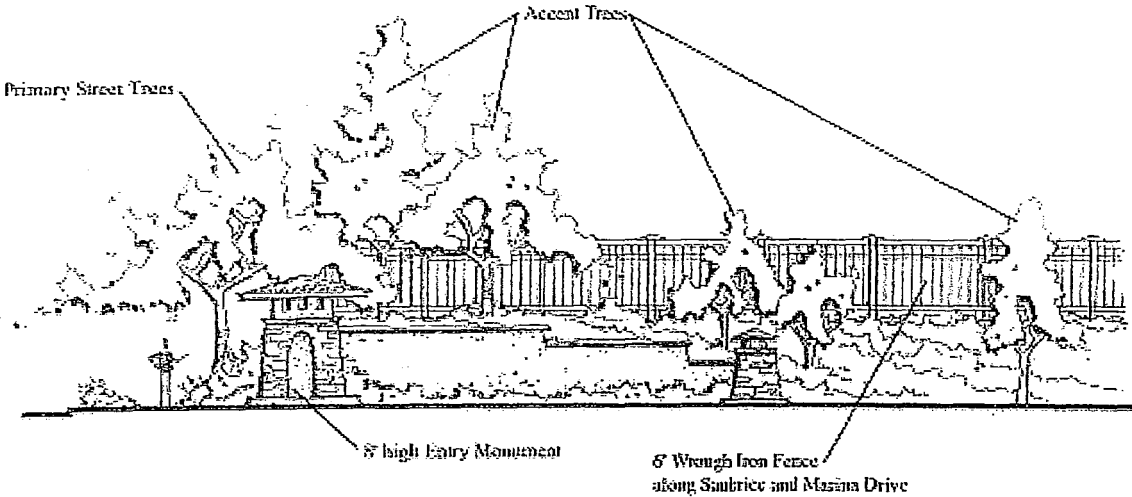
**FIGURE 3 - RESIDENTIAL DEVELOPMENT  
ALLOCATION AREAS  
MILLERTON NEW TOWN SPECIFIC PLAN**

|                          |                    |
|--------------------------|--------------------|
| <b>RESIDENTIAL AREAS</b> |                    |
| AREA A:                  | 513 UNITS          |
| AREA B:                  | 57 UNITS           |
| AREA C:                  | 600 UNITS          |
| AREA D:                  | 1,017 UNITS        |
| AREA E:                  | 100 UNITS          |
| AREA F:                  | 210 UNITS          |
| AREA G:                  | 795 UNITS          |
| AREA H:                  | 207 UNITS          |
| <b>TOTAL:</b>            | <b>3,499 UNITS</b> |



CF.FairwayCrest.Figure3.OperState.ResDevAllocAreas

# FIGURE 4 NEIGHBORHOOD ENTRY TREATMENT



Primary Street Trees (Saubric and Marina Drive):  
*Populus Fremontii*      Coast Redwood  
*Platanus racemosa*      Sycamore  
*Quercus lobata*      Valley Oak

Accent Trees:  
*Cercis canadensis*      Eastern Redbud  
*Lagerstroemia indica*      Cape Myrtle  
*Maytenus toaria*      Mayten Tree  
*Robinia ambigua "Idahoensis"*      Locust

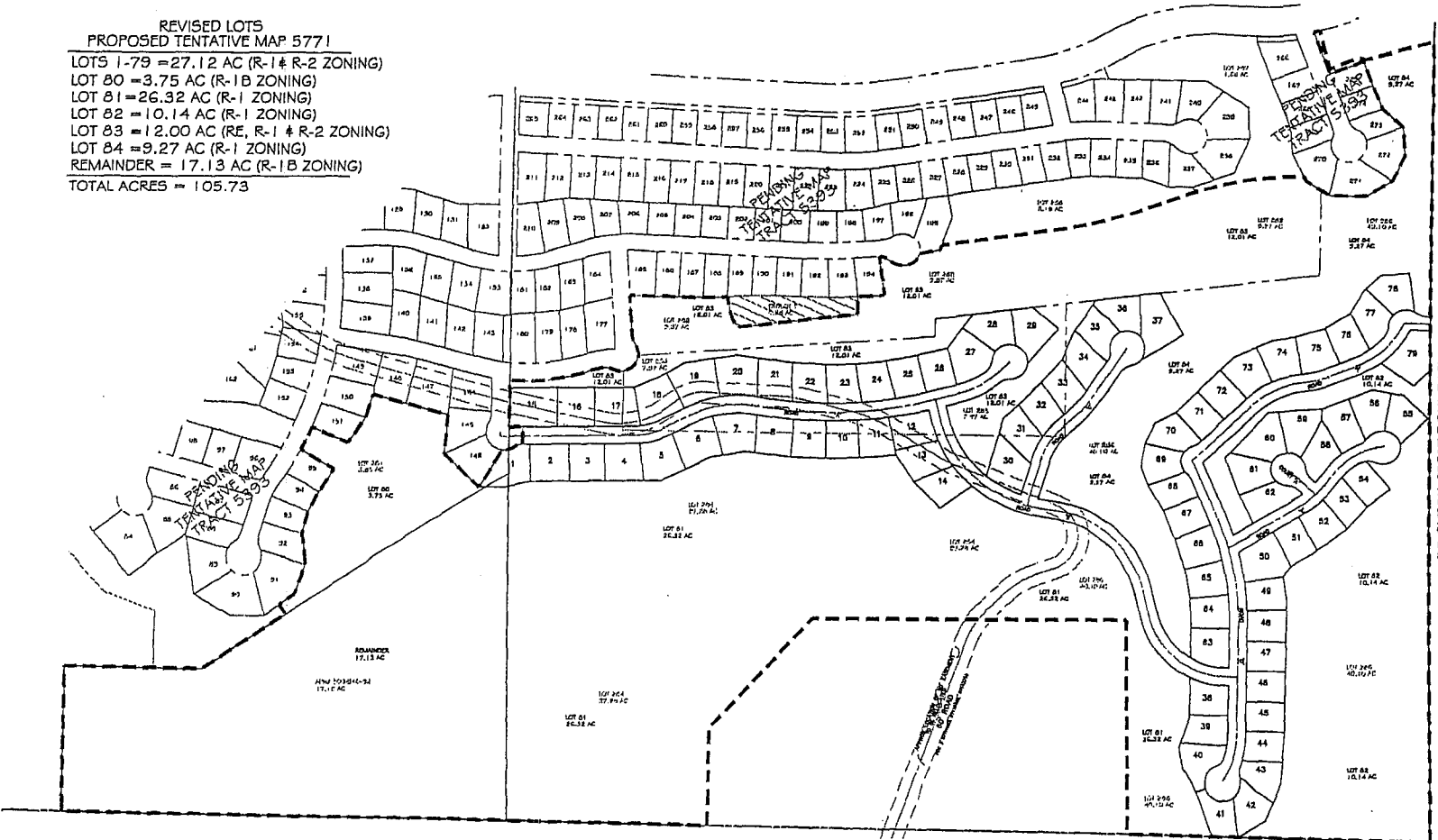
CP.FairwayCrest.Figure4.NeighborhoodEntryTreatment





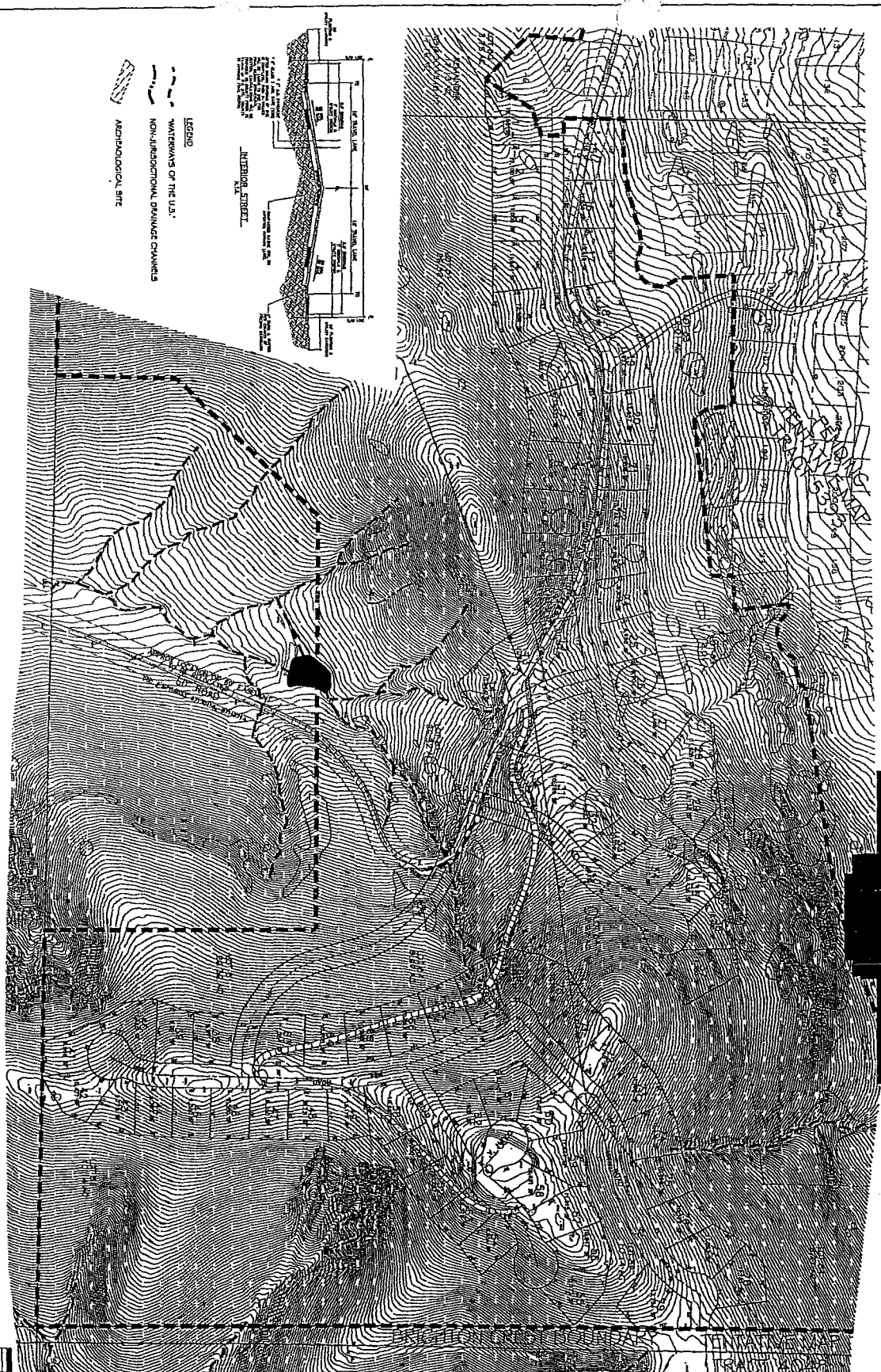
**AFFECTED LOTS**  
**PENDING TENTATIVE TRACT 5393**  
 LOT 281 = 3.85 AC (R-1B ZONING)  
 LOT 282 = 9.37 AC (RE ZONING)  
 LOT 283 = 7.97 AC (R-2 ZONING)  
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 LOT 286 = 40.01 AC (R-1 ZONING)  
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**REVISED LOTS**  
**PROPOSED TENTATIVE MAP 5771**  
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 LOT 82 = 10.14 AC (R-1 ZONING)  
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 LOT 84 = 9.27 AC (R-1 ZONING)  
 REMAINDER = 17.13 AC (R-1B ZONING)  
 TOTAL ACRES = 105.73

