



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 3 October 14, 2021

SUBJECT: Vesting Tentative Tract Map No. 5943 - Time Extension

Grant a one-year time extension for Tentative Tract Map No. 5943 and Classified Conditional Use Permit No. 3237, which authorized a Planned Unit Development consisting of the division of a 10.88-acre portion of three parcels totaling 151.32-acres parcel into 58 lots between 2,400 and 3,150 square-feet in size, in the R-2(c)(m) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Mountain Overlay Conditional) Zone District.

LOCATION: The subject property is located within the Bretz Mountain Village Specific Plan area, on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles south of the unincorporated community of Shaver Lake (APN's 130-040-23, 136-374-01, 130-920-17) (Sup. Dist. 5).

**OWNER/
APPLICANT:** Bratton Investments
Jaime Bratton

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a one-year time extension request for Tentative Tract Map No. 5943; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Land Use Map
3. Zoning Map
4. Planning Commission Resolution and Board Agenda Item Dated August 31, 2011
5. Applicant's letter requesting the one-year time extension

ENVIRONMENTAL DETERMINATION:

On October 30, 2011, the Fresno County Board of Supervisors approved Tentative Tract Map No. 5943, and Conditional Use Permit No. 3237, authorizing a Planned Unit Development consisting of the division of a 10.88-acre parcel into 58 residential lots in the R-2(c) (m) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Mountain Overlay Conditional) Zone District.

Staff has not received any comments or evidence indicating 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 50 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 Tract Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Tract Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Tract 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 six 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;
- 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; and,
 - f) Assembly Bill (AB) 2973 (approved 2019; Map Act Section 66452.26) which granted a two-year time extension.

Granting the proposed extension of Vesting Tentative Tract Map No. 5493 and CUP 3237 is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot Condition the granting of the requested extension unless the Applicant agrees to such additional Conditions. If an 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 or safety if the additional conditions are not imposed.

BACKGROUND INFORMATION:

On July 21, 2011, the Planning Commission considered the subject applications, and subsequently made a recommendation to the Board for approval. On October 30, 2011 the Board of Supervisors approved Vesting Tentative Tract Map No. 5943 and Classified Conditional Use Permit No. 3237, authorizing a Planned Unit Development consisting of the division of a 10.88-acre parcel into 58 residential lots in the R-2(c) (m) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size, Mountain Overlay Conditional) Zone District.

The Board of Supervisors granted a first two-year time extension under the provisions of Assembly Bill on October 22, 2019, which extended the life of Tentative Tract Map No. 5943 to August 30, 2021. The Applicant filed the current time extension request on May 1, 2021.

ANALYSIS/DISCUSSION:

According to the Applicant, the subject request is necessary to allow additional time because of market conditions affecting residential development, due to Covid-19 restrictions. 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 one-year time extension for Vesting Tentative Tract Map No. 5943 and Classified CUP No. 3237 could be approved, based on the factors cited in the analysis. Approval of this time extension will extend the expiration date of the map and CUP to August 30, 2022.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the one-year time extension for Vesting Tentative Tract Map No. 5943 and Classified CUP No. 3237; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

