



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 July 26, 2018

SUBJECT: Vesting Tentative Tract Map No. 5050 - Time Extension

Grant the third one-year time extension to exercise Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

LOCATION: The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-031-46).

**OWNER/
APPLICANT:** Billy Wells

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve the third one-year time extension request for Tentative Tract Map No. 5050; 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. Resolution No. 12121, dated October 2, 2008 (Time Extension No.2)
5. Subdivision Review Committee Report, Staff Report and Planning Commission Resolution dated May 26, 2005
6. Applicant's letter requesting the third one-year time extension

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Sierra North Regional Plan, the Shaver Community Plan, and the Lake Shaver Lake Forest 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. 5124) was prepared for Tentative Tract Map Application No. 5050 under the provisions of CEQA, resulting in the determination that the Mitigated Negative Declaration was appropriate.

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 82 property owners within 600 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 May 26, 2005 the Planning Commission approved Vesting Tentative Tract Map No. 5050, Classified Conditional Use Permit No. 3084, and Initial Study Application No.5124, authorizing the development of a 22.84-acre parcel consisting of a 50-unit Planned Residential Development, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

The Planning Commission granted a first one-year time extension on August 9, 2007, which extended the life of Tentative Tract Map No. 5050 to May 26, 2008. On October 2, 2008, the Planning Commission approved a second one-year time extension, extending the life of the map to May 26, 2009. Subsequently, SB 1185 granted an automatic one-year time extension for the Tentative Map, resulting in a new expiration date of May 26, 2010. Two subsequent, two-year legislative time extensions extended the map life until May 26, 2014. Assembly Bill (AB) 116, effective July 11, 2013, and AB 1303, effective October 10, 2015 granted two additional automatic two-year time extensions for the Tentative Map extending the expiration date to May 26, 2018.

Since all automatic time extensions have been exhausted for the project, the subject request is to allow the third discretionary one-year time extension through the consideration of the Planning Commission. The Applicant filed the subject request on April 24, 2018.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5050 was approved May 26, 2005 concurrently with Initial Study Application No. 5124 and Classified Conditional Use Permit (CUP) No. 3084, based on a determination that the required CUP findings could be made. A copy of the original Subdivision Review Committee Report, Staff Report and Planning Commission Resolution is attached as

Exhibit 5. According to the Applicant, the subject request is necessary to allow additional time due to an economic downturn affecting residential development, and a reduction in demand for, and a surplus of, housing in the Shaver Lake area.

The current time extension request was routed to the same agencies that reviewed the original project. 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 third one-year time extension for Vesting Tentative Tract Map No. 5050 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to May 26, 2019.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

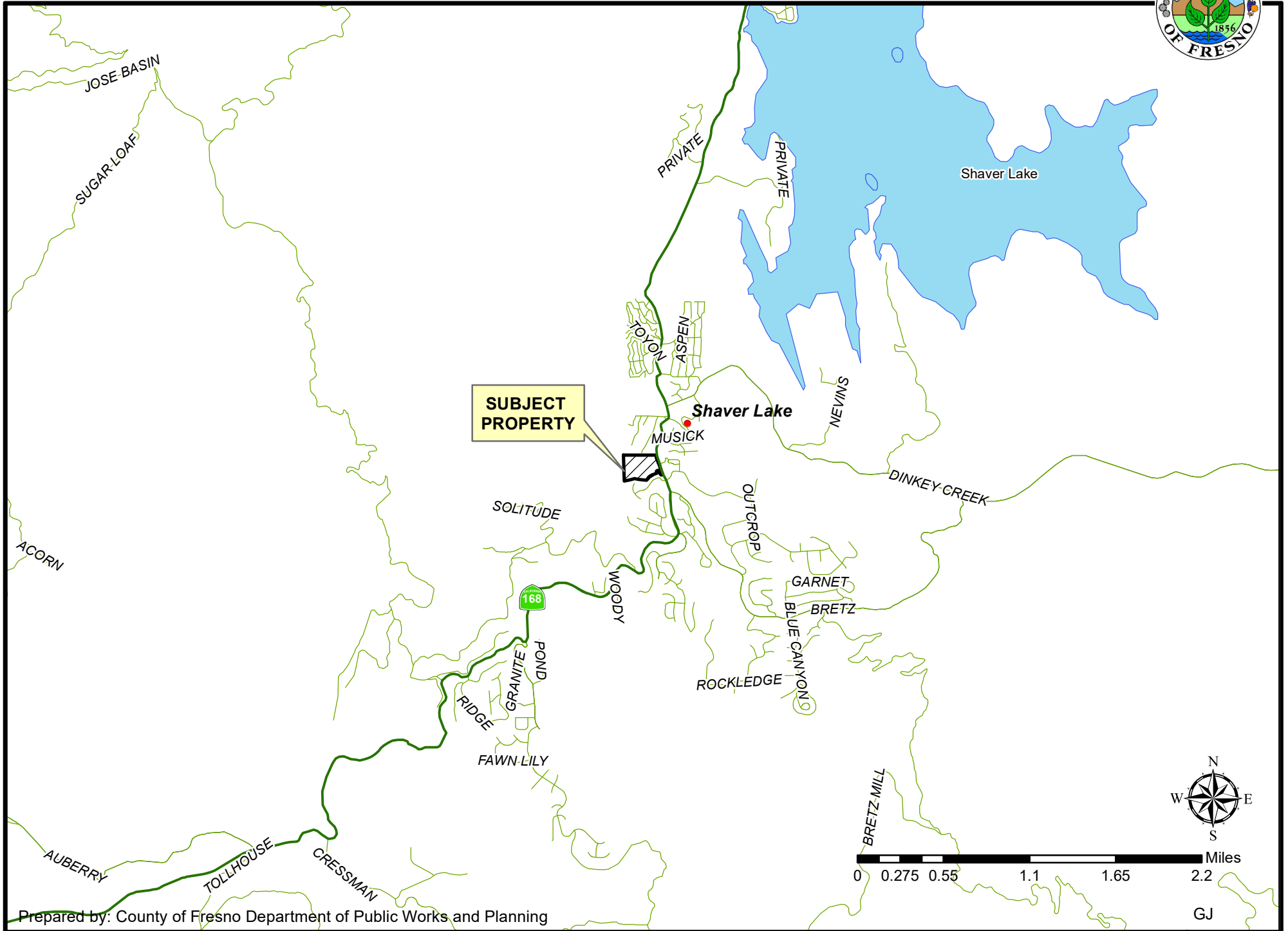
- Move to approve the third one-year time extension for Vesting Tentative Tract Map No. 5050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

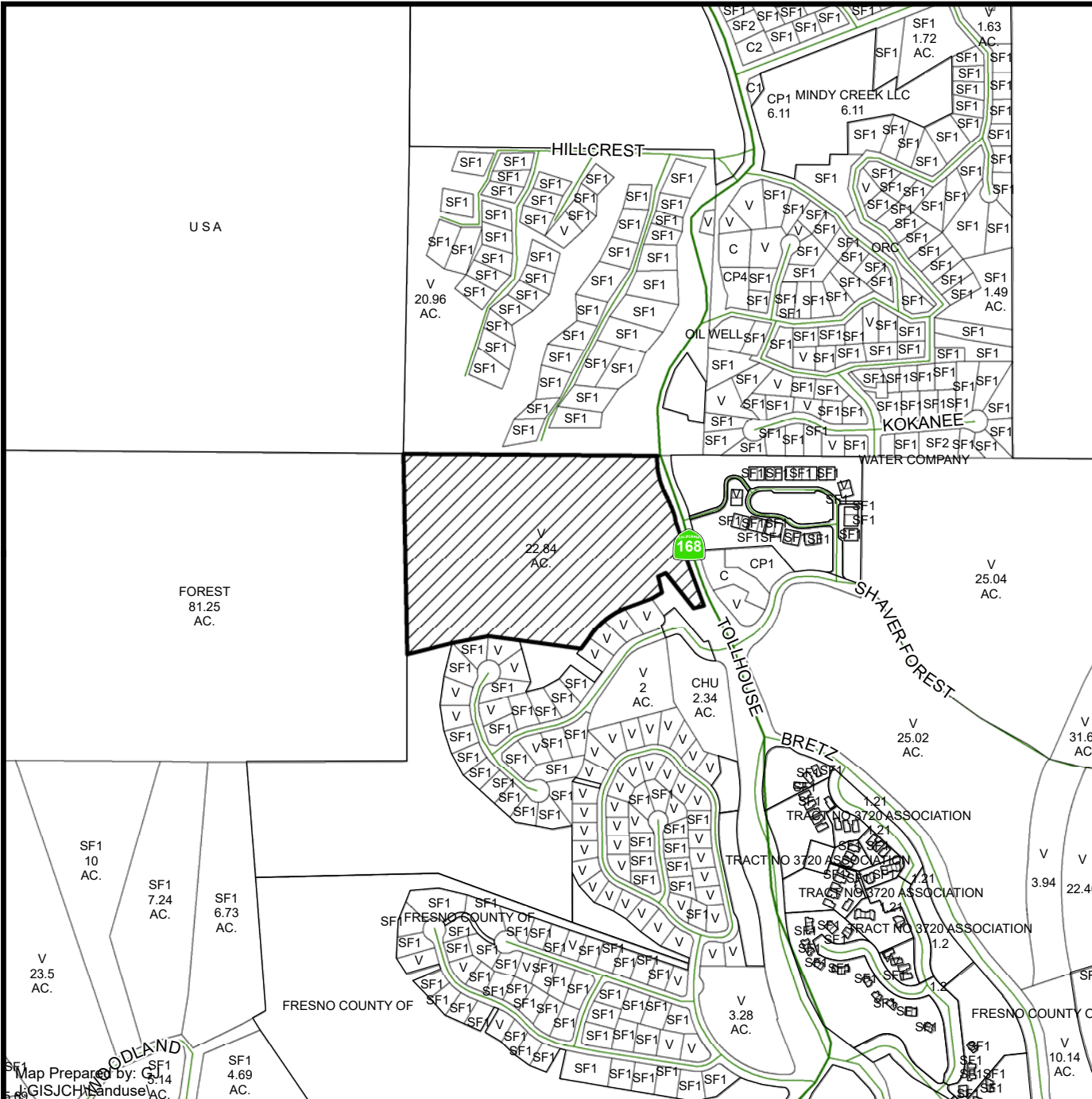
- Move to deny the third one-year time extension request for Vesting Tentative Tract Map No. 5050 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension 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.

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LOCATION MAP



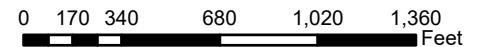
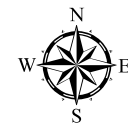
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
CP#	- OFFICE COMM/PROF
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

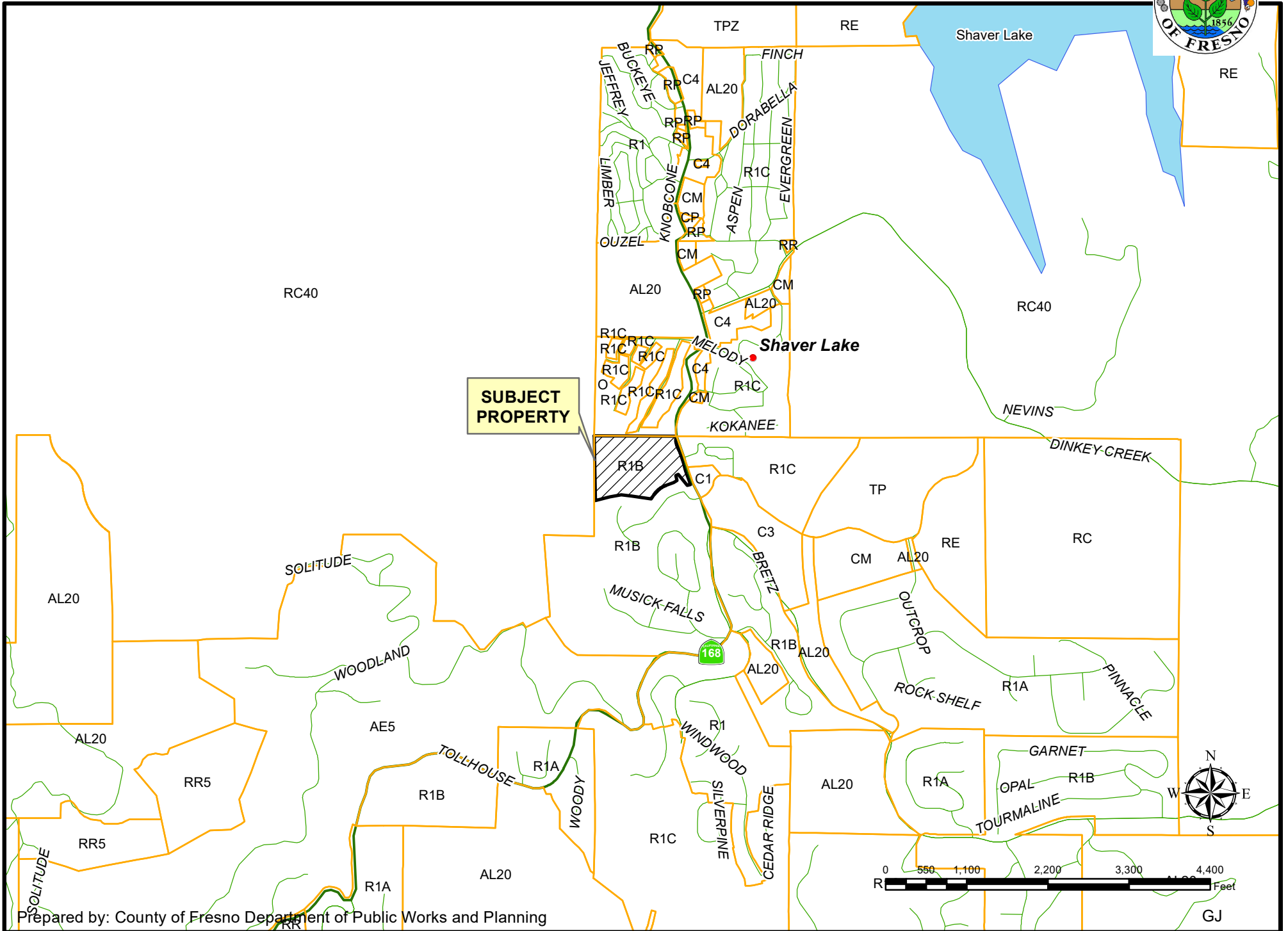
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GIS/JCH/landuse

EXISTING ZONING MAP





Inter Office Memo

DATE: October 2, 2008
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12121 – TENTATIVE TRACT MAP
APPLICATION NO. 5050 (SECOND ONE-YEAR TIME EXTENSION)

APPLICANT: James Bratton

REQUEST: Grant a second one-year time extension for Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of State Route 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

PLANNING COMMISSION ACTION:

At its hearing of October 2, 2008, the Commission, as part of its Consent Agenda, considered the Staff Report.