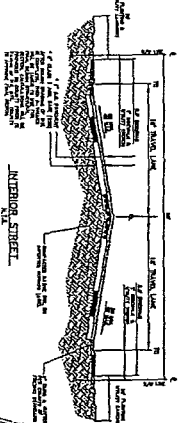


BRIGHTON CREST BOUNDARY TENTATIVE MAP TRACT 4048

|  |   |
|--|---|
| <p><b>PROVOST &amp; PRITCHARD</b><br/>         200 WEST OROVILLE AVENUE<br/>         SUITE 200 - 9360 FAIRWAY DRIVE<br/>         FAIRFAX, CA 94534<br/>         (925) 252-8891</p> |   |
| <p>DESIGN ENGINEER<br/>         ABL<br/>         LICENSE NO.<br/>         CE 89,104</p>  | <p>DRAFTED BY: CHECKED BY:<br/>         MVM JAB<br/>         SCALE: AS SHOWN<br/>         DATE: 8/01/2008<br/>         JOB NO.: 12320801<br/>         DRAWING SHEET</p> |
| <p>TRACT NO. 5771<br/>         FAIRWAY CREST<br/>         FRESNO COUNTY<br/>         THE CLARISFIELD COMPANY INC.<br/>         VESTING TENTATIVE TRACT NO. 5771</p>                | <p>PRELIMINARY<br/>         NOT FOR CONSTRUCTION<br/>         01/01/2004</p>  |
| <p>2</p>   | <p>4</p>  |



**LEGEND**  
 WATERSHEDS OF THE U.S.  
 NON-UNIDIRECTIONAL DRAINAGE CHANNELS  
 ARCHAEOLOGICAL SITE



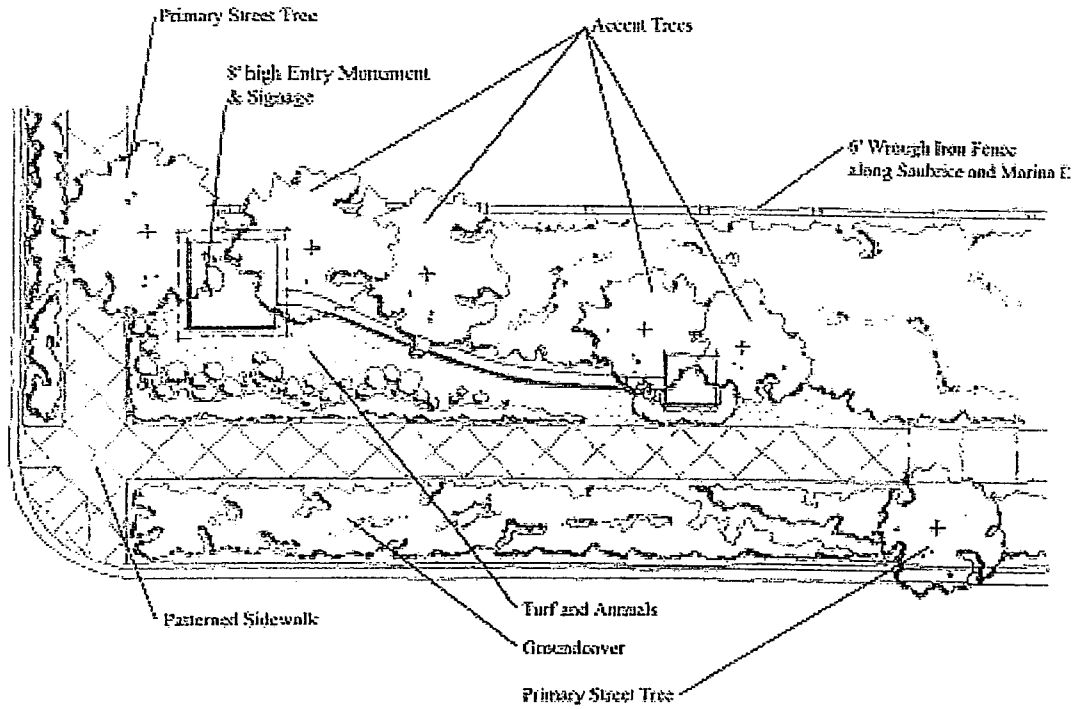
SCALE IN FEET  
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|              |   |  |  |   |
|--------------|---|--|--|---|
| 3<br>of<br>4 | DESIGN ENGINEER<br>A/E/C<br>LICENSE NO. 134<br>C.E. FRIEDL    | TRACT NO. 5771<br>FAIRWAY CREST<br>FRESNO COUNTY<br>THE CLARKSFIELD COMPANY INC.<br>VESTING TENTATIVE TRACT NO. 5771   | No. _____ REVISION _____ BY _____ DATE _____ | THIS PLAN IS THE PROPERTY OF PROVOST & PRITCHARD AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF PROVOST & PRITCHARD. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL INDEMNIFY AND HOLD PROVOST & PRITCHARD HARMLESS FROM ANY AND ALL SUCH DAMAGES OR INJURIES. |
|              | DRAWN BY<br>DATE<br>CHECKED BY<br>DATE<br>APPROVED BY<br>DATE | PROVOST & PRITCHARD<br>400 EMPLOYERS DRIVE<br>SUITE 200<br>100 WEST CHAPPELL AVENUE<br>FRESNO, CALIFORNIA 93701-4455<br>559/438-1100 FAX 559/438-1101<br>www.pandp.com |  |   |



# FIGURE 4A NEIGHBORHOOD ENTRY PLAN



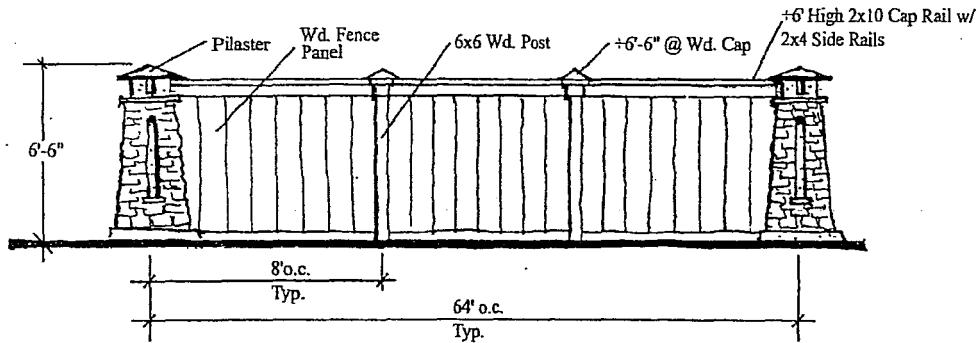
Primary Street Trees (Saubrice and Marina Drive):  
*Populus Fremontii* Cottonwood  
*Plantanus racemosa* Sycamore  
*Quercus lobata* Valley Oak

Accent Trees:  
*Cercis canadensis* Eastern Redbud  
*Lagerstroemia indica* Crape Myrtle  
*Maytenus buaria* Mayten Tree  
*Rubus ambigua* "Idahoensis" Lotus

CF, Fairway Crest, Figure 4A, Neighborhood Entry Plan

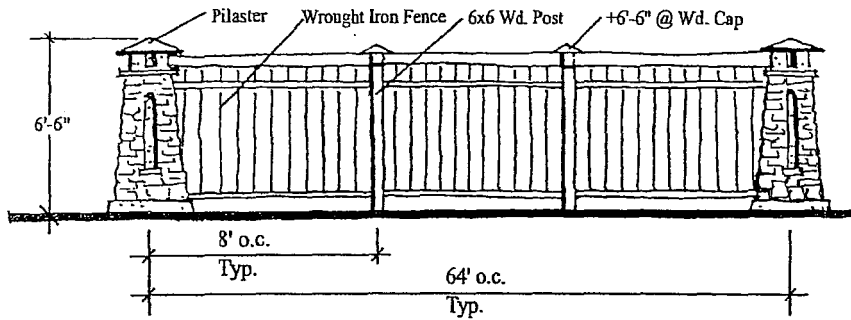
# FIGURE 5

## Fencing Standards



**Type A: Perimeter Fencing**

Perimeter fencing shall be six (6) feet in height. Perimeter fencing shall be constructed along Marina/ Saubrice Drive and along northern perimeter of the project area.



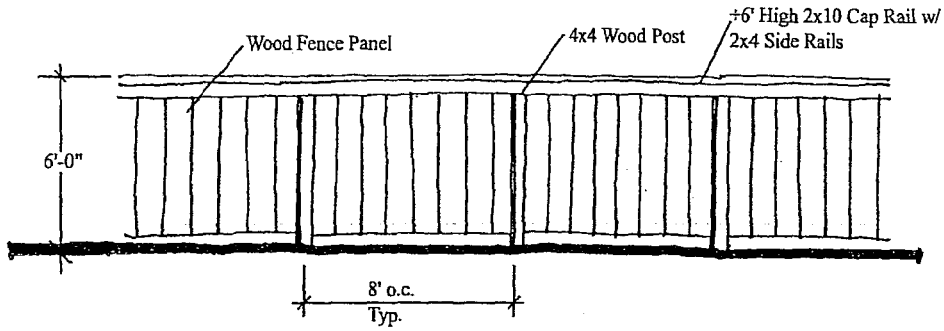
**Type A Alternate: Perimeter Fencing**

Perimeter fencing shall be six (6) feet in height. Perimeter fencing shall be constructed along Marina/ Saubrice Drive and along northern perimeter of the project area.



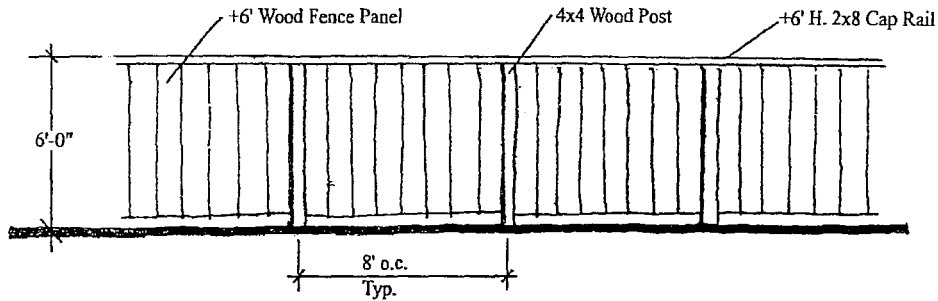
# FIGURE 5A

## Fencing Standards



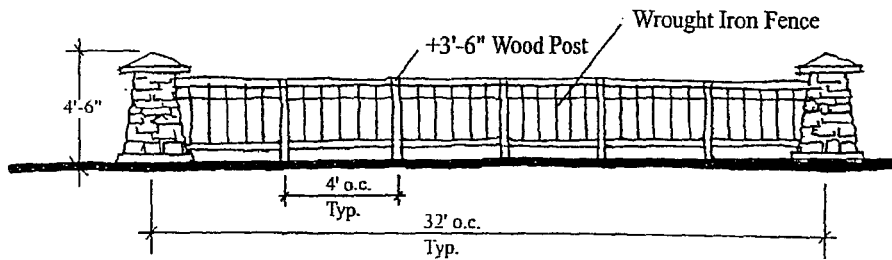
### Type B: Residential Yard Fencing (Viewable From Public Street)

Interior residential front facing (backyard) fencing (toward public streets) shall be six (6) feet in height. This fence shall be constructed of redwood, cedar, or comparable material.



