



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 March 30, 2017

SUBJECT: Vesting Tentative Tract Map Application No. 4976 – AB 1303 Time Extension Request

Grant a two-year time extension under the provisions of Assembly Bill 1303 to exercise Vesting Tentative Tract Map No. 4976, which authorized the division of approximately 55 acres into 184 residential lots with a minimum lot size of 7,150 square feet in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and R-E(c) (Recreational, Conditional) Zone Districts.

LOCATION: The project site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately one and one-half miles east of the unincorporated community of Friant (APN: 300-542-05).

OWNER: Millerton Investments, LLC
APPLICANT: Jeffrey T. Roberts

STAFF CONTACT: Christina Monfette, Planner
(559) 600-4245

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve a two-year time extension under the provisions of Assembly Bill 1303 to exercise Vesting Tentative Tract Map No. 4976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated January 14, 2016
5. Applicant's Letter Requesting Time Extension

ENVIRONMENTAL ANALYSIS:

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

An Environmental Assessment (Initial Study No. 4664) was prepared for Vesting Tentative Tract Map No. 4976 under the provisions of CEQA, resulting in the determination that the previously-certified EIR and Addendum for the Millerton New Town Specific Plan remained adequate for the project.

According to Section 15162(a) of the CEQA Guidelines, when an EIR and/or Mitigated Negative Declaration (MND) is adopted for a project, no subsequent EIR or MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous EIR or MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, 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 time extensions are granted by the local agency. The Map Act provides for six one-year discretionary time extensions. 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 providing time extensions for Tentative Tract Maps in addition to the six time extensions already provided by the Map Act, subject to 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 October 10, 2015; Map Act Section 66452.23) which granted a two-year time extension if an application for time extension was filed at least 90 days prior to the expiration of the Tentative Tract Map.

The granting of a time extension for a Tentative Tract Map is discretionary; however, the Planning Commission’s discretion in such matters is limited to the question of time. Further, the Planning Commission cannot place additional Conditions on a project through a time extension application unless the Applicant agrees to such additional Conditions. If the Applicant does not agree to such additional Conditions, the Planning Commission may deny the time 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 November 30, 2000, the Planning Commission approved Vesting Tentative Tract Map Application No. 4976, Classified Conditional Use Permit Application No. 2955, and Site Plan Review No. 7081, authorizing the development of an approximately 55-acre planned residential development consisting of 184 residential lots with a minimum lot size of 7,150 square feet. Subsequently, approximately 20.23 acres of the project site were acquired by the Clovis Unified School District in 2001 for future school development purposes. As such, the number of lots approved for Vesting Tentative Tract Map No. 4976 was reduced from 184 to 119. At this time, the proposed school site is no longer being considered and the number of lots reflects the original proposal of 184.

The first one-year time extension for Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on January 9, 2003 and extended the expiration date to November 30, 2003. The second one-year time extension was approved by the Board of Supervisors on March 16, 2004, and extended the expiration date to November 30, 2004. In that instance, the

Planning Commission had approved the second one-year time extension on January 8, 2004; however, the approval of the time extension was appealed to the Board of Supervisors. On January 6, 2005, the Planning Commission approved the third one-year time extension, subject to a condition requiring establishment of a funding mechanism to support the cost for Sheriff's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. The approval of the third one-year time extension extended the expiration date to November 30, 2005. The fourth one-year time extension was approved by the Planning Commission on January 26, 2006, and extended the expiration date to November 30, 2006. The fifth time extension was approved by the Planning Commission on January 14, 2016, extending the expiration date to December 20, 2016.

The U.S. Bureau of Reclamation conducted a review of the Millerton New Town surface water allotments from February 4, 2005 until February 25, 2007. Subsequent to the fourth one-year time extension for Vesting Tentative Tract Map No. 4976 being approved, staff determined that the review conducted by the U.S. Bureau of Reclamation constituted a moratorium on the development of Vesting Tentative Tract Map No. 4976 from February 4, 2005 until February 25, 2007. Considering this moratorium caused by the U.S. Bureau of Reclamation, staff determined that Vesting Tentative Tract Map No. 4976 would expire on December 20, 2008.

Subsequent to staff's determination that Vesting Tentative Tract Map No. 4976 would expire on December 20, 2008, Senate Bill (SB) 1185, effective July 15, 2008, granted an automatic one-year time extension for the Tentative Tract Map, resulting in a new expiration date of December 20, 2009; Assembly Bill (AB) 333, effective July 15, 2009, granted an automatic two-year time extension for the Tentative Tract Map, resulting in a new expiration date of December 20, 2011; Assembly Bill (AB) 208, effective July 15, 2011, granted another automatic two-year time extension for the Tentative Tract Map resulting in a new expiration date of December 20, 2013; and lastly, Assembly Bill (AB) 116, effective July 11, 2013, granted an automatic two-year time extension for the Tentative Tract Map resulting in a new expiration date of December 20, 2015.

In order to qualify for the two-year time extension under the provisions of AB 1303, the subject application should have been filed at least 90 days prior to December 20, 2016. The Applicant had been working with Current Planning Staff to submit this application as early as February 2, 2016. Therefore, although payment was accepted on January 9, 2017, staff has processed this as a qualifying application.

ANALYSIS:

Vesting Tentative Tract Map Application No. 4976 was originally approved in 2000 concurrently with Classified Conditional Use Permit (CUP) Application No. 2955 and Site Plan Review (SPR) Application No. 7081 based on a determination that the required CUP findings could be made. Attached as Exhibit 4 is a copy of the original Staff Report and Planning Commission Resolution dated November 30, 2000, which were prepared for the project.

According to the letter provided by the Applicant requesting this time extension (Exhibit 5), the Applicant must complete soil studies prior to starting development on the parcel. The soils in the project area are known to contain significant amounts of clay. The Applicant has also been working with other owners in the vicinity on a federal water transfer (to County Service Area [CSA] 34), which requires the Applicant to complete a Section 106 consultation with Table Mountain Rancheria and an "off-site mitigation" process with the U.S. Fish and Wildlife Service.

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

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the time extension under Assembly Bill 1303 for Vesting Tentative Tract Map No. 4976 should be approved based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to December 20, 2018.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the two-year time extension under Assembly Bill 1303 for Tentative Tract Map No. 4976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the time extension request for Tentative Tract Map No. 4976 (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.

CMM:
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EXHIBIT 1



LOCATION MAP

TT4976 AB 1303

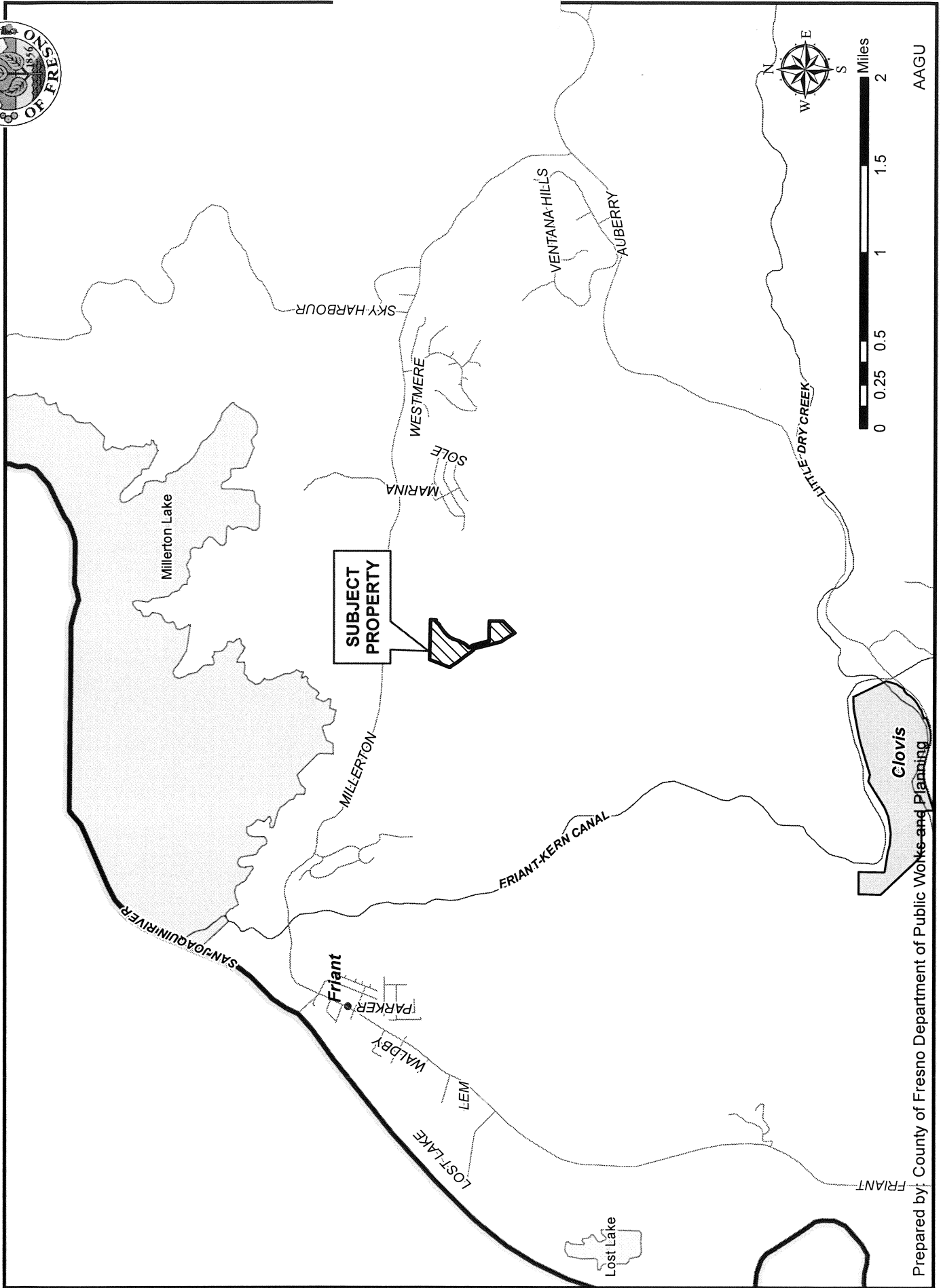


EXHIBIT 4



Inter Office Memo

DATE: January 14, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12550 – FIFTH ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP NO. 4976

APPLICANT/
OWNER:

Grantor Real Estate Investments, LLC

REQUEST:

Grant a fifth one-year time extension to exercise Vesting Tentative Tract Map No. 4976, which authorized the division of approximately 55 acres into 184 residential lots with a minimum lot size of 7,150 square feet in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and R-E(c) (Recreational, Conditional) Zone Districts. Due to a 20.23-acre portion of the project site having been previously acquired for school development purposes, Vesting Tentative Tract Map No. 4976 is currently limited to 119 residential lots on the remaining 34.99 acres of land.

LOCATION:

The project site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately one and one-half miles east of the unincorporated community of Friant (APN: 300-542-05).

PLANNING COMMISSION ACTION:

At its hearing of January 14, 2016, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

A motion was then made by Commissioner Borba and seconded by Commissioner Lawson to approve the requested one-year time extension for Vesting Tentative Tract Map No. 4976.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

February 3, 2016

Grantor Real Estate Investments, LLC
1396 W. Herndon #101
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12550 – Vesting Tentative Tract No. 4976
(Fifth One-Year Time Extension)

On January 14, 2016, the Fresno County Planning Commission granted your extension request. A copy of the Planning Commission Resolution is enclosed.

If you have any questions, please contact me at dchambers@co.fresno.ca.us or at 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 1 January 14, 2016

SUBJECT: Vesting Tentative Tract Map Application No. 4976 – Fifth Time Extension

Grant a fifth one-year time extension to exercise Vesting Tentative Tract Map No. 4976, which authorized the division of approximately 55 acres into 184 residential lots with a minimum lot size of 7,150 square feet in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and R-E(c) (Recreational, Conditional) Zone Districts. Due to a 20.23-acre portion of the project site having been previously acquired for school development purposes, Vesting Tentative Tract Map No. 4976 is currently limited to 119 residential lots on the remaining 34.99 acres of land.

LOCATION: The project site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately one and one-half miles east of the unincorporated community of Friant (APN: 300-542-05).

OWNER/APPLICANT: Grantor Real Estate Investments, LLC
REPRESENTATIVE: Tom McLaughlin

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a fifth one-year time extension to exercise Vesting Tentative Tract Map No. 4976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated November 30, 2000
5. Planning Commission Resolution and Staff Report dated January 9, 2003
6. Board of Supervisors Agenda Item dated March 16, 2004
7. Planning Commission Resolution and Staff Report dated January 6, 2005
8. Planning Commission Resolution and Staff Report dated January 26, 2006
9. Applicant's correspondence requesting a fifth one-year Time Extension

ENVIRONMENTAL ANALYSIS:

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

An Environmental Assessment (Initial Study No. 4664) was prepared for Vesting Tentative Tract Map No. 4976 under the provisions of CEQA, resulting in the determination that the previously-certified EIR and Addendum for the Millerton New Town Specific Plan remained adequate for the project.

According to Section 15162(a) of the CEQA Guidelines, when an EIR and/or Mitigated Negative Declaration (MND) is adopted for a project, no subsequent EIR or MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous EIR or MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, approximately 20.23 acres of the project site originally approved for Vesting Tentative Tract Map No. 4976 was acquired by the Clovis Unified School District in 2001 for future school development purposes. As such, the number of lots approved for Vesting Tentative Tract Map No. 4976 was reduced from 184 to 119; however, the character of the Tract remained substantially unchanged.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 10 property owners within 1,320 feet of the subject parcel, 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 time extensions are granted by the local agency. The Map Act provides for six one-year discretionary time extensions. 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 providing time extensions for Tentative Tract Maps in addition to the six time extensions already provided by the Map Act, subject to 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 October 10, 2015; Map Act Section 66452.23) which granted a two-year time extension if an application for time extension was filed at least 90 days prior to the expiration of the Tentative Tract Map.

The granting of a time extension for a Tentative Tract Map is discretionary; however, the Planning Commission's discretion in such matters is limited to the question of time. Further, the Planning Commission cannot place additional Conditions on a project through a time extension application unless the Applicant agrees to such additional Conditions. If the Applicant does not agree to such additional Conditions, the Planning Commission may deny the time 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 November 30, 2000, the Planning Commission approved Vesting Tentative Tract Map Application No. 4976, Classified Conditional Use Permit Application No. 2955, and Site Plan

Review No. 7081, authorizing the development of an approximately 55-acre planned residential development consisting of 184 residential lots with a minimum lot size of 7,150 square feet. Subsequently, approximately 20.23 acres of the project site were acquired by the Clovis Unified School District in 2001 for future school development purposes. As such, the number of lots approved for Vesting Tentative Tract Map No. 4976 was reduced from 184 to 119.

The first one-year time extension for Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on January 9, 2003 and extended the expiration date to November 30, 2003. The second one-year time extension was approved by the Board of Supervisors on March 16, 2004, and extended the expiration date to November 30, 2004. In that instance, the Planning Commission had approved the second one-year time extension on January 8, 2004; however, the approval of the time extension was appealed to the Board of Supervisors. On January 6, 2005, the Planning Commission approved the third one-year time extension, subject to a condition requiring establishment of a funding mechanism to support the cost for Sheriff's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. The approval of the third one-year time extension extended the expiration date to November 30, 2005. The fourth one-year time extension was approved by the Planning Commission on January 26, 2006, and extended the expiration date to November 30, 2006.