A motion was then made by Commissioner Niswander and seconded by Commissioner Milligan to approve the requested second one-year time extension for Tentative Tract Map Application No. 5050.



Inter Office Memo

DATE: May 26, 2005

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124, TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084

APPLICANT: James Bratton
OWNER: James Bratton

REQUEST: Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Classified Conditional) District.

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

PLANNING COMMISSION ACTION:

At its hearing of May 26, 2005, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

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Attachments

EXHIBIT "A"

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

- Staff: The Fresno County Planning Commission accepted the Staff Report dated May 26, 2005, and a summary staff presentation.
- Applicant: The applicant's representative concurred with the Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:
- Clustering of development is proposed in order to avoid wetlands, orange lupine, and damaging natural forest land.
 - A trail system and two tot lots for BBQ areas are provided for recreational use.
 - Snow will be stored in the areas between the parcels and on the tot lots.
 - All the issues identified in the two letters of concern that were received by the Department of Public Works and Planning have been taken into consideration when addressing the project.
 - Provided additional conditions to address landscaping, irrigation, dual water meters, and funding for water study. This will minimize inefficient water usage.
- Others: Two individuals presented information in support of the application and one individual requested clarification on the location of the wells for this application.
- Correspondence: Two letters were presented in opposition of the application.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084:

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.
3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Classified Conditional Use Permit shall also expire.
- *4. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

TENTATIVE TRACT APPLICATION NO. 5050:

A. SHAVER LAKE FOREST ROAD

NOTE: The subdivider received approval of an exception to the Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.

- *1. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip)
= \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip)
= \$14,292.00

B. INTERIOR ROADS AND CUL-DE-DACS

NOTE: The subdivider received approval of an exception to the above Subdivision Ordinance Improvement Standard that permits the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

1. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
3. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. All roads shall intersect as near to right angle as practicable.
5. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
6. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.

NOTE: The subdivider received a request that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

7. 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 section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

8. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
9. Slope easements outside of the road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing

that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.

NOTE: The subdivider received approval of an exception to County Improvement Standard II H.7.e.5 requiring that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

8. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.
- *10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

D. SEWER

1. The development shall be served by the community sewer system.
2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. 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.
3. The sewer system shall be provided with minimum size mains of 8 inches.

E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.

2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- *5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
2. 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.

G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.

2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.

3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

*1 In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:

- a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
- b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
- c. The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
- d. Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act

Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.

- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.
- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
 - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
 - ii.) A discussion of the importance of pet restrictions.
 - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
 - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.

- v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
 - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
 - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location, "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- *3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
- a. Compliance with the state and federal wetland permit requirements.
 - b. Possible degradation of wetland areas from erosion and sedimentation.
 - c. Compliance with the wetland area "NO BUILD, NO DISTURB".
 - d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
 - e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- *4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the

responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.

- *5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- *6 In the event that cultural resources are unearthed during grading or construction, 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.

J. OTHER CONDITIONS:

- *1. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential

Water Heaters). This requirement shall be noted on the design plans and specifications.

- *3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

K. ADDITIONAL CONDITIONS SUPPLIED BY THE APPLICANT

1. Prior to recordation of the project's final map, a list of landscaping materials that may be used within Tentative Tract Map No. 5050 shall be approved by Fresno County.
2. Only drip irrigation shall be allowed within the project. A covenant running with the land shall be recorded providing notice to all buyers regarding these restrictions.
3. The applicant proposes to pay Fresno County a water fee of \$500.00 per lot for 50 lots for a total of \$25,000.00. Said funds shall be used for the research and development of supplemental water sources for eastern Fresno County of other areas as determined by Fresno County. This fee will be paid at the time of recording the final map for Tentative Tract Map No. 5050.
4. The applicant shall install dual water meters for each lot within Tentative Tract Map No. 5050. One meter will be for domestic water supply and the other meter will be for landscape irrigation purposes. All such meters shall be equipped with remove read sensors. The homeowner will be able to remotely sense and monitor their water use as will the county if it so chooses.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
SEVERO ESQUIVEL
INTERIM DIRECTOR

June 13, 2005

James A. Bratton
55 Shaw Avenue, Suite 205
Clovis, CA 93612-3819

Dear Mr. Bratton:

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124,
TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3084

On May 26, 2005, the Fresno County Planning Commission approved with conditions the subject application. A copy of the Planning Commission resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days the Planning Commission's decision is final.

The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Sincerely

Brian Ross, Planning & Resource Analyst
Development Services Division

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Enclosure

C: Charlie Maxwell
Strahm Family LP
Joe Guagliardo

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer



County of Fresno

Department of Public Works and Planning
CECIL LEONARDO
Interim Director

Planning Commission Staff Report Agenda Item No. 5 May 26, 2005

**SUBJECT: Initial Study/Environmental Assessment No. 5124
Classified Conditional Use Permit Application No. 3084**

Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

Applicant: James Bratton
Owner: James Bratton

**STAFF CONTACT: Brian Ross, Planning & Resource Analyst
(559) 262-4324**

**Will Kettler, Principal Staff Analyst
(559) 262-4242**

RECOMMENDATION:

Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 5124, and approve Classified Conditional Use Permit Application No. 3084 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

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REGIONAL JOBS INITIATIVE:

On December 3, 2003, the Board of Supervisors adopted a joint resolution of the Fresno City Council, the Clovis City Council, and the Board of Supervisors declaring their commitment to work collaboratively towards the goals of the Regional Jobs Initiative (RJI).

The mission of the RJI is to develop short and long-term comprehensive strategies aimed at creating 25,000 to 30,000 net new jobs within five years at an average salary of \$29,500, to diversify the Fresno regional economy and establish a foundation for sustainable growth to combat chronic double-digit unemployment.

If approved, this proposal should not impact the long-term objectives of the RJI for the creation of jobs in Fresno County. There may be substantial short-term job opportunities for activities associated with construction of the residential property.

EXHIBITS:

1. Location Map
2. Zoning Map
3. Land Use Map
4. Site Plan (Tract Map)
5. Operational Statement
6. Required Findings for the Granting of a Conditional Use Permit
7. Correspondence

PROJECT DESCRIPTION / OPERATIONAL STATEMENT SUMMARY:

Listed below are key features of the project based on information contained in the applicant's site plan (tract map) and Operational Statement (Exhibits 4 and 5).

Proposed Use:

- 50 single-family residences to be placed on individual "foot-print" lots.

Project Site:

- 22.84-acres

Existing Improvements:

- None

Proposed Improvements:

- 50 single-family lots
- Interior road system
- Recreational trail and gazebo
- Community water and sewer improvements
- Drainage facilities
- Fire protection improvements

ENVIRONMENTAL DETERMINATION:

Initial Study No. Application 5124 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study and Mitigation Measures are included as Exhibit 5 of the staff report for Tentative Tract Map Application No. 5050.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: May 6, 2005

PUBLIC NOTICE:

Notices were sent to 83 property owners within one-quarter mile of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 6).

The decision of the Planning Commission on a Classified Conditional Use Permit is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

- Use of Subject Property: Vacant
- Surrounding Land Uses: Single Family Residential, Condominiums, Vacant Land, Open Space

- Surrounding Parcel Sizes: 20,000 square feet to 150.00 acres
- Nearest Residence: Adjacent property to the south.
- General Plan Land Use Designation: Condominiums in the Shaver Lake Forest Specific Plan
- Zoning: R-1-B(c) (Single Family Residential, 12,500 square-foot minimum lot size, Conditional) District
- Development Standards: Minimum building setbacks to property lines (35' front, 10' side, 20' rear)
- Public Road Frontage: Tollhouse Road (State Route 168)
- Public Road Access: Shaver Forest Road via State Route 168

Proposal:

Classified Conditional Use Permit Application No. 3084 and Tentative Tract Map Application No. 5050 are being considered concurrently to allow a 50-unit Planned Residential Development. Development will take place on a 22.84 acre parcel. Overall project densities yield one dwelling per 19,898 square feet. This results in development that is lower density than the R-1-B(c) density standard of one dwelling per each 12,500 square feet of lot area. The property, as well as parcels to the immediate south, are conditional zoned, which limits the use of the subject properties to planned residential developments that will not to exceed a total of 157 single family residential units. Currently, 90 single family residential units are approved on the parcels to the south of the subject property, making the proposal conform to zoning.

The Planned Residential Development concept allows deviation of property development standards (i.e. setbacks, lot coverage, etc.) where development results in a unified, integrated whole that incorporates outstanding design features and amenities. The project will result in the following reduced standards in order to provide greater open space amenities to benefit property owners:

- Reducing lot sizes to 2,262 (designated as "foot print" lots).
- Reducing lot widths to 26 feet (80 feet required)
- Reducing lot depths to 87 feet (100 feet required)

- Reducing the front yard (35 feet required), side yard (10 feet required), and rear yard (20 feet required) setbacks to allow no setback requirements.

The applicant has also requested an exception to subdivision standards as it relates to road requirements. Those exception requests have been addressed in the Subdivision Review Committee Report.

STAFF ANALYSIS/REQUIRED FINDINGS OF FACT:

A Conditional Use Permit Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission. The following analysis addresses each of the required findings:

Finding 1: *That the site for 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 the Zoning Ordinance to adjust said use with land and uses in the neighborhood.*

The subject property is located within a mountain forested area in the Shaver Lake Community. The subject property is sloped. The central portion where residential development is proposed maintains 0-15% grades. The eastern portion of the property maintains grades between 15-30% and the western portion, consisting primarily of rock outcroppings, has grades in excess of 30%. Development Engineering Section staff have reviewed the location of the building pads and roadways in relationship to the existing slopes as shown on the tract map and find that development will not exceed permitted slopes for building and road development.

The subject property is traversed by natural drainage courses. To ensure that these channels are preserved and maintained, the Development Engineering Section of the Public Works and Planning Department 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 parcels adjacent to the development. The concurrent tentative tract map application addresses this concern.

The subject parcel is 22.84 acres in size. Under this request, the applicant is proposing to create 50 residential lots at approximately 2,600 square feet. The applicant's development plan avoids impacts to Wetlands, Orange Lupine, rock outcroppings, and steep slopes by preserving these areas in open space. The open space provides buffers between the houses and the overall density of the subdivision does not exceed the requirements of the R-1-B zoning. The applicant's map provides for necessary setbacks from the Wetlands and Orange Lupine areas. Analysis of the tentative tract map submitted by the applicant indicates that the

subject 22.84 acres is adequate in size and shape to accommodate the proposed 50-lot planned residential development, the interior road system, the pedestrian paths, gazebos, and small recreation area (i.e. tot lot and barbeque area).

The proposed "footprint" residential building lots are a minimum of 2,262 square feet in size. The R-1-B District requires a minimum of 12,500 square feet per lot area under normal circumstances. The Planned Development concept, however, allows departure from standard property development standards when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities.

In this case, the applicant's development proposes to group residential development around a centrally located Wetland area. The proposed development provides for recreational amenities including a pedestrian pathway and look-out gazebos located within the northwest and southwest portions of the property. Additionally, the development proposes attached garages providing for two parking spaces for each unit, which exceeds the one covered parking space requirement of the R-1-B District.

Development proposes a zero yard setbacks and smaller "foot print" lot sizes in order to cluster residential units in a manner that provides for the preservation of greater amounts of open space area including: the centrally located Wetland and smaller Orange Lupine areas, rock outcroppings, and steep slopes. Staff believes that the provisions of the planned residential development concept are achieved in this proposal.

Based upon the above findings, staff believes that Finding 1 can be made.

Finding 2: *That the site for the 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.*

Access to the project site will be from Shaver Forest Road via State Route 168. Shaver Forest Road is classified as a local road and State Route 168 is classified as a Collector Road/Proposed Freeway in the Shaver Lake Community Plan.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact

Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5 of the staff report for Tentative Tract Map Application No. 5050).

The interior road system is being developed to serve the 50-lot residential development. The concurrent Tentative Tract Map Application No. 5050 requests exceptions to the Subdivision Ordinance that would reduce the width of proposed roads from 32 feet to 22 feet and the design for a 10 mile per hour speed. If the exceptions are granted as recommended by the Development Engineering Section, staff believes that the interior road system would be adequate to accommodate proposed traffic.

Based upon the above information, and staff's recommendation in the Subdivision Review Committee Report, staff believes that Finding 2 can be made.

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

The subject property is designated as Condominiums in the Shaver lake Forest Specific Plan and located within a mountainous residential area. The subject site is surrounded by single-family residential development to the immediate north and south, and condominium development to the west (on the west side of SR 168). The proposal is compatible with the existing surroundings. Open space and grazing land, designated as public lands and open space in the Sierra North Regional Plan, is located to the west of the parcel.

An Initial Study was prepared for this project. The Initial Study identified a number of potential environmental impacts associated with this project. Potential impacts related to soil compaction, air, noise, biological impacts, population density, and light/glare were determined to be less than significant with mitigation measures applied. The Initial Study has recommended appropriate mitigation measures that are being incorporated as conditions of project approval. Potential impacts related to soil erosion changes in absorption rates, drainage patterns and the rate and amount of surface runoff were determined to be less than significant since they are addressed by the County Grading and Drainage Ordinance.

The project was reviewed by the San Joaquin Valley Unified Air Pollution Control District. The District indicates that the project will contribute to the overall decline in air quality due to an increase in traffic, the operation of lawn and garden equipment, and space and water heating if gas-fired appliances are used. The District indicates that the project will be subject to District rules and regulations pertaining to wood burning, residential water heaters and fugitive dust. Suggested mitigation measures have been applied as conditions of approval and have been agreed upon by the developer.

The California Department of Fish and Game has reviewed the project and has identified several potential impacts to biological resources that exist on-site. Mitigation measures have been recommended and agreed upon by the applicant to protect the centrally located Wetland and the Orange Lupine areas. Additionally, mitigation measures require continuous monitoring by a certified biologist of endangered habitat by and an educational program for homeowners to insure the preservation of animals and plant life on-site.

Fire protection services for the proposed development will be provided by the Shaver Lake Community Fire Protection District. The subject parcel is located within the California Department of Forestry "State Responsibility Area" and therefore, is subject to standards relating to building setbacks, driveway construction and gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. The California Department of Forestry did not issue any comments of concern, but has stated that development will be required in accordance with CDF requirements.

Staff has received two letters of opposition from neighboring residents. One letter states concerns about the proposed density, removal of natural resources, traffic impacts, noise impacts, and aesthetic impacts. The Initial Study prepared for this project addresses these concerns. Mitigation measures addressing these issues have been included as conditions of approval.

The second letter indicates concerns related to potential odor impacts associated with wastewater treatment. Staff has been advised by the Resources Division of the Public Works and Planning Department that the Waterworks District No. 41 wastewater treatment plant is scheduled to be expanded and renovated this summer in order to accommodate the new development and address odor problems. Both letters address concerns with water quantity, which has been addressed in the Initial Study with a mitigation measure included.

Based on the information above and with the conditions, mitigation measures, and notes imposed on the project, staff believes the proposed development will not have an adverse effect on surrounding properties and that Finding 3 can be made.