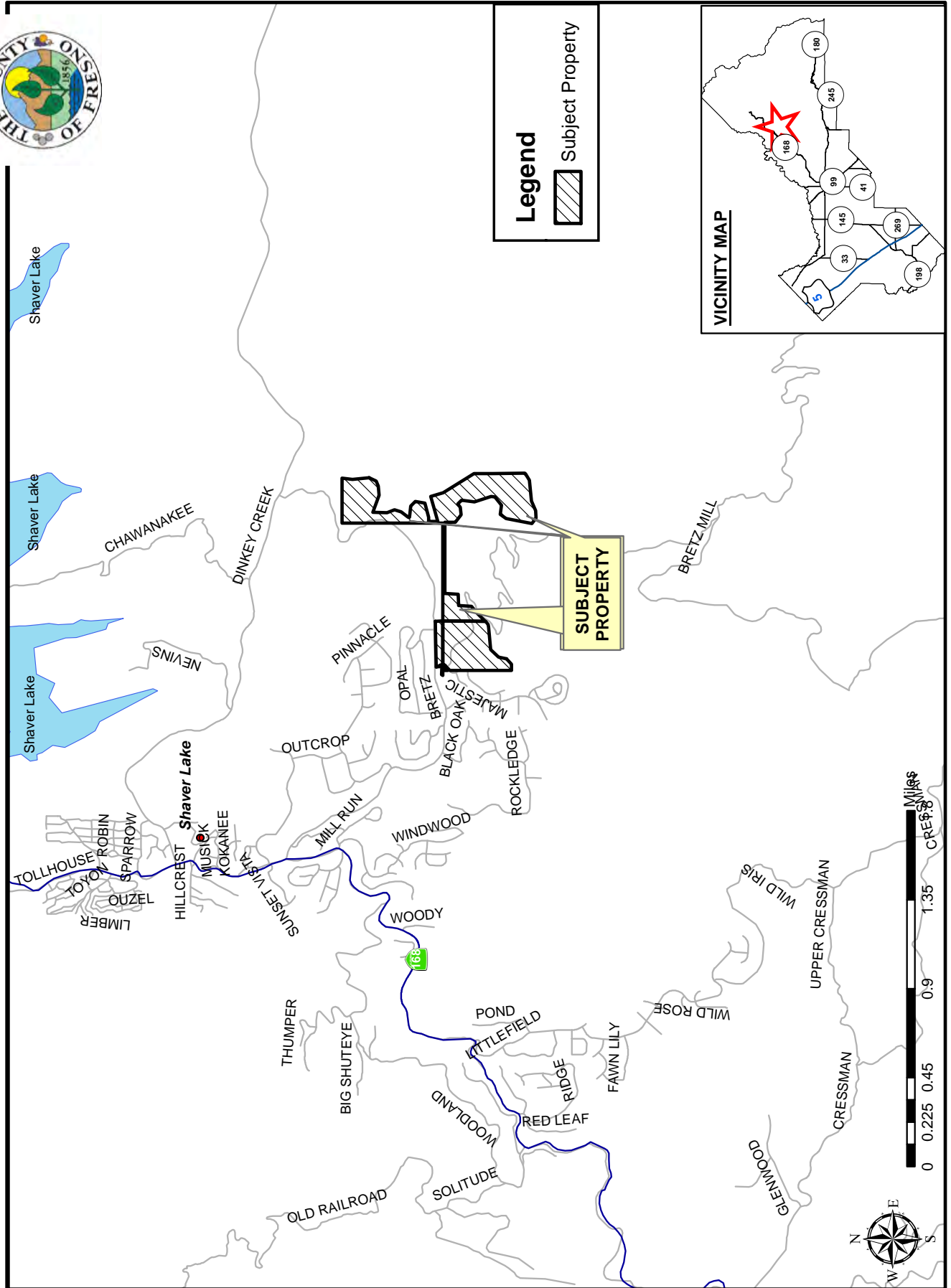
- Move to deny the one-year time extension request for Vesting Tentative Tract Map No. 5943 and Classified CUP No. 3237 and state basis for the denial; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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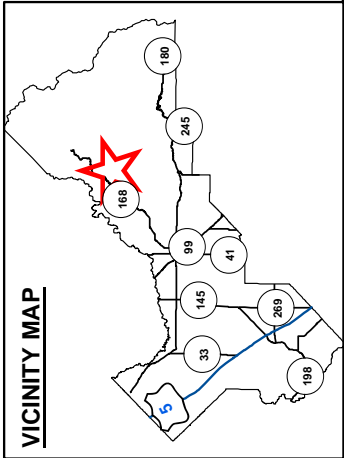
LOCATION MAP