The U.S. Bureau of Reclamation conducted a review of the Millerton New Town surface water allotments from February 4, 2005 until February 25, 2007. Subsequent to the fourth one-year time extension for Vesting Tentative Tract Map No. 4976 being approved, staff determined that the review conducted by the U.S. Bureau of Reclamation constituted a moratorium on the development of Vesting Tentative Tract Map No. 4976 from February 4, 2005 until February 25, 2007. Considering this moratorium caused by the U.S. Bureau of Reclamation, staff determined that Vesting Tentative Tract Map No. 4976 would expire on December 20, 2008.

Subsequent to staff's determination that Vesting Tentative Tract Map No. 4976 would expire on December 20, 2008, Senate Bill (SB) 1185, effective July 15, 2008, granted an automatic one-year time extension for the Tentative Tract Map, resulting in a new expiration date of December 20, 2009; Assembly Bill (AB) 333, effective July 15, 2009, granted an automatic two-year time extension for the Tentative Tract Map, resulting in a new expiration date of December 20, 2011; Assembly Bill (AB) 208, effective July 15, 2011, granted another automatic two-year time extension for the Tentative Tract Map resulting in a new expiration date of December 20, 2013; and lastly, Assembly Bill (AB) 116, effective July 11, 2013, granted an automatic two-year time extension for the Tentative Tract Map resulting in a new expiration date of December 20, 2015.

The current application for a fifth discretionary one-year time extension was filed by the Applicant's Representative on October 2, 2015 and, if approved, will extend the Vesting Tentative Tract Map No. 4976 expiration date to December 20, 2016.

It is noted that the subject time extension application did not qualify for the two-year time extension granted by Assembly Bill (AB) 1303 because the time extension application was not filed 90-days prior to expiration of the Tentative Tract Map, which is December 20, 2015. However, should the subject time extension application be approved, Vesting Tentative Tract Map No. 4976 will be eligible to apply for the two-year extension under AB 1303.

ANALYSIS:

Vesting Tentative Tract Map Application No. 4976 was originally approved in 2000 concurrently with Classified Conditional Use Permit (CUP) Application No. 2955 and Site Plan Review (SPR) Application No. 7081 based on a determination that the required CUP findings could be made.

Attached as Exhibit 4 is a copy of the original Staff Report and Planning Commission Resolution dated November 30, 2000, which were prepared for the project.

According to the letter provided by the Applicant requesting this time extension (Exhibit 9), the past economic downturn has adversely affected residential development throughout the area. The letter further discusses potential expansion and modification of the approved Vesting Tentative Tract Map; however, any such expansion and modification must be reviewed under a separate discretionary application and associated CEQA review, and cannot be authorized by this time extension application.

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

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the fifth time extension for Vesting Tentative Tract Map No. 4976 should be approved based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to December 20, 2016.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the fifth time extension for Tentative Tract Map No. 4976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

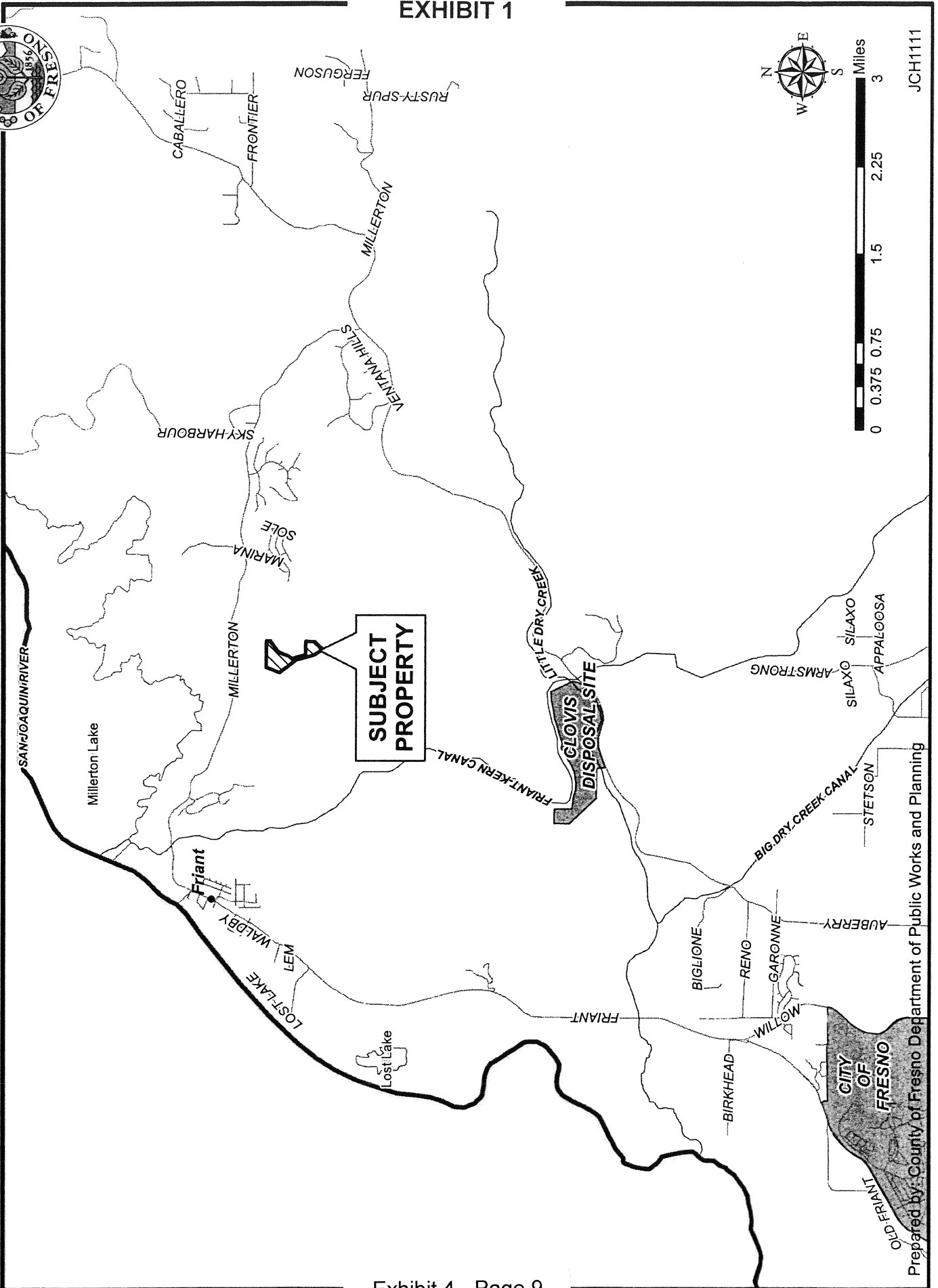
- Move to deny the fifth time extension request for Tentative Tract Map No. 4976 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community or both; or state how denial of the time extension request is 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

TT 4976 Time Extension 5



JCH1111

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

EXISTING ZONING MAP



EXHIBIT 2

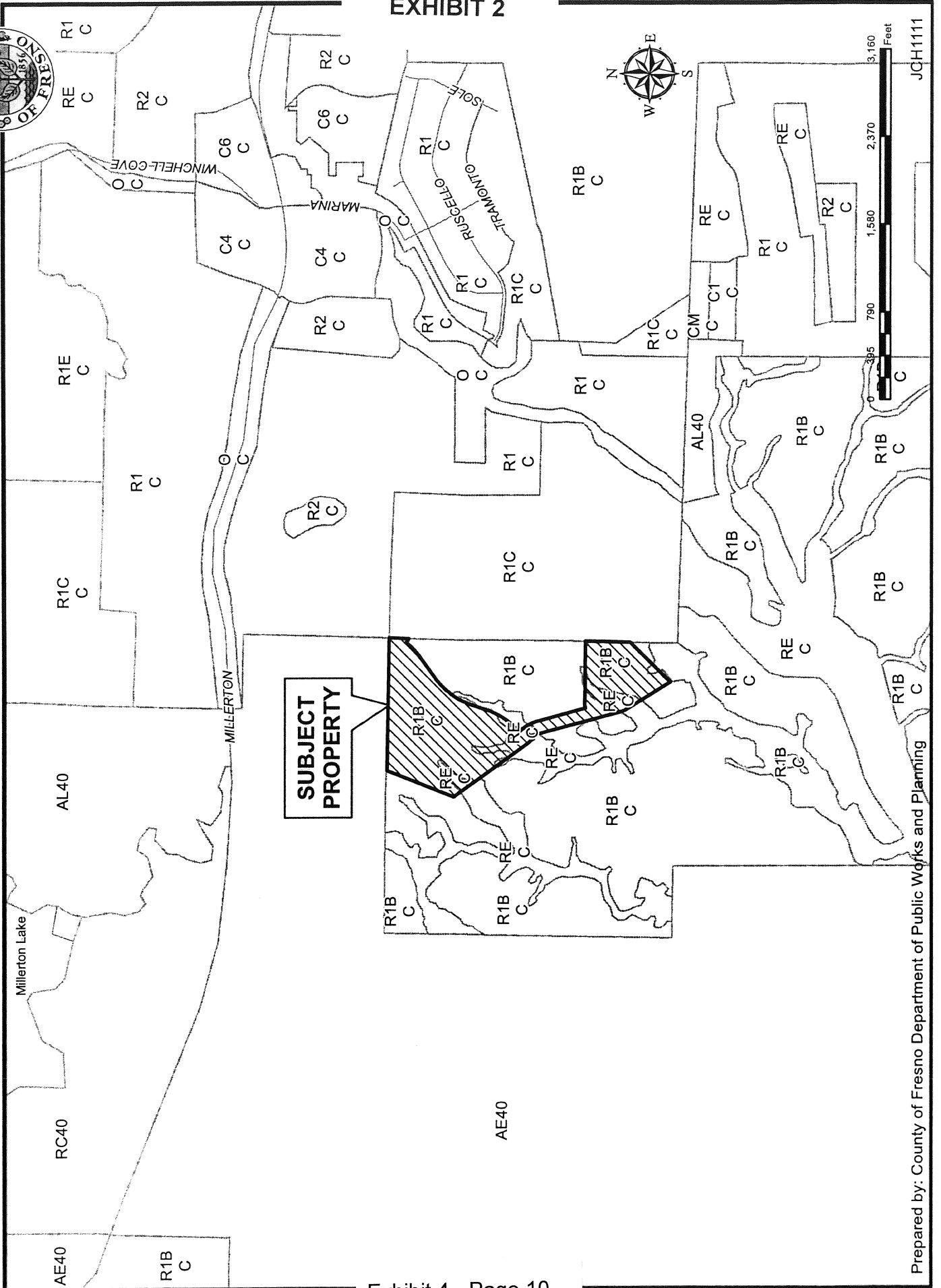
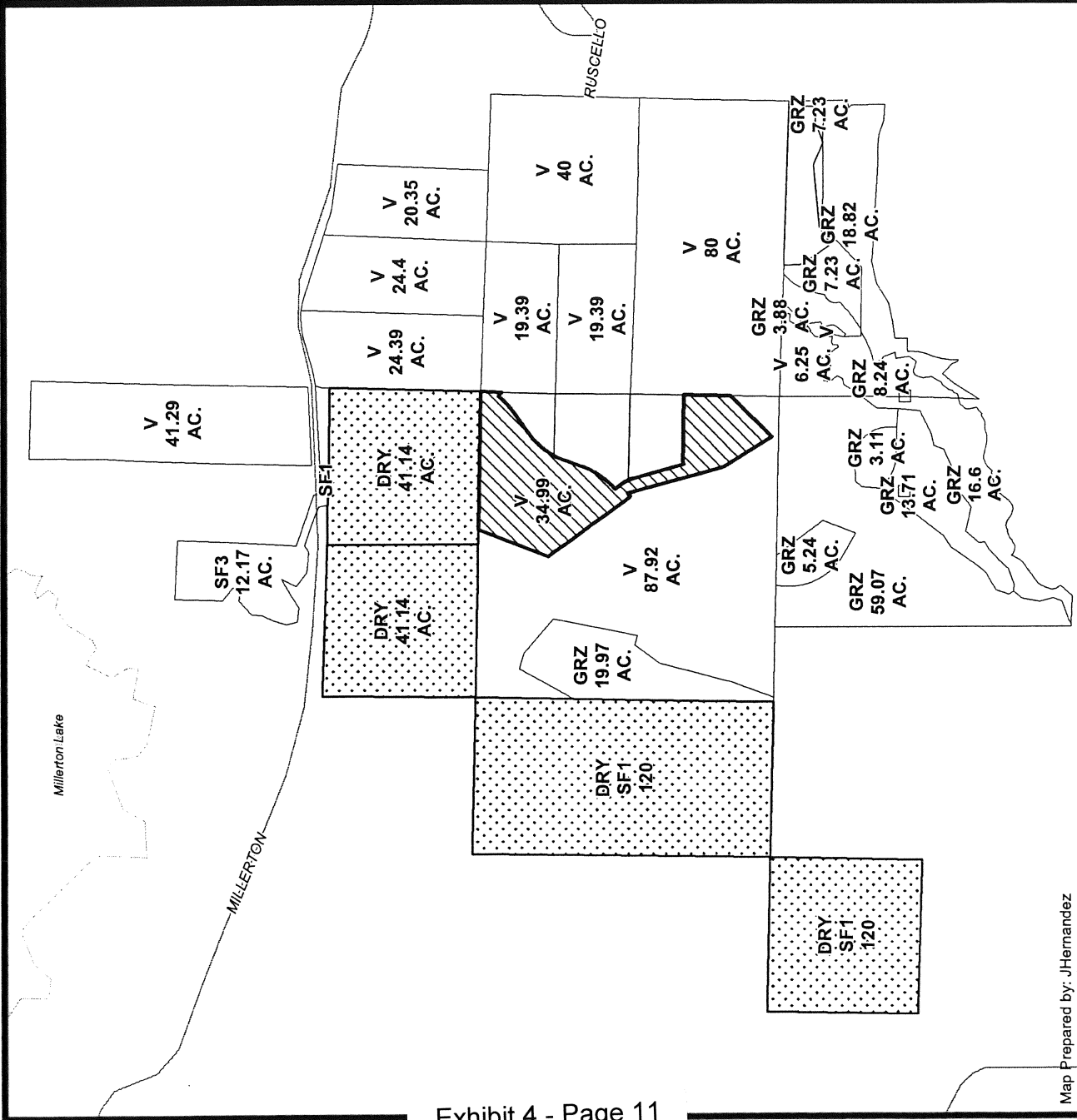




EXHIBIT 3

EXISTING LAND USE MAP

TT 4976

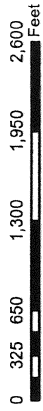
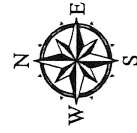


LEGEND

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

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: JHernandez
J:GIS\JCH\Landuse\

EXHIBIT 4



Inter Office Memo

DATE: November 30, 2000
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 11551 - INITIAL STUDY APPLICATION NO. 4664, VESTING TENTATIVE TRACT MAP NO. 4976, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2955, AND SITE PLAN REVIEW APPLICATION NO. 7081

APPLICANT: The Clarksfield Company, Inc.