### Type B: Residential Yard Fencing (Interior)

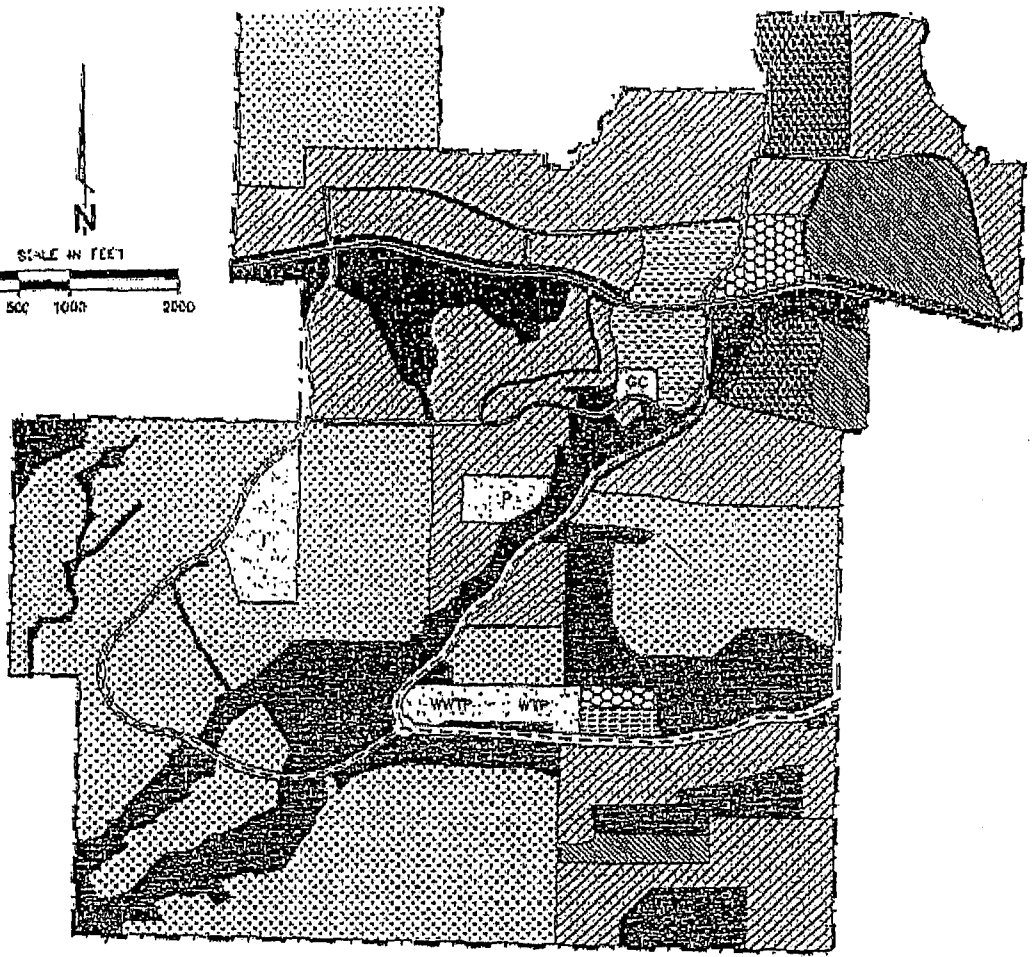
Interior residential front facing (backyard) fencing (toward public streets) shall be six (6) feet in height. This fence shall be constructed of redwood, cedar, or comparable material.



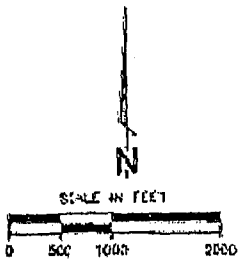
### Type C; Low Ornamental Iron Fencing

Low Fencing shall be constructed at all open-ended culs-de-sac leading to open space corridors. Low Fencing may also be used in conjunction with neighborhood entries.

FIGURE 6 - LAND USE & CIRCULATION ELEMENTS MILLERTON SPECIFIC PLAN

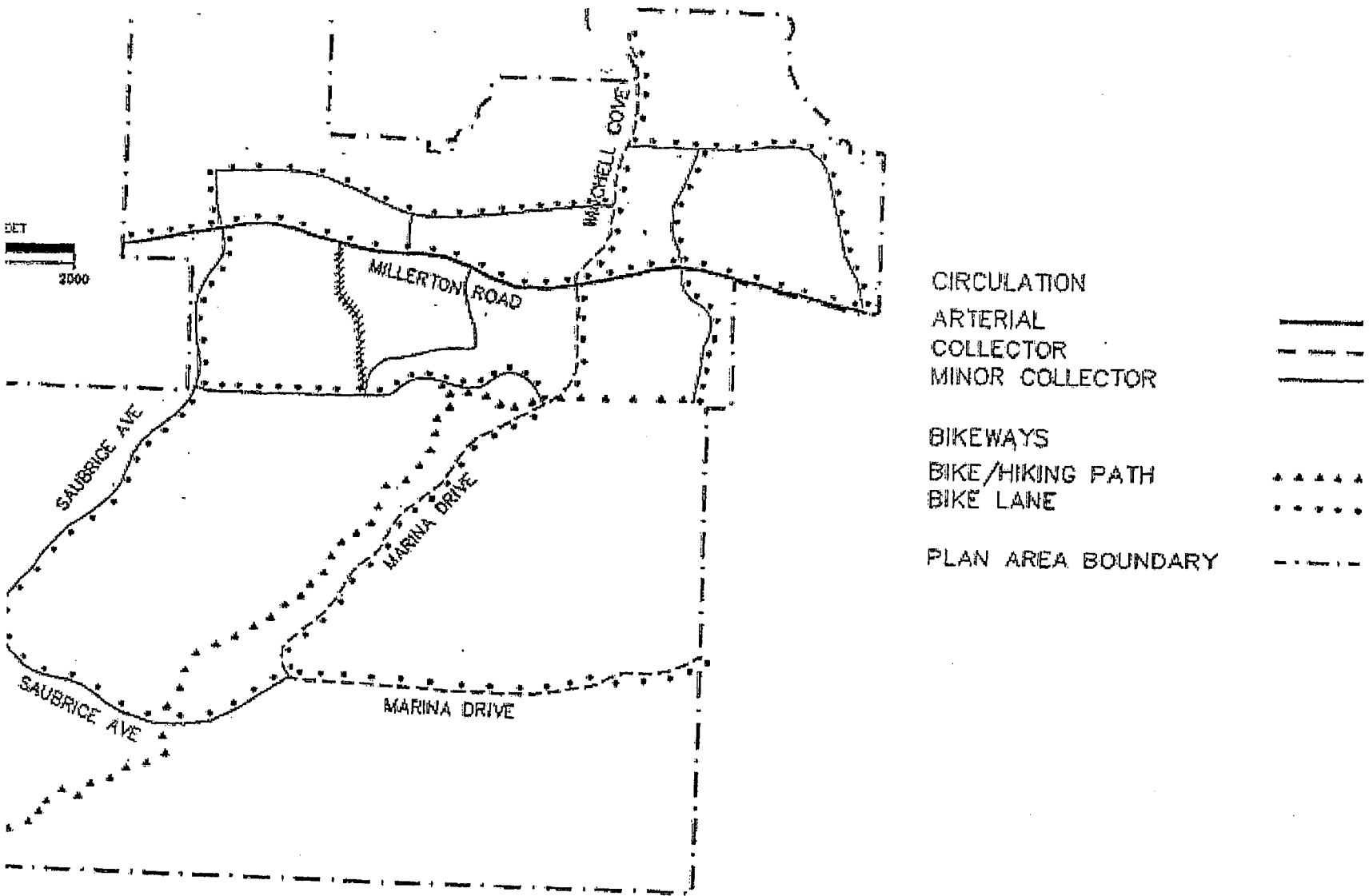


- OPEN SPACE
- RESIDENTIAL
  - MEDIUM LOW DENSITY
  - MEDIUM DENSITY
  - MEDIUM HIGH DENSITY
- COMMERCIAL
  - CENTRAL BUSINESS
  - SERVICE
  - SPECIAL
  - NEIGHBORHOOD
- PUBLIC FACILITIES
  - SCHOOL
  - GOVERNMENT CENTER
  - PARK
  - WATER TREATMENT PLANT
  - WASTEWATER TREATMENT PLANT
- CIRCULATION
  - ARTERIAL
  - COLLECTOR
  - MINOR COLLECTOR
  - PLAN AREA BOUNDARY

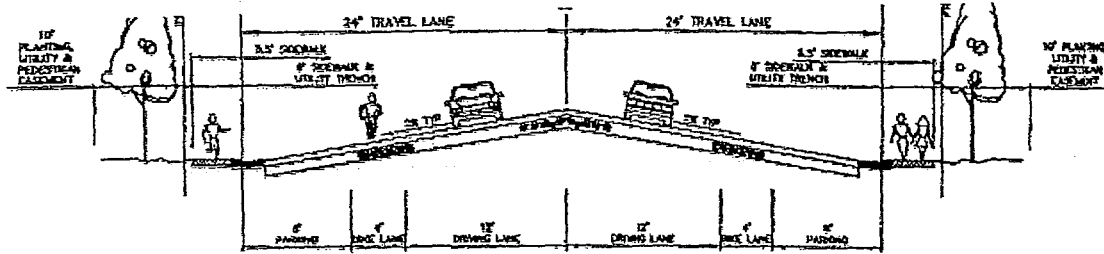


CF Railway Case 6, Figure 6, Open Space, Land Use, and Circulation Elements

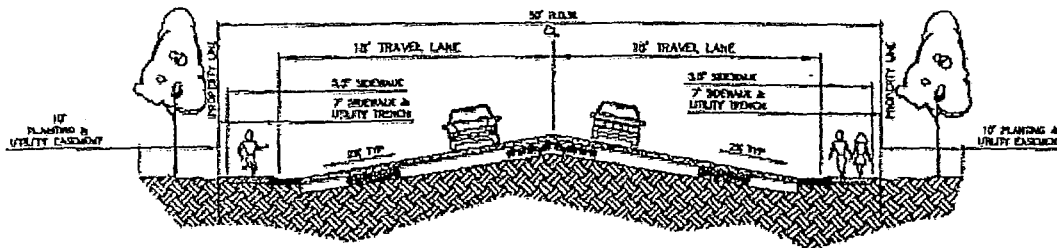
**FIGURE 7 - CIRCULATION ELEMENT AND BIKEWAYS  
MILLERTON NEW TOWN SPECIFIC PLAN**



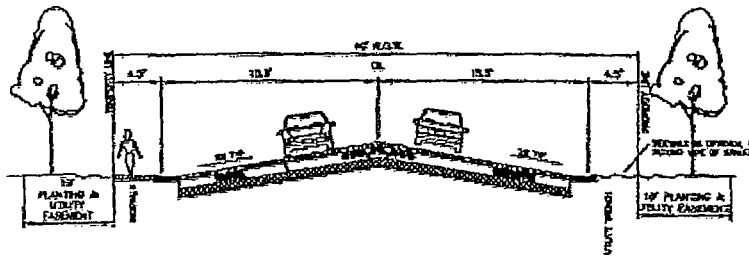
# FIGURE 8 LOCAL RESIDENTIAL & COLLECTOR STREET STANDARDS MILLERTON SPECIFIC PLAN



COLLECTOR STREET - 60' R.O.W.  
N.T.S.



LOCAL RESIDENTIAL STREET - 50' R.O.W.  
SERVES 13 OR MORE UNITS  
N.T.S.



LOCAL RESIDENTIAL STREET - 40' R.O.W.  
SERVES 1 TO 10 UNITS  
N.T.S.

CF.FairwayCrest.Figure8.OperStat.LocalRes&CollectorStreetStandards



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** The Clarksfield Company, Inc.
- APPLICATION NOS:** Initial Study Application No. 5709, Classified Conditional Use Permit Application No. 3193, Site Plan Review Application No. 7787 and Vesting Tentative Tract Map Application No. 5771
- DESCRIPTION:** 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, 6,000 square-foot minimum parcel size), R-2(c) (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) 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. (APN: 300-541-43, and 44).
- DISCUSSION:**

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 Millerton Specific Plan was adopted in December 1979. Several additional environmental studies have been prepared since the 1979 certification; the most recent being in December 2004.