TT 5943 EXT 3



Legend

 Subject Property



EXISTING LAND USE MAP

TT 5943 EXT 1

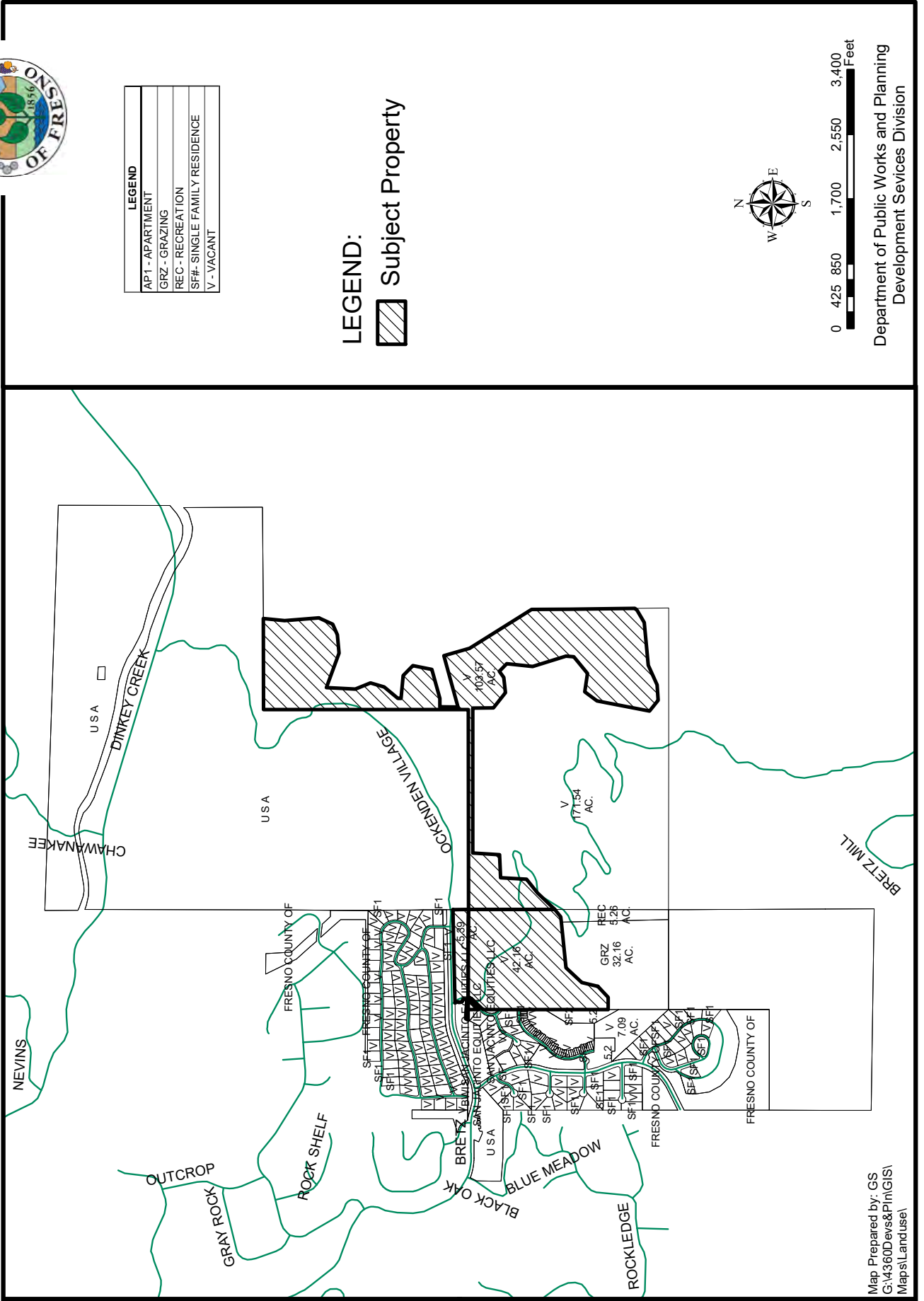


LEGEND	
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LEGEND:
 Subject Property