REQUEST: Allow a planned residential development consisting of 184 single-family homesites on a 55-acre portion of a 164-acre parcel of land in R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) and the R-E(c) (Recreational, two-acre minimum parcel size) Districts.

LOCATION: Within the Millerton Specific Plan on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant (see Location Map, Exhibit 1).

PLANNING COMMISSION ACTION:

At its hearing of November 30, 2000, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Ferguson and seconded by Commissioner Molen to determine that previously certified Environmental Impact Report No. 84051400 is adequate for the project, adopt the recommended findings of fact in the Staff Report and Subdivision Review Committee Report, and approve Vesting Tentative Tract Map No. 4976, Classified Conditional Use Permit Application No. 2955, and Site Plan Review Application No. 7081, with modifications to the conditions listed in the conditional use permit staff report including modification to Condition No. 15 eliminating a, b, c, and d and changes to Condition No. 19, as shown on Exhibit "B".

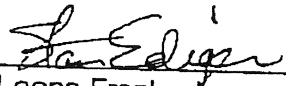
This motion passed on the following vote:

VOTING: Yes: Commissioners Ferguson, Molen, Johnson, Moore, Peters, Price,
Tokmakian

No: None

Absent: Commissioner Eaton

CAROLINA JIMENEZ-HOGG, Director
Planning & Resource Management Department
Secretary-Fresno County Planning Commission

By: 
for Leona Franke James, Manager
Development Services Division

- 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 Vesting Tentative Tract Map No. 4976 will expire two years from the date of approval unless a final map is recorded. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Planning & Resource Management Department before the expiration of the Vesting Tentative Tract Map.

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EXHIBIT "A"

Staff: The Fresno County Planning Commission accepted the Subdivision Review Committee Report and Staff Reports dated November 30, 2000, without a presentation.

Applicant: The applicant's representative presented information in support of the project as summarized below:

- The Specific Plan requires a right-of-way of 50 feet.
- The required infrastructure plan is to be considered by the Board of Supervisors on December 19, 2000.
- A Conditional Use Permit is currently in process for the wastewater treatment plant to serve the Millerton Specific Plan area.
- We ask that Condition No. 19 be amended with the language provided by the Department of Forestry and Fire Protection District.

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

Correspondence: Two letters were received in support to the request.

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EXHIBIT "B"

Conditions of Approval

Classified Conditional Use Permit Application No. 2955

1. Development shall be in accordance with the site plan and project description as it pertains to property development standards, landscaping, fencing, lighting, circulation, grading, infrastructure, except as may be modified below.
2. The conditions of the Subdivision Review Committee Report for Tentative Tract Map No. 4976 shall be complied with.
3. This Conditional Use Permit shall be tied to Tentative Tract Map No. 4976, if the tract is denied or expires, the 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 subdivision map automatically assumes the life span of the tract map.

- *4. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard; in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
5. An Infrastructure Plan for water, sewer, and drainage that addresses the policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. All appropriate infrastructures required for this project by the approved Infrastructure Plan shall be constructed and accepted by County Service Area No. 34 prior to issuance of building permits.
6. South of the commercial area and government center, Marina Drive shall be constructed as a two-lane undivided road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant. Development of Marina shall be in accordance with Figure 7 of the Millerton Specific Plan.

7. Left-turn lanes shall be provided on Marina Drive at all intersections.
9. The grading standards specified in Section 806-04:2.03d of the Millerton Specific Plan shall be met.
10. Prior to approval of a Final Map, drainage plans shall demonstrate compatibility with adjacent properties in the sub-watershed. Off-site control measures may be required to mitigate drainage impacts. The drainage standards specified in Section 806-04:3.02a, b, and c shall be complied with.
11. The water conservation standards specified in Section 806-04:6.03 a-d and g-j of the Millerton Specific Plan shall be met.
12. Traffic and Circulation standards shall be provided as required by Section 806-02:1.03 of the Millerton Specific Plan and as set forth in the Mitigation Measures and Monitoring Program Matrix as item 2a through 2i and 2k.
13. Fire protection measures and facilities shall be provided as required by Section 806-05:3.03 of the Millerton Specific Plan, and as set forth in items 6.a through 6.e of the Mitigation Measures and Monitoring Program Matrix as subject to a determination of applicability by the fire district having jurisdiction of the area.
14. All structures and infrastructure related to this project shall comply with Fresno County Ordinance 91-025, Fire Safe Regulations.
15. A wildland fuels reduction plan shall be prepared by a Registered Professional Forester that is experienced in wildland fuels reduction projects.
16. The wildland fuel reduction efforts specified within the Plan developed under Item 2 above shall be completed for the entire project area prior to the initiation of development activities.
17. The project developer shall establish a legally binding mechanism to maintain fuel reduction efforts specified within the fuel reduction plan created under Item 2 above, for all designated greenbelt areas in perpetuity.
18. Roadways constructed within the development shall be located in such a way as to separate homes and other structures from undeveloped wildlands. This would specifically apply on the perimeter of the development and roadways adjacent to any designated greenbelts.
19. Any fences that may abate wildland vegetation fires shall be constructed of inflammable materials.

Vesting Tentative Subdivision Map No. 4976

1. SEWER AND WATER:

- a. Water and sewer services shall be provided by a community system designed in accordance with County standards and the applicable mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR.
- b. Prior to issuance of any building permit, the wastewater and water facilities required to serve this project shall be completed and accepted by the Resources Division of the Planning & Resource Management Department

2. ROADS

a. SAUBRICE AVENUE:

1. Shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan.
2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.
4. Thirty-foot by thirty-foot corner cutoffs shall be provided at all intersections.
5. Shall provide a temporary turnaround at the south and north ends of the road.
6. Shall provide for the relinquishment of direct access for all abutting lots.
7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided.
8. Shall be extended southerly to provide 80 feet of frontage for the remainder parcel.

b. INTERIOR ROADS:

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards and the

Millerton Specific Plan (36 feet of base and pavement between curbs).

2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of each road.
4. Shall provide Proposed County Improvement Standard A-26 knuckles at lots 67, 75 and 101.
5. Shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
6. Shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).

c. AVENUE "J":

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan. (36 feet of base and pavement between curbs).
2. Shall be extended easterly to connect to Marina Drive.

d. MARINA DRIVE:

1. Shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan, (two travel lanes with shoulder/bike lanes to connect to Millerton Road 40 feet of base and pavement).
2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.
4. Thirty-foot by thirty-foot corner cutoffs shall be provided at the intersection.
5. Shall provide a temporary turnaround at the south end of the road.

6. Class III Bicycle path (Bike Route) shall be signed along Marina Drive.

3. ROADS GENERAL:

- a. An engineered grading plan will be required.
- b. Slope easements shall be provided outside of the right-of-way where necessary.
- c. Asphalt dikes shall be provided where necessary for erosion control.
- d. Warning signs, markers, guardrails, and barricades shall be included in the design in accordance with County Improvement Standards.

4. DRAINAGE AND EROSION CONTROL:

- a. 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.
- b. All storm water run-off generated by the proposed development shall be retained on-site within drainage ponds or other facilities acceptable to the Director of Public Works. Any detention facilities within the natural drainage courses will need to be reviewed and approved by California State Department of Fish and Game and State Water Resources Control Board.
- c. Ponds in excess of eighteen inches in depth shall be fenced.
- d. Provide erosion control measures to all exposed slopes in accordance with County Improvement Standards.
- e. If natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required.
- f. Perennial streams traverse the subject property according to the USGS QUAD maps. Drainage control measures shall be provided to collect and divert runoff to prevent erosion and siltation of natural drainage channels in such a manner as to maintain natural drainage characteristics downstream of the project in their current state.

5. MAINTENANCE:

- a. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works shall be provided for the maintenance of the new roads and drainage facilities.
- b. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.

6. FIRE PROTECTION:

The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Public after consideration of the recommendations of the fire district having jurisdiction of the area.

7. EMERGENCY ACCESS ROADS:

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

8. STREET NAMES:

The internal roads within the subdivision shall be named. The subdivider shall submit a name to the Street Names Committee for review and approval prior to the final map approval.

9. OUTLOTS:

- a. The use of all Outlots shall be designated on the recorded map.
- b. Ownership of all Outlots shall be by CSA 34 for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No Outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any Outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgagees. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

10. UTILITIES:

- a. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
- b. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.

11. OTHER IMPROVEMENTS:

All other improvements shall be in accordance with the County standards.

12. OTHER CONDITIONS:

- a. All conditions of Classified Conditional Use Permit Application No. 2955 shall be complied with.
- *b. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
- c. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.
- d. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
- e. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer.

Note: In order to discourage the over use of water, a tiered rate structure must be included for review and approval. The tiered rate structure must be significantly tiered to encourage water conservation.

- f. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage the over-use of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
- g. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.
- h. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
- i. 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.

NOTE: If the Brighton Crest Wastewater treatment facility is to be utilized, the approval of a conditional use permit will be required.

- j. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.

*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.

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AGENDA ITEM NO. 6

**SUBDIVISION REVIEW COMMITTEE REPORT
TO
THE FRESNO COUNTY PLANNING COMMISSION
Vesting Tentative Subdivision Map No. 4976
Initial Study Application No. 4664
November 30, 2000**

Project Analyst: David Deel (559) 262-4321

Date Filed: September 15, 2000

Date of Subdivision Review
Committee Meeting: November 8, 2000

Subdivider: The Clarksfield Company, Inc.

Engineer: Dunkel Associates

Location: South side of Millerton Road between the
Brighton Crest Subdivision and the Friant-Kern
Canal within the Millerton Specific Plan

Nearest City Limits: The unincorporated community of Friant is
located approximately 2.5 miles to the west.

Number of Acres: 55-acre portion of a 164-acre parcel of land

Number of Lots: 184

Minimum Lot Size: 7,150 square feet

Proposed Source of Water: Community water system (County Service Area
No. 34)

Proposed Means of Sewage Disposal: Community sewer system (County Service Area
No. 34)

Drainage: Via roads and pipeline to natural channels

<u>Zoning on Subject Property:</u>	R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District.
<u>Proposed Zoning:</u>	None
<u>Surrounding Zoning:</u>	AE-40, O(c), R-1-B(c), R-1-C(c), R-1(c), R-2(c), R-E(c)
<u>Proposed Use:</u>	Single-family residences
<u>Land Use on Subject Property:</u>	Vacant
<u>Surrounding Land Use:</u>	Grazing, rural homesites, single-family residences, golf course, Lake Millerton State Park, casino

BACKGROUND

The Millerton Specific Plan was originally approved in December of 1984, as a "New Town" as provided for in the Sierra-North Regional Plan policies. The Specific Plan was amended in 1999, adding approximately 440 additional acres to the plan area. Millerton New Town is a planned community on 1,260 acres planned to accommodate a population of 8,000 to 10,000 in approximately 3,500 residential units. The Plan provides for commercial and public facilities, recreation areas and open space, and describes standards and implementation methods to be used to develop the site.

Since the adoption of the Specific Plan in 1984, and the most recent Specific Plan Amendment in 1999, a number of land use entitlements have been approved within the Specific Plan area. Classified Conditional Use Permit Application No. 2865 was approved in 1999, authorizing a three-par golf and exercise course, a Planned Commercial Development including a hotel/conference center, a service station/convenience store, and 8,400 square feet of retail space. On February 3, 2000, Classified Conditional Use Permit Application No. 2905, Site Plan Review No. 6970, and Vesting Tentative Tract No. 4870 were approved authorizing a Planned Residential Development consisting of 165 single-family homesites. On September 7, 2000, Conditional Use Permit Application No. 2935, Vesting Tentative Tract No. 4934, and Site Plan Review No. 7044 were approved authorizing a Planned Residential Development consisting of 200 single-family homesites. Also on September 7, 2000, the Planning Commission approved Conditional Use Permit Application No. 2942, authorizing an 18-hole golf course and related golf shop, and allowing application of treated wastewater on the 172-acre parcel.

Vesting Tentative Subdivision Map No. 4976 which is being considered concurrently with Classified Conditional Use Permit Application No. 2955 proposes to allow the subject

property to be developed as a planned residential development consisting of a maximum of 184 single-family residential lots with a minimum lot size of 7,150 square feet. The tentative subdivision map may only be approved if the above-referenced conditional use permit application is also approved.

The proposed 184 homesites are part of the allocated 3,500 residential units included within the existing Specific Plan Area.

ENVIRONMENTAL ANALYSIS

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix (See Exhibit 6) was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim; the most recent being in December 1999.

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

An Environmental Assessment/Initial Study (Environmental Assessment No. 4610) was prepared for the project under the provisions of CEQA to determine if the existing EIR is adequate for the current project. In accordance with Sections 15162 and 15183 of the Guidelines, the purpose of the Initial Study was to identify environmental effects peculiar to the parcel or project which were not addressed as significant effects in the EIR or provide substantial new information showing that these effects would be more significant than described in the EIR. Within the context of the review, the Initial Study did not identify any significant effects nor was any new information submitted showing the previously identified effects to be more significant. Based on this assessment, the Environmental Analysis Staff has concluded that preparation of a subsequent EIR, supplement or addendum to the Millerton Specific Plan EIR is not required and that the existing EIR is adequate for the project.

STAFF ANALYSIS OF REQUIRED FINDINGS

Finding 1: General Plan Consistency

The subject property is 164 acres in size and is located within the Millerton Specific Plan. Under this request, the applicant is proposing to subdivide 55-acres of the subject property into 184 residential lots having a minimum parcel size of 7,150 square feet. The tentative map proposes two Outlots ("A" and "B"), totaling 1.29-acres to remain as open space. The remainder of the subject parcel, 109-acres, was previously approved for a golf course use as referenced in the Background Section of the report. The proposed subdivision is designated Medium Low Density Residential and zoned R-1-B(c). The R-1-B zoning district is consistent with the Medium Low Density Residential land use designation.

The Millerton Specific Plan contains policies, standards and criteria that must be addressed through the design of the subdivision or through conditions of approval and mitigation measures. These policies, standards and criteria are addressed in the following discussion:

Land Use Element

The Specific Plan indicates that areas designated Medium Low Density Residential shall be developed at a density *not to exceed* one dwelling unit per 10,000 square feet (net) or 3.5 units per acre (gross). Under this request, the applicant is proposing 184 residential lots on approximately 55-acres that are designated Medium Low Density Residential. The resulting density would be one dwelling unit per 7,150 square feet or 3.3 units per gross acre, which is consistent with the Specific Plan.

The Plan also requires that a minimum of three percent of the area not over 30 percent slope shall be left in natural open space. As previously noted, the project proposes two Outlots, totaling 1.29-acres and a remainder parcel totaling 109-acres to remain as open space, which comprises approximately 67 percent of the project site. In addition, as part of the Specific Plan, the residents of this project will also have access to the community-wide open space and recreation areas that will be developed for the Millerton Specific Plan. Staff believes this meets the intent of this standard.

Transportation Element

The standards and criteria of the Transportation Element set specific design standards for the interior roads within the subdivision, as well as the system of primary and secondary roads designed to carry local traffic within the Millerton townsite and to connect with the existing County road network. The Plan requires that all road improvements be constructed in accordance with Fresno County Improvement Standards, except if modified by the Plan. The Plan has established special standards for Saubrice Drive appropriate to its classification as a collector that have been incorporated into the proposed project or have been recommended as conditions of approval. All interior roads of the subdivision will be constructed to County public road standards in accordance with the Specific Plan and provision made for their maintenance.