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

The subject 22.84-acre project site is designated Condominiums in the Shaver Lake Forest Specific Plan and is zoned R-1-B (Single-family residential, minimum 12,500 square foot lot size) District. Given 50 proposed units, this proposal would allow a gross density of one unit per 19,898 square feet of lot area, which is a lower density than if described at the minimum 12,500 square-foot standard.

The Open Space policies of the Specific Plan require that Condominium projects set aside sufficient open space areas for the enjoyment of the property owners and that this common open space be retained in its natural state. The Policies indicate that the open space areas should be held in common as an undivided interest and shown as "outlots" or "easements" within the subdivision.

This project proposes approximately 50%, or 11.3-acres to be preserved for open space and recreation use. This recreation space includes a designated pedestrian trail that provides for hiking around the perimeter of the development and two gazebos located within the southwest and northwest corners of the tract adjacent the trail. The open space being preserved includes a large centrally located wetlands area and an orange lupine area located in the northwest portion of the tract. The project also contains a small tot lot and barbeque area located near the development entrance.

One of the provisions in the Shaver Lake Forest Specific Plan is that subdivision shall provide an integrated pathway system. The tentative map shows that a pedestrian trail looping around the residential units. The pedestrian trail provides access to the gazebos, located on the northwestern and southwestern corners of the parcel. There are no pedestrian trails located on the adjacent subject properties. However, a condition is included requiring the trails system be continuous and that this be accessible to residents of adjoining subdivision within the area covered by the Specific Plan. This condition is consistent with requirements imposed on other approved tract maps within the Specific Plan area.

The Water Resources Policy of the Shaver Lake Forest Specific Plan requires that community sewer and water services be provided for this density of development. The applicant proposes connection to Waterworks District No. 41(WWD 41) for community water and sewer services. The applicant will utilize four water wells. A hydro-geologic report was conducted, which demonstrated that the projected yield for the above mentioned wells was 31.55 gallons per minute over a 120-day cumulative test.

The State Department of Health Services, Office of Drinking Water, which regulates the Fresno County Water Works District No. 41, reviewed the report and identified water source capacity limitations and potential impacts to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who

requested the above mentioned additional information be submitted with respect to groundwater supply.

After review by the Fresno County Resources Division and the State Department of Health Services, it was determined that prior to recordation of a final map, that an additional water well be required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.

The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an unrelated adjacent 118 space mobile home park) are required to be reduced from 31.55 gallons per minute to 23.7gallons per minute. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project. An exception request was filed by the applicant to except wells that produce less than 10 gpm. That exception request has been evaluated and approved by the Department of Public Works and Planning.

Policies related to public services and facilities in the Specific Plan are implemented through the Master Implementation Agreement. This agreement was executed in conjunction with the formation of the Shaver Lake Community Facilities District. The Implementation Agreement requires that the development of this property be subject to providing all required public facilities including community water and sewer systems, road improvements, fire protection facilities, underground utilities, school facilities, and snow removal equipment. Payment of the development fees or provision of the facilities will be required in accordance with the Implementation Agreement.

The Specific Plan identifies fuelbreaks on the western portion of the site, which are rock outcroppings, and on the eastern portion of the site, along State Route 168. The nearest residential unit to the designated fuelbrakes are approximately 40 feet. The California Department of Forestry and Fire did not express any concerns.

The Board of Supervisors has recently directed that a finding mechanism be established to provide for a minimum level of Sheriff services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which 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 in the Staff Review Committee Report 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.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5).

Fresno County General Plan Policy OS-D.4 recommends that the County require protection zones and buffers around natural watercourses such as wetland areas in order protect this highly valuable wildlife habitat. The subject property contains a creek and wetland area approximately 1.52-acres in size. The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the California Department of Fish and Game. The Department has approved the applicant's design and the recommended mitigation measures that have been included to require the protection of the wetlands and the lupine.

Policy PF-1.7 of the School and Library Facilities Policies of the General Plan state that the "County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development."

The subject property is located within the Pine Ridge Elementary and Sierra Unified School Districts. These Districts have adopted a resolution requiring the payment of a construction fee. The County, in accordance with the State law that authorizes the

fee, may not issue a building permit without certification from the school district that the fee has been paid. While this project was routed to the school districts for review and comment, no comments were received.

Based on information and findings provided above, staff believes that Finding 1 can be made.

CONCLUSION:

Staff believes the required findings can be made based on the factors cited in the analysis, the recommended conditions, and the notes regarding mandatory requirements. Staff, therefore, recommends that Classified Conditional Use Permit Application No. 3084 be approved.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action):

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 5124;
- Move to determine the required Classified Conditional Use Permit findings can be made and move to approve Classified Conditional Use Permit Application No. 3084 subject to recommended conditions.
- 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 findings can not be made for the following reasons [state which finding(s) and reason(s)] and move to deny the project.
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Recommended Conditions of Approval

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.

3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Conditional Use Permit shall also expire.
- *4. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

NOTES:

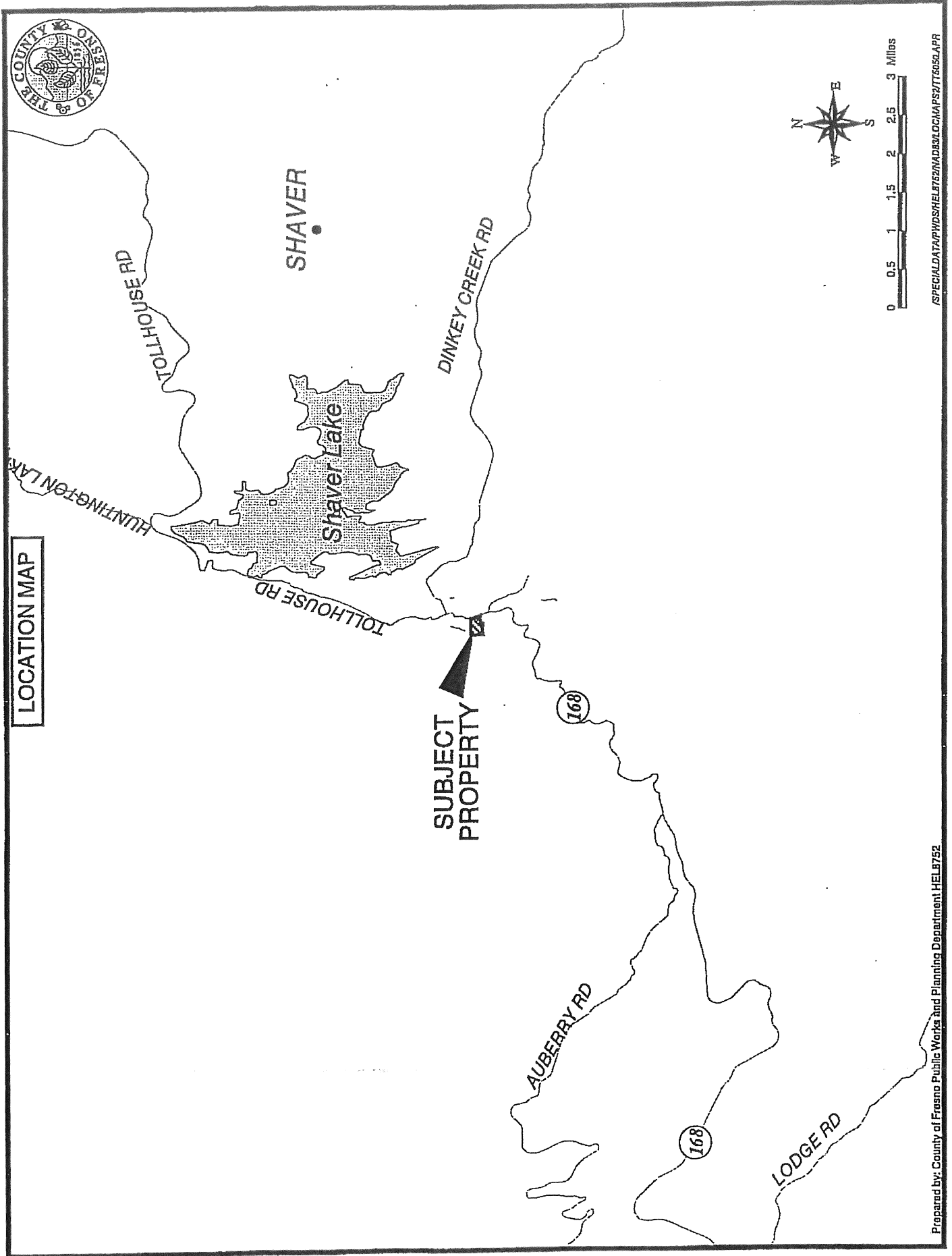
The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.

1. The Pine Ridge Elementary and Sierra 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 that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
2. Construction activity including grading, clearing, grubbing, filing, excavation, development or redevelopment of land that results in a disturbance of five acres or more (or less than five acres if part of a larger common plan of development or sale) must secure a construction storm water discharge permit in compliance with U.S.E.P.A.'s NPDES regulations (CFR Parts 122-124, November, 1990).

3. The proposed development shall implement all applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, to reduce the release of pollutants in storm water runoff to the maximum extent practicable.

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EXHIBIT 1



Prepared by: County of Fresno Public Works and Planning Department HELB752

/SPECIAL/DATA/PWDSP/HEL/B752/AND/83/L/CH/APS/2/TT/1605/L/PR

EXISTING ZONING MAP

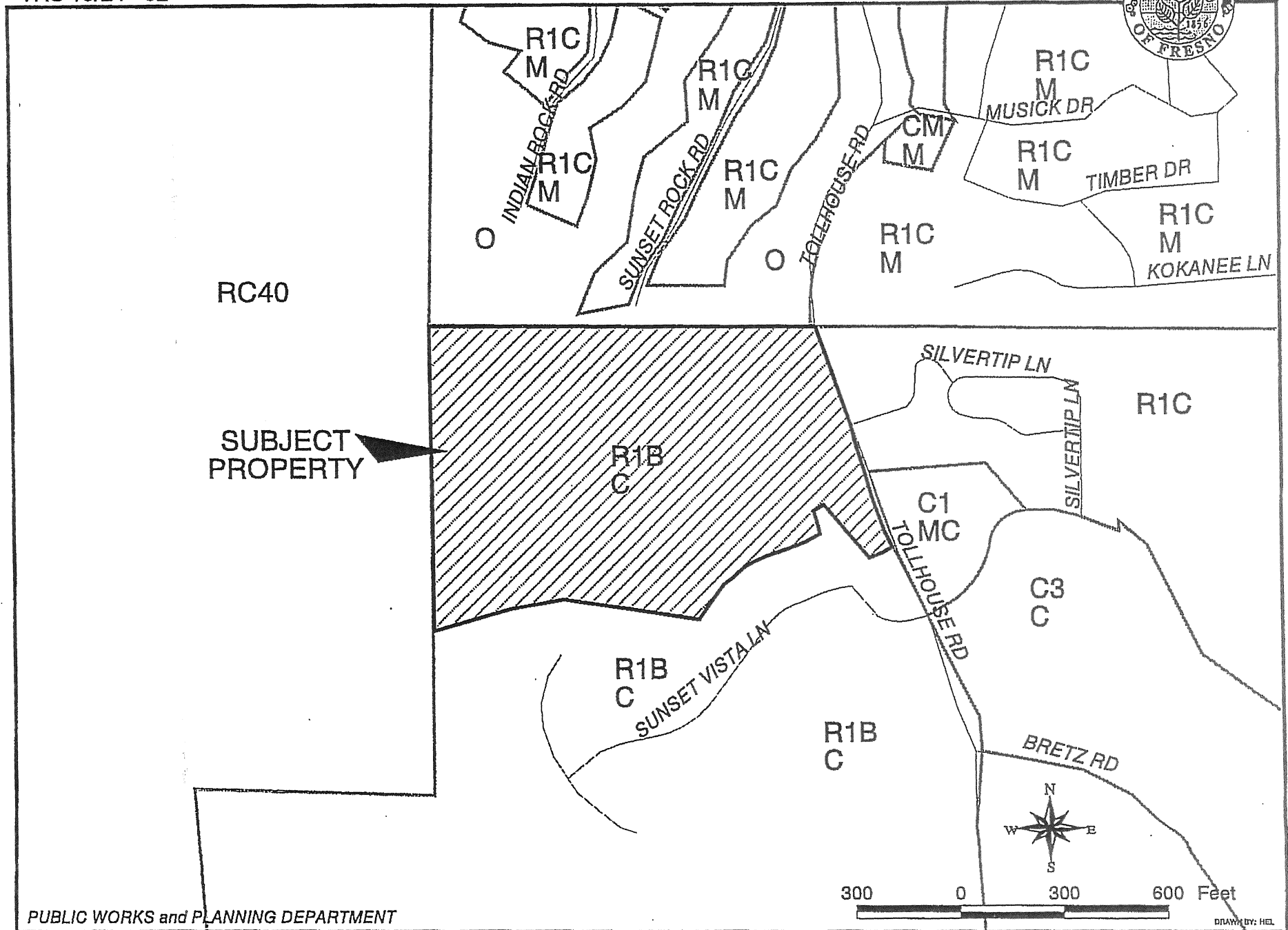
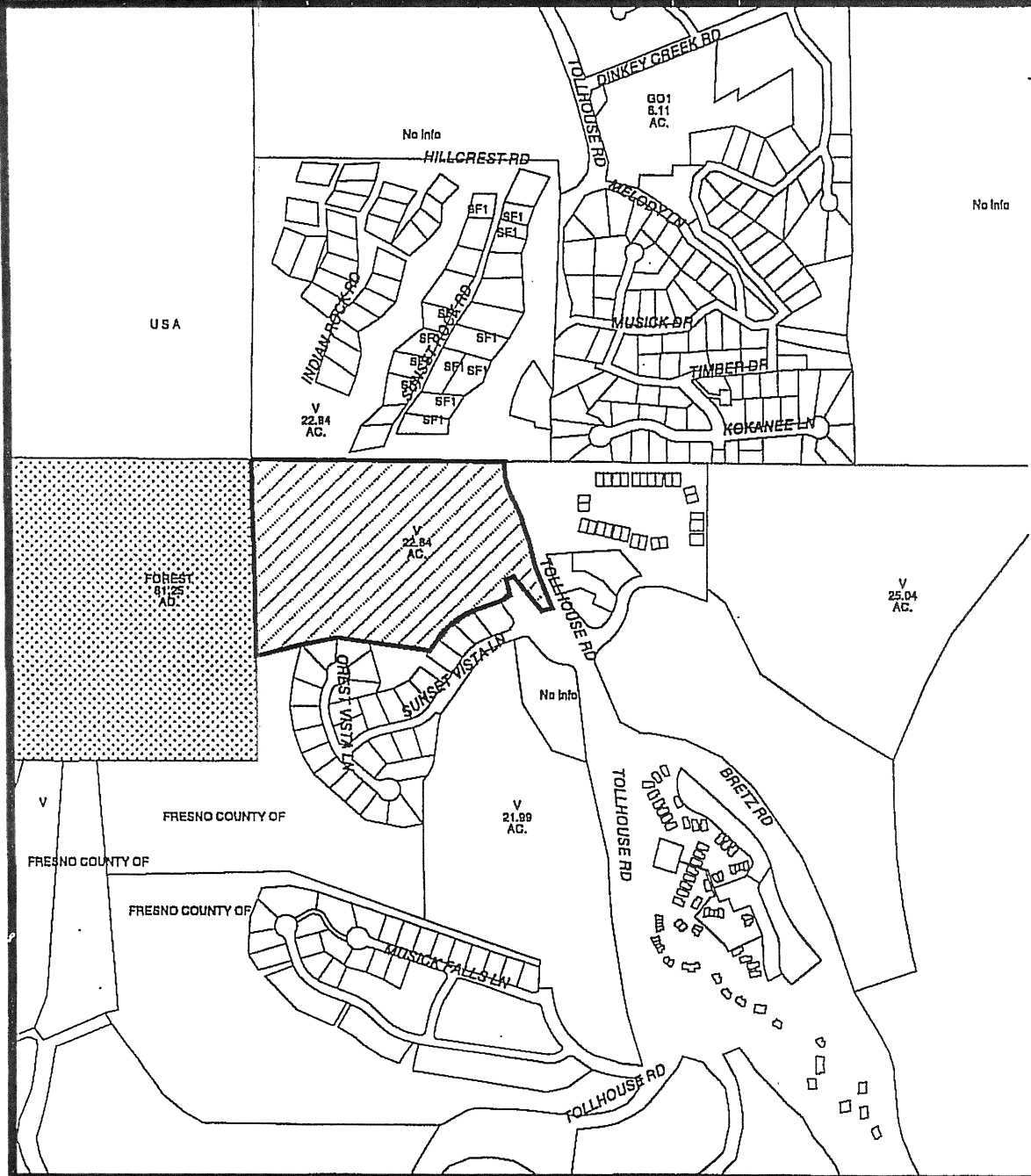