Department of Public Works and Planning
 Development Services Division

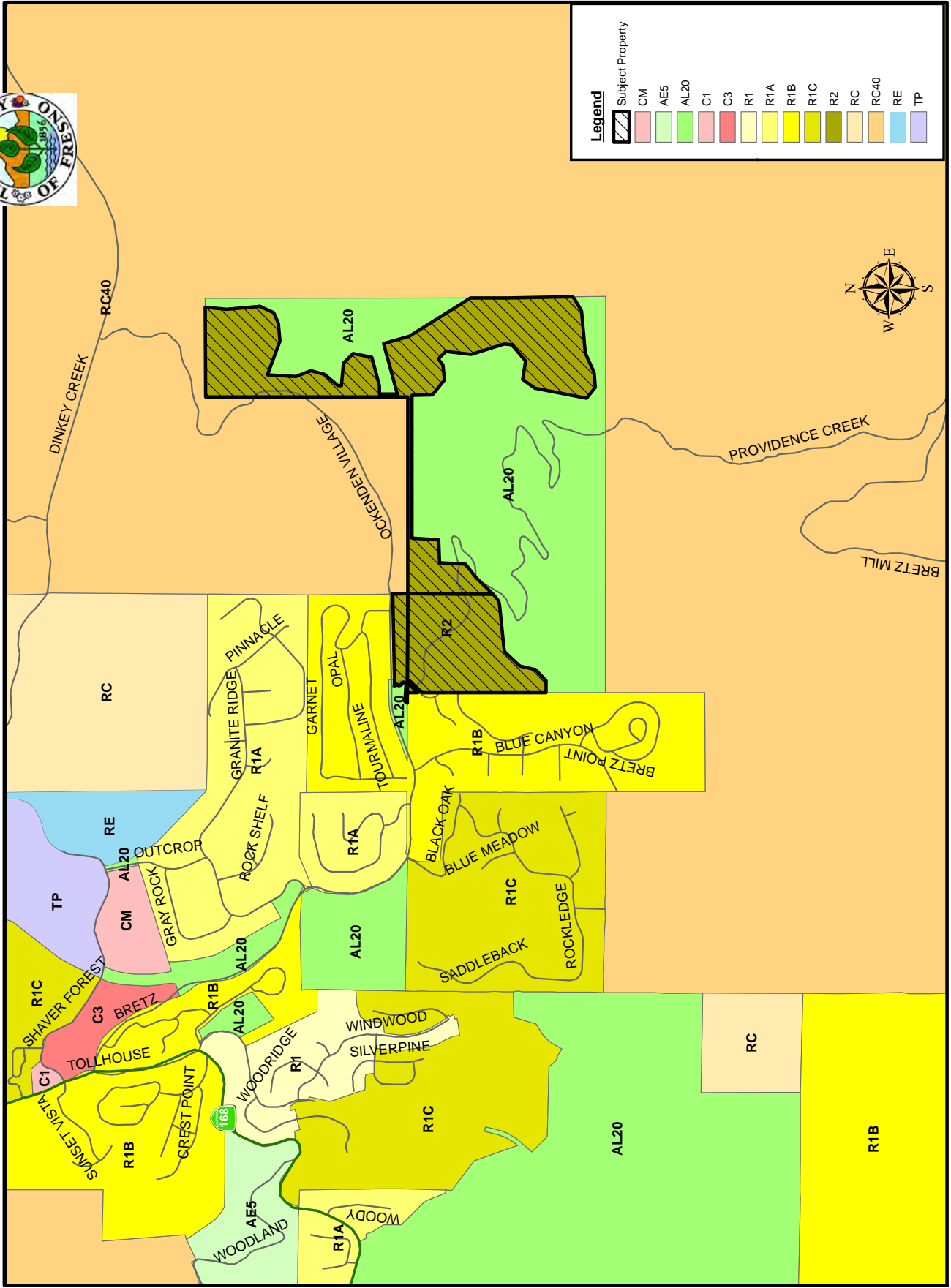


Map Prepared by: GS
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EXHIBIT 3

EXISTING ZONING MAP

TT 5943 EXT 1
STR 7-10/25



GS



Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division



Inter Office Memo

DATE: August 30, 2011

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Resolution No. 12253 – Initial Study Application No. 5981, Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, Tentative Tract Map Application No. 5943 filed by Bratton Investments

RECOMMENDED ACTION

Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5981, adopt Ordinance approving Amendment Application No. 3779 and approve Tentative Tract Map Application No. 5943 and Classified Conditional Use Permit Application No. 3237 by rezoning a 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District and create a 58-lot Planned Unit Development with lots ranging from 2,400 square feet to 3,150 square feet in size and various outlots.

The project site is located on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver (SUP. DIST: 5) (APNos: 130-040-23, 136-374-01 and 130-920-17).

BACKGROUND / DISCUSSION

On July 21, 2011, the Planning Commission considered the subject applications. After receiving staff's presentation and considering public testimony from the Applicant's representative, the Commission voted unanimously (seven to zero) to recommend that your Board adopt the Mitigated Negative Declaration prepared for the project and approve the proposed rezoning request, Tentative Tract Map and Classified Conditional Use Permit for a Planned Unit Development subject to the Mitigation Measures and Conditions listed in the Staff Report and Subdivision Review Committee Report.

Note that an Amendment Application (AA – rezoning) is a legislative action requiring final approval by your Board, and final action by your Board is also required for the adoption of the Initial Study Application. If approved, the rezoning would become effective 30 days after adoption.

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Board of Supervisors
August 30, 2011
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The Applicant is proposing to rezone a 10.88-acre portion of a 151.32-acre site from AL-20 (Limited Agricultural, 20-acre minimum parcel size) and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District, and create a 58-lot Planned Unit Development through the Tentative Tract Map and Classified Conditional Use Permit process within the Bretz Mountain Village Specific Plan area of the unincorporated community of Shaver.

If your Board determines that the proposed Amendment Application, Tentative Tract Application and Classified Conditional Use Permit Application are consistent with the General Plan and Bretz Mountain Specific Plan, a simple approval motion would be appropriate. If your Board determines that the subject applications are not consistent with the General Plan, denial of the applications would then be appropriate citing the reasons for denial and the proposal's inconsistency with the Bretz Mountain Specific Plan and Fresno County General Plan.

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Agenda Item 13

DATE: August 30, 2011

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 12253 – Initial Study Application No. 5981, Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, and Tentative Tract Map Application No. 5943 filed by Bratton Investments

Representative: Charlie Maxwell

Applicant / Owner: Bratton Investments

REQUEST: Rezone an approximate 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2 (c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District within the Bretz Mountain Village Specific Plan; and

Allow a concurrent Tentative Tract Map and Classified Conditional Use Permit Application for a Planned Unit Development consisting of 58 residential lots, ranging from 2,400 square feet to 3,150 square feet in size and various outlots in the R-2 (c) (m) Zone District.

LOCATION: The project site is located on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver Lake (SUP. DIST: 5) (APNos: 130-040-23, 136-374-01 and 130-920-17).

ADMINISTRATIVE OFFICE REVIEW Brardi Otta Page 3 of 135
 BOARD ACTION: DATE October 30, 2011 APPROVED AS RECOMMENDED OTHER



Official Action of Board of Supervisors

Deputy

UNANIMOUS ANDERSON _____ CASE _____ LARSON _____ PEREA _____ POOCHIGIAN _____

EXHIBIT "A"

Initial Study Application No. 5981
Amendment Application No. 3779
Classified Conditional Use Permit Application No. 3237
Tentative Tract Map Application No. 5943

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2011, and heard a summary presentation by staff.