This Initial Study has been prepared in part to determine if the existing EIR is adequate for the proposed project pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 et seq. of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in June of 2006 and again on February 9, 2011 with acknowledgement of the previously-adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated. Based on staff's review of comments received, it

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related impacts that could not be mitigated. Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

This Initial Study has been prepared pursuant to Section 15162 of the CEQA Guidelines, to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that mitigation measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a mitigated negative declaration has been prepared.

## I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista;
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project proposes to create 79 single family residential lots and a 10.14-acre remainder lot within the Millerton New Town Specific Plan which has been designated for urban development since 1979. Surrounding the subject project area are the following: vacant land proposed for residential development located to the north, south and west. Residential development (Brighton Crest) to the east. Views and vistas of the foothill surroundings will not be adversely affected by the proposed residential development due to the location of the proposed subdivision. The proposal is located south of Millerton Road within a planned community which will include residential, commercial, public facility, and open space uses. The proposal also includes open space buffers surrounding wetlands, streams, and rock outcroppings limiting impacts on scenic vistas or other visual resources to less than significant.*

*The project area comprises a distinct major open space element south of Millerton Lake. Visual impact concerns arise from modification and urbanization of the small valley and rolling terrain which make up the town site, sensitivity of proposed development to hillside, ridgeline, and other on-site visual values, and development as it relates to the natural environment. According to the 1979 Environmental Impact Report (EIR) for Millerton Specific Plan, the New Town would have a significant impact on the visual character of the Millerton Area in that the development would consume open space and change the visual character of the area. To lessen such impacts, the proposal includes open space buffers surrounding wetlands, streams, and rock outcroppings limiting impacts on scenic vistas or other visual resources. In addition, the project will adhere to*

*Mitigation Measure No. 11, listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix in relation to location of building sites on the property, submittal of landscaping plan, grading and erosion control, scenic road ways, and park development to maintain visual quality of the site and its surroundings.*

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project would generate new sources of light and glare in the form of residential lighting (exterior and interior), pole mounted street lighting, and vehicular headlights. However, the increase in light and glare is not considered significant because the type of light generated is expected to be similar to that of existing residential development to the west and southeast, and projects within the vicinity. According to the applicant's operational statement, lighting and glare impacts will be minimized through careful selection and placement of lighting standards and illumination levels. In addition, all lighting fixtures will direct light downward to minimize area glare and light spillover. To mitigate light and glare impacts on the adjacent properties, the following mitigation measure will be incorporated into the project:*

**\*Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.*

**II. AGRICULTURAL RESOURCES**

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;
- B. Would the project conflict with existing agricultural zoning or Williamson Act contracts; or
- C. Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?

FINDING: NO IMPACT

*The proposal will be developed within the boundaries of the Millerton New Town Specific Plan, which does not contain any productive agricultural land nor is subject to a Williamson Act Contract. According to the Important Farmland Map, the entire Millerton New Town Specific Plan is designated as "Grazing Land" and currently contains a golf course, single family residential units, and vacant land. Therefore, this proposal will not convert prime agricultural land into non-agricultural use.*

**III. AIR QUALITY**

- A. Would the project conflict with or obstruct implementation of the applicable air quality plan?
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

**FINDING: LESS THAN SIGNIFICANT IMPACT**

*The proposal may contribute to the overall decline in air quality due to the increase in traffic to the Millerton New Town Specific Plan area. The proposal will require compliance with the San Joaquin Valley Air Pollution Control District (Air District) Regulation VII (fugitive PM10 Prohibitions) and Rules 4101 (Nuisance), Rule 4103 (Open Burning), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), and Rule 4902 (Residential Water Heaters). Pursuant to District Rule 9510, an Indirect Source Review (ISR) was required due to the proposal exceeding 50-lots. The ISR was applied for and was approved by the District on January 31, 2008.*

*In addition to Air District's Rules and Regulations, the applicant must adhere to the Millerton New Town Special Plan, Mitigation Measures and Monitoring Program Matrix, Climate and Air Quality Mitigation Measures Nos. 17.a - m.*

- E. Would the project create objectionable odors affecting a substantial number of people?

**FINDING: NO IMPACT**

*As proposed, the single family residential development will not create objectionable odors.*

**IV. BIOLOGICAL RESOURCES**

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Game or United States Department of Fish and Wildlife?



FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED

*The proposed 37.24-acre site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report (EIR) certified for the Millerton New Town Specific Plan Area and the subsequent 2004 EIR Addendum. Both California Department of Fish and Game and United States Department of Fish and Wildlife reviewed the proposal and Specific Plan Mitigation Measures and Monitoring Program Matrix. The Department indicated that there is an absence of recent surveys and avoidance should be achieved where possible. However, when avoidance is not possible the applicant shall consult with the agencies. The Department indicated that the applicant shall adhere to the mitigation measures listed in the Vegetation and Wildlife Section in relation to the preservation of oaks, participation in the formation of a Open Space and Natural Resource Plan, and development of a Wetland and Open Space Mitigation and Management Plan and Monitoring Program. In addition to Mitigation Measures No. 16.a-1 of the Specific Plan, DFG provided an additional mitigation measure to be included requiring additional focused biological surveys be conducted if necessary and at the appropriate timing by a qualified biologist/botanists to determine if additional species are occurring on the project not addressed in previous Biotic Evaluations prepared for the Millerton New Town Specific Plan area. The Department noted that California Tiger Salamander (CTS) was not listed under either the State or Federal Endangered Species Acts when the environmental documentation was prepared for this project. The Department indicated that the proposed site has the potential for CTS breeding and that upland habitat has been identified in the area. The project will pursue burrow avoidance and will consult with the appropriate agencies should avoidance not be possible. Furthermore, the project has the potential to impact the San Joaquin Kit Fox, Bald Eagle, Golden Eagle, and White-Tailed Kite; the threatened San Joaquin Valley Orcutt Grass and Succulent Owl's Clover; and the threatened Vernal Pool Fairy Shrimp and the vernal pool tadpole shrimp.*

The following mitigation measures have been included to address potential disturbance to federally and state listed species prior to site development:

**\* Mitigation Measure**

1. *The applicant shall comply with 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 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 and the United States Fish and Wildlife Service 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 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.*

*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.*

*c) California Tiger Salamander (CTS): If appropriate and unavoidable, prior to construction activities, the applicant shall apply for an Incidental Take Permit (ITP) or if applicable a Consistency Determination with the California Department of Fish & Game. 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).*

*d) Burrowing Owl: If appropriate and unavoidable, no disturbance should occur 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.*

*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 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.*

- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The Army Corps of Engineers reviewed the project and stated the study area is under the authority of Section 404 of the Clean Water Act which regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The U.S. Army Corps of Engineers indicated that the proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance and mitigation requirements of the US Army Corps of Engineers. The 404 permit will be required prior to ground disturbance, and will be included as a mitigation measure to the project.*

**\* Mitigation Measure**

2. *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.*

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The subject site has numerous wetlands, drainages and vernal pools which will likely be negatively affected over the long-term by surface water runoff during rain events. Any avoidance and minimization measures, as well as compensation, will be incorporated in accordance with the required 404 Permit, and per compliance with the Clean Water Act.*

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per the policies of the Millerton Specific Plan, Section E, Habitat Conservation, the Millerton Open Space and Natural Resource Plan (OSNRP) has been established for the area to protect sensitive resources by establishing key habitat areas, open and continuous wildlife corridors ridge top and view protection, native plants, landscapes, and lighting restrictions on hill tops to mitigate glare. Furthermore the project will pursue avoidance where possible and will initiate consultation with the appropriate Responsible Trustee Agencies if necessary. In addition, a Settlement Agreement has also been reached between the applicant, California Department of Fish and Game (F&G) Fresno County and various entities which according to F&G when implemented will protect fish, wildlife or plants in the project area. See Section IV.A & B.*

**V. CULTURAL RESOURCES**

- A. Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The proposal also includes the creation of water service lines that may unearth cultural resources during construction. If this occurs, in accordance with Mitigation Measures 12.b and 12.d of the Mitigation Measures and Monitoring Program Matrix 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. A mitigation measure reflecting this request is incorporated into the project. The mitigation measure will reduce potential impacts to cultural resources to a level of insignificance.*

**\* Mitigation Measure**

- 1. *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 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.*

**VI. GEOLOGY AND SOILS**

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  - 1. Rupture of a known earthquake?
  - 2. Strong seismic ground shaking?
  - 3. Seismic-related ground failure, including liquefaction?
  - 4. Landslides?

FINDING: NO IMPACT

*The site is not located within a fault zone or area of known landslides.*

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project site could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from building roofs and new paved parking and circulation areas. These effects are not considered significant with adherence to the Grading and Drainage Sections of the County Ordinance Code and the Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix No. 13.g – requiring the applicant to provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.*

- C. Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: NO IMPACT

*During the analysis, it has been determined that the soils are suitable for residential development, and that landslides, lateral spreading, subsidence, liquefaction, collapse, and loss of life will not occur. The Millerton New Town Specific Plan and the Fresno County Important Farmland Map did not identify potential soil problems.*

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT

*Sewer and water services will be provided by Fresno County – County Service Area No. 34. No septic systems or alternative disposal systems will be utilized.*

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT

*Comments received on the proposed residential development from the Air District expressed no concerns supporting the determination that the project will generate greenhouse gas emissions, either directly or indirectly, that may have a*

*significant impact on the environment. The site is located within an area of similar by-right residential development and is designated for residential land use in the Millerton Specific Plan; therefore, is not in conflict with applicable plan, policy or regulation. The residential designation of the subject parcels has existed since 1979. (See - III. Air Quality)*

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?
- B. Would the project create a significant hazard involving accidental release of hazardous materials into the environment?
- C. Would the project emit hazardous materials within ¼ mile of a school?
- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT

*The project will not be using or emitting hazardous materials. The subject site is not located on a former hazardous materials site and, thus, the project will not be subject to hazardous materials regulations.*

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT

*The project site is not within an airport land use plan or in the vicinity of a public or private airport. Additionally, the proposal will not include any visible buildings or structures.*

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT

*The project will not impair the implementation of or physically interfere with an adopted emergency response plan.*

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT

*The project site is located within a State Responsibility Area (SRA). The adopted Millerton New Town Specific Plan includes several standards to reduce fire protection impacts. The applicant shall adhere to all previously approved mitigation measures listed in the program matrix (6.a-e), as well as all applicable SRA setback requirements.*

#### **IV. HYDROLOGY AND WATER QUALITY**

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

**FINDING: NO IMPACT**

*This proposal will be served with a tertiary level wastewater treatment facility, County Service Area No. 34 (CSA No. 34) which operates under Wastewater Discharge Requirements and Water Reclamation Requirements issued by the California Regional Water Quality Control Board (Water Board). This proposal was routed to the Regional Water Quality Control Board (Water Board), who reviewed the project and indicated the applicant shall obtain a Section 401 Water Quality Certification from the Water Board and Section 404 Clean Water Act to ensure that discharges will not violate water quality standards or disturb jurisdictional wetlands due to construction activity. Any avoidance and minimization measures will be incorporated in accordance with the required permits.*