Exhibit 2 - Page 1

EXHIBIT 2

EXISTING LAND USE MAP



Legend	
C - COMMERCIAL	
CHU - CHURCH	
CP# - OFFICE COMM. / PROF	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

 Subject Property
 Ag Contract Land

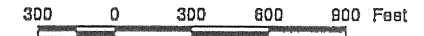
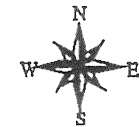


EXHIBIT 5

INDIAN ROCK TOWNHOMES AT SHAVER LAKE PROJECT DESCRIPTION

March 22, 2005

Applications are for a tentative tract and conditional use permit for a 50 unit, planned residential development townhome project in the R-1-B District employing private gated roads. The land use type and density is pursuant to the Shaver Lake Forest Specific Plan. Community sewer and water service is by Fresno County Waterworks District No. 41.

This project within Community Facility District No. 1 and is subject to the Interdeveloper Agreement and the Developer-County Fees Agreement for public infrastructure costs reimbursement.

Extension of Shaver Forest Road beyond Sunset Vista Lane would be as a gated entrance private road. Road width from that intersection to the first interior intersection would be 24 feet with roads beyond that point being of 20-foot width for two-way traffic and 18-foot width for one-way traffic. Common driveways (access to a building cluster) would be of 16-foot width.

The project area consists of approximately 22.8 acres, has a substantial elevation change (125 feet +/-), scenic views and a wetland area of approximately 1.52 acres. In light of these unique site opportunities, Tentative Tract 5050 is proposed to be developed as a "Planned Residential Development". As explained in §855-N.20 of the Fresno County Zoning Ordinance, "Planned Developments are intended to promote the efficient use of land through increased design flexibility and quality site planning.

In order to protect the wetlands and create a site design that takes into account the elevation changes, the following development standards are requested to be modified:

1. Lot Size

- a. The minimum lot size in the R-1-B zone district is 12,500 square feet.
- b. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot size being requested is 2,262 square feet.

2. Lot Width

- a. Interior lots
 - i. The minimum lot width in the R-1-B zone district is 80 feet.
 - ii. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot width being requested is 26 feet.

- b. Corner lots
 - i. The minimum corner lot width in the R-1-B zone district is 90 feet.
 - ii. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot width being requested is 26 feet.
- 3. Lot Depth
 - a. The minimum lot depth in the R-1-B zone district is 110 feet.
 - b. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot depth being requested is 87 feet.
- 4. Front Yard Setback
 - a. The minimum front yard setback in the R-1-B zone district is 35'.
 - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum setback being requested is 0' feet.
- 5. Side Yard Setback
 - a. The minimum side yard setback in the R-1-B zone district is 10'.
 - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. However, the buildings will maintain a minimum setback of 10' from one another. Therefore, no modification to the side yard setback is being requested.
- 6. Rear Yard Setback
 - a. The minimum rear yard setback in the R-1-B zone district is 20'.
 - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum setback being requested is 0' feet.
- 7. Roads
 - a. All roads within the project area will be maintained by the Homeowner's association.
 - b. An internal road design of 22' is requested.

The following amenities are offered as an offset to the project development modifications requested above.

- A. Two tot lots
 - a. One tot lot located in the southeast quadrant of the project area.
 - b. One tot lot located in the northwest quadrant of the project area.

- B. Two Bar-B-Que areas
 - a. One Bar-B-Que area located in the southeast quadrant of the project area.
 - b. One Bar-B-Que area located in the northwest quadrant of the project area.
- C. Protection of approximately 1.52 +/- acres of wetland areas.
- D. Creation of 25 +/- foot setback along perimeter of wetland areas.
- E. Two scenic overlook gazebos.
 - a. One gazebo to be located at the southwest quadrant of the project.
 - b. One gazebo to be located at the northwest quadrant of the project.
- F. An interpretative nature trail that circulates around and through the project.
- G. An exercise "par course" that runs around the perimeter of the project.

Significant open space is realized through clustering of the units. Each unit would be provided a two-car garage with additional parking at locations throughout the project for overflow/guest parking. Common area, roadways and building exterior maintenance would be by a properly constituted homeowners association that would be subjected to County and Department of Real Estate approvals.

Development of the project would be in phases. Site improvements would be constructed in two phases with the southerly area being Phase 1 and the northerly area being Phase 2. Building construction would be building-by-building.

Varying elevations and floor plan modifications may be employed for best site fit (split-level, living area over, living area under configurations) as warranted and as dictated by market conditions.

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EXHIBIT 6

REQUIRED FINDINGS NECESSARY FOR GRANTING A CONDITIONAL USE PERMIT APPLICATION

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.
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.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

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RECEIVED
MAR 21 2005

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

March 17, 2005

Fresno County Planning Commission
Mr. Brian Ross
2220 Tulare Street
Fresno, CA 93721

Re: Initial study application 5124
Tentative Tract Application No. 5050
Use Permit application no. 3084 by James Bratton

Dear Sirs;

This letter is to state that we are strongly opposed to the above referenced application to re-zone this parcel in order develop 50 residential lots of 2262 sf on 22.84 acres verses the currently allowable R-1-B 12,500 sf minimum lot size. Additionally, we are also opposed to allowing the construction of a 50 unit planned residential development in this area as well. Unfortunately we will be out of state for the hearing or we would attend. The following are my brief feelings regarding this manner.

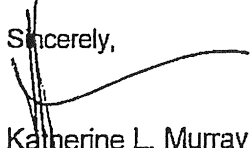
Our lot, purchased two years ago is adjacent to the subject property. We purchased this lot due to the amazing views of the Fresno Valley, the view of Indian Rock, and the beautiful natural granite outcroppings and trees in this area. I feel that increasing the density more than FIVE TIMES what is currently allowable would A) not fit with the surrounding developments, (we bought our property in an area of nice homes and spacious lots, next to an equally beautiful property with the same zoning, assuming the forthcoming development would be similar to our area) and B) would not capitalize on the amazing natural resources found in this area. Generally, condos and/or tract housing is not designed to be site adapted in order to fit the geological intricacies of a specific property. Rather the property is destroyed to fit the maximum number of units in an area to make the most money. In general building 50 units with 2-3 specific floor plans/models would cause a lot of trees to be removed, and just building the infrastructure would be detrimental to this parcel of land. The view of Indian rock might now be through the obscure bathroom window of an end unit. And we might be looking at asphalt shingle roofs, T111 siding, and a parking lot full of cars vs. beautiful custom homes designed to fit and optimize the existing landscape and natural resources of this area. I feel this property was zoned as it was to protect the property and the serene beauty of this area.

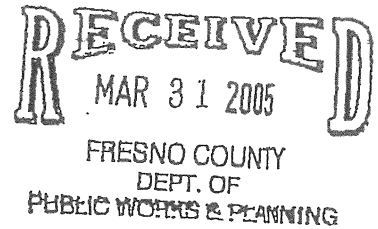
Additionally, developing this many units in the area would cause traffic impacts, noise impacts, tree removal, and view shed issues, which would all be required to be mitigated by the applicant.

I am aware that the Shaver Lake area needs some more affordable housing/rental units, but the developer should find a parcel of land zoned for this purpose in order to maintain the quaint, serene nature of Shaver Lake and the surrounding areas. Developing this parcel according to it's existing zoning will still be profitable to the owner. To go from cabins, and mountain homes to a bunch of condos just doesn't seem right, especially on this parcel of land.

Thank you for your time, and please keep us informed of any further development issues on this parcel.

Sincerely,


Katherine L. Murray
1411 Sierra Drive
Arroyo Grande, CA 9342



March 29, 2005

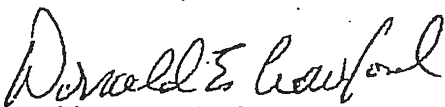
Re: Application No. 5124
Tentative Tract Application No. 5050
Classified Conditional Use Permit Application No. 3084
Filed by James Bratton

Dear Sir or Madam:

1. We have a cabin at 41571 Sunset Rock Road, Shaver Lake. The above tract will require water for the houses and landscaping that we have a deep concern. We have water concerns for ourselves so do not want to be experiencing additional difficulties.
2. We were told that the existing sewage system would not be added on. It was full. The exhaust fan on the current system can not keep up with the odor produced now during peak property use.

Thank you for taking our letter into consideration.

Yours truly,


Donald E. Crawford
2655 W. Robinwood
Fresno, CA 93711
559-432-3838



County of Fresno

Department of Public Works and Planning
CECIL LEONARDO
Interim Director

Subdivision Review Committee Report Agenda Item No. 5 May 26, 2005

SUBJECT: Initial Study/Environmental Assessment No. 5124
Tentative Tract Application No. 5050.....

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

Applicant: James Bratton
Owner: James Bratton

STAFF CONTACT: Brian Ross, Planning & Resource Analyst
(559) 262-4324

Will Kettler, Principal Staff Analyst
(559) 262-4242

RECOMMENDATION:

Approve the Mitigated Negative Declaration prepared for Initial Study Application No. 5124 and approve Tentative Tract Application No. 5050 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Surrounding Zoning
4. Tentative Tract Map
5. Summary of Initial Study Application No. 5124 and Mitigation Measures
6. Exception Requests

PROJECT DESCRIPTION SUMMARY:

Listed below are key features of the project based on information contained in the application and tentative tract map (Exhibit 4).

Proposed Use:

- 50 single-family residences to be placed on individual "foot-print" lots.

Project Site:

- 22.84-acres

Existing Improvements:

- None

Proposed Improvements:

- 50 single-family lots
- Interior road system
- Recreational trail and gazebo
- Community water and sewer improvements
- Drainage facilities
- Fire protection improvements

ENVIRONMENTAL ANALYSIS:

Initial Study No. 5124 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study and Mitigation Measures are included within Exhibit 5.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: March 4, 2005.

PUBLIC NOTICE:

Notices were sent to 83 property owners within 1,250 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS / BACKGROUND INFORMATION:

A Tentative Tract Map application may be approved only if five findings specified in the Subdivision Map Act are made. These findings are included in the body of the staff report.

Conditional Use Permit Application No. 3084 proposing to allow a 50-unit planned residential development on this site has been submitted concurrently with the Tract Map. The Tentative Tract Map application cannot be approved without approval of the Conditional Use Permit. The Planning Commission's decision is final unless appealed to the Board of Supervisors.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

Date of Subdivision Review Committee Meeting:	December 16, 2005
Subdivider:	James Bratton
Engineer:	Strahm Engineering Associates, Inc.
Location:	The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane.
Nearest City Limits:	The site is located within the unincorporated community of Shaver Lake.
Number of Acres:	22.84
Number of Residential Lots:	50
Minimum Lot Size:	2,262 square feet

Proposed Source of Water:	Community Water System – Fresno County Waterworks District No. 41
Proposed Means of Sewage Disposal:	Community Sewer System – Fresno County Waterworks District No. 41
Drainage:	Channeling to existing natural drainage courses off site.
General Plan Designation:	Mountain Residential
Zoning on Subject Property:	R-1-B (See Existing Zone Map, Exhibit 3)
Surrounding Zoning:	R-1-B(c), R-1-C, C-1-M(c), RC-40, and O Districts.
Proposed Use:	Single-family residential
Land Use on Subject Property:	Vacant
Surrounding Land Use:	Single-family residences, condominiums, and Open Space

ANALYSIS / DISCUSSION:

Finding 1: General Plan Consistency

The subject 22.84-acre project site is designated Condominiums in the Shaver Lake Forest Specific Plan and is zoned R-1-B (Single-family residential, minimum 12,500 square foot lot size) District. Given 50 proposed units, this proposal would allow a gross density of one unit per 19,898 square feet of lot area, which is a lower density than if described at the minimum 12,500 square-foot standard.

The Open Space policies of the Specific Plan require that Condominium projects set aside sufficient open space areas for the enjoyment of the property owners and that this common open space be retained in its natural state. The Policies indicate that the open space areas should be held in common as an undivided interest and shown as "outlots" or "easements" within the subdivision.

This project proposes approximately 50%, or 11.3-acres to be preserved for open space and recreation use. This recreation space includes a designated pedestrian trail that provides for hiking around the perimeter of the development and two gazebos located within the southwest and northwest corners of the tract adjacent the trail. The open space being preserved includes a large centrally located wetlands area and an orange lupine area located in the northwest portion of the

tract. The project also contains a small tot lot and barbeque area located near the development entrance.

One of the provisions in the Shaver Lake Forest Specific Plan is that subdivision shall provide an integrated pathway system. The tentative map shows that a pedestrian trail looping around the residential units. The pedestrian trail provides access to the gazebos, located on the northwestern and southwestern corners of the parcel. At this time, there are no pedestrian trails located on the adjacent subject properties. However, a condition is included requiring the trails system be open to the public. This condition is consistent with requirements imposed on other approved tract maps within the Specific Plan area.

The Water Resources Policy of the Shaver Lake Forest Specific Plan requires that community sewer and water services be provided for this density of development. The applicant proposes connection to Waterworks District No. 41 (WWD 41) for community water and sewer services. The applicant will utilize four water wells. A hydro-geologic report was conducted, which demonstrated that the projected yield for the above mentioned wells was 31.55 gallons per minute over a 120-day cumulative test.