As discussed in Finding 2 of the Staff Report for Classified Conditional Use Permit No. 2955, the increased traffic generated by the proposed development will have an impact on the circulation system outside the project boundary. In order to address the impact, mitigation measures specified in the EIR for the Millerton Specific Plan will be applied to this development requiring that prior to recordation of a final map, the project will be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the area wide improvements. In addition, the developer will be required to participate on a pro-rata basis in the funding for future improvements of Millerton Road, Marina Drive extensions, and Auberry Road.

Environmental Resources Management Element

The Environmental Resources Management Element of the Millerton Specific Plan addresses land resources, flooding and drainage, open space and recreation, recreation corridors, water conservation, energy conservation, archaeological resources, habitat preservation, and air quality. The policies, standards, and criteria relating to these topics provide guidance in developing the community's overall semi-rural character and are intended to reinforce those other elements of the Specific Plan such as Land Use, Transportation, Community Design, and Public Facilities. The policies, standards, and criteria in this section of the Plan that are applicable to the proposed subdivision have either been addressed by being incorporated in the project design, recommended as conditions of approval, or are mitigation measures of the EIR.

The policies and standards relating to land resources ensure that there will be a proper grading design by requiring that a detailed erosion and drainage control program be developed and that certain grading standards be met. Flooding and drainage policies require that prior to recordation of a final map, drainage plans be submitted that demonstrate compatibility with adjacent properties within the sub-watershed. Open space and recreation policies require that each proposed planned development contain open space free of buildings, streets, driveways, or parking areas. As previously noted, in addition to individual lot yard area, open space will be provided by two Outlots and a 109-acre remainder parcel. Policies, standards, and mitigation measures relating to water and energy conservation, in part, will require that water conservation devices be used and water meters be provided for all residences and that site planning and building design provide for solar access and a street tree planting program. Wildlife habitat and resources occur in the project area that are potentially significant and should be protected. A mitigation measure requires that prior to recordation of a final map, a wetland and open space mitigation and management plan and monitoring program be prepared by the developer and approved by the County in consultation with the California Department of Fish and Game for those areas identified in a report by Hartesvelt Ecological Consulting Services dated September 16, 1998. Mitigation measures for the Specific Plan also have been imposed which will address air quality impacts.

Public Facilities Element

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

Although projects such as the proposed subdivision can be initially approved, the Specific Plan requires that an infrastructure plan for water, sewer, and drainage be adopted before a final tract map is recorded or a building permit is issued. Currently, an infrastructure plan has been completed and submitted to the County for review, but has

not been adopted. Although a site for the wastewater treatment and water treatment facilities has been designated and facilities do exist, they have only been designed to serve the adjacent Brighton Crest subdivision to the east. It should be noted that in order to expand these facilities to serve the proposed residential development, or to construct a new facility, a conditional use permit will need to be approved. In order to ensure that the infrastructure requirements of the Specific Plan are met, staff is recommending that a condition be imposed on concurrent Classified Conditional Use Permit No. 2955 requiring that an infrastructure plan in accordance with the policies of the Specific Plan, be adopted prior to recordation of a final map and the appropriate infrastructure required for this project be constructed prior to issuance of building permits. In addition, the policies, standards, and EIR mitigation measures relating to the community water and sewer facilities ensure that the facilities will be adequately designed, operated, and maintained. The water and sewer facilities will be required to be designed and operated in accordance with state and local standards. Both systems will be required to be operated and maintained by County Service Area No. 34.

Fire protection services for the proposed development will be provided by the Fresno County Protection District. The District has indicated that the proposed project will increase demand on fire protection resources in the area and that funding for the construction of a new fire station, maintenance and replacement costs for the station and equipment, and for staffing need to be addressed. Various fire protection measures specified in the Specific Plan will be required as condition of approval. In addition, a mitigation measure of the Millerton Specific Plan EIR requires that prior to recordation of a final map a funding mechanism be established for the maintenance and replacement of fire equipment and staffing of the Millerton New Town Fire Station when it can be shown that the funding will provide a greater level of fire protection service to the affected property.

The standards and criteria regarding police protection indicate that the Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. Mitigation measures of the EIR also require that prior to recordation of a final map, a pro-rata fee be established for the cost of a Sheriff's substation in the government center; that this fee be paid prior to issuance of building permits; and that a funding mechanism be established through CSA No. 34 to support on-going costs for sheriff's protection services, when it can be shown that the funding will provide extended police protection service to the affected properties.

Community Design Element

The policies and standards regarding the community design are intended to help enhance the natural features which contribute to the scenic qualities of the Plan area, including preserving the visual quality of prominent ridgelines; and to strengthen the individuality of and enhance overall community identity of Millerton New Town. The policies and standards specifically require site planning and building design that will preserve the natural character of ridgelines and that an Architectural Review Committee

be formed to establish and implement standards for architecture, lighting, fencing, and signage. The Community Design Element also includes policies and standards relating to undergrounding of utilities, landscaping, use of drought resistant trees and plants, lighting, signage, and structure characteristics.

The tentative map submitted by the applicant indicates that the project has been designed so that the proposed lots will be located in a relatively level location. The project description submitted by the applicant indicates that the homes proposed for the development will have a contemporary theme creating a strong indoor/outdoor relationship through the use of windows, doors and landscaping, which the Plan deems appropriate for Millerton New Town. Residential units will be oriented with living spaces, porches, windows and entries towards the street. Exterior wall materials with stone accents will reflect the character of the region. Exterior wall colors will be subdued with brighter accent colors to accentuate architectural details. Provided the development occurs as specified in the project description, the proposed project will be consistent with policies and standards of the Community Design Element.

Finding 2: Suitability of Site

The subject property is located within the low foothills just south of Millerton Lake at elevations ranging from approximately 610 to 720 feet above sea level. The area proposed to be subdivided generally has gentle slopes with only a few areas of moderately steep incline. According to the EIR prepared for the Millerton Specific Plan, there are possible geological, grading, and erosion impacts associated with development that could occur on the project site. Mitigation measures have been imposed, which will address slope stability, erosion, and other potential geologic hazards.

According to the FEMA maps, a portion of the proposed subdivision will be located within the 100-year floodplain that coincides with White Fox Creek. Increased runoff is unavoidable due to the proposed development, however, the Specific Plan states that off-site flows shall not exceed predevelopment levels. There is one minor drainage course running through the property. To ensure that this channel is preserved and that maintenance is provided, the Development Engineering Section of the Public Works 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 those parcels adjacent to the development.

Provisions must also be made to retain all stormwater generated from this tract on-site. To ensure this will occur, Development Engineering is recommending that a condition be imposed requiring that all additional runoff generated from this development be retained within drainage ponds or other acceptable facilities. In addition, the Specific Plan requires that before initial residential or commercial development occurs, an Infrastructure Plan that includes a drainage element must be approved, the infrastructure is in place, and County Service Area No. 34 is ready to provide service.

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

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

Finding 3: Environmental Effects

The Subdivision Ordinance requires that a tentative map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The project site is located in a foothill setting within the Millerton Specific Plan. Millerton Lake is located approximately a mile and a half north of the subject property. Surrounding parcels range in size from under five acres to over 100 acres in size. The subject property is vacant, as is property to the north. Surrounding land uses to the west and south includes grazing. To the east is the developing Brighton Crest Subdivision and Golf Course. Farther to the east, approximately three fourths of a mile from the project site, is Table Mountain Casino.

An Environmental Impact Report was originally prepared for the Millerton Specific Plan and was certified by the Board of Supervisors at the time the Specific Plan was approved in 1984. More recently in April 1999, an Addendum to the EIR was approved for amendments to the Specific Plan to include the subject property and additional land (440-acres) to the west and south.

An extensive list of mitigation measures was incorporated into the EIR to address the environmental impacts resulting from development within the Specific Plan. The mitigation measures of the EIR have been incorporated into the project and will be imposed as conditions of approval. Based on this, the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat. For further discussion of the environmental effects refer to Findings 2 and 3 of the staff report for Classified Conditional Use Permit Application No. 2955.

Finding 4: Public Utilities and Easements

The Subdivision Ordinance requires that a finding be made that the design of the subdivision and the type of improvements proposed by this project will not conflict with any easements required by the public at large for access through or use of the property. There are no known public easements traversing the subject property. All proposed utilities will be required to be placed underground in accordance with County requirements. Easements for these utilities will be required as a condition of this map.

Finding 5: Public Health

Neither the design of the subdivision nor the types of improvements that are proposed are likely to cause any serious health problems. Both community water and sewer facilities will be provided for in this development. These facilities will be designed and constructed in accordance with County requirements, and will be owned and operated by a County Service Area or other public entity acceptable to the County. Fire protection facilities will be required according to Fresno County standards based on the recommendations of the Fresno County Fire Protection District. Specific requirements are also included in the Millerton Specific Plan and as mitigation measures in the EIR prepared for the Specific Plan. Additional discussion concerning these facilities is included in the staff report for Classified Conditional Use Permit Application No. 2955.

STAFF RECOMMENDATION

Staff recommends approval of Vesting Tentative Subdivision Map No. 4976, subject to the following conditions:

1. **SEWER AND WATER:**
 - a. Water and sewer services shall be provided by a community system designed in accordance with County standards and the applicable mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR.
 - b. Prior to issuance of any building permit, the wastewater and water facilities required to serve this project shall be completed and accepted by the Resources Division of the Planning & Resource Management Department
2. **ROADS**
 - a. **SAUBRICE AVENUE:**
 1. Shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan.

2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.
4. Thirty-foot by thirty-foot corner cutoffs shall be provided at all intersections.
5. Shall provide a temporary turnaround at the south and north ends of the road.
6. Shall provide for the relinquishment of direct access for all abutting lots.
7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided.
8. Shall be extended southerly to provide 80 feet of frontage for the remainder parcel.

b. INTERIOR ROADS:

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan (36 feet of base and pavement between curbs).
2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of each road.
4. Shall provide Proposed County Improvement Standard A-26 knuckles at lots 67, 75 and 101.
5. Shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
6. Shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).

c. AVENUE "J":

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan (36 feet of base and pavement between curbs).
2. Shall be extended easterly to connect to Marina Drive.

d. MARINA DRIVE:

1. Shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan, (two travel lanes with shoulder/bike lanes to connect to Millerton Road 40 feet of base and pavement).
2. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.
4. Thirty-foot by thirty-foot corner cutoffs shall be provided at the intersection.
5. Shall provide a temporary turnaround at the south end of the road.
6. Class III Bicycle path (Bike Route) shall be signed along Marina Drive.

3. ROADS GENERAL:

- a. An engineered grading plan will be required.
- b. Slope easements shall be provided outside of the right-of-way where necessary.
- c. Asphalt dikes shall be provided where necessary for erosion control.
- d. Warning signs, markers, guardrails, and barricades shall be included in the design in accordance with County Improvement Standards.

4. DRAINAGE AND EROSION CONTROL:

- a. 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.
- b. All storm water run-off generated by the proposed development shall be retained on-site within drainage ponds or other facilities acceptable to the Director of Public Works. Any detention facilities within the natural drainage courses will need to be reviewed and approved by California State Department of Fish and Game and State Water Resources Control Board.
- c. Ponds in excess of eighteen inches in depth shall be fenced.
- d. Provide erosion control measures to all exposed slopes in accordance with County Improvement Standards.
- e. If natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required.
- f. Perennial streams traverse the subject property according to the USGS QUAD maps. Drainage control measures shall be provided to collect and divert runoff to prevent erosion and siltation of natural drainage channels in such a manner as to maintain natural drainage characteristics downstream of the project in their current state.

5. MAINTENANCE:

- a. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works shall be provided for the maintenance of the new roads and drainage facilities.
- b. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.

6. FIRE PROTECTION:

The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Public after consideration of the recommendations of the fire district having jurisdiction of the area.

7. EMERGENCY ACCESS ROADS:

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

8. STREET NAMES:

The internal roads within the subdivision shall be named. The subdivider shall submit a name to the Street Names Committee for review and approval prior to the final map approval.

9. OUTLOTS:

- a. The use of all Outlots shall be designated on the recorded map.
- b. Ownership of all Outlots shall be by CSA 34 for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No Outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any Outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgagees. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

10. UTILITIES:

- a. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
- b. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.

11. OTHER IMPROVEMENTS:

All other improvements shall be in accordance with the County standards.

12. OTHER CONDITIONS:

- a. All conditions of Classified Conditional Use Permit Application No. 2955 shall be complied with.
- b. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
- c. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.
- d. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
- e. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer.

Note: In order to discourage the over use of water, a tiered rate structure must be included for review and approval. The tiered rate structure must be significantly tiered to encourage water conservation.
- f. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage the over-use of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
- g. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.

- h. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
- i. 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.

NOTE: If the Brighton Crest Wastewater treatment facility is to be utilized, the approval of a conditional use permit will be required.

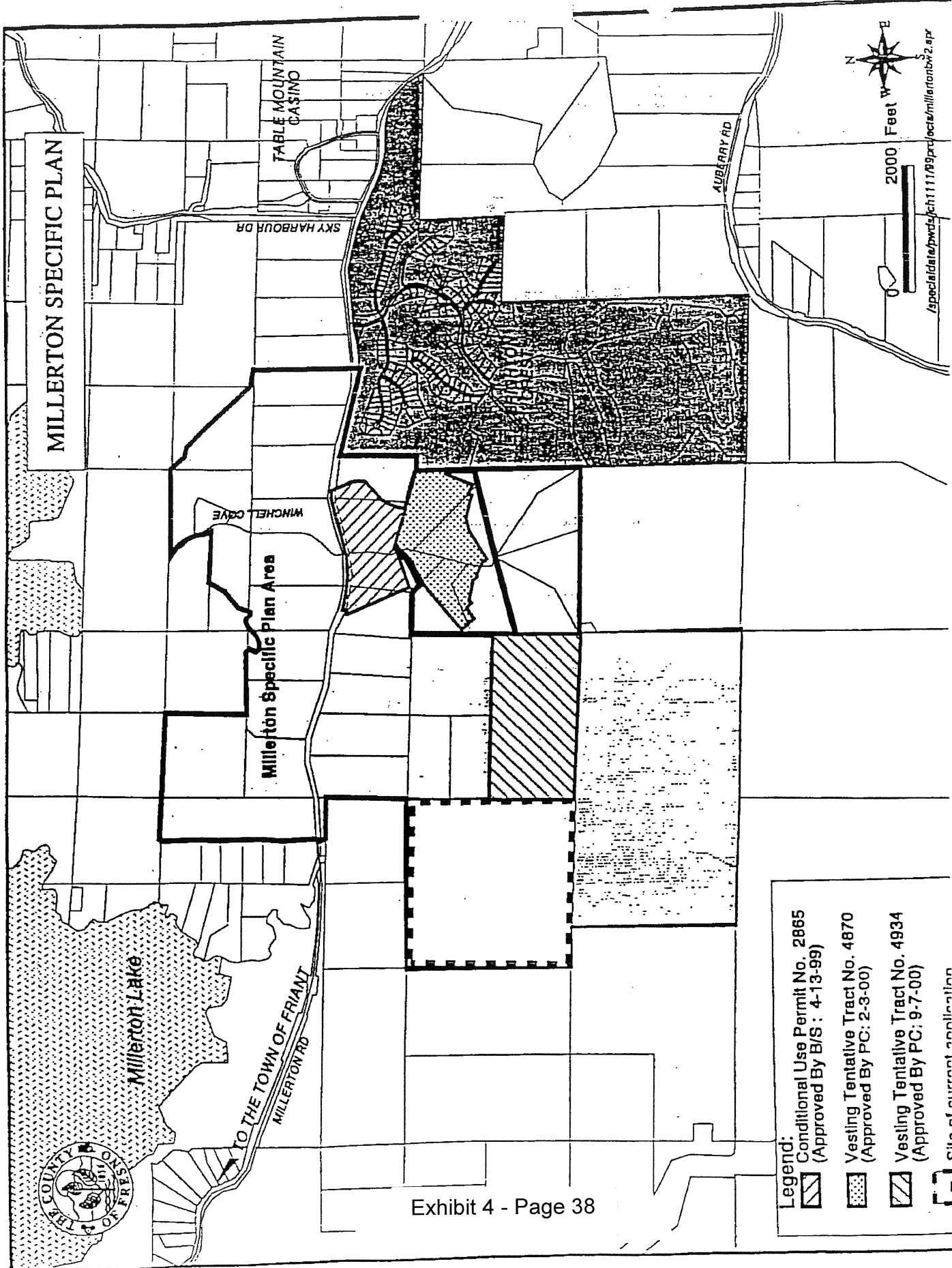
- j. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.