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

**FINDING: NO IMPACT**

*The proposal will be served with surface water from Millerton Lake to be delivered through CSA No. 34 under an Agreement between the Applicant, Fresno County, the Deer Creek and Tule River Authority. This was approved by Fresno County Board of Supervisors in December 1999 for the withdrawal of water from Millerton Lake, the conveyance of the raw water to the treatment plant, and treatment of the water supply for domestic use for the applications. In accordance with the Specific Plan the applicant has incorporated water conservation measures such as dual water meters, tiered water rates, drought tolerant landscape provisions, and the use of reclaimed water for irrigation purposes.*

*The Resources Division of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns with the proposal provided that prior to recordation of final map a separate zone of benefits and financing is finalized, and tiered water rates for potable and landscape irrigation purposes is established. Water and wastewater infrastructure (including capacity) necessary to serve the development will be required to be constructed and operational, and information to obtain/amend a water system permit will be required to be submitted and any necessary permitting requirements completed*

*prior to issuance of building permits. These requirements will be included as a condition of approval of the project.*

*The County Water/Geology Unit and the California Department of Water Resources were routed the proposal and issued a statement indicating that based on the supply and estimated water usage the will not deplete groundwater supplies or interfere with groundwater recharge.*

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?
- E. Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water. Potential runoff effects are considered significant because the project will be required to adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements.*

*The Army Corps of Engineers reviewed the project and stated the study area is under the authority of Section 404 of the Clean Water Act which regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The U.S. Army Corps of Engineers indicated that the proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance and mitigation requirements of the US Army Corps of Engineers. The 404 permit will be required prior to ground disturbance, and will be included in the project notes section of the Planning Commission's Staff Report.*

*The California Regional Water Quality Control Board reviewed the project and stated since the project will disturb one acre or more, compliance with the NPDES General Permit No. CAS000002 for discharges of storm water associated with construction activity will be require for potential discharges to surface waters, including ephemeral and intermittent drainages. Prior to construction, the District shall submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resource Control Board and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. This will be included as a project note to the project.*

- F. Would the project otherwise substantially degrade water quality?



FINDING: LESS THAN SIGNIFICANT IMPACT

*Per the analysis in Section VIII.A, impacts to water quality will be less than significant with attainment of a Section 401 Water Quality Certification from the Water Board.*

- G. Would the project place housing within a 100-year floodplain?
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?
- I. Would the project expose persons or structures to levee or dam failure?
- J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT

*The site is not within a 100-year flood plain or hazard area, no levee or dam is upstream of the site and no inundation hazards were identified in the analysis.*

**X. LAND USE AND PLANNING**

- A. Will the project physically divide an established community?

FINDING: NO IMPACT

*This project site is located approximately eight miles north of the incorporated City of Clovis and will not physically divide an established community.*

- B. Will the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT

*The project area consists of multiple zoned districts including R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), R-2(c) (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size), C-M(c) (Commercial and Light Manufacturing), C-1(c) (Neighborhood Shopping Center), R-E(c) (Recreational District, two-acre minimum parcel size) Districts within the plan area. According to the submitted tract map the proposal complies with the Millerton New Town Specific Plan land use designations.*

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT

*No habitat conservation plan or natural community conservation plan are present on the subject property.*

**XI. MINERAL RESOURCES**

- A. Would the project result in the loss of availability of a known mineral resource?
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?

FINDING: NO IMPACT

*The project site is not located in a mineral resource zone, as identified in the General Plan. The proposal will not extract and excavate minerals and would not result in the loss of a locally-important mineral resource recovery site.*

**XII. NOISE**

- A. Would the project result in exposure of people to severe noise levels?

FINDING: NO IMPACT

*The proposed subdivision project was reviewed by the Department of Community Health, Environmental Health Section. No potential impacts related to exposure to severe noise levels were identified. The proposed subdivision is not located within the vicinity of any noise-generating land uses including any arterials or expressways.*

- B. Would the project result in ground borne vibration?
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The project would result in an increase in noise level due to the construction of home sites. Noise impacts associated with construction are expected to be temporary and will be subject to the County Noise Ordinance, which is enforced by the County Department of Community Health.*

*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.*

\* Mitigation Measure

1. *To mitigate potential noise impacts noise-generating construction activities shall be limited 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.*

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT

*The site is not in the vicinity of an airport and is not impacted by airport noise.*

### **XIII. POPULATION AND HOUSING**

- A. Would the project induce substantial population growth either directly or indirectly?
- B. Would the project displace substantial numbers of existing housing?
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT

*This proposal would result in the construction of 79 single-family residential lots on approximately 37.24-acres of vacant land within the Millerton New Town Specific Plan. The proposal will neither displace existing housing nor necessitate additional housing construction at another location.*

### **XIV. PUBLIC SERVICES**

- A. Would the project result in physical impacts associated with the provision of new public services in the following areas:

- i) Fire protection

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project area is located within the State Responsibility Area therefore, subject to the California Code of Regulations (CCR), Title 24, Part 2, known as the California Building Code (CBC).*

*According to the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, the applicant must adhere to all Fire Protection Mitigation Measures (Nos. 6.a, b, c, d, and e) in order reduce fire protection impacts.*

- ii) Police protection

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A condition has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents. This is also in accordance with the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix (No. 5.c). The applicant has agreed to the following mitigation measure:*

**\* Mitigation Measure**

1. *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 2.0 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.*

iii) Schools

FINDING: LESS THAN SIGNIFICANT IMPACT

*In accordance with the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, the applicant must adhere to Mitigation Measures (Nos. 7.a, b, and c) in order reduce any physical impacts associated with schools.*

iv) Parks

v) Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

*In accordance with the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, the applicant must adhere to Mitigation Measure No. 9 in order reduce park and recreation impacts.*

**XV. RECREATION**

- A. Would the project increase the use of existing neighborhood and regional parks?
- B. Would the project require expansion of recreational facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per the analysis in Section XIII.A.iv, impacts to parks and recreational facilities will be less than significant with adherence to Mitigation Measure No. 9 in Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix.*

## **XVI. TRANSPORTATION/CIRCULATION**

- A. Would the project result in increased vehicle or traffic congestion?
- B. Would the project exceed the established level of service standards?

**FINDING: LESS THAN SIGNIFICANT IMPACT**

*The Design Division of the Department of Public Works and Planning reviewed the proposed project and a Transportation Impact Analysis related to proposed development at the Millerton Specific Plan Area (October 1998). The Design Division indicated with adherence to the adopted Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix Nos. 2.a - k will reduce any impacts to a less than significant level as it relates to increase traffic, service standards, traffic hazards, and emergency access.*

*The California Department of Transportation (Caltrans) also reviewed the project and indicated the project will impact state facilities related to traffic therefore, shall enter into a Traffic Mitigation Agreement for the proposed project. This will be included as a mitigation measure. The agency had no additional comments to offer.*

### **\* Mitigation Measure**

1. *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; fare share amounts as related to the Traffic Mitigation Agreement shall be determined prior to recordation of a Final Map.*

- C. Would the project result in a change in air traffic patterns?

**FINDING: NO IMPACT**

*The project will not change air traffic patterns.*

- D. Would the project substantially increase traffic hazards due to design features?

**FINDING: LESS THAN SIGNIFICANT IMPACT**

*With the above mentioned mitigation measures, impacts related to traffic hazards due to design features are considered less than significant.*

- E. Would the project result in inadequate emergency access?

**FINDING: NO IMPACT**

*Adequate emergency access will be provided via Marina Drive through the Brighton Crest Subdivision.*

- F. Would the project result in inadequate parking capacity?

FINDING: NO IMPACT

*The project will provide adequate off-street parking for the proposed use.*

- G. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?

FINDING: NO IMPACT

*The project will not conflict with any adopted transportation plans or policies supporting alternative transportation.*

## **XVII. UTILITIES AND SERVICE SYSTEMS**

- A. Would the project exceed wastewater treatment requirements?

- B. Would the project require construction of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The applicant will be utilizing the Millerton New Town Wastewater Treatment Plant in accordance with Mitigation Measures (No. 3.a-p) of the Millerton New Town Specific Plan.*

- C. Would the project require construction of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per the analysis in Section VIII.E the project will not require construction of a new storm water drainage facility.*

- D. Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT

*Per the analysis in Section VIII.B the project will be served with surface water from Millerton Lake via CSA No. 34 per an Agreement executed in 1999 for the Millerton New Town.*

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT

*The applicant will be utilizing the Millerton New Town Wastewater Treatment Plant. Resources Division of the Department of Public Works and Planning reviewed the project and indicated they will assess the surface water treatment capacity and wastewater treatment capacity at the appropriate time to verify whether sufficient capacity is available to serve the project.*

- F. Would the project be served by a landfill with sufficient permitted capacity?
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The applicant will be required to adhere to the provisions set forth by the Regional Water Quality Control Board and Title 22 of the California Code of Regulations.*

### **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT

*The proposed site is located within an area of wildlife and wetlands which were previously indentified in the Environmental Impact Report certified for the Millerton New Town Specific Plan Area. As indicated in the above analysis, the applicant shall adhere to all mitigation measures listed in the Monitoring Program Matrix and submit a Biological Assessment in compliance with the Endangered Species Act.*

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT

*The applicant will be required to adhere to the permitting requirements and rules and regulations set forth by the Regional Water Quality Control Board and the San Joaquin Valley Air Pollution Control District.*

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT

*No substantial adverse impacts on human beings were identified in the analysis.*

## CONCLUSION / SUMMARY

Based upon the Initial Study prepared for Vesting Tentative Tract Map No. 5771, Classified Conditional Use Permit Application No. 3193, and Site Plan Review Application No. 7787, Staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to agricultural resources, hazards and hazardous materials, land use planning, mineral resources, and recreation. Impacts related to aesthetics, geology and soils, traffic, and utilities have been determined to be less than significant. Impacts related to biological resources, cultural resources, noise, and public services have been determined to be less than significant with adherence to the proposed mitigation measure.

Potential impacts relating to air quality have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution Control District. Impacts to water quality have been determined to be less than significant with adherence to the provisions set forth by the Regional Water Quality Control Board and Title 22 of the California Code of Regulations.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

| Mit. Meas. # | Mitigation Measures | Responsible Person/ Agency | Mitigation Phase | Frequency of: |           | Verification & Implementation |       |
|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**LAND USE AND ZONING**

|     |   |               |      |                |                |  |  |
|-----|---|---------------|------|----------------|----------------|--|--|
| 1.a | From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound, comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design. | PW&P          | 8    | Once           | Once           |  |  |
| 1.b | Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.   | PW&P<br>LAFCo | 1, 2 | Once           | Once           |  |  |
| 1.c | The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan   | PW&P          | 1    | Once per phase | Once per phase |  |  |
| 1.d | Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100.   | PW&P          | 1, 2 | Once per phase | Once per phase |  |  |
| 1.e | Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence, operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15667 Auberry Road.  | PW&P          | 1, 2 | Once per phase | Once per phase |  |  |

**TRAFFIC AND CIRCULATION**

|     |   |      |      |                |                |  |  |
|-----|---|------|------|----------------|----------------|--|--|
| 2.a | Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths.  | PW&P | 8    | Once           | N/A            |  |  |
| 2.b | Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection. | PW&P | 2, 6 | Once per phase | Once per phase |  |  |

**Responsible Person/Agency**

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 LAFCo = Local Agency Formation Comm.  
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**Responsible Person/Agency, cont'**

WQCB = CA Regional Water Qual. Control Bd.  
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 DOHS = CA Dept. of Health Services

**Mitigation Phase Key**

1 - Site Plan Review  
 2 - Prior to Recording Final Map  
 3 - Prior to Issuance of Bldg. Permit  
 4 - Prior to Occupancy  
 5 - During Grading Activity  
 6 - During Construction  
 7 - Other  
 8 - SP/CUP/TM  
 n/a - Not Applicable