Applicant: The Applicant generally concurred with the Staff Report and the recommended Conditions with the exception of the Condition regarding groundwater units appropriated upon lot recordation. He described the project and offered the following information:

- We are in substantial agreement with a majority of the Conditions and issues as presented by staff.
- The required fence would be a cattle fence as required by the Sierra National Forest.
- Regarding the requirement of a Right-To-Farm Notice associated with the proposed map, the southern portion of the Bretz Mountain Specific Plan contains AL-20 Zoned properties which will be logged in the future.
- The Bretz Mountain Specific Plan originally inter-mixed single-family lots and townhomes together but the 2005 Update placed single-family lots to one side of Bretz Road and townhome lots to the other side.
- The opposition letter indicates that the individual purchased lots in Quartz Mountain and the original development had lots and townhomes mixed but that has since changed with the 2005 Plan Update.
- We are in agreement with the sewer requirements and would hope that the County holds other developers to the same standards and required Conditions.
- The issue of water has been a source of contention for Shaver development.
- The demand for cabins has changed from a typical 700 to 900 square-foot size in the 1970's to 2,500 to 3,500 square feet and up today.
- Shaver developers were in agreement with the Department of Public Works and Planning Interim Director during the 2004 to 2005 period that they would bring several wells on-line to avoid a complete shutdown of development in the area, but surface water will need to be brought on-line eventually.

- We are working on a Letter of Intent for surface water for 350-acre feet which would fully address the County's shortage of 70-acre feet.
- At this time, we are trying to build and fund projects so as to be able to fund surface water acquisition.
- All developers had knowledge of the 2,000-unit cap as stipulated in the Shaver Lake Sewer and Water Master Plan and we would caution not to go past 2,000 units on groundwater.
- The well tested for this project has a capacity for 55 units with other unallocated water units from other wells available to make up the difference.
- Groundwater units associated with other fully approved projects under ownership of Bratton Investments could be allocated to this proposal to allow full development without exceeding the 2,000-unit cap.
- The well for this project was tested in 2007 by Norbert Larson, PhD and the County Geologist at the time was present for that test.
- Every time you sell a lot in Shaver Lake, a Community Facilities Fee is paid to fund improvements including infrastructure for surface water.
- We do take issue with the Subdivision Review Committee Report Condition requiring the appropriation and groundwater units with the Final Map because it will cause Bratton Investments to expend funds ahead of schedule and place us in an unfavorable financial situation, and as such, we would like to discuss this matter at the Board of Supervisors level.

Others: No other individuals presented information in support of or in opposition to the project.

Correspondence: One letter was presented to the Planning Commission in opposition to the project.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5981
Amendment Application No. 3766
Classified Conditional Use Permit Application No. 3237
Tentative Tract Map Application No. 5943

AMENDMENT APPLICATION NO. 3766 AND CLASSIFIED CONDITIONAL USE PERMIT NO. 3237

1. Development of the subject Planned Residential Development shall be in substantial compliance with Tentative Tract Map No. 5943 and the Operational Statement.
2. All Conditions of the Subdivision Review Committee Report and project Notes regarding mandatory requirements for Tentative Tract Map Application No. 5943 shall be complied with.
3. This Classified Conditional Use Permit and Amendment Application shall be tied to Tentative Tract Map Application No. 5943; if the Tract is denied or expires, the subject Amendment Application and Classified Conditional Use Permit shall also be denied or expire.

NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a Conditional Use Permit to authorize a Tentative Tract Map automatically assumes the life span of the Tentative Tract Map.

4. All existing property development standards of the R-2 (m) Zone District listed in the Zoning Ordinance shall apply except for the following deviation:

Building Setbacks:

- The building setbacks for all structures shall be according to the approved Tentative Tract Map No. 5943 and the Operational Statement as modified through the Planned Unit Development process for the R-2 (m) Zone District.

TENTATIVE TRACT MAP APPLICATION NO. 5943

A. INTERIOR ROADS:

1. Shall be constructed to a 10 mile-per-hour design speed public road standard in accordance with County Improvement Standard A-1 Case A-1b with 22 feet of base and pavement with a minimum centerline radius of 59 feet, contained within an outlot for private road purposes having a minimum width of 22 feet.
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 the Bretz Mill Road 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. Thirty by thirty-foot corner cutoffs shall be provided at the proposed interior road intersection with Bretz Mill Road.
5. All roads shall intersect as near to right angle as practicable.
6. Adequate sight distance shall be provided at the proposed interior road intersections with a minimum twenty by twenty-foot corner cutoff.
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.
9. Slope easements outside of the private road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road run-off 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 the acceptance of the work by the County.
12. A backup area shall be provided for Lots 23, 24, 54, and 55.
- *13. A new Zone of Benefit within County Service Area (CSA) 35 will require an Engineer's Report to establish yearly road maintenance; including snow removal assessments and a sixteen-year Maintenance Plan for any roads the development receives a Benefit from outside of the gated community such as snow removal cost-sharing for Bretz Road.