* 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 Clovis Unified School District in which you are proposing construction has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State Law, which authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. The County will provide an official certification form when application is made for a building permit.
2. There may be short term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project shall require that all construction equipment is maintained according to the manufacture specifications and that noise generating construction equipment is equipped with mufflers.



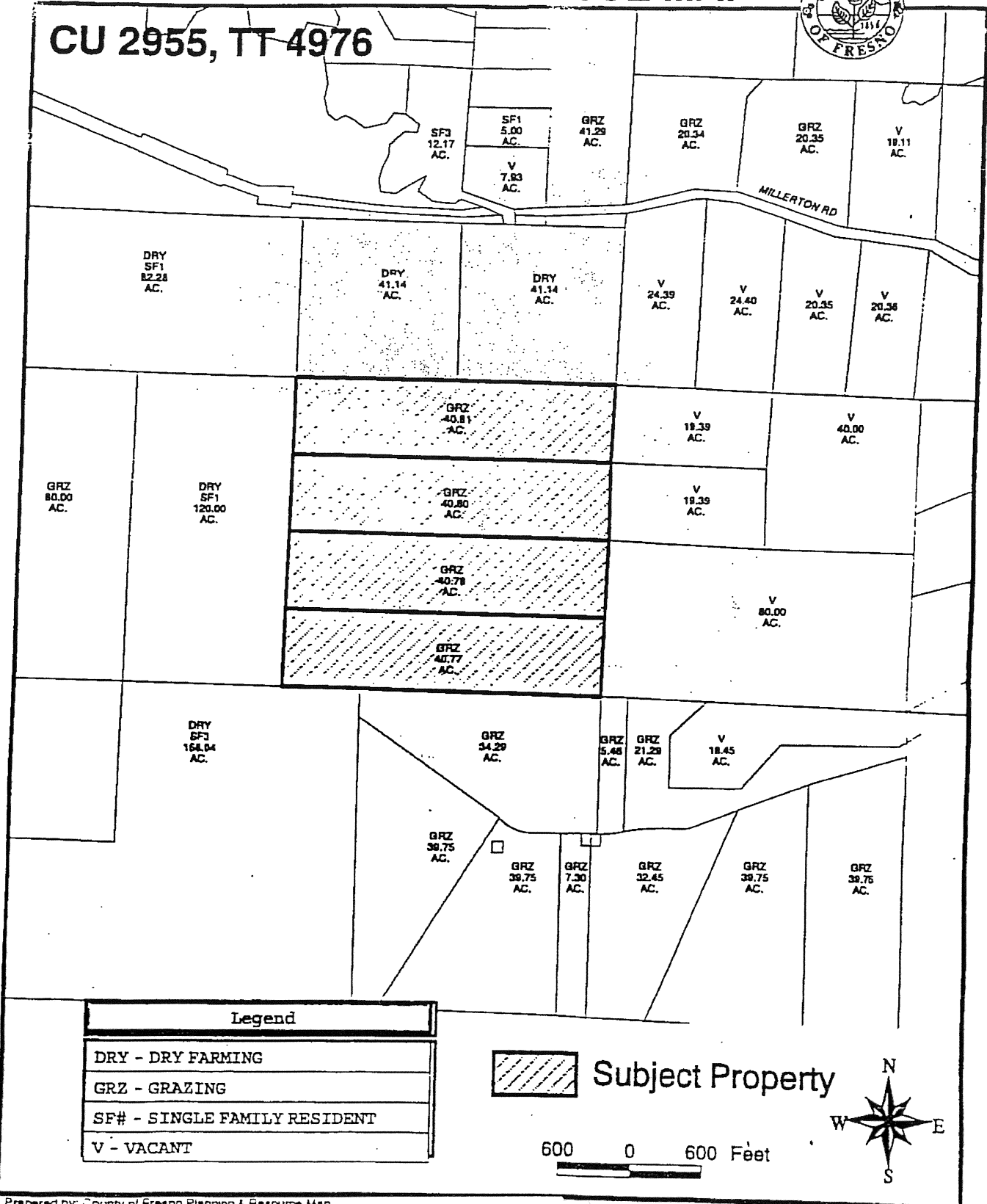
- Legend:**
-  Conditional Use Permit No. 2865 (Approved By B/S : 4-13-99)
 -  Vesting Tentative Tract No. 4870 (Approved By PC: 2-3-00)
 -  Vesting Tentative Tract No. 4934 (Approved By PC: 9-7-00)
 -  Site of current application

EXISTING LAND USE MAP



CU 2955, TT 4976

MILLERTON RD



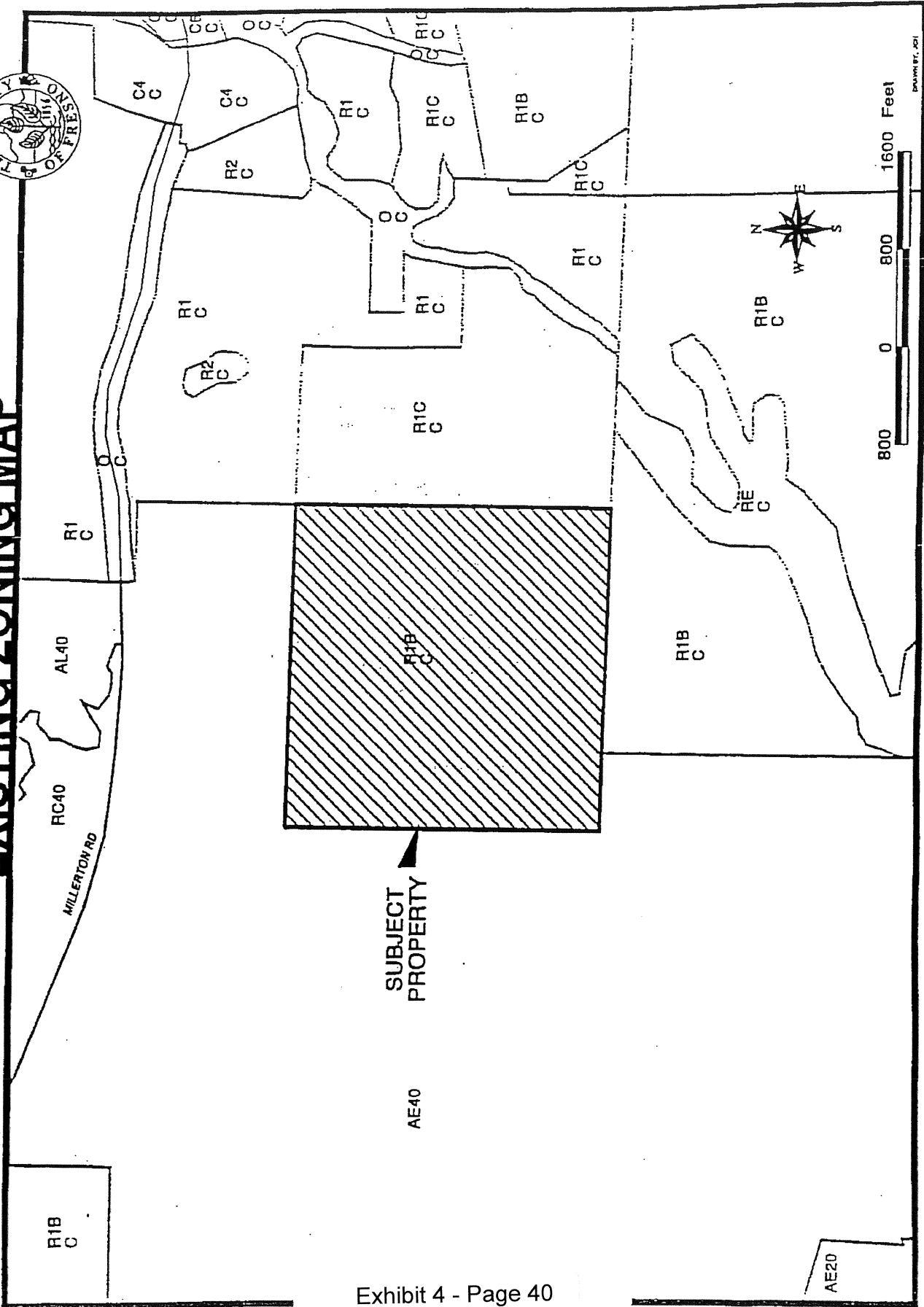
Legend	
DRY - DRY FARMING	
GRZ - GRAZING	
SF# - SINGLE FAMILY RESIDENT	
V - VACANT	

 Subject Property

600 0 600 Feet



EXISTING ZONING MAP



The Villages
at
WhiteFox Creek

A.184-Lot Vesting Tentative Tract Map (No. 4976)
and Planned Development

Operational Statement

Submitted to:

Fresno County
Planning and Resource Management Department
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Prepared for:

The Clarksfield Company, Inc.
410 W. Fallbrook Avenue, Suite 102
Fresno, CA 93711
(559) 437-1990

Prepared by:

Land Use Associates
6273 N. Farris Avenue
Fresno, CA 93711
(559) 435-0461

August 24, 2000

RECEIVED
COUNTY OF FRESNO

SEP 15 2000

PLANNING & RESOURCE MANAGEMENT DEPARTMENT
DEVELOPMENT SERVICES DIVISION

WhiteFox Creek Operational Statement

1. Project Description

This Operational Statement provides the design framework and implementation guidelines for the development of approximately 55 acres within the Millerton Specific Plan (MSP) Area, shown on Figure 1. The MSP Area is located approximately two miles east of the Community of Friant along Millerton Road.

The MSP provides policies and standards for the development of the planned community of Millerton. When completed, the Community will include a variety of residential, commercial, public facility and open space uses. Individual projects within the Plan Area must comply with the relevant development criteria and guidelines contained in the specific plan.

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

The MSP designates the project site Medium Low Density Residential, and Recreational. The Recreational designation includes delineated wetlands areas.

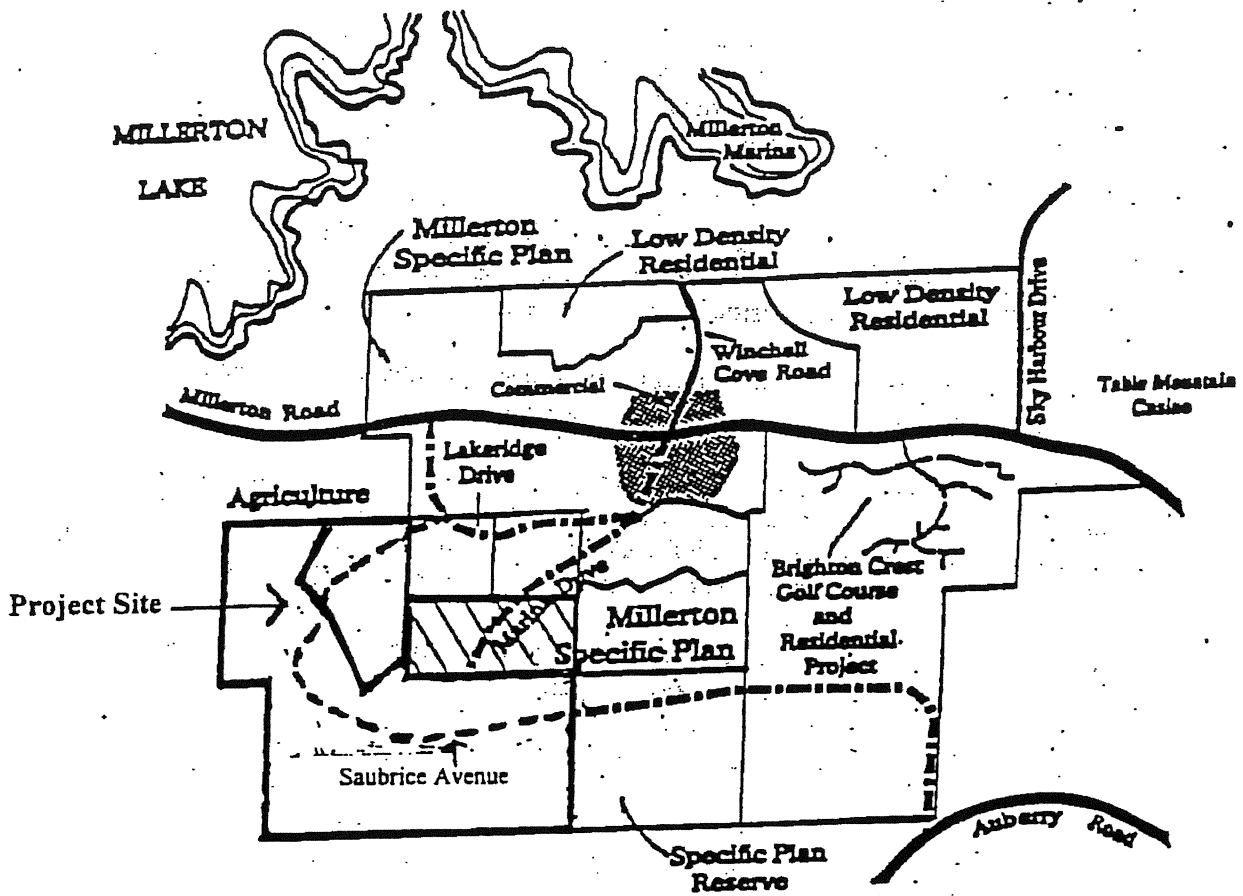
The project site is zoned R-1-B(c) Single Family, 12,500 square foot minimum parcel size, conditional), and R-E(c) (Recreational, conditional). The conditional zoning requires that all projects be implemented as a Planned Unit Development approved by Conditional Use Permit. The County Zoning Districts are consistent with the land use boundaries established by the MSP.

The project is comprised of 184 single-family lots served by a public street system as shown on Vesting Tentative Subdivision Map No. 4976 (Figure 2). The project is envisioned as a single family neighborhood integrated into the natural environment and open space areas. Special attention has been given to landscaping and streetscape to provide for a pleasant community lifestyle.