**Frequency**

Once - One time during specified mitigation Phase  
 Annual - Annually  
 OGAP - Ongoing & periodic dep. on mitigation  
 @BP - At each bldg. permit  
 CDC - Continuous during construction  
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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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**TRAFFIC AND CIRCULATION, con't.**

|     |   |      |         |                |                |  |  |
|-----|---|------|---------|----------------|----------------|--|--|
| 2.c | Install an eastbound left turn lane in Auberry Road at Marina Drive   | PW&P | 2, 6    | Once per phase | Once per phase |  |  |
| 2.d | Widen Millerton Road to provide left and right turn lanes at all intersections within the project.  | PW&P | 2, 6    | Once per phase | Once per phase |  |  |
| 2.e | Relinquish direct access to residential properties fronting on Millerton Road.  | PW&P | 2       | Once per phase | Once per phase |  |  |
| 2.f | Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses.   | PW&P | 1, 2, 6 | Once per phase | Once per phase |  |  |
| 2.g | Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted.  | PW&P | 1, 2    | Once           | Once           |  |  |
| 2.h | <p>The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan:</p> <p>A. Marina Drive Extension to the south:<br/>                     i. Four-lane roadway: approximately one mile<br/>                     ii. Two-lane roadway: approximately two miles</p> <p>B. Auberry Road/Marina Drive Turn Lane</p> <p>The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.</p> | PW&P | 2, 3    | @BP            | Annual         |  |  |

EXHIBIT 8, PAGE 2

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Responsible Person/Agency, con't

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Frequency

Once - One time during specified mitigation Phase  
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December, 2004

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## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

| Mit. Meas. # | Mitigation Measures | Responsible Person/ Agency | Mitigation Phase | Frequency of: |           | Verification & Implementation |       |
|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

### TRAFFIC AND CIRCULATION, con't.

|     |   |                  |         |                |                |  |  |
|-----|---|------------------|---------|----------------|----------------|--|--|
| 2.i | <p>The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.</p> <p>NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.</p> | PW&P             | 2, 3    | @BP            | Annual         |  |  |
| 2.j | The pro-rata share of \$310,000 for improvements at the State Route 41/Friant Road Interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.   | CALTRANS<br>PW&P | 2, 3    | @BP            | Annual         |  |  |
| 2.k | Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the areawide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.   | PW&P             | 1, 2, 8 | Once per phase | Once per phase |  |  |

### WASTE WATER DISPOSAL

|     |  |              |           |                        |              |  |  |
|-----|--|--------------|-----------|------------------------|--------------|--|--|
| 3.a | All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level. | PW&P<br>WQCB | 1, 2<br>7 | Once per phase<br>OGAP | Once<br>OGAP |  |  |
|-----|--|--------------|-----------|------------------------|--------------|--|--|

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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**WASTE WATER DISPOSAL, con't**

|     |   |               |         |                |                |  |  |
|-----|---|---------------|---------|----------------|----------------|--|--|
| 3.b | Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added. | PW&P<br>FCEH  | 1, 2    | Once per phase | Once per phase |  |  |
| 3.c | The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.   | PW&P<br>CSA   | 7       | OGAP<br>By CSA | OGAP           |  |  |
| 3.d | An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.   | WQCB<br>(CSA) | 2, 7    | OGAP           | OGAP           |  | The Waste Discharge Requirements (Order No. R5-2002-0193) contain a Monitoring and Reporting Program that is acceptable to the Regional Water Quality Control Board. |
| 3.e | Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.  | PW&P<br>FCEH  | 1, 2    | Once per phase | Once per phase |  |  |
| 3.f | Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.  | PW&P          | 1, 2, 6 | Once per phase | Once per phase |  |  |

EXHIBIT 8, PAGE 4

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## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

| Mit. Meas. # | Mitigation Measures | Responsible Person/ Agency | Mitigation Phase | Frequency of: |           | Verification & Implementation |       |
|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

### WASTE WATER DISPOSAL, con't

|     |  |              |         |                |                |   |
|-----|--|--------------|---------|----------------|----------------|---|
| 3.g | The management plan for storing treated effluent consists of two operational modes – wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions. | CSA<br>RWCB  | 7       | OGAP           | Annual         |   |
| 3.h | No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.  | PW&P<br>FCRD | 1, 2, 3 | Once per phase | Once           | Infrastructure Plan for water, sewer and drainage adopted by Bd. of Supervisors Dec. 2000 |
| 3.i | The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.  | PW&P         | 3       | Once per phase | Once per phase |   |
| 3.j | To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.   | CSA<br>WQCB  | 7       | OGAP           | Annual         |   |
| 3.k | The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.   | PW&P         | 1, 2    | Once           | Once           | Plan for reclaimed water included in Adopted Infrastructure Plan                          |

#### Responsible Person/Agency

MM = Mitigation Monitor  
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 7 - Other  
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#### Frequency

Once - One time during specified mitigation Phase  
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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**WASTE WATER DISPOSAL, con't**

|     |  |                                      |         |                          |        |  |  |
|-----|--|--------------------------------------|---------|--------------------------|--------|--|--|
| 3.1 | For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a 50 foot setback from adjacent properties, Irrigation at night, positive controls to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water.   | WQCB<br>FCEH                         | 2, 7    | OGAP                     | Annual |  | On October 18, 2002, the Regional Water Quality Control Board issued Waste Discharge Requirements (Order No. R5-2002-0193) for County Service Area No. 34- Millerton New Town. The Order allows the discharge of treated wastewater from the tertiary wastewater treatment plant to the effluent spray fields. |
| 3.m | The wastewater treatment facility(ies) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).   | PW&P<br>FCRD<br>FCEH<br>WQCB<br>DOHS | 1, 2    | Once                     | Once   |  |  |
| 3.n | A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no. 1 for the Brighton Crest development. It shall include subsurface concrete tankage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscape based on the elevation drawings and preliminary landscape plans in the "Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc. | PW&P<br>WQCB<br>FCEH                 | 1, 2, 3 | OGAP during construction | Once   |  | CUP 2979 approved by Fresno Co. PC for construction of tertiary treatment facility and related landscape features  |
| 3.o | Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands.  | PW&P<br>CSA                          | 1, 2, 6 | OGAP during construction | Once   |  |  |

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### WASTE WATER DISPOSAL, con't

|     |   |             |         |      |        |  |  |
|-----|---|-------------|---------|------|--------|--|--|
| 3.p | Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit. | PW&P<br>CSA | 1, 2, 6 | OGAP | Annual |  |  |
|-----|---|-------------|---------|------|--------|--|--|

### COMMUNITY WATER

|     |   |                     |         |                        |                        |  |   |
|-----|---|---------------------|---------|------------------------|------------------------|--|---|
| 4.a | The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.   | PW&P<br>FCEH        | 1, 2    | Once per phase<br>OGAP | Once per phase<br>OGAP |  |   |
| 4.b | A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.   | PW&P<br>FCEH        | 1, 2, 3 | Once                   | Once                   |  |   |
| 4.c | Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.   | PW&P                | 1, 2, 8 | Once                   | Once                   |  |   |
| 4.d | Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.  | PW&P<br>FCEH        | 1, 2    | Once per phase         | Once per phase         |  |   |
| 4.e | No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.  | PW&P<br>FCRD        | 1, 2, 3 | Once                   | Once                   |  | Infrastructure Plan adopted by Bd. of Supervisors December 2000                 |
| 4.f | Prior to the recordation of a final map or Site Plan Review approval, a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent. | PW&P<br>CSA         | 1, 2    | Once                   | Once                   |  | Water Agreements in place to provide adequate water supply to approved Projects |
| 4.g | Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.   | FCRD<br>PW&P<br>CSA | 4       | @Occ                   | Annual                 |  |   |

EXHIBIT 8, PAGE 7

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|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**COMMUNITY WATER con't.**

|     |  |              |      |      |                |  |  |
|-----|--|--------------|------|------|----------------|--|--|
| 4.h | Prior to recordation of a final map or site plan review, a tiered rate schedule for the irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for irrigation services. | CSA          | 2    | Once | Once           |  |  |
| 4.i | Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.  | CSA          | 2, 7 | OGAP | Annual         |  |  |
| 4.j | Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.   | PW&P<br>FCRD | 3    | @Occ | Once per phase |  | Water treatment plant constructed and being operated by CSA-34 |
| 4.k | Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, education programs, and incentives for conservation, shall be implemented for the Clarksfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.   | PW&P<br>CSA  | 7    | OGAP | Annual         |  |  |
| 4.l | Prior to recordation of a Final Tract Map or Site Plan Review, the developer shall provide evidence of adequate water supply to serve that development to include a volume of water to serve as a safety factor over and above the calculated demand.  | PW&P<br>CSA  | 1, 2 | Once | Once           |  |  |

**LAW ENFORCEMENT**

|     |   |      |   |     |      |  |  |
|-----|---|------|---|-----|------|--|--|
| 5.a | The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project. | FCSD | 1 | @BP | Once |  |  |
|-----|---|------|---|-----|------|--|--|

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|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**LAW ENFORCEMENT, con't**

|     |   |              |      |      |      |  |   |
|-----|---|--------------|------|------|------|--|---|
| 5.b | Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.   | FCSD<br>PW&P | 1, 2 | Once | Once |  |   |
| 5.c | Prior to recordation of a final map or approval of a site plan review, 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 support cost for sheriff's protection services to achieve a ratio of 2.0 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. | FCSD<br>PW&P | 1, 2 | Once | Once |  | CFD being established for Sheriff Protection Services |

**FIRE PROTECTION**

|     |   |      |            |                               |      |  |  |
|-----|---|------|------------|-------------------------------|------|--|--|
| 6.a | The Specific Plan includes several standards to reduce fire protection impacts:<br><ol style="list-style-type: none"> <li>1. Requirement for two points of access for each development</li> <li>2. Design of water system with adequate fire flows, fire hydrant, and storage facilities.</li> <li>3. Fire retardant construction.</li> <li>4. Fuel modification zones around development.</li> <li>5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet.</li> <li>6. A fire station location with an engine within the government center complex.</li> </ol> | PW&P | 8, 1, 2, 3 | Once in each processing phase | Once |  |  |
|-----|---|------|------------|-------------------------------|------|--|--|

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December, 2004

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|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**FIRE PROTECTION, con't**

|     |  |               |      |                |                |  |  |
|-----|--|---------------|------|----------------|----------------|--|--|
| 6.b | Prior to recordation of a final map or approval of a site plan review, a fee shall be established through the Millerton New Town and Surrounding Area Fire Protection Benefit Assessment District CSA No.34 for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need. | PW&P<br>CSA   | 1, 2 | Once           | Once           |  | Fresno County Fire Protection District has established a fee to be subject to covenants being recorded on each Project providing for payment of fee at the time of Building Permit issuance. |
| 6.c | Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.   | PW&P<br>CSA   | 1, 2 | Once           | Once           |  | FCFPD has established Millerton New Town and Surrounding Area Fire Benefit Suppression Assessment District   |
| 6.d | All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.   | PW&P<br>FCFPD | 2    | Once per phase | Once per phase |  |  |
| 6.e | Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <u>Fire Safe Guides for Residential Development in California</u> (1980), should be used in project site planning and design.   | PW&P<br>FCFPD | 1    | Once           | Once           |  |  |