B. WATER:

1. The development shall be served by the community water system. A "will serve" letter from the District will be required.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. Prior to recordation of the Final Map, all proposed wells shall be constructed, permitted, tested, and accepted by the County.

- *4. Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and shall meet all state and federal regulations for a community water system. An Engineer's evaluation must demonstrate acceptable operations parameters and capacity based upon the proposed development. Two copies of Engineered Plans for these facilities shall be submitted to the Resources Division, Special Districts, for review and comment prior to recordation of a Final Map.
- *5. All water facilities and associated property shall be deeded to CSA 31. In order to meet water requirements, the Applicant may provide surface water, groundwater, or a combination of both for the proposed development. Use of groundwater is subject to development requirements identified in these Mitigation Measures and the County/State requirements in effect at the time of the well development. All well sites shall meet a 50-foot radius control zone as required in Title 22 CCR (California Code of Regulations) 64560.
- *6. All on-site wells serving the development shall be equipped with telemetry supervisory control and data acquisition (SCADA) controls and data acquisition device as required by the County. Funding for the SCADA controls may be deposited with the County for future installation. The current estimated cost for telemetry is \$10,000 per well, however, only actual costs will be charged to the Applicant.
- *7. The developer shall construct the well site in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well site.
- *8. Water quality data must pass State Health requirements referenced within Title 22 or additional tests required by the State Department of Public Health in order for the County of Fresno to accept the wells into the CSA 31 distribution system.
- *9. All wells must have a minimum 50-foot annular seal to meet State requirements. The existing water wells have been constructed using the Tubex method which does not meet the State requirement. The County will require the Applicant to excavate a minimum of 15 feet in depth around the well casing and pressure grout the area. Additional monitoring will be required by the State to ensure the source is not influenced by surface water. The County will require a three-year agreement with the Applicant to insure that if the source is influenced by surface water during the term of the agreement that an alternative source or treatment be provided at the developer's cost. Any additional monitoring costs as identified in the Project Implementation Agreement, due to the Tubex method being used, will be borne by the Applicant during the three-year term.
- *10. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.
- *11. All irrigation shall comply with State and County water conservation regulations and efficient landscape requirements. This requirement shall be

recorded as a covenant running with the land and shall be noted on the Final Map.

- *12. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from developing new wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.
- *13. Access roads to the well site shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.
- *14. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.
- 15. To address the remaining groundwater units available per the Shaver Lake Sewer and Water Master Plan, groundwater units will not be appropriated/acquired until recordation of the lots.

C. SEWER:

- 1. The development shall be served by the community sewer system. A "will serve" letter from the District will be required.
- 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 must be completed and accepted by the County prior to the issuance of Building Permits for residential construction.
- *4. All sewer infrastructure shall meet County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements.
- *5. The Applicant shall expand sewer collection, treatment, and disposal capacity for units identified in Tentative Tract No. 5943. All infrastructure shall be sized to accommodate potential upstream development and shall be in accordance with the Shaver Lake Sewer and Water Master Plan. The design shall be reviewed and approved by the County.
- *6. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.
- *7. Prior to Final Map approval, the Applicant shall provide an Engineering Study to evaluate potential capacity issues within the collection with the additional flows anticipated by this and future developments within this

collection area. The Applicant shall coordinate with other developments to ensure potential ultimate demand is addressed in accordance with the Shaver Lake Sewer and Water Master Plan.

- *8. At this time, the Shaver Lake Regional Wastewater Treatment Plant has no excess capacity. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within Tentative Tract Map No. 5943 or by the next reasonable increment.
- *9. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.

D. DRAINAGE AND EROSION CONTROL:

- 1. Hydrologic and hydraulic analyses shall be prepared and submitted for approval in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development.
- 2. All stormwater run-off generated by the proposed development shall be retained on-site within drainage ponds or other facilities acceptable to the Director of the Department of Public Works and Planning. Any detention facilities within the natural drainage courses will need to be reviewed and approved by the California State Department of Fish and Game and State Water Resources Control Board.

Note: No ponding areas have been shown on the Tentative Map. The subdivider's proposal to direct all stormwater off-site is not consistent with County practice or policy. As a minimum, detention ponds may be considered in lieu of retention ponds provided that the subdivider submits adequate hydrological calculations to demonstrate no significant impact on downstream properties. Small detention ponds may be considered in open space areas or greenbelts provided their depth does not exceed 18 inches.

- 3. Ponds in excess of eighteen inches in depth shall be fenced.
- 4. Provide erosion control measures to all exposed slopes in accordance with County Improvement Standards.
- 5. If natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required. A Drainage Study shall be provided to determine the sizes and locations of culverts.
- 6. The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A

copy of this Notice shall be provided to the County.