The State Department of Health Services, Office of Drinking Water, which regulates the Fresno County Water Works District No. 41, reviewed the report and identified water source capacity limitations to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who requested the above mentioned additional information be submitted with respect to groundwater supply.

After review by the Fresno County Resources Division and the State Department of Health Services, it was determined that prior to recordation of a final map, that an additional water well be required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.

The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an unrelated adjacent 118 space mobile home park) are required to be reduced from 31.55 gallons per minute to 23.7 gallons per minute. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project.

An exception request was filed by the applicant to except wells that produce less than 10 gpm. The exception request has been evaluated and approved by the Department of Public Works and Planning.

Policies related to public services and facilities in the Specific Plan are implemented through the Master Implementation Agreement. This agreement was executed in conjunction with the formation of the Shaver Lake Community Facilities District. The Implementation Agreement requires that the development of this property be subject to providing all required public facilities including community water and sewer systems, road improvements, fire protection facilities, underground utilities, school facilities, and snow removal equipment. Payment of the development fees or provision of the facilities will be required in accordance with the Implementation Agreement.

The Specific Plan identifies fuelbreaks on the western portion of the site, which are rock outcroppings, and on the eastern portion of the site, along State Route 168. The nearest residential unit to the designated fuelbreaks are approximately 40 feet. The California Department of Forestry and Fire did not express any concerns.

The Board of Supervisors has recently directed that a finding mechanism be established to provide for a minimum level of Sheriff services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which 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.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5).

Fresno County General Plan Policy OS-D.4 recommends that the County require protection zones and buffers around natural watercourses such as wetland areas in order protect this highly valuable wildlife habitat. The subject property contains a creek and wetland area approximately 1.52-acres in size. The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the California Department of Fish and Game. The Department has approved the applicant's design and the recommended mitigation measures that have been included to require the protection of the wetlands and the lupine.

Policy PF-1.7 of the School and Library Facilities Policies of the General Plan state that the "County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development."

The subject property is located within the Pine Ridge Elementary and Sierra Unified School Districts. These Districts have adopted a resolution requiring the payment of a construction fee. The County, in accordance with the State law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. While this project was routed to the school districts for review and comment, no comments were received.

Based on information and findings provided above, staff believes that Finding 1 can be made.

Finding 2: Suitability of Site

The subject property is located within a mountain forested area in the Shaver Lake Community. The subject property is sloped. The central portion where residential development is proposed maintains 0-15% grades. The eastern portion of the property maintains grades between 15-30% and the western portion, consisting primarily of rock outcroppings, has grades in excess of 30%. Development Engineering Section staff have reviewed the location of the building pads and roadways in relationship to the existing slopes as shown on the tract map and find that development will not exceed the 15% grade, which is permitted for building and road development.

Surrounding parcels range in size from less than one acre to 150 acres. Several of the larger parcels to the east are vacant. Residential properties to the north and south consist one to three acre parcels.

The subject property is traversed by natural drainage courses. To ensure that these channels are preserved and maintained, the Development Engineering Section of the Department of Public Works and Planning Department 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 parcels adjacent to the development.

The parcels are 2,262 square feet. However, the proposal meets the density in the R-1-B district as the significant portion of the project is reserved as open space. There are also open space buffers between the residential units

Provision must also be made to detain additional runoff generated from this tract within facilities acceptable to the Director of the Public Works and Planning Department in order to insure that peak flows in natural drainage channels are not increased. Conditions have been recommended to require a grading and drainage plan be submitted to address these issues. In addition, Development Engineering has requested a mitigation measure to require storm water to go through a settling pond located on-site before being discharged off-site.

Based on information and findings provided above, staff believes that Finding 2 can be made.

Finding 3: Environmental Effects

The County Subdivision Ordinance requires that the design of the subdivision or proposed improvements not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

An Initial Study (Exhibit 5) identified a number of potential environmental impacts associated with this project. Potential impacts related to soil compaction, air, noise, biological impacts, population density, and light/glare were determined to be less than significant with mitigation measures applied. Impacts related to soil compaction, air, and noise impacts were identified as potential impacts related to construction activity. Mitigation measures have been recommended by the air district and included in the initial study that puts limitations of construction equipment. Impacts related to biological impacts and the wetlands located on the site have been addressed through mitigation measures and conditions. Potential impacts related to soil erosion changes in absorption rates, drainage patterns and the rate and amount of surface runoff were determined to be less than significant since they are addressed by the County Grading and Drainage Ordinance.

The project was reviewed by the San Joaquin Valley Unified Air Pollution Control District. The District indicates that the project will contribute to the overall decline in air quality due to an increase in traffic, the operation of lawn and garden equipment, and space and water heating if gas-fired appliances are used. The District indicates that the project will be subject to District rules and regulations pertaining to wood burning, residential water heaters and fugitive dust. Suggested mitigation measures have been applied as conditions of approval and have been agreed upon by the developer.

The California Department of Fish and Game has reviewed the project and has identified several potential impacts to biological resources that exist on site. Mitigation measures have been recommended and agreed upon by the applicant to protect the centrally located Wetland and the Orange Lupine areas. Additionally, mitigation measures require continuous monitoring by a certified biologist of endangered habitat by and an educational program for homeowners to insure the preservation of animals and plant life on site.

Based upon the above, staff believes Finding 3 can be made and that this subdivision will not cause substantial environmental damage or substantially injure fish or wildlife .

Finding 4: Public Utilities and Easements

The subdivision design is required to accommodate any easements acquired by the public at large for access through or use of the property. Water Works District No. 41 has an existing 150-foot wide public utilities easement that runs north and south through the western portion of the property. The easement also contains electrical transmission lines. Water Works District No. 41 indicates that the proposed subdivision and development of the property will not interfere with this easement.

All proposed utilities be placed underground in accordance with County requirements. Easements for these utilities will be required as conditions of this map approval. County standards require that any existing overhead utilities within the tract, or within the street right-of-way adjacent to the tract, be removed and placed underground. Conditions have been recommended that all new and existing utilities in the tract, or within the street right-of-way adjacent to the tract, be placed underground in accordance with the provisions of the Subdivision Ordinance.

Neither the design nor the type of improvements will conflict with easements acquired by the public at-large for access through or use of the property. Therefore, staff believes that Finding 4 can be made.

Finding 5: Public Health

The proposed subdivision will be served by Water Works District No. 41. The District will provide water and sewer services and facilities for the proposed subdivision. A "will serve" letter has been provided to the applicant subject to the mitigation measures as recommended in the Initial Study. One of these measures is that an additional well be provided by the applicant with a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. The tested well shall not have a significant impact on existing wells.

The Fresno County Fire Protection District has reviewed the proposed project and indicates that the project site is located within the California Department of Forestry "State Responsibility Area" and is subject to special fire protection measures. These mandatory standards relate to building setbacks, driveway construction, gating, display of street addresses, disposal of flammable vegetation, water supply facilities for fire protection, and roof materials. These requirements will be addressed through the final map process and at the time of building permit issuance. The California Department of Forestry had no concerns related to the project.

The applicant is required to enter into an implementation agreement, that will require public facilities including community water and sewer systems, road improvements, fire protection facilities, underground utilities, school facilities, and snow removal equipment.

Based upon the fact that an adequate level of public services and facilities are available to serve this tract, staff believes Finding 5 can be made.

CONCLUSION:

Staff believes that all of the required findings can be made and recommends approval of the project subject to the recommended conditions of approval:

PLANNING COMMISSION MOTIONS:

RECOMMENDED MOTION (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5124.
- Adopt findings noted in the Subdivision Review Committee Report and approval Tentative Tract Map Application No. 5050, subject to conditions and notes as stated below.

- Direct the secretary to prepare a resolution documenting the Commission's action.

ALTERNATIVE MOTION (Denial Action)

- Deny Tentative Tract Map Application No. 5050 as proposed.
- Direct the secretary to prepare a resolution documenting the Commission's action.

CONDITIONS AND NOTES

A. SHAVER LAKE FOREST ROAD

1. The segment of the road from State Route 168 to the entrance gate shall be reconstructed to Case A-2a standard with 36 feet of base and pavement.

NOTE: The subdivider requests that an exception to the above Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In response to Findings 1 and 2, the applicant states that the existing Shaver Forest Road was constructed to a width of 28 feet. This road width was constructed to not only serve the Musick Ridge Subdivision, but to also serve the subject 50 unit tract. The applicant points out that the subdivision to the south of the project was previously granted an exception that allowed a 28-foot wide road.

The Development Engineering Section has reviewed the exception request. They have indicated that based upon the fact that this subdivision is a gated community (no public access) that does not provide for additional road extensions to serve development on adjacent properties

and that the road was previously allowed with the 28-foot width as a part of the construction of Tract No. 4426, Development Engineering has no objection to this exception. Therefore, staff believes Findings 1 and 2 can be made.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

In reference to Findings 3 and 4, the applicant states that similar requests have been granted for other residential projects in the Shaver Lake area and that findings made that the requests would not be injurious to or prevent the logical development of property in the immediate area."

The Fresno County Development Engineering Section has reviewed the exception request and has no objection if a condition is applied that addresses safety concerns to restrict parking along the primary access road from State Route 168 to the access gate.

Staff believes the required findings can be made for the exception to allow the access road from SR 168 to the entrance gate to remain as a 28 foot wide access road. The condition related to this exception shall read as follows:

a) *Parking along the primary access road from the connection of SR 168 to the gate shall be prohibited.*

- *2. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip) = \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip) = \$14,292.00

B. INTERIOR ROADS AND CUL-DE-DACS

1. All interior roads shall be constructed to a 25 MPH public road standard in accordance with County Improvement Standards Case A-1a with 32 feet of base and pavement.

NOTE: The subdivider requests that exceptions to the above Subdivision Ordinance Improvement Standards be granted to permit the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In reference to Findings 1 and 2, the applicant states that due to the relatively large wetland area, rock outcroppings, and some slope limitations, building the interior roads to County Standards would not be feasible given these road development constraints.

The Development Engineering Section has reviewed this exception request and has commented that since the subdivision will be a private gated community with no public access, it would be appropriate to permit construction of the road to meet the County's private road (A-15) and SRA standards. Generally, to meet SRA standards, the County has allowed gated communities to construct to the County's private road standards for those subdivisions located east of the Friant Kern Canal.

Per the County's private road standard, a pavement width of 22 feet can accommodate up to 60 units. Development Engineering is requesting that a condition be included to improve the private road to a public road structural section for design purposes.

While the County's private road standard requires a centerline radius of 75 feet minimum, SRA regulations allow a centerline radius of 59 feet minimum. A condition shall be included to require the 59 foot minimum

centerline radius for all roads within the tract.

With the limitation in the road width to private road standards, the applicant needs to provide adequate backing space from the garage area of each unit. The County's parking lot standards require a minimum of 29 feet from the edge of the structure to the edge of pavement. While the applicant's site plan generally meets this requirement, a condition shall be included to require a modification of the proposed AC dike curbing extending from the garage unit.

The Development Engineering Section has recommended two acceptable alternatives. One is to construct the dike away from the corner of the garage at a 45-degree angle back to the travel way. The other is to provide a 5-foot offset from the edge of the garage to provide a backing space width in excess of the garage width.

Since the outlot width is generally limited to the width of the travel way, there is not sufficient pavement width to permit parking on the interior roads, except at those locations shown on the site plan where the roadway is proposed to be widened to permit parking. All other areas along the roadway shall be signed for "no parking."

After analysis, staff concurs with the applicant and believes that the mountainous terrain, in addition to the wetlands, creates a unique physical situation that is unique circumstance not common among other parcels. Therefore, staff believes Findings 1 and 2 can be made subject to conditions.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

In reference to Findings 3 and 4, the applicant stated that "similar requests have been granted for other projects in the Shaver Lake area with an apparent determination that the requests would not be injurious to or prevent the

logical development of property in the immediate area.”

Staff concurs with the applicant and does not believe that the reduced width of the interior roads will be detrimental to public health and welfare and contrary to the General plan.

Staff believes the required findings can be made for the exceptions to allow the interior roads to be 22 feet in width and built to a 10 mile per hour design speed. Conditions related to this exception shall read as follows:

- a) The private road shall be improved to a public road structural section for design purposes
 - b) All roads must have a centerline radius of a minimum of 59 feet.
 - c) The proposed AC dike curbing extending from the garage unit shall be modified. The Development Engineering Section has recommended two acceptable alternatives. One is to construct the dike away from the corner of the garage at a 45-degree angle back to the travel way. The other is to provide a five-foot offset from the edge of the garage to provide a backing space width in excess of the garage width.
2. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
 3. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
 4. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the “queuing theory” to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
 5. All roads shall intersect as near to right angle as practicable.
 6. Street and regulatory signs and markings shall be included in the

design in accordance with County Standards.

7. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
8. All cul-de-sac streets longer than 500 feet shall have an additional fire hydrant installed at the end of the street. Cul-de-sac roads longer than 500 feet are not allowed without a design exception approved by the Director of Public Works and Planning. The cul-de-sac lengths also exceed SRA requirements. An exception to SRA standards requires that emergency access easements be provided to connect the cul-de-sac to a public road.

NOTE: The subdivider requests that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In reference to Findings 1 and 2, the applicant states that "roads will not be constructed across the wetlands. In addition there are also rock outcroppings that impinge on the project area. Therefore, in order to develop the property it is necessary that one of the cul-de-sacs exceed the length provided. However, additional fire hydrants will be provided and there will be a turn-around to accommodate fire trucks.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM4175 Musick Falls.

Under the SRA standards, cul-de-sac lengths of up to 800 feet are permitted for parcels less than one acre without the need to construct an emergency access. The two cul-de-sacs do not appear to exceed this SRA standard. However, SRA regulations require that a turnaround be

constructed at the end of the cul-de-sac. A condition shall be included to require the construction of these turnarounds at the cul-de-sac ends.

Consistent with the County's ordinance code for cul-de-sac lengths in excess of 300 feet, a condition shall be included to require the construction of a fire hydrant at the end of the cul-de-sac.

Due to the limited construction space, staff believes Findings 1 and 2 can be made subject to the condition mentioned above.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

Staff believes that if the condition mentioned above is applied, then the exception request will not be contrary to the General Plan nor be detrimental to public health and welfare. The condition related to this exception shall read as follows:

a) The applicant is required to construct a turnaround at the end of the cul-de-sacs

9. 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 section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.
10. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of the Department of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
11. Slope easements outside of the road right-of-way shall be provided where needed.

12. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
13. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.
8. County Improvement Standard II H.7.e.5 requires that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

NOTE: The subdivider requests an exception to this standard to permit three wells that produce less than 10 gallons per minute to be included for a community water system.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

The applicant has provided the following information in support of Findings 1 and 2:

"The wells in question were analyzed using the Fresno County II-H criteria. This criteria requires a well to be pumped for a minimum of 30 days and then extrapolating the well yield out 120 days. This stringent test provides a "worst case" well yield scenario and pumping capacities. All wells analyzed in the aforementioned Larsen reports were pumped for more than 100 days and found to be sustainable.