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|--|--|----------------------------|------------------|----------------|----------------|-------------------------------|-------|--|
|  |  |                            |                  | Monitoring     | Reporting      | Date Repts. Rec'd             | Notes |  |
| <b>SCHOOLS</b>                           |  |                            |                  |                |                |                               |       |  |
| 7.a                                      | Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district).  | PW&P<br>CUSD<br>SUSD       | 8                | Once           | Once           |                               |       | CUSD has acquired 20-acre site within Specific Plan area south of Millerton Road |
| 7.b                                      | The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.   | PW&P                       | 7                | Annual         | Annual         |                               |       |  |
| 7.c                                      | The developer shall pay adopted school impact fees. If there is a temporary unmet need temporary facilities fees or other fee structures satisfactory to all parties involved may be utilized.                     | CUSD<br>SUSD               | 1, 2             | Once           | Once           |                               |       |  |
| <b>SOLID WASTE MANAGEMENT</b>            |  |                            |                  |                |                |                               |       |  |
| 8.a                                      | A community recycling center should be considered in overall project design.   | FCRD<br>PW&P               | 1, 2             | Once           | Once           |                               |       |  |
| 8.b                                      | Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers.                      | FCRD                       | 1                | Once           | Once           |                               |       |  |
| 8.c                                      | The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility. | PW&P<br>FCRD               | 1                | Annual         | Annual         |                               |       |  |
| <b>PARKS AND RECREATION</b>              |  |                            |                  |                |                |                               |       |  |
| 9.                                       | Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive).   | PW&P                       | 8                | Once           | Once           |                               |       |  |
| <b>ELECTRICAL AND TELEPHONE SERVICES</b> |  |                            |                  |                |                |                               |       |  |
| 10.                                      | Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.                | PW&P                       | 1, 2             | Once per phase | Once per phase |                               |       |  |

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**VISUAL QUALITY**

|     |   |      |         |                           |                           |  |  |
|-----|---|------|---------|---------------------------|---------------------------|--|--|
| 11. | The degree of impact on the visual environment will be softened somewhat by standards within the Specific Plan, including:<br>1 Building sites located below or beside ridgelines; rather than on top, to preserve vistas.<br>2 Provisions calling for submittal of landscaping plans to the County for all planned developments or commercial site plans.<br>3 Establishment of a design review committee to make recommendations to the County on architectural style, building materials, lighting, fencing and signs.<br>4 Grading and erosion control requirements.<br>5 Scenic roadways along Millerton Road and Winchell Cover Road (Marina Drive).<br>6 Park development including White Fox Parkway. | PW&P | 1, 2, 8 | Once per processing phase | Once per processing phase |  |  |
|-----|---|------|---------|---------------------------|---------------------------|--|--|

**HISTORIC/CULTURAL RESOURCES**

|      |   |      |         |      |      |  |  |
|------|---|------|---------|------|------|--|--|
| 12.a | Archeological resources occurring Allocation Area E are potentially significant. Final design of the tentative tract map or other mapping should incorporate these features into the open space system. If such design is not possible, detailed investigation to determine significance shall be required prior to development entitlement and appropriate mitigation measures instituted.   | PW&P | 1, 2, 8 | Once | Once |  |  |
| 12.b | Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, Archeological Sites No. CA-FRE-2184 and CA-FRE-2185 shall be placed in open space easements. The legal description of the boundaries of these sites shall be based on the staking done by Donald G. Wren, Consulting Archeologist, as described in his report, "ARCHEOLOGICAL MITIGATION OF CULTURAL RESOURCES NEAR MILLERTON, CALIFORNIA", dated May 1997. | PW&P | 1, 2    | Once | Once |  |  |

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 @BP - At each bldg. permit  
 CDC - Continuous during construction  
 @Occ - At occupancy

December, 2004

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## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

| Mit. Meas. # | Mitigation Measures | Responsible Person/ Agency | Mitigation Phase | Frequency of: |           | Verification & Implementation |       |
|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

### HISTORIC/CULTURAL RESOURCES, con't

|      |  |      |      |      |      |  |  |
|------|--|------|------|------|------|--|--|
| 12.c | In the event cultural resources are unearthed during grading or construction all work shall be halted in the area of the find, and an archaeologist 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 made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Heritage Commission within 24 hours. This requirement shall be shown on the Waiver Certificate and on all approved parcel maps associated with the project site. | PW&P | 5, 6 | CDC  | Once |  |  |
| 12.d | An Open Space Easement Indenture Agreement shall be executed between the County and the property owner to protect the two significant archaeological resources identified as P-10-002183 and P-10-002188 in the archaeological survey entitled, Twins Hills Project, A Resurvey of 160 Acres Fresno County, California prepared by Donald G. Wren, consulting Archaeologist, dated October 2002. This requirement shall be shown on all final maps associated with the project site.   | PW&P | 1, 2 | Once | Once |  |  |

### GEOLOGY AND SOILS

|      |   |      |         |                |                |  |  |
|------|---|------|---------|----------------|----------------|--|--|
| 13.a | No disturbance on cut and fills on slopes over 30 percent shall be allowed without a geotechnical analysis.                     | PW&P | 1, 2, 3 | Once per phase | Once per phase |  |  |
| 13.b | Shallow (less than 2 feet) road cuts should be designed with slopes of 1:1.   | PW&P | 1, 2    | Once per phase | Once per phase |  |  |
| 13.c | Fill slopes should be no steeper than 2:1.  | PW&P | 1, 2    | Once per phase | Once per phase |  |  |
| 13.d | Road cuts greater than 6 feet should be designed with slopes of 2:1 and permanently stabilized.                                 | PW&P | 1, 2    | Once per phase | Once per phase |  |  |
| 13.e | Implement the California Uniform Code for Seismic Zone 3.   | PW&P | 3       | @BP            | Once per phase |  |  |
| 13.f | Attention shall be given at time of construction to building pads and driveways in order to lessen erosion or similar problems. | PW&P | 3       | CDP            | Annual         |  |  |

#### Responsible Person/Agency

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 FCSD = Fresno Co. Sheriff's Department  
 LAFCo = Local Agency Formation Comm.  
 FCEH = Fresno Co. Environmental Health  
 CSA = County Service Area No. 34  
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#### Mitigation Phase Key

1 - Site Plan Review  
 2 - Prior to Recording Final Map  
 3 - Prior to Issuance of Bldg. Permit  
 4 - Prior to Occupancy  
 5 - During Grading Activity  
 6 - During Construction  
 7 - Other  
 8 - SP/CUP/TM  
 n/a - Not Applicable

#### Frequency

Once - One time during specified mitigation Phase  
 Annual - Annually  
 OGAP - Ongoing & periodic dep. on mitigation  
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**GEOLOGY AND SOILS, con't.**

|      |   |      |         |     |     |  |  |
|------|---|------|---------|-----|-----|--|--|
| 13.g | A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation, and drainage. The control program shall:<br>a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control.<br>b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage.<br>c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover.<br>d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes.<br>e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust, until erosion control plantings become established. | PW&P | 1, 2, 5 | CDC | N/A |  |  |
|------|---|------|---------|-----|-----|--|--|

**HYDROLOGY**

|      |   |     |   |      |        |  |  |
|------|---|-----|---|------|--------|--|--|
| 14.a | The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area. | CSA | 7 | OGAP | Annual |  |  |
| 14.b | Groundwater shall only be used for backup or emergency purposes, or for groundwater management.   | CSA | 7 | OGAP | Annual |  |  |

**DRAINAGE AND FLOODING**

|      |  |      |         |                |                |  |  |
|------|--|------|---------|----------------|----------------|--|--|
| 15.a | Natural drainage courses shall be preserved through density allocation and dedication of drainage easements. | PW&P | 1, 2, 8 | Once per phase | Once per phase |  |  |
|------|--|------|---------|----------------|----------------|--|--|

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n/a - Not Applicable

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|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

### DRAINAGE AND FLOODING, con't

|      |   |      |         |      |        |  |   |
|------|---|------|---------|------|--------|--|---|
| 15.b | No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage. | PW&P | 1, 2, 3 | Once | Once   |  | Infrastructure Plan adopted December 2000 |
| 15.c | Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".                             | PW&P | 2, 5    | CDC  | Once   |  |   |
| 15.d | The County Service Area should implement the drainage plan, maintain drainage easements and facilities.   | CSA  | 7       | OGAP | Annual |  |   |

### VEGETATION AND WILDLIFE

|      |   |              |               |      |      |  |  |
|------|---|--------------|---------------|------|------|--|--|
| 16.a | Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.  | PW&P         | 1, 2, 3, 5, 6 | CDC  | OGAP |  |  |
| 16.b | Habitat will be enhanced through development of parkways and other urban landscape area.  | PW&P         | 8             | Once | N/A  |  |  |
| 16.c | Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.  | PW&P<br>CUSC | 1, 2, 3       | Once | Once |  |  |
| 16.d | "No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services. | PW&P         | 1, 2          | Once | Once |  |  |
| 16.e | The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.  | PW&P         | 1             | Once | Once |  |  |

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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

| Mit. Meas. #  | Mitigation Measures   | Responsible Person/ Agency   | Mitigation Phase | Frequency of:  |           | Verification & Implementation  |       |
|---|---|--|------------------|--|-----------|--|-------|
|   |   |  |                  | Monitoring   | Reporting | Date Repts. Rec'd  | Notes |
| 16.f  | <p>Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish &amp; Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U. S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game, and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:</p> <ol style="list-style-type: none"> <li>1 Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</li> <li>2 Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</li> <li>3 Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval.</li> <li>4 Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</li> <li>5 A Monitoring Program shall be approved that provides for the following: <ul style="list-style-type: none"> <li>- Measurable mitigation objectives.</li> <li>- Measures which will result in the objectives being met.</li> <li>- Monitoring protocol for measuring the success of the plan which identifies: <ul style="list-style-type: none"> <li>- When the monitoring shall occur</li> <li>- Survey method to be used.</li> <li>- Reporting requirements.</li> </ul> </li> </ul> </li> </ol> | <p>PW&amp;P<br/>F&amp;G<br/>NRCS<br/>CSA</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>  | 1, 2             | Annual   | Annual    |  |       |
| <p><u>Responsible Person/Agency</u><br/>MM = Mitigation Monitor<br/>PW&amp;P = Public Works &amp; Planning Dept.<br/>FCFPD = Fresno Co. Fire Protection Dist.<br/>FCSD = Fresno Co. Sheriff's Department<br/>LAFCo = Local Agency Formation Comm.<br/>FCEH = Fresno Co. Environmental Health<br/>CSA = County Service Area No. 34<br/>CALTRANS = CA Dept. of Transportation</p> |   | <p><u>Responsible Person/Agency, con't</u><br/>WQCB = CA Regional Water Qual. Control Bd.<br/>APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.<br/>CUSD = Clovis Unified School District<br/>SUSD = Sierra Unified School District<br/>NRCS = Natural Resource Conserv. Serv., USDA<br/>F&amp;G = Calif. State Dept. of Fish &amp; Game<br/>FCRD = Fresno Co. Resource Div., DPW&amp;P<br/>DOHS = CA Dept. of Health Services</p> |                  | <p><u>Mitigation Phase Key</u><br/>1 - Site Plan Review<br/>2 - Prior to Recording Final Map<br/>3 - Prior to Issuance of Bldg. Permit<br/>4 - Prior to Occupancy<br/>5 - During Grading Activity<br/>6 - During Construction<br/>7 - Other<br/>8 - SP/CUP/TM<br/>n/a - Not Applicable</p> |           | <p><u>Frequency</u><br/>Once - One time during specified mitigation Phase<br/>Annual - Annually<br/>OGAP - Ongoing &amp; periodic dep. on mitigation<br/>@BP - At each bldg. permit<br/>CDC - Continuous during construction<br/>@Occ - At occupancy</p> |       |

EXHIBIT 8, PAGE 16

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## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