7. The Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the Plan into the Construction Improvement Plans.
8. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
9. A Grading and Drainage Plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual lot Grading Plans shall be required for lots adjacent to the border of the subdivision. Off-site slope easements shall be obtained, where necessary, prior to recordation of the Final Map.
- *10. To mitigate the potential impacts to off-site waters, a catchment basin shall be placed in the southwest corner of the subject site. The catchment basin shall be designed to capture all of the stormwater run-off from this portion of the site and allow the sediment to fall out before flowing off-site and eventually into the unnamed drainage.

E. COMMUNITY FACILITIES DISTRICT:

1. The property is within the boundaries of Community Facilities District (CFD) No. 1. Payment of CFD Fees shall be required at the time of sale of each lot in the tract.

F. FIRE PROTECTION:

1. The location and number of fire hydrants shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district.

G. SOILS REPORT:

1. A Soils Report is required for the subdivision as a Condition of the Final Map. The Soils Report needs to address the feasibility of the site for the type of development as proposed.

H. UTILITIES:

1. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

I. STREET NAMES:

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to the Final Map approval.

J. EMERGENCY ACCESS ROADS:

1. 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 Department of Public Works and Planning 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.

K. BRETZ MILL ROAD:

1. Provisions shall be made to participate in the maintenance until such time as the road is included in the County Maintained Road System.

L. REGIONAL ROADS:

- *1. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in Items a-d below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a Building Permit is subject to payment of a Public Facilities Fee. If the Applicant opts for the latter, the Fee shall be collected no later than the date of final inspection or the date of issuance of a Certificate of Occupancy, whichever comes first.
 - a. Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2030 scenario is 0.8% or \$2,535.00.
 - b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2030 scenario is 0.5% or \$1,511.00.
 - c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share for the 2030 scenario is 0.6% or \$1,976.00.
 - d. Road widening to four (4) lanes of the 8.9-mile road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share for the 2030 scenario is 0.5% or \$203,592.00.

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

- *2. Prior to the issuance of Building Permits, the Applicant shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the fair share of this project's impact to the future traffic signal at State Route 168 (Morgan Canyon Road) and Auberry Road, which is currently calculated at \$31,725.00 (\$705/trip x 45 trips).

M. OTHER CONDITIONS:

1. The Applicant shall acquire a ten-foot slope maintenance, snow storage, and landscape buffer easement along the westerly edge of the property where the edge of the right-of-way is coterminous with the westerly property line prior to the recordation of the Final Map.
2. Prior to recordation of the Final Map, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, unless the large open space area south of the Bretz Road extension now zoned AL-20 has been rezoned to the "O" District.
3. Fencing shall be constructed adjoining Sierra National Forest land as specified in Section G.6f (5) of the Bretz Mountain Village Specific Plan to exclude cattle from the project area. The property lines adjacent to this subdivision and along the north boundary of the open space area shall be fenced in conjunction with the improvements for this subdivision. However, the fencing adjacent to the open space area may be relocated to the north side of the Bretz Road right-of-way required with the construction of this subdivision.
4. Prior to the recording of a Final Map, a Conservation and Forest Management Plan shall be prepared for review and approval by the County for the land area included in this subdivision in conformance with Section G.6 of the Bretz Mountain Village Specific Plan.
- *5. 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.
- *6. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.
- *7. To address sensitive and special status species that may inhabit or occur on the project site, the following shall either completed or addressed:
 - a. Conduct on-site pre-construction surveys for bat roosts, and if maternal bat roosts are found during these surveys, appropriate disturbance-free buffers shall be established in consultation the California Department of Fish and Game (DFG); buffer areas shall be avoided until cessation of the maternal bat roosting season and it has been determined by a qualified Biologist that juvenile protection via buffers is no longer necessary; once bats have vacated their roosts, tree removal and construction may resume.
 - b. Conduct on-site pre-construction surveys for nesting raptors during nesting season (February through August) 30 days prior to any construction activities, and if nests are located, appropriate and

generous disturbance-free buffers shall be provided in consultation with DFG.

- c. Recordation of Covenants, Conditions and Restrictions (CC & R's) which identify the populations of sensitive species to be avoided if discovered during pre-construction surveys; a copy of the CC & R's shall be provided to every lot owner at the time of purchase.
 - d. A brochure addressing responsible stewardship of open space and environmentally sensitive areas, human and wildlife interactions, and environmentally responsible landscaping choices shall be prepared by the project developer and disseminated to all homeowners at the time of purchase of townhouse units.
 - e. The project developer shall work with the DFG to insure that on-site occurrences of Orange Lupine (*Lupines citrinus* ssp. *citrinus*) populations are adequately relocated to off-site locations within the 330-acre area reserved for recreational uses as identified in the Bretz Mountain Village Specific Plan; consideration shall be given to the findings and recommendations of the May 20, 2009 Rare Plant Survey conducted by Live Oak Associates, Inc., specifically regarding seed collection, storage, relocation and planting.
- *8. In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- *9. Prior to recordation of a Final Map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support the cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

*MITIGATION MEASURE – Measure 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 Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant:

1. The proposal shall comply with the 2007 California Code of Regulations Title 24 – Fire Code. The Applicant shall submit three Site Plans, stamped “reviewed” or “approved” from the Fresno County Department of Works and Planning, to the

Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy.