A golf course and open space areas adjoin the project on the westerly and southerly portions of the project.

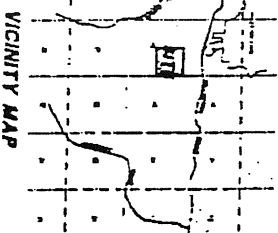
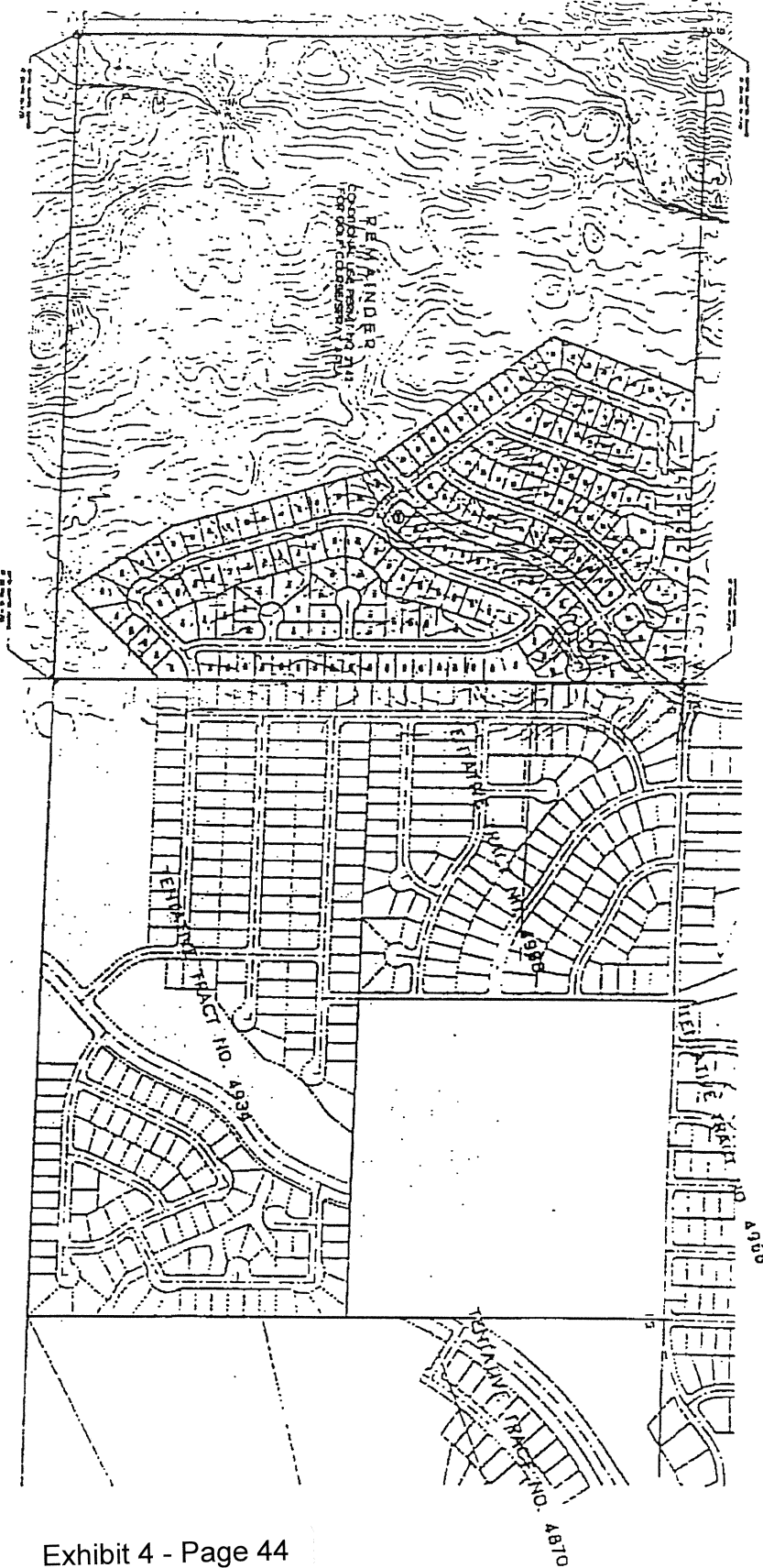
The MSP provides that all residential development shall be through the Planned Unit Development process. Request is made under this Operational Statement and Tract 4976 for modification of the lot size for the R-1-B(c) area in this Tract Map to allow a minimum of 7,100 square foot lots as shown in the Tract Map; however, the total number of lots for the Specific Plan area which includes Tract 4976 and adjacent areas will not exceed the allocated number of 795 as shown in the MSP.

Figure 1: Project Location



THESE LOTS ARE TO BE USED FOR RESIDENTIAL PURPOSES ONLY AND ARE TO BE DEVELOPED IN ACCORDANCE WITH THE CITY OF FRESNO SUBDIVISION MAP ACT AND THE CITY OF FRESNO ZONING ORDINANCES. THE CITY OF FRESNO ENGINEERING DEPARTMENT HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY OF FRESNO SUBDIVISION MAP ACT AND THE CITY OF FRESNO ZONING ORDINANCES. THE CITY OF FRESNO ENGINEERING DEPARTMENT HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY OF FRESNO SUBDIVISION MAP ACT AND THE CITY OF FRESNO ZONING ORDINANCES.

APPROVED FOR THE CITY OF FRESNO ENGINEERING DEPARTMENT
 DATE: 11/15/11
 BY: [Signature]



VESTING TENTATIVE SUBDIVISION MAP
TRACT NO. 4976
The Villages
At
WhiteFox Creek
FRESNO COUNTY, CALIFORNIA

THIS MAP IS A TENTATIVE MAP AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR THE CITY OF FRESNO ENGINEERING DEPARTMENT. THE CITY OF FRESNO ENGINEERING DEPARTMENT HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY OF FRESNO SUBDIVISION MAP ACT AND THE CITY OF FRESNO ZONING ORDINANCES.



SEEKING NO. 1 OF 1 SHEETS

DATE: 11/15/11

THE QUARFIELD CO.,
 60 N. PALMBOOM AVENUE, SUITE 101
 FRESNO, CALIFORNIA 93705

VESTING TENTATIVE MAP

EDWARD D. DUNKEL AND ASSOCIATES
 Civil Engineering & Land Surveying
 2000 N. GARDEN AVENUE, SUITE 100
 FRESNO, CALIFORNIA 93705

Under the Planned Unit Development process, lots in the R-1-B(c) zoned section of the subject Tract 4976 consist of a range of lot sizes with a minimum of 7,100 square feet.

The total number of lots contained in Tract No. 4976 is 184, which is less than the total number of 795 lots allocated to this and adjoining property in the MSP. The total of 795 residential units for the 440-acre property of which this project forms a part will not be exceeded with this and any subsequent maps.

Reference to the 12,500 square foot minimum parcel size in the Operational Statement shall mean the square foot minimum size reflected in the above modification request.

2. Neighborhood Character

The neighborhood setting provides both privacy and convenience compatible with the site's natural setting. Homes will be designed with special attention given to creating a strong relationship between the front of the building and the public street. The project also has good access to the future community commercial core, community park, and the White Fox Creek parkway.

The majority of proposed lots have been planned with physical or visual access to open space and other community amenities in mind. The lots range in size from 7,100 square feet to approximately 10,000 square feet.

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

Residential Design Guidelines

- a) An emphasis should be given to creating residences with strong indoor/outdoor relationships through the generous use of windows, doors and appropriate landscaping.
- b) Residential units should be oriented with living spaces, porches, windows and entries towards the street.
- c) Building elevations and mass should be articulated to avoid monotony of a single architectural theme, yet avoid mixing significantly different architectural styles.
- d) Garages should be designed to minimize their visual presence. Design features may include recessed garage doors, and the use of detailed casing/trim or other doorway detailing. Appropriate use of detailed door paneling and window panels are also encouraged.

- e) Exterior wall materials should reflect the character of the region. Stone accents are encouraged along the building base and columns.
- f) The use of lighter subdued colors as the body color and brighter accent colors to accentuate architectural details is encouraged.
- g) Flat concrete/clay tile medium to dark gray colors is encouraged.
- h) Mechanical equipment (e.g. , compressors, air conditioners, antennas, heat pumps, solar collectors, and satellite dishes) should not be visible to the public.

Residential Development Standards

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

Residential standards provide regulations for land use, lot configuration, building setbacks, building massing, off-street parking and fencing. The following standards shall prevail wherever conflicts with the County of Fresno Zoning Ordinance arise. However, any regulations not covered in the following standards should be deferred to applicable County Zoning Ordinances (Section 824: R-1-B(c) Single Family Residential District.

7,000 Square Foot Minimum Parcel Size

Permitted and Conditional Uses:

Refer to Fresno County Zoning Ordinance Section 826

Parcel Configuration:

Lot Area	7,000 square feet minimum
Interior Lot Width	60 feet minimum
Corner Lot Width	65 feet minimum
Curved/cul-de-sac Street Frontage	40 feet minimum
Lot Depth	100 feet minimum
Lot Coverage	40% maximum

Setbacks:

Front Yard

Porch	15 feet minimum
Building	20 feet minimum
Side Yard	
Interior Lot	5 feet minimum
Corner Lot	10 feet minimum - Side yard abutting street
Rear Yard	
One Story Unit	15 feet minimum
Two Story Unit	20 feet minimum
Off Street Parking:	
Covered Spaces	2 spaces minimum
Building Massing:	
Primary Building Height	35 feet maximum
Secondary Building Height	12 feet maximum
Fencing:	
Within Setbacks	
Front Yard	3' - 6' maximum height*
Corner Side Yard	3' - 6' maximum height*
Outside Setbacks	
Behind Edge of Structure	6' maximum height
In Front of Structure	3' - 6' maximum height*

* must be a minimum of 50% transparent (includes a wood picket fence)

3. Landscaping and Neighborhood Entries

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

Saubrice Avenue

Saubrice Avenue represents an important edge for project identification and character due to the visibility of the project site from this roadway. Since Saubrice Avenue consists mainly of a downward slope from Lakeridge Drive and Millerton Road to the project site, the landscaping will allow views into the project while screening adverse views from vehicular traffic.

The landscape plantings will be in character with the overall semi-rural theme of the MSP and relate strongly with the neighborhood entry treatments. The landscaping theme will feature a palette of deciduous and evergreen trees, mass shrub plantings in addition to preserving the native character by using existing plant communities and vegetation of similar plant materials where possible. Use of color in shrubs is highly recommended.

All landscaped areas will be provided with an irrigation system adequate to sustain normal growth and capable of being maintained in good repair for long periods.

It should be noted that any unpaved areas proposed for a future travel lane should be kept free from landscape improvements, such as monuments, fencing and lighting. These areas, however, may be planted until developed.

Saubrice Avenue Landscaping Guidelines

- a) Landscape design should be in character with the overall semi-rural theme of the MSP and relate strongly with the project entries. Use of indigenous, low water using plant materials is encouraged.
- b) Streetscape should emphasize one (1) primary tree species that has been selected for that street with coordinating screen and accent trees planted between the primary tree species and fence line.
- c) One primary street tree should be provided every 40 feet along Saubrice Avenue within the five-foot landscape buffer at a uniform distance from the edge of the 60-foot right-of-way easement.
- d) Coordinating screen and accent trees, shrubs and ground cover should be planted in groupings, not scattered individually.
- e) Street trees shall be long lived, deep rooted, and require little maintenance (Specific Plan Policy 806-06:2.00(I)).

4. Neighborhood Entries

The project is divided by Saubrice Avenue and each of the two primary neighborhoods will have a neighborhood entry from Saubrice Avenue. These entries, in combination with the landscaping along Saubrice Avenue, will define the neighborhood character and set the tone for the project.

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

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

Neighborhood entry treatments will be located at both entry points from Saubrice Avenue. In keeping with the semi-rural theme of the MSP, signage will build upon low key neighborhood entry treatments that will be easily identifiable to vehicular traffic. Natural materials such as stone or boulder monoliths with signage plaques mounted or carved onto the surface will be used to identify neighborhood entries. A detail of a neighborhood entry treatment is illustrated in Figure 3.

The following guidelines are intended to ensure quality entry treatments along Saubrice Avenue.

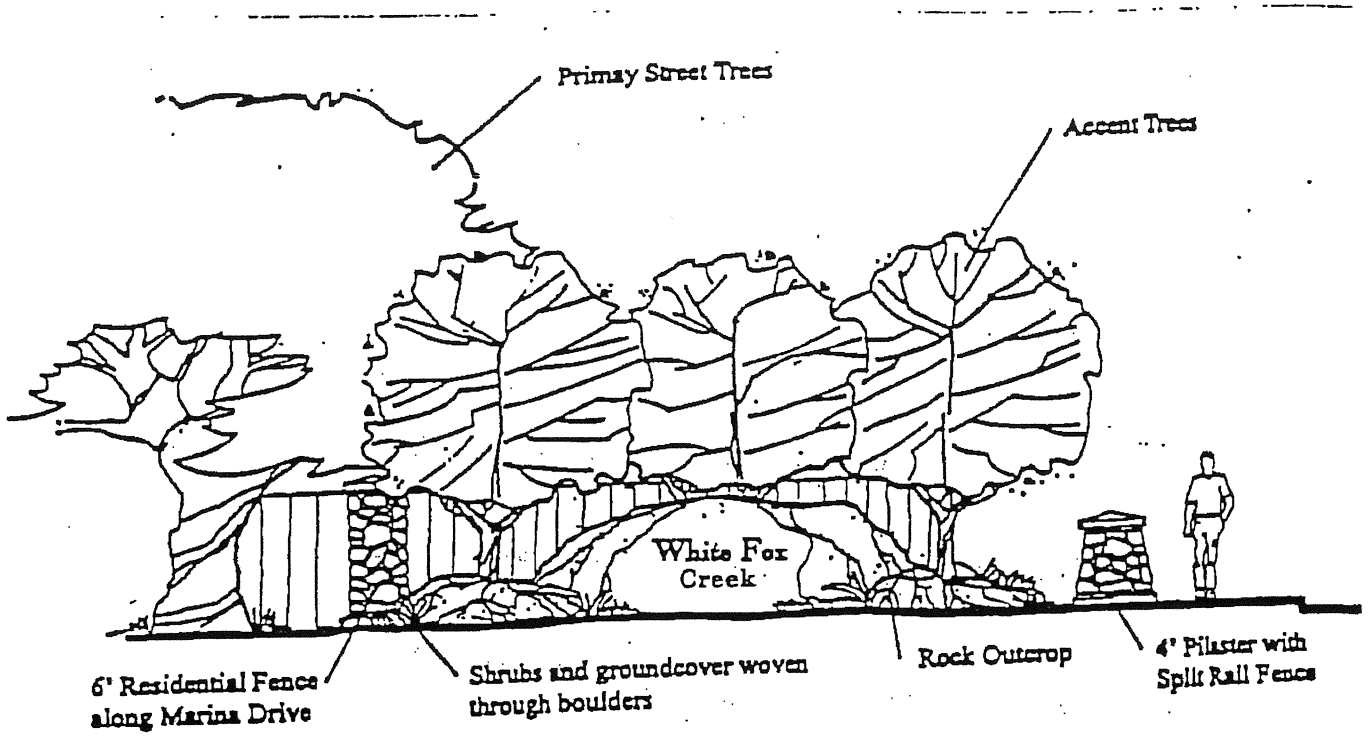
Neighborhood Entry Guidelines

- a) Ornamental and specialty landscape should be used to draw attention to project entries.
- b) Landscaping should complement Saubrice Avenue landscaping, and entry signage and landscape.
- c) Short-lived (seasonal) plantings may be used only as a minor supplement to longer-lived plant materials.
- d) Stone markers or boulder monoliths with signage plaques or carved onto the surface, should be used to identify neighborhood entries.
- e) Accent paving materials such as interlocking pavers may be used.
- f) Monument signage at the north entry should be symmetrically arranged on each side of the entry intersection.
- g) Monument signage at the south entry will be provided only on the north side of the entry intersection.
- h) Concealed lighting sources located flush with grade may be used.