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|---------------------------------------|--|----------------------------|------------------|--------------------------------|-----------|-------------------------------|---|
|                                       |  |                            |                  | Monitoring                     | Reporting | Date Repts. Rec'd             | Notes   |
| <b>VEGETATION AND WILDLIFE, con't</b> |  |                            |                  |                                |           |                               |   |
| 16f con't                             | 6 The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan.   |                            |                  |                                |           |                               |   |
| 16.g                                  | The project proponent shall participate in the formation of an Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.   | F&G                        | 7                | Once                           | Once      |                               | OSNRP has been formed   |
| 16.h                                  | The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$.10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index. | F&G                        | 1, 2, 3          | TO BE DETERMINED BASED ON PLAN |           |                               | Mitigation Fees have been adopted by the OSNRP for both residential and commercial projects |

EXHIBIT 8, PAGE 17

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Mitigation Measures and Monitoring Program Matrix**

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|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**VEGETATION AND WILDLIFE, con't**

|   |  |   |      |        |        |  |  |
|---|--|---|------|--------|--------|--|--|
| 16.1<br>Added<br>2-3-00<br><br>TT<br>4870 | <p>Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish &amp; Game for those lands identified in Figure No. 3 of the Mitigation Plan, Westcal Project Site, Fresno County by Hartesveldt Ecological Consulting Services dated December 22, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum:</p> <p>a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof.</p> <p>b. Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary.</p> <p>c. Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek.</p> <p>d. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them.</p> <p>e. Create two vernal pools that together will be approximately 0.01 acres in size.</p> <p>f. Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands.</p> <p>g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</p> <p>h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</p> <p>i. The plan shall be submitted to the U.S. Army Corps of Engineers for review.</p> <p>j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</p> <p>Con't next page.</p> | <p>P &amp; RM<br/>F &amp; G<br/>NRCS</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p> | 1, 2 | Annual | Annual |  | Revised Wetland Open Space Mitigation and Management Plan and Monitoring Program has been revised and submitted to Department of Fish and Game for review and approval |
|---|--|---|------|--------|--------|--|--|

EXHIBIT 8, PAGE 18

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### VEGETATION AND WILDLIFE, con't

|            |  |  |  |  |  |  |  |
|------------|--|--|--|--|--|--|--|
| 16.i con't | k. The Monitoring Program shall at a minimum include: <ul style="list-style-type: none"> <li>- Measurable mitigation objectives.</li> <li>- Measures which will result in objectives being met.</li> <li>- A monitoring protocol by which the success of the plan can be measured that identifies:                             <ul style="list-style-type: none"> <li>- When monitoring will occur</li> <li>- Survey methods</li> <li>- Reporting requirements</li> </ul> </li> </ul> i. Confirmation of a funding source for plan implementation. |  |  |  |  |  |  |
|------------|--|--|--|--|--|--|--|

### CLIMATE AND AIR QUALITY

|      |   |              |         |                |                |  |  |
|------|---|--------------|---------|----------------|----------------|--|--|
| 17.a | The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System. | PW&P         | 1, 2, 8 | Once per phase | Once per phase |  |  |
| 17.b | A centralized location for a park and ride lot is established in the project within the central commercial area.  | PW&P         | 1, 8    | Once           | Once           |  |  |
| 17.c | To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.  | PW&P<br>APCO | 5, 6    | CDC            | N/A            |  |  |
| 17.d | Installation of emission reduction catalyst devices on all fireplace flues is recommended; they are effective in reducing carbon monoxide and particulate emissions.  | APCD<br>PW&P | 3       | @BP            | N/A            |  |  |
| 17.e | Express bus service should be provided for commuters going to the FCMA.   | FCRTA        | 7       | Annual         | N/A            |  |  |
| 17.f | Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.  | PW&P         | 4       | @ OCC          | Annual         |  |  |
| 17.g | All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.  | PW&P         | 1, 2    | Once           | Once           |  |  |

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**CLIMATE AND AIR QUALITY, con't**

|      |  |              |      |     |     |  |  |
|------|--|--------------|------|-----|-----|--|--|
| 17.h | The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.  | APCD<br>PW&P | 3, 4 | @BP | @BP |  |  |
| 17.i | Bicycle parking facilities shall be installed for employees and guest/visitors at the Inn, Conference Center, and Retail Site B.   | PW&P         | 1, 4 | @BP | @BP |  |  |
| 17.j | Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes. | PW&P         | 1, 4 | @BP | @BP |  |  |
| 17.k | If fireplaces are used for the Inn or Conference Center, natural gas fireplaces or EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).   | PW&P<br>APCD | 1, 4 | @BP | @BP |  |  |

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**Responsible Person/Agency**

MM = Mitigation Monitor  
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 FCFPD = Fresno Co. Fire Protection Dist.  
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**Mitigation Phase Key**

1 - Site Plan Review  
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 6 - During Construction  
 7 - Other  
 8 - SP/CUP/TM  
 n/a - Not Applicable

**Frequency**

Once - One time during specified mitigation Phase  
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December, 2004

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## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

| Mit. Meas. # | Mitigation Measures | Responsible Person/ Agency | Mitigation Phase | Frequency of: |           | Verification & Implementation |       |
|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

### CLIMATE AND AIR QUALITY, con't

|      |  |              |         |      |        |  |  |
|------|--|--------------|---------|------|--------|--|--|
| 17.1 | <p>The following measures shall be implemented in Allocation Area H, the 160 acre Southeastern Expansion Area.</p> <ol style="list-style-type: none"> <li>1. No wood-burning fireplaces, wood stoves, or chimneys shall be allowed within the Twin Hills Project Amendment Area. Natural gas, propane, electrical, or other EPA certified gas fireplaces or stoves shall be installed as opposed to conventional open-hearth wood-burning fireplaces.</li> <li>2. The Neighborhood Commercial Center shall provide space available for lease for development of a telecommunicating center for employment purposes.</li> <li>3. A park-and-ride facility shall be included in the Neighborhood Commercial Center.</li> <li>4. All homes shall be wired for telecommuting, computers, and electronic meter reading; and have outdoor electrical and propane hookups.</li> <li>5. A transit stop shall be located within the site, the location of which is to be coordinated with the regional transit provider.</li> <li>6. The Project design shall provide for pedestrian and bike facilities such as sidewalks or paths, street trees to shade walkways, bikeways/paths connecting to a bikeway system in accordance with the Millerton Specific Plan Circulation Element and bicycle parking.</li> <li>7. The Project shall be subject to Air Quality Mitigation Measures, both during Project construction and thereafter, as described in the Air Quality Impact Assessment for the Millerton Specific Plan dated December 11, 2003.</li> <li>8. The 207 residential units in Allocation Area H shall pay at time of Building Permit a one-time Air Quality Impact fee of \$500 per residence to Fresno County or as directed by Fresno County. This fee is not in lieu of any Indirect Source Fee adopted by the San Joaquin Valley Air Pollution Control District, but may be allowed as a credit toward such fee.</li> <li>9. All other conditions related to air quality currently found in the Millerton Specific Plan and Fresno County General Plan shall be applicable to the Twin Hills Project.</li> </ol> | PW&P<br>APCD | 1, 2, 3 | OGAP | Annual |  |  |
|------|--|--------------|---------|------|--------|--|--|

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December, 2004

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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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|--------------|---------------------|----------------------------|------------------|---------------|-----------|-------------------------------|-------|
|              |                     |                            |                  | Monitoring    | Reporting | Date Repts. Rec'd             | Notes |

**CLIMATE AND AIR QUALITY, con't**

|      |   |              |      |      |      |  |  |
|------|---|--------------|------|------|------|--|--|
| 17.m | Each project will complete an Air Quality Impact Assessment under the guidelines of the San Joaquin Valley Air Pollution Control District and include in the Project Conditions, Air Quality Mitigation Measures, both during Project construction and thereafter, including any Indirect Source Fee as may be adopted and required by the San Joaquin Valley Air Pollution Control District or the County of Fresno. Project Proponents shall work with representatives of Fresno County and the San Joaquin Valley Air Pollution Control District to encourage any Indirect Source Fees imposed to be used within the Project and surrounding area to reduce emissions. | APCD<br>PW&P | 1, 2 | Once | Once |  |  |
|------|---|--------------|------|------|------|--|--|

**ENERGY RESOURCES**

|      |   |      |         |                |                |  |  |
|------|---|------|---------|----------------|----------------|--|--|
| 18.a | The Specific Plan contains standards to reduce energy consumption including:<br>1. Public building design requirements;<br>2. Solar access provisions;<br>3. Parking lot shading;<br>4. Requirement for project level energy efficiency and evaluation;<br>5. Provisions for mixed land use and compact form;<br>6. A bikeways and pedestrian trail plan;<br>7. Proposal for a community recycling center;<br>8. Water conservation programs;<br>9. Requirement for bus, car, and van pooling facilities within the community core. | PW&P | 1, 2, 8 | Once per phase | Once per phase |  |  |
| 18.b | The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.   | PW&P | 1, 3    | @BP            | N/A            |  |  |

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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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|--------------|---|----------------------------|------------------|----------------|----------------|-------------------------------|-------|
|              |   |                            |                  | Monitoring     | Reporting      | Date Repts. Rec'd             | Notes |
| <b>NOISE</b> |   |                            |                  |                |                |                               |       |
| 19.a         | Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L <sub>dn</sub> 60 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L <sub>dn</sub> 45 dBA or below. | PW&P                       | 1, 2, 3          | Once per phase | Once per phase |                               |       |
| 19.b         | Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses.                        | PW&P                       | 1, 3             | @BP            | Once per phase |                               |       |
| 19.c         | Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance).  | FCEH                       | 5, 6             | CDC            | N/A            |                               |       |
| 19.d         | Each commercial development shall be conditioned to require that under Site Plan Review, there shall be verification that the development and use of the property will be in compliance with the County Noise Ordinance. Conditions of the SPR may include but are not limited to design features and operational controls.   | FCEH                       | 1                | Once           | Once           |                               |       |

G:\4360Devs&Pln\EA\Std. Mitigation Measures\Millerton Specific Plan\4394MPPM 120704 adopted.doc  
 April 20, 1999  
 Rev. February 3, 2000  
 Adopted December 7, 2004

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December, 2004

# THE CLARKSFIELD COMPANY, INC.

735 West Alluvial Avenue, Suite 103  
Fresno, California 93711

Telephone: (559)437-1990  
Facsimile: (559)437-1992  
E-Mail: ben@ewellgroup.com

January 12, 2018

Atten: Chris Motta

County of Fresno  
Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721

RECEIVED  
JAN 16 2018

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Subject: Extension of Life of Tract Map 5771

To Whom It May Concern:

Please consider this letter and the enclosed forms and fees as a request to extend the life of Vesting Tract Map (TM) 5771. This extension is being requested for the following reasons:

- The Applicant is participating in the \$1,000,000 plus expansion of the Water Treatment Plant which is needed to serve this Tract.
- Additional infrastructure may require expansion. The extent of expansion is uncertain, and our engineer is exploring actual needs with County staff. Actual expansion will then proceed.
- The configuration of TM 5771 had to be altered to accommodate additional cultural sites and reviewed through Fresno County.
- This and other property within the Specific Plan Area was the subject of an ongoing environmental assessment under NEPA, which included The United States Fish and Wildlife Services and California Department of Fish and Wildlife to meet a requirement of the County of Fresno for water delivery to the plan area. This assessment and compliance is now being concluded after a two-year effort by the applicant and others.



- With the Bureau of Reclamation NEPA process (Section 106) and the results of that survey altered lotting patterns. A revised map, avoiding additional cultural resource sites was prepared for the County.
- In conjunction with Fresno, a set of design guidelines was prepared and approved by the Applicant and other Tract Holders and Fresno County.

Should you need additional information or to discuss this request please contact Ben Ewell at (559) 437-1990.

Sincerely,

A handwritten signature in black ink that reads "Ben Ewell". The signature is written in a cursive style with a long horizontal flourish at the end.

A. Ben Ewell

President