The long-term benefit to the CSA if the above wells are accepted into the system will be approximately 7.7 gpm with a short-term benefit of 31.55 gpm of what is considered to be the current "shortfall" for the CSA.

The developer of Tentative Tract 5050 is developing in a manner that is consistent with the Shaver Lake Specific Plan and the Shaver Lake Forest Plan. To that end, the developer has conducted the requisite studies and has provided evidence to the county regarding the sustainability of the water supply for the project. The imposition of the policy not accepting wells that produce less than 10 gpm was adopted well after the subject project was submitted. The Schmidt studies indicate said wells can provide for the long-term water demand of the area. Moreover, other wells with yields less than 10 gpm have been accepted for use by other CSAs in Fresno County."

As a point of correction, the reports furnished to the County Geologist were prepared by Ken Schmidt & Associates and Strahm Engineering. However, the numbers presented in the applicant's statement regarding well yield of 31.5 gpm are correct. The 7.7 gpm represents the 25% reduction factor that was applied to the well yields in accordance with County practice.

The Resources Division of the Department of Public Works and Planning and the County Geologist have reviewed this exception request. As indicated by the applicant, the Shaver Lake area has

been experiencing low production for new community wells. In response to this, the Office of Drinking Water of the State Department of Health has recently evaluated Waterworks District 41. Based on this evaluation, the agency has established a minimum flow of 0.3 gallons per minute per dwelling unit for new lots in the District that are less than 36,000 square feet in size, and 0.5 gallons per minute for lots larger than 36,000 square feet. The subject application proposes a subdivision of 50 parcels, all of which will be smaller than 36,000 square feet. This results in a total requirement of 15.0 gallons per minute for the tract.

The yield from four wells will be dedicated to Fresno County Waterworks District 41 to meet the needs of the proposed tract. Pump test data for these wells was provided to the County Geologist. The four wells are located in the Kings River watershed and produce a yield of 31.5 gpm. Based upon the County Geologist's most recent analysis, yield from these wells has proven to be sustainable over multiple years of testing, with the presented data reflecting the worst case for each well over the testing periods. The Resources Division has therefore indicated that the Division has no objection to the granting of this exception.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare:*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

The applicant has provided the following information in support of Findings 3 and 4:

"Granting the proposed exception request will result in the short-term provision of approximately 31.55 gallons of water per minute to the meet the needs of the CSA and the provision of approximately 7.7 gallons of water over the long term. Providing the additional water will benefit the CSA and, as a result, should be considered a benefit to the public safety, health and welfare.

The proposed development is consistent with both the Shaver Lake Specific Plan and the Shaver Lake Forest Plan which has been in place for over 25 years. Not granting the exception request will actually be counter to the logical development of the property in the immediate area."

The County Geologist has reviewed the subject application for compliance with the water policies of the General Plan and has considered this exception request.

The General Plan policies include requirements that the water supply for a discretionary project is adequate and sustainable. The General Plan further provides that if the use of groundwater will have physical impacts beyond the boundary of the project in question, these impacts shall be mitigated. The Geologist comments that the pump test data and the location of the four wells proposed to serve the project provide evidence that the water policies of the General Plan can be met. The Geologist indicates that the data shows that the wells are capable of producing a consistent yield, and he therefore has no objection to the requested variance from the community well standard.

Staff believes the required findings can be made for this exception request.

9. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.
- *10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

D. SEWER

1. The development shall be served by the community sewer system.

2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. 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.
3. The sewer system shall be provided with minimum size mains of 8 inches.

E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.
2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- *5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
2. 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.

G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.
2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

- *1. In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:
 - a) The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
 - b) Prior to the start of ground disturbance activities associated with

the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.

- c) The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
- d) Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.
- d) Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f) To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g) The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.

- h) Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
 - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
 - ii.) A discussion of the importance of pet restrictions.
 - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
 - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.
 - v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
 - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
 - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
- 2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location", "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- *3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
 - a) Compliance with the state and federal wetland permit requirements.

- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the wetland area "NO BUILD, NO DISTURB".
- d) Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
- e) A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- *4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.
- *5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- *6. In the event that cultural resources are unearthed during grading or construction, 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.

J. OTHER CONDITIONS:

- *1. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a) Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b) All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential Water Heaters). This requirement shall be noted on the design plans and specifications.
- *3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.
- 4. The proposed pedestrian trail shall be open to the public.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

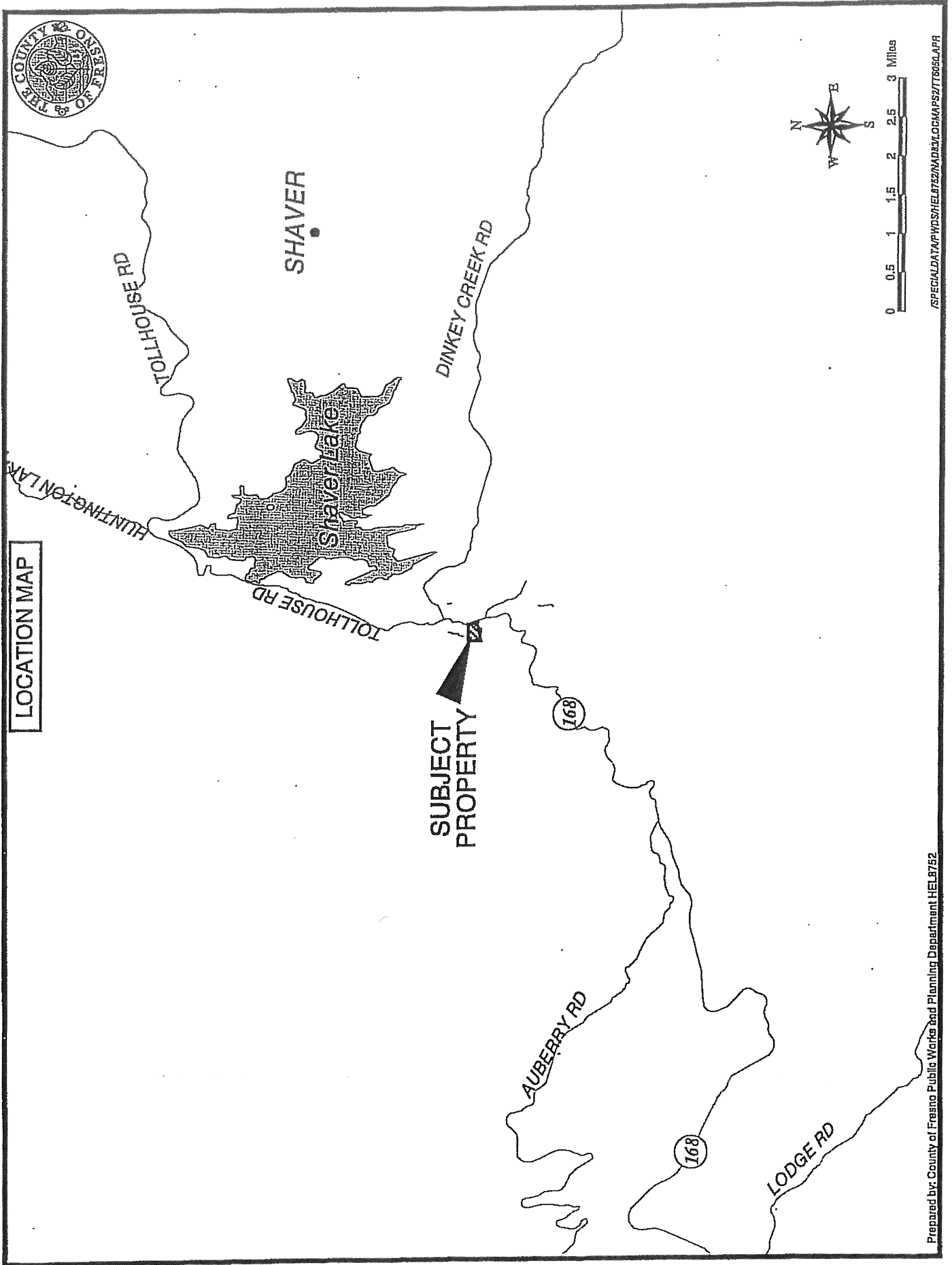
NOTES:

The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.

1. The Pine Ridge Elementary and Sierra 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 that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
2. Construction activity including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of five acres or more (or less than five acres if part of a larger common plan of development or sale) must secure a construction storm water discharge permit in compliance with U.S.E.P.A.'s NPDES regulations (CFR Parts 122-124, November, 1990).
3. The proposed development shall implement all applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, to reduce the release of pollutants in storm water runoff to the maximum extent practicable.

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EXHIBIT 1



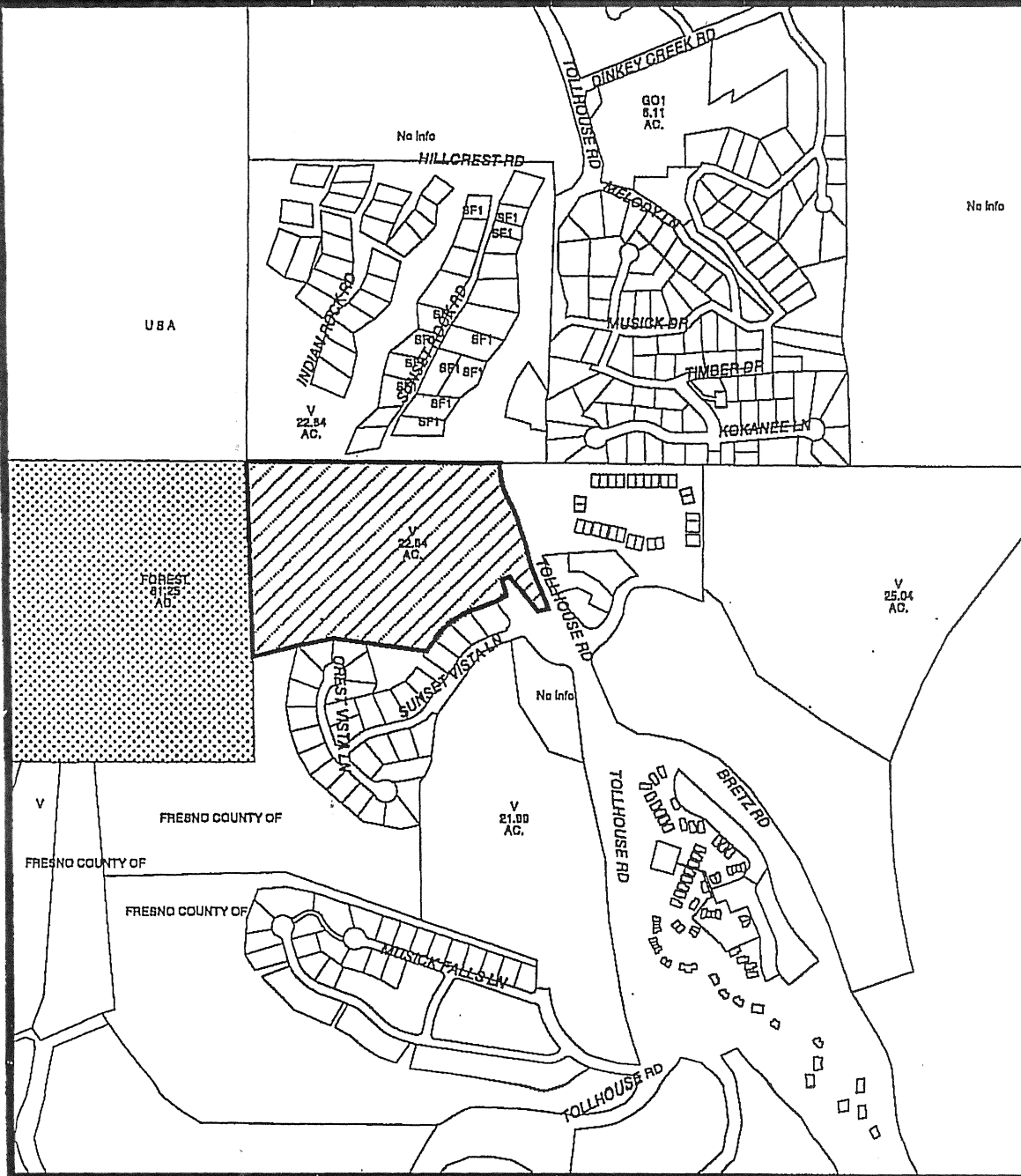
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Prepared by: County of Fresno Public Works and Planning Department HEL752

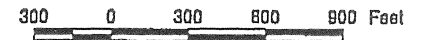
EXISTING LAND USE MAP



Legend	
C - COMMERCIAL	
CHU - CHURCH	
CP# - OFFICE COMM. / PROF	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	