5. Cul-de-Sac Open Space Entries

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

Figure 3: Neighborhood Entry Treatment



Primary Street Trees (Marina Drive):

- | | |
|--------------------|------------|
| Populus Fremontii | Cottonwood |
| Plantanus racemosa | Sycamore |
| Quercus lobata | Valley Oak |

Accent Trees:

- | | |
|------------------------------|----------------|
| Cercis canadensis | Eastern Redbud |
| Lagerstroemia indica | Grape Myrtle |
| Maytenus boaria | Mayten Tree |
| Robinia ambigua 'Idahoensis' | Locust |

White Fox Creek
Operational Statement

Cul-de-Sac Open Space Entry Guidelines

- a) Physical and visual access into the open space corridor shall be provided from the adjoining residential neighborhood. Visual access shall be achieved by implementing Type C fencing standards contained in this Operational Statement.
- b) Ornamental and specialty landscape should be used to draw attention to open space corridor entries.
- c) Landscape irrigation runoff shall be managed to protect native plant materials in the parkway from unseasonable water run-off.

6. Local Street Trees

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

Local Street Tree Guidelines

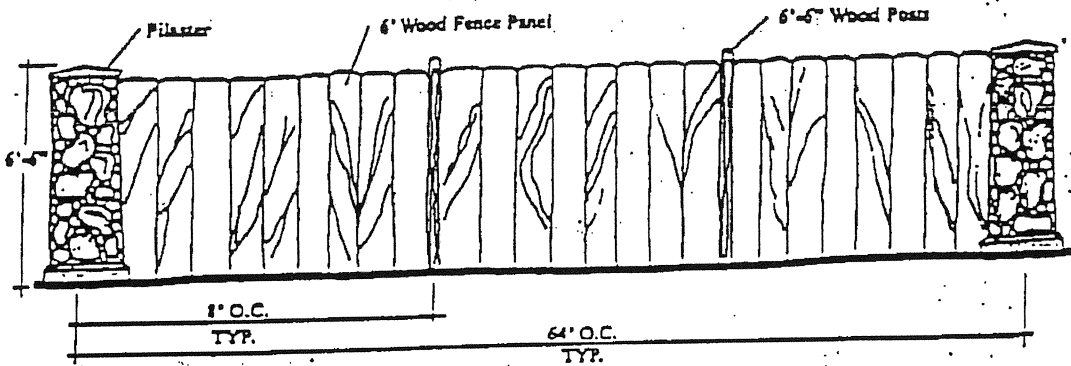
- a) Street trees should be provided at a regular spacing of 40 feet on center in a uniform distance from the edge of the sidewalk along all local streets within the five-foot planting easement.
- b) A single street tree species should be consistently used along each street. Varying species may be used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

7. Fencing

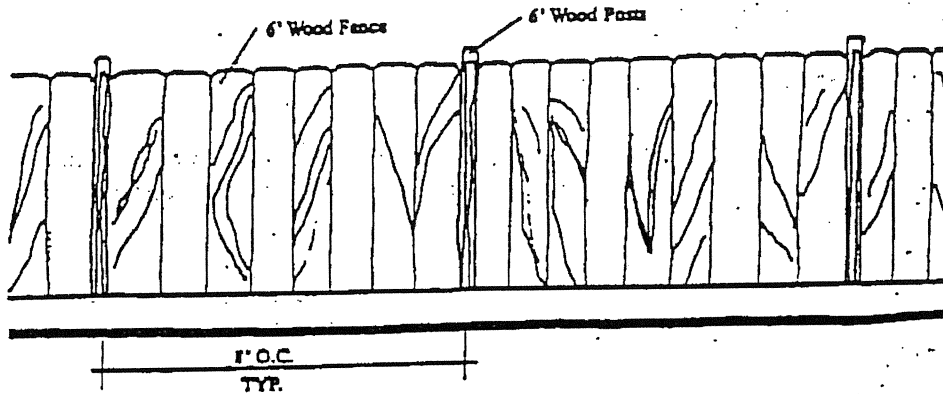
A coordinated system of fencing has been established that responds to a variety of fencing conditions related to aesthetics, privacy and the overall semi-rural theme of the MSP. The fencing types established specify the type of fencing that is to be utilized within and along the perimeter of project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

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

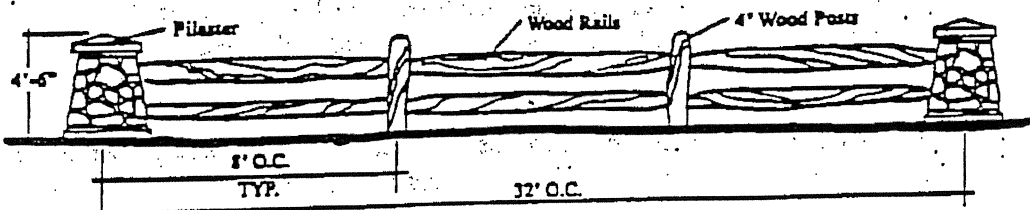
Figure 4: Fencing Standards



Type A: Perimeter Fencing
 Perimeter fencing shall be six (6) feet in height. Perimeter fencing shall be constructed along Marina Drive and along northern perimeter of the project area.



Type B: Residential Yard Fencing
 Interior residential rear and side fencing shall be six (6) feet in height. This fence shall be constructed of redwood, cedar, or comparable material.



Type C: Split Rail Fencing
 Split rail fencing shall be constructed at all open-ended cul-de-sacs leading to open space corridors. Split rail fencing may also be used in conjunction with neighborhood entries.

Type A Perimeter Fencing Standards

Type A fencing applies to fencing along Saubrice Avenue and along the westerly perimeter of the development area.

- a) Type A fencing shall be installed along Saubrice Avenue and along the perimeter of the development area which is adjacent to the golf course open space area.
- b) Fencing shall be a maximum of six (6) feet high.
- c) Pilasters shall be spaced at a maximum interval of 64 feet on center.
- d) Pilasters shall also be placed at all end points and at all directional changes exceeding 45 degrees.
- e) Wood fence members should consist of redwood or cedar panels, and redwood, cedar or pressure treated fir posts and rails or high quality simulated wood materials.
- f) Fencing panels shall face the exterior of the development area.
- g) Fencing design shall incorporate landscape plans that include plantings to soften the visual impact of the fence.
- h) In addition to wood, fiberglass or concrete are acceptable fence materials.

Type B Residential Yard Fencing Standards

Type B fencing applies to fencing along the easterly and southerly perimeters of the development and to all internal neighborhood yard boundaries.

- a) Type B fencing should be installed on all residential parcel rear or side lot lines, which adjoin other residential parcel rear or side lot lines.
- b) Fencing should be a maximum of six (6) feet high.
- c) Wood fence members should be composed of redwood or cedar panels, and redwood, cedar or pressure treated fir posts and rails or suitable high quality simulated wood material.
- d) Fencing that abuts a street or open space should not have expose horizontal structure members to the street or open space. In case where conditions exist on each side of the fence, the structural member should be exposed on the open space side.
- e) In addition to wood, fiberglass or concrete are acceptable fence materials.

Type C Split Rail Fencing Standards

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

- a) Type C fencing should be installed at open-ended cul-de-sacs leading to open space corridors.
- b) Type C fencing may also be installed in conjunction with neighborhood entries.
- c) Fencing should be a maximum of four (4) feet high.
- d) Pilasters should be spaced at a maximum interval of 32 feet.
- e) Pilasters should be placed at all end points and at all directional changes exceeding 45 degrees.
- f) Wood fence members should be composed of redwood or cedar and should have the following nominal dimensions:

Rails: 2" x 6"
Posts: 6" x 6"
- g) In addition to wood, fiberglass or concrete are acceptable fence materials.

8. Golf Course Open Space Area:

Portions of the project face the proposed White Fox Creek Golf Course and Open Space on the westerly and southerly portions. Setbacks as required for protection of wetlands will average 50 feet in this area.

9. Lighting

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

Lighting Standards

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

10. Circulation

Components of the MSP Transportation Element (Section 806-02) include a hierarchy of streets and trail system for pedestrian and bicycle use. Special attention has been given to creating streets and streetscape that balance the needs of automobiles with those of pedestrians and bicyclists. The following street classifications correspond to and are consistent with the adopted MSP.

Saubrice Avenue

Saubrice Avenue serves as the primary circulation route for the western half of the Specific Plan Area and a link to the community's commercial core via Lake Ridge Drive and Marina Drive, and to Millerton Road. Saubrice Avenue is intended to have a distinctively "rural" character core. Landscaped corridors have been reserved along both sides of the street to provide a transition and edge treatment for open space preserves as well as a buffering and screening of adjoining residential areas.

Saubrice Avenue will be constructed as a two-lane undivided road in a 60-foot right-of-way. Additional turn lanes will be provided at all intersections. On street parking will be prohibited.

Local Streets

Local streets provide access and circulation to individual lots. Two local street sections are permitted in the MSP of varying size depending on the number of lots served. All local streets will be constructed as specified in the Specific Plan with one exception. For streets serving 1 to 10 residential dwelling units, a monolithic curb, gutter and sidewalk will be constructed consistent with the standards specified for local streets serving 11 or more residential dwelling units. Landscaping and utility easement standards will also be constructed pursuant to the standards specified for local streets serving 11 or more dwelling units.

As stated in the Specific Plan and Environmental Impact Report, the developer will enter into a traffic improvement agreement with the County to provide for the funding of the required traffic and transportation improvements. The agreement will be executed prior to the approval of a Final Subdivision Map.

This agreement shall specify which off-site road improvements, if any, are to be bonded for or constructed by the Developer as a result of traffic generated impacts. Funds collected from the

Developer for some improvements may be reimbursed in the event funds are collected from other developers in the vicinity of MSP Area for such improvements. Required improvements shall maintain a Level of Service as defined by County standards. The Traffic Improvement Agreement between the County and the Developer shall consider the EIR traffic study and any other relevant traffic analyses or information.

11. Grading

The MSP respects the physical character and environmental qualities of the Plan Area and is sensitive to visual qualities, building types and development efficiency. The open space corridors and ridgelines delineated in the Specific Plan provide vertical separation between development density areas. The project area is bound by a prominent ridgeline along the south and gentle to moderate slopes to the east.

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

The following standards apply to the grading within the project site. The intent of these standards is to establish a balance in the overall approach to site development and the visual qualities of the prominent ridgeline and the site's "rolling" terrain.

Mass Grading Standards

- a) Mass graded sites should be contoured and shaped to resemble, to the extent feasible, the natural topographic forms. Ridged "engineered" cut and fill slopes with uniform angles and corners are prohibited.
- b) All pads shall drain to a public street or storm drainage system.
- c) The maximum vertical height of retaining walls between pads or benches shall be four (4) vertical feet as measured from the base of wall to top of wall.
- d) All retaining walls to create building pads shall be constructed of reinforced materials.
- e) The exposed face of a foundation stem wall shall not exceed five (5) feet in average height and shall be landscaped and/or screened.
- f) Stockpile and borrow sites may be permitted within an area that is scheduled for future development.

Hillside Grading Standards

- a) Toe and crest of manufactured slopes should be rounded to blend with adjoining terrain.
- b) Where graded slopes intersect, the ends of each slope should be horizontally rounded and blended.
- c) All grading should be phased so that prompt revegetation or construction of improvements will control erosion. Temporary erosion control methods will be utilized where permanent installation is infeasible.
- d) Major oaks, native stands of trees and other significant vegetation should be avoided or preserved where possible.

12. Infrastructure

To provide for the orderly planning of the connection of the project site with other future residential and commercial projects in the MSP Area, an Infrastructure Plan for the Specific Plan and certain adjacent properties has been prepared in accordance with a Scope of Work prepared by all the landowners in the Specific Plan Area in coordination with Fresno County. The Infrastructure Plan provides area-wide systems for the treatment of wastewater, use of reclaimed water, and for the treatment and storage and distribution of surface water. The Infrastructure Plan also summarizes applicable standards for drainage plans for site-specific projects in conformance with the MSP.

This project is subject to the provisions of the MSP set forth in Section 806-07:5:00. All the necessary infrastructure to provide service shall be completed prior to acceptance by County Service Area #34 (CSA #34). The CSA shall be responsible for the maintenance and appropriate upgrading of infrastructure but is not responsible for the construction of infrastructure.

The project will be served with surface water from Millerton Lake to be delivered through CSA #34 facilities under an Agreement between the applicant, Fresno County, and the Deer Creek and Tule River Authority approved by Fresno County in December 1999. The facility for the withdrawal of water from Millerton Lake and the conveyance of the raw water to the treatment plant site is in place. Plans for the CSA #34 water treatment plant to treat the water supply for the project and other projects in CSA #34 have been approved by Fresno County.

The project will be served with a tertiary level wastewater treatment facility to be constructed at the site of the current Brighton Crest (Tract 4048) facility at the southerly end of the Specific Plan Area. CSA #34 currently operates this facility under Wastewater Discharge Requirements and Water Reclamation Requirements issued as Order No. 91-068 and 91-70.

This facility has a permitted capacity of 112,000 gallons per day (gpd). The current flow is approximately 3,000 gpd. Based on an average daily wastewater flow of 250 gpd per dwelling unit.

the project will generate an estimated 51,250 gpd of wastewater to be treated and disposed of at the wastewater treatment facility.

The project site will be provided with wastewater treatment from a tertiary treatment facility to be constructed by upgrading the current plant serving Tract 4048, all in accordance with the Millerton New Town Area Infrastructure Plan to be adopted by Fresno County and applicable approvals by the State of California Regional Quality Control Board.

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

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

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

For roads, this means dedication of right-of-way and construction of two travel lanes to the nearest improved road (half of a four-lane collector or arterial and construction of the entire travel width of two-lane roads). As adjacent properties develop each developer shall be responsible for construction of curb, gutter, and parking lane improvements and for reimbursement of the original developer of their fair share of the travel width improvements.
- d) Construction of oversized sewer and water lines or easement allowing for parallel lines to nearest point of connection. First-in developers will have to install off-site oversized primary facilities to the nearest point of connection to serve a larger area than their own project. An agreement will be required between the subdivider and the County Service Area for future reimbursement to the subdivider for the extra cost of trunk line construction.
- e) Dedication and improvement of drain ways, recreation corridors, and open space.
- f) Dedication of public facilities sites.
- g) Dedication of improvement of bike lanes.

- h) Dedication of right-of-way for outside travel lanes, median islands, and intersection improvements.
- i) Construction of required berms and walls.

8/24/00WhiteFoxVillage.swd.