2. The Applicant shall apply for and complete a Property Line Adjustment to incorporate that portion of the remainder of Tract No. 5276, Quartz Mountain, into this proposed Tract Map. This shall be completed prior to the recordation of the Final Map.
3. According to the San Joaquin Valley Air Pollution Control District, the project at full build-out would allow construction of greater than 50 residential units (58 homesites proposed) and is subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires that the Applicant shall submit an Air Impact Assessment (AIA) Application to the Air District no later than seeking final discretionary approval and shall pay any applicable Off-Site Mitigation Fees prior to the issuance of the first Building Permit. The project may also be subject to Air District Regulation VIII-Fugitive Dust Rules related to PM-10, Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated.
4. The project will require hydrology and hydraulic analysis for the design of the on-site basins and that design must be approved by the Development Engineering Section of the Fresno County Department of Public Works and Planning as part of the Subdivision Improvement Plans.
5. Prior to construction and grading activities, the Applicant will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the Construction Improvement Plans. To be included as project Notes, adherence to these requirements will reduce the project impact on groundwater quality to less than significant.
6. The project proponent may choose a homeowners association (HOA) to conduct the open lot maintenance. Whereas, the HOA would own the land in fee but provide the County with an easement in the open space areas to drill additional well(s) for a community water system.
7. Fresno County Noise Ordinance requires construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
8. According to the U.S. Department of Agriculture (USDA) Forest Service, approximately 5,280 feet of land line is shared by the private land and National Forest land. The marker shall be protected during all phases of development and no encroachments shall occur onto National Forest land.
9. Any road originating on National Forest land not dedicated to Fresno County for legal access to the proposed development shall not be allowed.

10. The Pineridge Elementary School District and the Sierra Unified School District boundaries 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.
11. According to the Fresno County Fire Protection District, a 60-foot wide emergency access road shall be provided along the northern property line to connect Bretz Road on the adjoining U.S Forestland property.
12. An Encroachment Permit will be required for any work done within the County of Fresno road right-of-way. This includes any driveway approaches or any underground work that may need to be done in the right-of-way that will be associated with this project.
13. Upon development of the property, any existing water well(s) not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated areas of Fresno County, the water well contractor selected by the Applicant shall apply for and obtain a permit(s) to construct or destroy water well(s) from the Fresno County Public Health Department, Environmental Health Division, prior to commencement of work. Contact the Water Surveillance Program at (559) 445-3357 for more information.
14. The project will utilize water services provided by a Zone of Benefit within the County Service Area (CSA) 31. A total of 58 Equivalent Dwelling Units (EDUs) of water are required for the proposed development. Given the 2,000-unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision may be on groundwater and 21 residential units can be on water from other tentatively approved projects in the area under ownership of the Applicant or may also be developed on surface water or a combination thereof.

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 5981
Amendment Application No. 3766
Classified Conditional Use Permit Application No. 3237
Tentative Tract Map Application No. 5943

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

Initial Study Application:	\$ 3,706.00
Amendment Application and Classified Conditional Use Permit	\$ 7,840.50
Tentative Tract Map with Exception Request:	\$ 26,662.00
Health Department Review:	<u>\$ 1,958.00</u>
Total Fees Collected	<u>\$ 40,166.50</u>

EXHIBIT 5

May 01, 2021

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

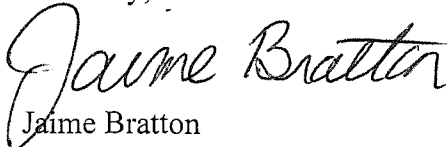
SUBJECT: Extension Tentative Subdivision Map No. 5943

To Whom it may concern,

Reference is made to Bratton Investments, LLC Tentative Subdivision Map No. 5943 proposing 60 townhomes on APN 130-920-17. On Behalf, of Mr. James and Bratton Investments, I respectfully request that an extension of time be granted to complete the subject entitlement. Attached is a check for the required extension request submittal fee.

Market conditions over which Mr. Bratton has no control necessitates the subject extension. Also, the pandemic has created hard times, and put a hold on many projects due to restrictions. Should you need additional information or to discuss this request please contact me at (559)-974-2377

Sincerely,



Jaime Bratton

Jaime@brattonre.com

2562 Austin Ave

Clovis CA 93611