 Subject Property
 Ag Contract Land



EXISTING ZONING MAP

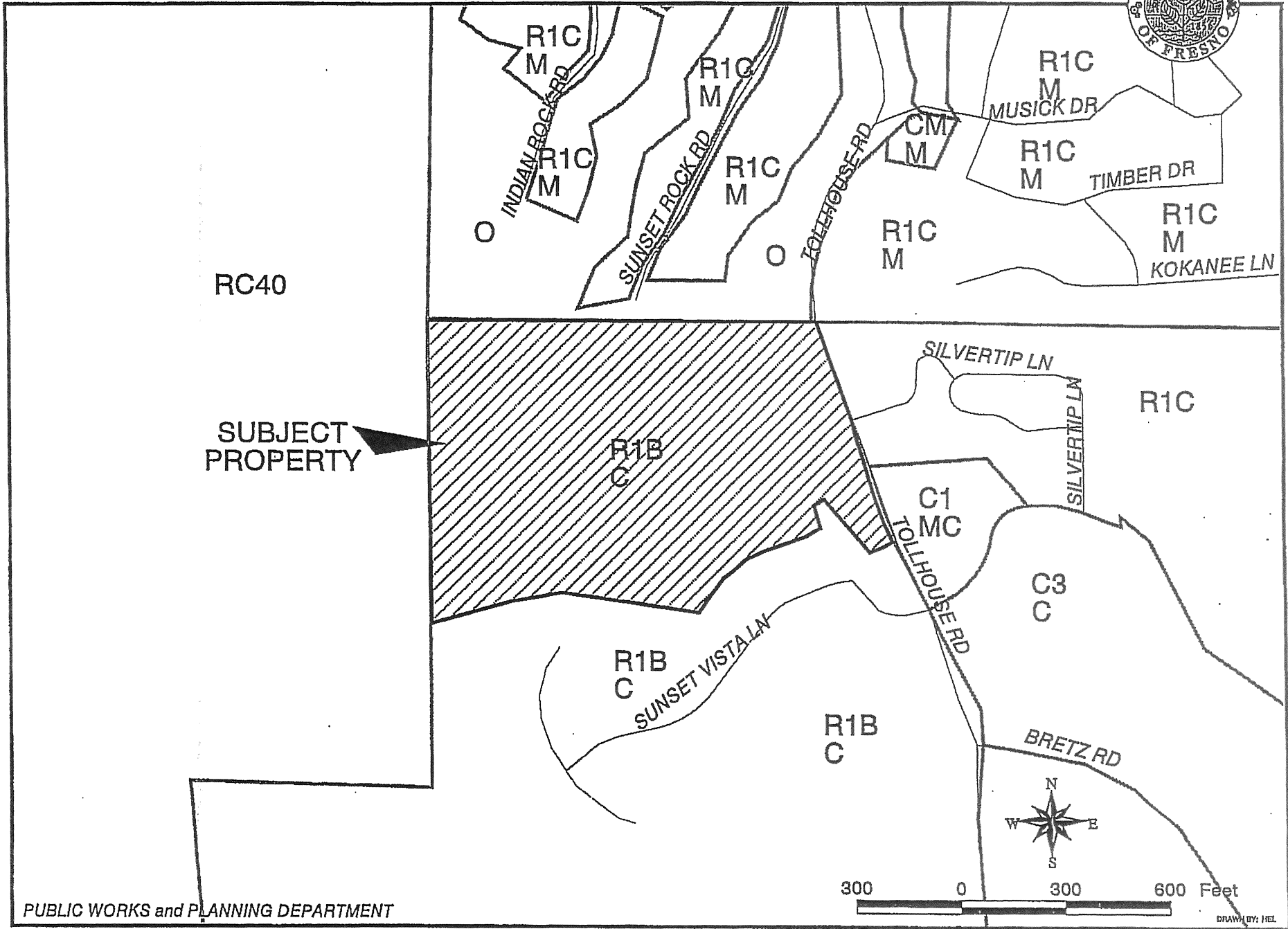


Exhibit 3 - Page 1

EXHIBIT 3

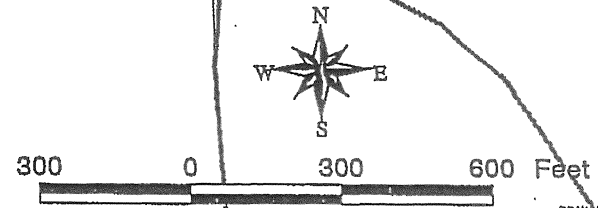


EXHIBIT 5

EVALUATION OF ENVIRONMENTAL IMPACTS

Initial Study Application No. 5124
Tentative Tract No. 5050
Conditional Use Permit No. 3084
(James Bratton)

PROJECT DESCRIPTION

To allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

To allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION

The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (APN: 130-031-46) (SUP. DIST.: 5).

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; or**

FINDING – Less than Significant Impact with Mitigation Incorporated: *The project proposes to create 50 single-family residential lots in the Shaver Lake region. Surrounding the subject property are the following: residential development to the north and south; Highway 168 and commercial development to the east; and rock outcroppings and the Sierra Natural Forest to the west, where there are views and vistas of the mountainous surroundings. The development, however, will not terminate any views and vistas as there are open space buffers between the residential development and the parcel's borders. There are also open space buffers surrounding the wetlands, streams, rock outcroppings, and Highway 168.*

There are no historic buildings or scenic highways located on the site. In order to mitigate impacts related to the aesthetic appeal of the residential development, natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure. Compliance with the measure will reduce potential impact to less than significant level

- 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 Impacts with Mitigation Incorporation: The project will result in the creation of new sources of light and glare in the area by the addition of 50 new homesites. The impact is not expected to be significant because the surrounding area is developed with similar uses and lighting. Potential light and glare impacts were mitigated to a less than significant impact by requiring all lighting to be hooded and directed as to not shine towards adjacent property and public streets.

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 proposed project is located on a parcel in the R-1-B Zone District, and is designated as Condominiums in the Shaver Lake Forest Specific Plan. According to the Fresno County Important Farmland Map, the parcel is not located on prime agriculture land. In addition, the land, as well as the surrounding parcels, are currently not used for farmland. Therefore, there are no impacts related to agriculture land.

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?
- e) Would the project create objectionable odors affecting a substantial number of people?

FINDING – Less than significant Impact with Mitigation Incorporation: The entire San Joaquin Valley is classified non-attainment for ozone and fine particulate matter (PM10). This project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Although this project alone would not generate significant air emissions, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley. A concerted effort shall be made to reduce project-related emissions and mitigate potential impacts. The San Joaquin Valley Air Pollution District indicated the project is subject to the regulations and rules noted below. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. These requirements were incorporated into the project as mitigation measures and were accepted by the applicant:

Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a residential project is 10.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.1). A compliance assistance bulletin has been enclosed for the applicant. A template of the District's Dust Control Plan is available at:

<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments. Beginning January 1, 2004,

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found at our website- www.valleyair.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at 230-5968.

Rule 4902 (Residential Water Heaters) limits emission of NOx from residential developments.

The Air District has also suggested additional energy-conserving measures to assist in further reducing air quality impacts. These suggestions – which include landscaping, pedestrian and cycling infrastructure, construction activity measures, and reduction of vehicular traffic – were provided to the applicant and are included as project notes.

VI. 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 CDFG or USFWS?**

FINDING - Less than Significant Impact with Mitigation Incorporated: *The proposed 22.84-acre site is located in an area of wildlife and wetlands. The Department of Fish & Game indicated the project could result in the following impacts:*

1. *Loss and/or degradation of streams and associated wildlife resources.*
2. *Loss and/or degradation of wetland.*
3. *Loss and/or degradation of riparian habitat.*
4. *Interference with daily and seasonal animal movement and migration patterns.*
5. *Disturbance to native wildlife from people and domestic pets.*
6. *Introduction of non-native invasive species.*
7. *Interference with night-active species from project related light.*
8. *The "take" of State and/or habitat of federally listed threatened species and/or habitat upon which they depend.*

A comprehensive biological resources survey and wetlands determination report was prepared for the project by John C. Stebbins, Biological Consultant, on December 10th, 2002 entitled "Biological and Wetlands Resources Report for Proposed Indian Rock Project Area". The Report was routed and reviewed by the Department of the Army - Corps of Engineers, the California Department of Fish & Game (CDFG) and the U.S. Department of Interior, Fish & Wildlife Services (USFWS).

The Department of Army – Corps of Engineers concurred with the Biological and Wetlands Report and issued an Approved Jurisdictional Determination. The CDFG and USFWS reviewed the report and the following mitigation measures are required:

1. *The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the Final Map and shall remain in their natural state. The Final Map shall state that ground disturbance activities, (e.g. trading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050, or cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement*

shall be recorded as a covenant running with the land as part of the Final Map process.

2. *Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.*
3. *The Orange Lupine areas shall be fenced with a permanent fence 42 inches in height to further prevent disturbance within the outlot area. The type of fence design and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish and Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.*
4. *Prior to the start of any construction, which includes grading or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John C. Stebbins, a Clean Water Act Section 404 Permit if required, shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.*
5. *Prior to any authorized project-related disturbance to the streams or stream crossing for access purposes, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-1603 et. Seq.*
6. *To address potential impacts related to erosion, prior to recordation of the Final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.*
7. *The "Indian Rock Interpretive Trail System" shall maintain a minimum 50-foot setback from both of the outlots containing the Wetlands and Orange Lupine areas. Portions of the trail system shall include an "Interpretive Trail Signage" to educate residents of the value of the wetlands and the orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis, to allow the "Interpretive Trail System" to interact with the protected areas.*

8. *Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval a brochure or other educational materials that discuss human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain at a minimum:*
 - i.) *Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.*
 - ii.) *A discussion of the importance of pet restrictions.*
 - iii.) *A discussion of the value to wildlife of minimizing outdoor lighting.*
 - iv.) *A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.*
 - v.) *A discussion on the prohibition of hunting and the use of firearms anywhere in the project area.*
 - vi.) *A discussion on the prohibition of feeding wildlife anywhere in the project area.*
 - vii.) *A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the breeding and nesting season of May through August.*
9. *Prior to recordation of the Final Map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&R) for review and approval Association.*
10. *The Homeowners' Association shall retain a qualified professional biologist to evaluate the site on an annual basis including:*
 - i.) *Compliance with the state and federal wetland permit requirements*
 - ii.) *Possible degradation or wetland areas from erosion and sedimentation.*
 - iii.) *Compliance with the wetland area "NO BUILD, NO DISTURB".*

- iv.) *Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".*
- v.) *A description of the environmental conditions at the time of the evaluation.*

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- 11. *The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Department of Public Works and Planning and the California Department of Fish and Game for a period of 10 years. After 10 years of reporting by the biologist, the Homeowners' Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish and Game that the Homeowners' Association committee is responsible to assume this duty for perpetuity.*
- 12. *The subdivider with the qualified professional biologist through the CC&R's shall be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish and Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording of the final map. There after it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any noncompliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.*

In addition to the mitigation measures, the design of the tract includes a 25-foot building setback area around the perimeter of the designated wetland area. A few of the proposed building lots will encroach upon the building setback area however the applicant included an encroachment replacement area. The CDFG reviewed the tract design and approved the design as presented for the project. Implementation of the measures will reduce potential impacts to a less than significant level.

- 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 U.S. Army Corp of Engineers verified the wetlands identified in the Biological and Wetlands Resources Report prepared by John Stebbins dated December 10, 2002. According to the Wetland Delineation, the subject property has approximately 1.52-acres of waters of the United States, which includes the wetland area and the existing creek located in the middle of the subject property. Several mitigation measures design to protect the wetland areas were incorporated into the project. The measures require establishing a no construction / no ground disturbance environmental sensitive area, compliance with Section 404 of the Clean Water Act as required and compliance with the California Department of Fish and Game Code 1600-1603. Compliance with the mitigation measures will reduce potential impacts to a less than significant level.

- 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 with Mitigation Incorporation: The subject property has 1.52-acres of wetlands, which includes an existing creek. General Plan Policy OS-D.4 states that the county shall require riparian protection zones around natural watercourses and shall recognize that these areas provide highly valuable wildlife habitat. Riparian protection zones shall include the bed and bank of both low- and high- flow channels and associated riparian vegetation, the band of riparian vegetation outside the high-flow channel, and buffers of 100 feet in width as measured from the top of the bank of un-vegetated channels and 50 feet in width as measured from the outer edge of the drip line of riparian vegetation.

The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the CDFG, who as a Trustee Agency under the California Environmental Quality Act approved the applicant's design provided that the additional mitigation measures, addressing the protection of the wetlands and the lupine are adhered to.

- 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 with Mitigation Incorporation: There are no adopted Habitat Conservation Plan in the project area. Please see above regarding the County's General Plan Policies related to wildlife resources.

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: According to County records, the community surrounding Shaver Lake is located in a high-level sensitive archeological area. In addition, rock outcroppings are located on the subject parcel, however, development will not occur within 100 feet of the rock outcropping. The Southern San Joaquin Valley Information Center did not require a Cultural Resource Study. An archeological survey was conducted in 1992 for the area surrounding Tentative Tract No. 4551 (Granite Ridge II), which concluded that no cultural resources were located on the site.

A mitigation measure was included in the project stating that in the event that cultural resources are unearthed during grading or construction, 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:**
 - i) **Rupture of a known earthquake?**
 - ii) **Strong seismic ground shaking?**

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

FINDING – No Impact: According to the California Geological Survey website, there are no known earthquake fault zones located within the Shaver Lake area. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides.

b) Would the project result in substantial erosion or loss of topsoil?

FINDING – Less than Significant Impact with Mitigation Incorporation: The CDFG and the Development Engineering Section of the Fresno County Department of Public Works and Planning identified potential impacts related to erosion. A mitigation measure that was accepted by the applicant requiring the preparation of an erosion plan prior to recording the final map was incorporated into the project. Implementation of the mitigation measure will reduce potential erosion impact to a less than significant level.

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 Shaver Lake Forest 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: The proposal will hook up to community sewer and water services by Fresno County Waterworks District No. 41.

VII. 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?**

FINDING - No Impact: *The project will not result in the production, usage or transportation of hazardous materials. The proposal is not located within ¼ mile of a public or private school.*

- d) **Would the project be located on a hazardous materials site?**

FINDING - No Impact: *The project is not located on a hazardous materials site.*

- 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 is not located with an airport land use plan or within two miles of a public use airport or in the vicinity of a private airstrip.*

- 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 implementation 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 – Less than Significant Impact: *The proposal will create 50 residential lots in a designated "State Responsibility Area". The California Department of Forestry indicated that the subject parcel is located within the California Department of Forestry "State Responsibility Area" and therefore, is subject to design standards relating to building setbacks, driveway construction and gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. These standards are design to reduce potential impacts related to wildland fires and are mandatory.*

VIII. HYDROLOGY AND WATER QUALITY

- a) **Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?**

FINDING – Less than Significant Impact with Mitigation Incorporation: The project proposed discharging stormwater into existing natural channels. A drainage report was submitted by the applicant and reviewed by Development Engineering Section of the County's Department of Public Works and Planning, Road Maintenance and Operation Division. Development Engineering is requiring that all storm water go through a settling pond located on-site before being discharged off-site. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure.

- 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 – Less than Significant with Mitigation Incorporated: The applicant proposes connection to Waterworks District No. 41(WWD 41) for community water and sewer services. The applicant will utilize well numbers 15, 16, 19, and 33. A hydro report was conducted, labeled "Results of 1997 Pump Tests on Shaver Lake Forest Wells", demonstrated that the projection yield for the above mentioned wells was 31.55 gpm over a 120-day cumulative test.

The State Department of Health Services, Office of Drinking Water, who regulates the WWD 41 system, reviewed the report and identified water source capacity limitations and potential impacts to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who requested the above mentioned additional information be submitted with respect to groundwater supply.

After careful review between the Fresno County Resources Division, who were collaboratively working with the State, determined that, prior to recordation of final map, an additional well is required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.

The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an un-related adjacent 118 space mobile home park) are required to be reduced from 31.55gpm to 23.7gpm. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project, thus reducing potential groundwater quantity impacts to a less than significant level.

- 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 situation 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 with Mitigation Incorporated: *A drainage report was provided to Fresno County Development Engineering indicated that storm water from this tract will drain to the existing natural channels. After reviewing the report, Development Engineering required that all storm water go through a settling pond located on-site before being discharged off-site. This requirement was included as a mitigation measure into the project and will reduce potential stormwater impacts to less than significant.*

- f) Would the project otherwise substantially degrade water quality?

FINDING – No Impact: *The proposal will connect to Waterworks District 41. The Health Department issued no concerns related to water quality.*

- 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 project is not located in a 100-year flood zone nor threatened by a seiche, tsunami or mudflow.*

IX. LAND USE AND PLANNING

- a) Will the project 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?

- c) **Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?**

FINDING – No Impact: The proposal is in the R-1-B district and is designated Condominiums in the Shaver Lake Forest Specific Plan. Creating a planned residential development of 50 single family residential homes is consistent with the present zoning and land use designation. The proposal will not physically divide a community or conflict with any land use policy. The proposal is not located in a habitat conservation plan or natural community conservation plan.

X. 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: No mineral resource impacts were identified in the analysis.

XI. NOISE

- a) **Would the project result in exposure of people to severe noise levels?**

FINDING – Less than Significant Impact with Mitigation Incorporated: The proposal has the potential to generate additional noise from the construction activity associated with the development of 50 residential units. Potential noise impacts resulting from the construction of the proposed development would be short-term and not considered significant. A mitigation measure limiting construction related activities to the hours of 7a.m. to 6 p.m. was accepted by the applicant and incorporated into the project. Compliance with the mitigation measures will reduce potential impacts to less than significant.

- b) **Would the project result in ground borne vibration?**

FINDING - No Impact: The project will not subject persons to ground 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: *As indicated above the project will result in a temporary increase in noise level due to construction. To mitigate potential noise impact a mitigation measure was included in the project restricting construction activity from 7 a.m. to 6 p.m.*

- 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 project site is not near an airport or private airstrip.*

XII. 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 – Less than Significant: *The project will create 50 additional residential units that is estimated to bring an addition 100-200 people into the Shaver Lake Community. The proposal, however, will not trigger a need for residential communities in other parts of the community.*

XIII. 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**
 - ii.) **police protection**
 - (iii) **schools**
 - (iv) **parks**
 - (v) **other public facilities?**

FINDING – Less than Significant: *The project has the potential to physically impact public services with the creation of 50 new residential homes. The applicant is required*

to follow all the emergency access guidelines set by the Fresno County Sheriff's office and the Shaver Lake Volunteer Fire Department in order to adequately provide public services, emergency access, and community facilities.

The Sierra Unified School District and the Pineridge Elementary School District did not issue any comments of concerns related to the project. The payment of school development fees will be required prior to the issuance of building permits.

The proposal is not located in or adjacent to a public park or recreation facility. Impacts related to public facilities are not considered significant.

XIV. RECREATION

- a) **Would the project increase the use of existing neighborhood and regional parks?**
- b) **Would the project require expansion of recreational facilities?**

FINDING - No Impact: No impact on recreational resources were identified in the analysis. Furthermore, the proposal includes a pedestrian trail that will be utilized by the residents.

XV. 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 with Mitigation Incorporated: The project has the potential to significantly increase traffic along SR 168 with the addition of residential units. A Traffic Impact Study was prepared by TPG Consulting, Inc. The study indicated that the State Route (SR) 168 at Bretz Mill Road intersection and the SR 168 at Ockenden Road Intersection will require a left-turn channel. Caltrans and the County's Design Division reviewed the requested traffic study and commented that the applicant will need to enter into a pro-rata share agreement for the two left turn pockets on SR 168. Caltrans has specified the amount and requires that the agreement be executed prior to the final approval of the map. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure. The pro-rata share is as follows:

SR 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip) = \$7,769.00

SR 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip) = \$22,061.00

- c) **Would the project result in a change in air traffic patterns?**

FINDING - No Impact: *The project will not change or alter air traffic patterns.*

- d) **Would the project substantially increase traffic hazards due to design features?**

FINDING – Less than Significant: *With the above mentioned mitigation measure (pro-rata share with Caltrans), 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: *Existing emergency access will be maintained and is required to follow the guidelines of the Shave Lake Community Fire Department and the Fresno County Sheriff's Department.*

- f) **Would the project result in inadequate parking capacity?**

FINDING - No Impact: *Parking on the project site will be provided on each residential lot. No additional parking is required.*

- g) **Would the project conflict with adopted plans, policies or programs supporting alternative transportation?**

FINDING - No Impact: *Caltrans did not express any complaint or concern with programs and policies related to alternative transportation plans.*

XVI. UTILITIES AND SERVICE SYSTEMS

- a) **Would the project exceed wastewater treatment requirements?**

FINDING – No Impact: *The project is located in Waterworks District No. 41. The Resources Division issued the applicant a will serve letter requiring connection to District 41 services. The Resources Division further stated the proposed project would not generate any significant environmental impacts related to its wastewater treatment facility.*

- b) **Would the project require construction of new water or wastewater treatment facilities?**

FINDING – Less than Significant Impact: *With the above mentioned mitigation measure (additional well connection to Waterworks District 41, see section VIII B), impacts related to new water or wastewater treatment facilities are less than significant.*

- c) **Would the project require construction of new storm water drainage facilities?**

FINDING - Less than Significant Impact with Mitigation Incorporated: The project will not require the construction of a new storm water drainage system however, as indicated above in VIII Hydrology and Water Quality c), d), and e), storm water will need to be divert to an on-site settling pond before being discharged off-site.

- d) **Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?**
- e) **Would the project be served by a landfill with sufficient permitted capacity?**
- f) **Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING - No Impact: The project was reviewed by the Resources Division, who indicates that the project will not result in significant solid waste related impacts.

XVII. 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 with Mitigation Incorporated : *As indicated in Section IV. Biological Resource and Section V. Cultural Resources noted above, potential impacts to these resources were addressed by incorporating mitigation measures into the project design to reduce the potential to a less than significant level.*

- b) **Does the project have impacts that are individually limited, but cumulatively considerable?**

FINDING – Less than Significant Impacts: *The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). The project would contribute to the overall decline in air quality due to increase traffic and ongoing operational emissions. The Air District indicated that the project is subject to several of its adopted mandatory rules and regulations design to reduce emissions throughout the San Joaquin.*

- 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 impacts on human beings were identified in the analysis.*

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Initial Study 5124, Tentative Tract Map No. 5050, and Conditional Use Permit 3084, staff has concluded that the project will not have a significant effect on the environment with the proposed mitigation measures and conditions of approval. It has been determined that there would be no impacts to agricultural resources, hazards and hazardous materials, land use and planning, mineral resources, and recreation. Potential impacts related to housing and public services were determined to be less than significant. Potential impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, public services, transportation and utilities were determined to be less than significant with incorporation of mitigation measures that were accepted by the applicant and incorporated into the project.

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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Mitigation Measures
Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Conditional Use Permit Application No. 3084
(James Bratton)

The following mitigation measures have been specifically applied to mitigate potential adverse environmental effects identified in the above environmental document. A change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. These mitigation measures must be included as project conditions and be identified with an asterisk (*) so they can be readily identified as mandatory mitigation measures for this project.

- *1. To address potential impacts related to aesthetics and lighting the following shall be required:
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed so as to not illuminate adjacent properties and public streets.
- *2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential Water Heaters). This requirement shall be noted on the designed plans and specifications.
- *3. In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins, dated December 10, 2002, the following measures shall be required:
 - a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the Final Map and shall remain in their natural state. The Final Map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050,

or cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with the land as part of the Final Map process.

- b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
- c. The Orange lupine areas shall be fenced with a permanent fence 42 inches in height to further prevent disturbance within the outlot area. The type of fence design and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish and Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
- d. Prior to the start of any construction, which includes grading or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John C. Stebbins, a Clean Water Act Section 404 Permit shall be obtained if required, from the United States Department of the Army Corp of Engineers and if required, a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.
- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purposes, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the Final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System" shall maintain a minimum 50-foot separate from both of the outlots containing the Wetlands and Orange Lupine areas. Portions of the trail system shall include an "Interpretive Trail Signage" to educate residents of the value of the wetlands and the orange Lupine on the project site.

Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis, to allow the "Interpretive Trail System" to interact with the protected areas.

- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval a brochure or other educational materials that discuss human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain at a minimum:
 - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
 - ii.) A discussion of the importance of pet restrictions.
 - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
 - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.
 - v.) A discussion on the prohibition of hunting and the use of firearms anywhere in the project area.
 - vi.) A discussion on the prohibition of feeding wildlife anywhere in the project area.
 - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the breeding and nesting season of May through August.
- 4. Prior to recordation of the Final Map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&R) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location, Wetlands Area", "Orange Lupine Area", streams and tributaries, streams and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&R shall be the responsibility of the Homeowners' Association.
- *5 The Homeowners' Association shall retain a qualified professional biologist to evaluate the site on an annual basis including:
 - a. Compliance with the state and federal wetland permit requirements.

- b. Possible degradation or wetland areas from erosion and sedimentation.
- c. Compliance with the wetland area "NO BUILD, NO DISTURB".
- d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
- e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowner's Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- *6. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Department of Public Works and Planning and the California Department of Fish and Game for a period of 10 years. After 10 years of reporting by the biologist, the Homeowners' Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish and Game that the Homeowners' Association committee is responsible to assume this duty for perpetuity.
- *7. The subdivider with the qualified professional biologist through the CC&R's shall be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish and Game identifies as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording of the final map. There after it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any noncompliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- *8. In the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and any 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 America, the Coroner must notify the Native American Commission within 24 hours.

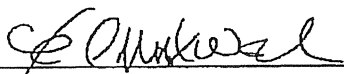
- *9. Prior to recordation of the Final Map on an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.
- *10. To address potential impacts related to storm water drainage, all storm water shall go through a settling pond located on-site before being discharged off-site.
- *11. Potential noise impacts shall be addressed by limiting construction related activities to the hours of 7:00 a.m. and 6:00 p.m.
- *12. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with the California Department of Transportation for the specified amount as follows:

State Route 168 / Bretz Mill Road Intersection:

17 trips - \$456.00 per trip = \$7,769.00 / pro-rata share

State Route 168 / Ockenden Road Intersection:

18 trips - \$794.00 per trip = \$14,292.00/ pro-rata share



James Bratton
CBB Construction
c/o Charles Maxwell

4-15-05

Date

EXHIBIT 6

Tentative Tract 5050
Indian Rock
Exception Request
March 16, 2005

Applicant

Mr. James Bratton
CBB Construction

Representative

Dirk Poeschel Land Development Services, Inc.
923 Van Ness Avenue, Suite 200
Fresno, California 93721
559-445-0374

Property Location

Tentative Tract No. 5050

Background/Request

The subject property consists of approximately 22.837 +/- acres of property located in the Shaver Lake Forest (Timberwine) Specific Plan area and is located approximately 2 miles south of Shaver Lake. The property is situated in an area that is heavily forested and has significant changes of grade. The proposed project will be a planned residential development consisting of 50 units. As such, the streets within the project will be privately maintained. Access to the site is from Shaver Forest Road which is 26' wide. Due to the elevation of the subject property, approximately 5,500 feet above sea level, the property experiences snowfall. Therefore, in order to provide for the plowing of the roads, it is necessary to provide snow storage areas.

The roadway system under consideration will serve Tentative Tract No. 5050 and consists of a private road system that will serve two different portions of the project. A gated entrance will be provided to the property. One road segment will travel in a northerly direction and then to the west and serve approximately 29 units and is approximately 1,060 feet in length. The second road segment will travel to the west and serve 21 units and is approximately 720 feet in length. The proposed street width is 22'. These streets are designed to meet the needs of the 50 housing units proposed within this subdivision.

Exception Request

The applicant requests exceptions to the following design standards that were identified in a memo from Frank Daniele to Brian Ross dated April 22, 2004:

A.1

Construction of Shaver Forest Road from State Highway 168 to the project entrance at a County Improvement Standard Case A-2a with 36 of base and pavement.

B.1

Requirement to construct interior roads to a public road standard (County Improvement Standards Case A-1a) with 32 feet of base and pavement.

B.8

Limiting the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

Exception Findings

1. *There are exceptional or extraordinary circumstances or conditions that affect said property or the reasonable use thereof;*

A.1

The existing Shaver Forest Road was constructed to a width of 28'. This road was constructed to not only serve the Musick Ridge Subdivision which is immediately to the south of the subject property, but the proposed 50 unit tract proposed in TTM 5050. The design requirements for the road should have taken into account the proposed development. Requiring the developer of this property to have to go in and acquire additional right of way and construct additional road width is unreasonable.

B.1

The project area has a relatively large wetlands area, as well as area of biobotanical significance that must not only be protected, but also require significant development setbacks for construction. Protecting these areas, together with the extraordinary setbacks that are required, greatly constrain the ability to develop a road system per the county's standards. Moreover, the roads in question are proposed to be privately owned and maintained. The traffic on the roads will be limited to the residents and guests of the proposed development. The project is generally isolated in that other projects will not share the proposed project's circulation system.

Due to the elevation of the project, rain and snow will materially impact the daily use of project roads. In addition, the project's mountainous location, road grades and design constraints will also impact safe vehicular travel. These environmental circumstances necessitate slower vehicular speeds for safety purposes which can be achieved with the proposed changes in development standards.

The requested exception will minimize the amount of cut needed to accommodate the road, as well minimize the number of trees that must be removed.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3714-Silver Tip and TTM 2599-Bretz Condominiums.

B.8

Roads will not be constructed across the aforementioned wetlands. In addition there are also rock outcroppings that impinge on the project area. Therefore, in order to develop the property it is necessary that one of the cul-de-sacs exceed the length provided. However, additional fire hydrants will be provided and there will be a turn-around to accommodate fire trucks.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM 4175 Musick Falls.

2. *That the exception is necessary for the preservation of a substantial property right and permit the enjoyment thereof.*

A.1

The existing subdivision to the south of the project area was allowed to be developed with Shaver Forest Road designed as a 28' road. At the time this road was designed and accepted by the county it was known that the proposed project would take access from this road. The property owners to the south have been allowed to develop their property with the current road design. Requiring the applicant for TTM 5050 to widen the road is unreasonable.

B.1

The project area has a relatively large wetlands area, as well as an area of biobotanical significance that must not only be protected, but also require significant development setbacks for construction. Protecting these areas, together with the extraordinary setbacks that are required, greatly constrain the ability to develop a road system per the county's standards. Moreover, the roads in question are proposed to be privately owned and maintained. The traffic on the roads will be limited to the residents and guests of the proposed development. The project is generally isolated in that other projects will not share the proposed project's circulation system.

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The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM 4175 Musick Falls.

3. *That the granting of the exception will not be materially detrimental to the public safety, health and welfare:*

See #1 above.

4. *That the granting of the exception will not be injurious to or prevent the logical development of property in the immediate area.*

Similar requests have been granted for other projects in the Shaver Lake area with an apparent determination that the requests would not be injurious to or prevent the logical development of property in the immediate area of those requests. Similarly, these requested exceptions will only impact the residents within TTM 5050. Therefore, no impacts will occur on adjoining properties.

April 24, 2018

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

Subject: Extension of Life of TT 5050 Indian Rock, Shaver Lake, CA 93664


To whom it may concern,

Please consider this letter as a request to extend the life of TT 5050 Indian Rock. This extension is being requested for the following reasons:

- The past economic downturn has impacted residential development throughout the Central Valley. Although the economy is showing improvement, the recovery is slow and the area continues to be impacted.
- Rising interest rates. Rates are expected to continue to increase through 2020.
- Current glut of lots available in the Shaver Lake area. Zillow.com currently lists numerous lots for sale.

Should you need additional information or to discuss this request, please contact me at (559) 974-9515

Sincerely,

Billy Wells

Property Owner and Applicant
Billy Wells
10072 N. Ponderosa Drive
Fresno, CA
(559) 974-9515