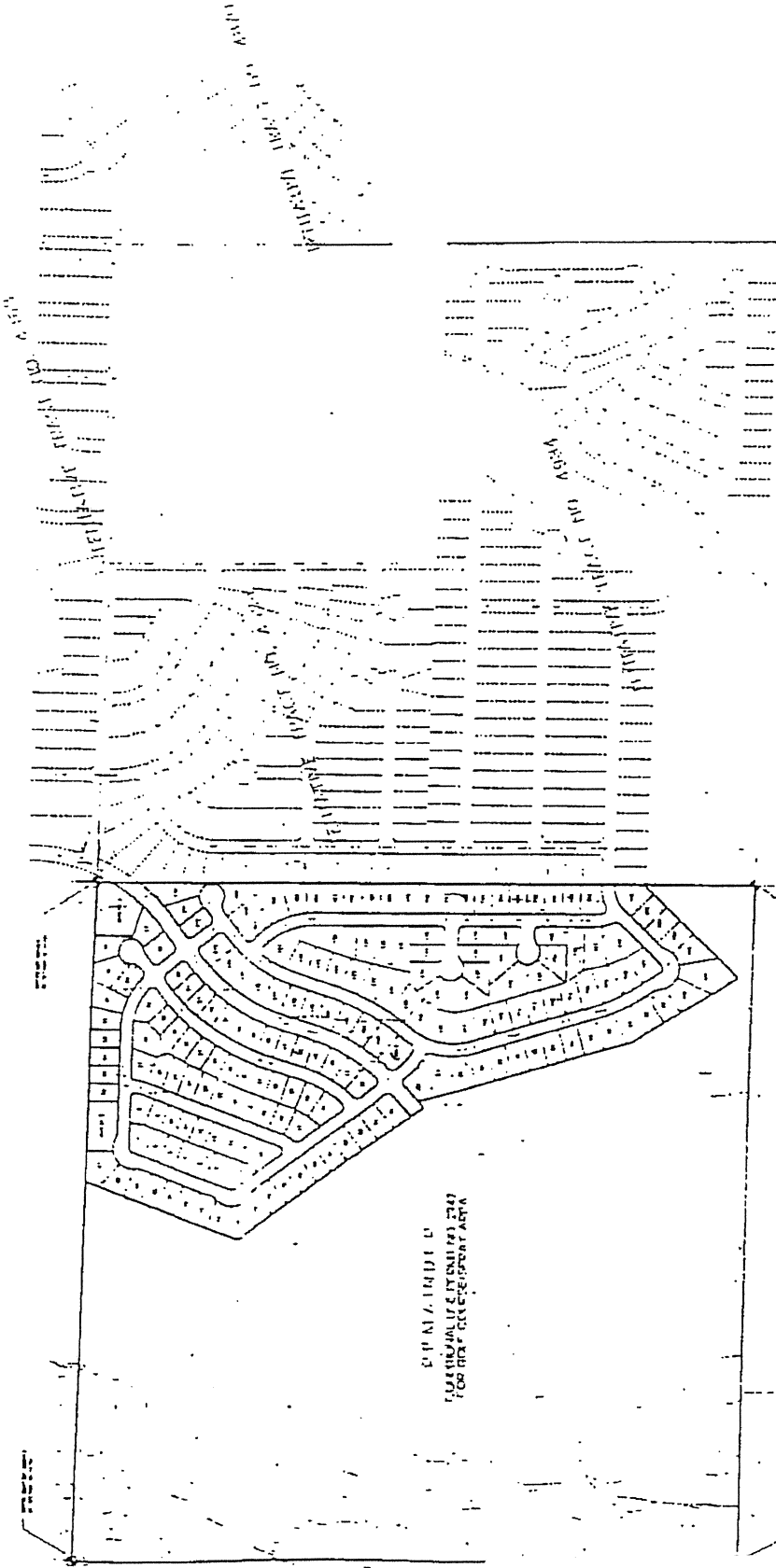
Edward D. Dunkel and Associates
Civil Engineering & Land Surveying

TRACT NO. 4976

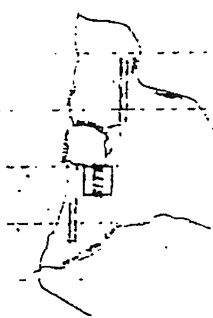
TRACT NO. 4976

LA OAKS DEVELOPMENT COMPANY, INC.
1000 S. G ST. SUITE 200
FRESNO, CALIF. 93728

DATE: 10/1/76
SCALE: AS SHOWN
SHEET NO. 1
OF 1 SHEET



VESTING
TENTATIVE SUBDIVISION MAP
TRACT NO. 4976
**The Villages
At
WhiteFox Creek**



VICINITY MAP

FRESNO COUNTY, CALIFORNIA

THIS MAP IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 464, OF THE CALIFORNIA STATUTES ANNOTATED TO THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED, AND TO THE RULES AND REGULATIONS OF THE COUNTY CLERK OF FRESNO COUNTY, CALIFORNIA.

1. This map is subject to the provisions of the Subdivision Map Act, Chapter 464, of the California Statutes Annotated to the Constitution of the State of California, as amended, and to the rules and regulations of the County Clerk of Fresno County, California.

2. The map is subject to the provisions of the Subdivision Map Act, Chapter 464, of the California Statutes Annotated to the Constitution of the State of California, as amended, and to the rules and regulations of the County Clerk of Fresno County, California.

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

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation
				Monitoring	Reporting	
		Date Repts. Rec'd	Notes			
LAND USE AND ZONING						
1.a	From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound, comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design. Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.	PW&DS	8	Once	Once	
1.b		PW&DS LAFCo	1, 2	Once	Once	
1.c	The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan	PW&DS	1	Once per phase	Once per phase	
1.d	Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100.	PW&DS	1, 2	Once per phase	Once per phase	
1.e	Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence, operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15687 Auberry Road.	PW&DS	1, 2	Once per phase	Once per phase	
TRAFFIC AND CIRCULATION						
2.a	Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths.	PW&DS	8	Once	N/A	
2.b	Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection.	PW&DS	2, 6	Once per phase	Once per phase	

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LAFCo = Local Agency Formation Comm.
FCHD = Fresno Co. Health Department
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Responsible Person/Agency, cont.
WQCB = CA Regional Water Qual. Control Bd.
APCD = San Joaquin Valley Unified Air Pollution Control Dist.
CUSD = Clovis Unified School District
SUSD = Sierra Unified School District
NRCS = Natural Resource Conserv. Serv., USDA
F&G = Calif. Slat. Dept. of Fish & Game
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1 - Site Plan Review
2 - Prior to Recording Final Map
3 - Prior to Issuance of Bldg. Permit
4 - Prior to Occupancy
5 - During Grading Activity
6 - During Construction
7 - Other
8 - SP/CUP/TM
n/a - Not Applicable

Frequency
Once - One time during specified mitigation Phase
Annual - Annually
OGAP - Ongoing & periodic dep. on mitigation
@BP - At each bldg. permit
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TRAFFIC AND CIRCULATION, con't.							
2.c	Install an eastbound left turn lane in Auberry Road at Marina Drive	PW&DS	2, 6	Once per phase	Once per phase		
2.d	Widen Millerton Road to provide left and right turn lanes at all intersections within the project.	PW&DS	2, 6	Once per phase	Once per phase		
2.e	Relinquish direct access to residential properties fronting on Millerton Road.	PW&DS	2	Once per phase	Once per phase		
2.f	Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses.	PW&DS	1, 2, 6	Once per phase	Once per phase		
2.g	Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted.	PW&DS	1, 2	Once	Once		
2.h	The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment/Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan: A. Marina Drive Extension to the south: i. Four-lane roadway: approximately one mile ii. Two-lane roadway: approximately two miles B. Auberry Road/Marina Drive Turn Lane The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.	PW&DS	2, 3	@BP	Annual		

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TRAFFIC AND CIRCULATION, con't.							
Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Monitoring	Reporting	Verification & Implementation Date Repts. Rec'd	Notes
2.1	The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.	PW&DS	2, 3	@BP	Annual		
2.2	NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.						
2.3	The pro-rata share of \$310,000 for improvements at the State Route 41/Front Road interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.	CALTRANS PW&DS	2, 3	@BP	Annual		
2.4	Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the area-wide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.	PW&DS	1, 2, 8	Once per phase	Once per phase		
WASTE WATER DISPOSAL							
3.a	All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level.	PW&DS WOCB	1, 2 7	Once per phase OGAP	Once OGAP		

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WASTE WATER DISPOSAL, con't							
3.b	Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added.	PW&DS FCHD	1, 2	Once per phase	Once per phase		
3.c	The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.	PW&DS CSA	7	OGAP By CSA	OGAP		
3.d	An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.	WQCB (CSA)	2, 7	OGAP	OGAP		
3.e	Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.	PW&DS FCHD	1, 2	Once per phase	Once per phase		
3.f	Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.	PW&DS	1, 2, 6	Once per phase	Once per phase		
3.g	The management plan for storing treated effluent consists of two operational modes - wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions	CSA RWCB	7	OGAP	Annual		

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Frequency

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WASTE WATER DISPOSAL, con't							
3.h	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&DS FCRD	1, 2, 3	Once per phase	Once		
3.i	The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.	PW&DS	3	Once per phase	Once per phase		
3.j	To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.	CSA WQCB	7	OGAP	Annual		
3.k	The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.	PW&DS	1, 2	Once	Once		
3.l	For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a. 50 foot setback from adjacent properties, irrigation at night, positive controls; to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water.	WQCB FCHD	2, 7	OGAP	Annual		
3.m	The wastewater treatment facility(ies) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).	PW&DS FCRD FCHD DOHS	1, 2	Once	Once		
3.n	A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no.1 for the Brighton Crest development. It shall include subsurface concrete tankage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscaped based on the elevation drawings and preliminary landscape plans in the "Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc.	PW&DS WQCB FCHD	1, 2, 3	OGAP during construction	Once		

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WASTE WATER DISPOSAL, con't							
3.0	Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands.	PW&DS CSA	1, 2, 6	OGAP during construction	Once		
3.p	Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit.	PW&DE CSA	1, 2, 6	OGAP	Annual		
COMMUNITY WATER							
4.a	The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.	PW&DS	1, 2	Once per phase OGAP	Once per phase OGAP		
4.b	A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.	FCHD	1, 2	Once	Once		
4.c	Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.	PW&DS FCHD	1, 2, 3	Once	Once		
4.d	Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.	PW&DS FCHD	1, 2, 8	Once per phase	Once per phase		
4.e	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.	PW&DS FCRD	1, 2, 3	Once	Once		
4.f	Prior to the recordation of a final map or Site Plan Review approval, a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent.	PW&DS CSA	1, 2	Once	Once		
4.g	Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.	FCRD PW&DS CSA	4	@Occ	Annual		

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Mitigation Phase Key
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5 - During Grading Activity
6 - During Construction
7 - Other
8 - SP/CUP/TM
n/a - Not Applicable

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

Mitigation Measures	Mitigation Phase	Responsible Person/ Agency	Frequency of:		Verification & Implementation Date Repts. Rec'd	Notes
			Monitoring	Reporting		
COMMUNITY WATER CON'L						
4.h Prior to recordation of a final map or site plan review, a tiered-rate schedule for the irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for irrigation services.	2	CSA	Once	Once		
4.i Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.	2, 7	CSA	OGAP	Annual		
4.j Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.	3	PW&DS FCRD	@Occ	Once per phase		
4.k Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, educational programs, and incentives for conservation, shall be implemented for the Clarkfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.	7	PW&DS CSA	OGAP	Annual		
LAW ENFORCEMENT						
5.a The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	1	FCSD	@BP	Once		
5.b Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.	1, 2	FCSD PW&DS	Once	Once		

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LAW ENFORCEMENT, con't							
Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Monitoring	Reporting	Date Repts. Rec'd	Notes
5.c	Prior to recordation of a final map or approval of a site plan review, a funding mechanism shall be established through CSA No. 34 to support on-going costs for sheriff's protection services, when it can be shown that the funding will provide extended police protection service to the affected properties. In addition, the project proponents shall reimburse CSA No. 34 or pay for any cost associated with the establishment of the referenced funding mechanism.	FCSD PW&DS	1, 2	Once	Once		
FIRE PROTECTION							
6.a	The Specific Plan includes several standards to reduce fire protection impacts: 1. Requirement for two points of access for each development. 2. Design of water system with adequate fire flows, fire hydrant, and storage facilities. 3. Fire retardant construction. 4. Fuel modification zones around development. 5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet. 6. A fire station location with an engine within the government center complex.	PW&DS	8, 1, 2, 3	Once in each processing phase	Once		
6.b	Prior to recordation of a final map or approval of a site plan review, a fee shall be established through CSA No.34 for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need.	PW&DS CSA	1, 2	Once	Once		

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Millerton Specific Plan

Mitigation Measures and Monitoring Program Matrix

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FIRE PROTECTION, con't						
6.c	Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.	PW&DS CSA	1, 2	Once	Once	
6.d	All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.	PW&DS FCFPD	2	Once per phase	Once per phase	
6.e	Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <i>Fire Safe Guides for Residential Development in California</i> (1980), should be used in project site planning and design.	PW&DS FCFPD	1	Once	Once	

SCHOOLS						
7.a	Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district).	PW&DS CUSD SUSD	8	Once	Once	
7.b	The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.	PW&DS	7	Annual	Annual	
7.c	If the districts do not have funds for the construction of the school(s) required for the project, the districts should use agreements with individual developers to obtain appropriate fees for school facilities and/or sites. These could include SB 201 temporary facilities fees or other fee structures satisfactory to all parties involved.	CUSD SUSD	1, 2	Once	Once	

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Millerton Specific Plan

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SOLID WASTE MANAGEMENT							
8.a	A community recycling center should be considered in overall project design.	FCRD PW&DS	1, 2	Once	Once		
8.b	Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers.	FCRD	1	Once	Once		
8.c	The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility.	PW&DS FCRD	1	Annual	Annual		

PARKS AND RECREATION							
9.	Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive).	PW&DS	8	Once	Once		

ELECTRICAL AND TELEPHONE SERVICES							
10.	Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.	PW&DS	1, 2	Once per phase	Once per phase		

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

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HISTORIC/CULTURAL RESOURCES						
12.a	PW&DS	1, 2, 8	Once	Once		
12.b	PW&DS	1, 2	Once	Once		
12.c	PW&DS	5, 6	CDC	Once		
GEOLOGY AND SOILS						
13.a	PW&DS	1, 2, 3	Once per phase	Once per phase		
13.b	PW&DS	1, 2	Once per phase	Once per phase		
13.c	PW&DS	1, 2	Once per phase	Once per phase		
13.d	PW&DS	1, 2	Once per phase	Once per phase		
13.e	PW&DS	3	@BP	Once per phase		
13.f	PW&DS	3	CDP	Annual		

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GEOLOGY AND SOILS, con't.							
13.g	<p>A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation, and drainage. The control program shall:</p> <ul style="list-style-type: none"> a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control. b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage. c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover. d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes. e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust, until erosion control plantings become established. 		1.2, 5	CDC	N/A		
HYDROLOGY							
14.a	The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area.	CSA	7	OGAP	Annual		
14.b	Groundwater shall only be used for backup or emergency purposes, or for groundwater management.	CSA	7	OGAP	Annual		
DRAINAGE AND FLOODING							
15.a	Natural drainage courses shall be preserved through density allocation and dedication of drainage easements.		1, 2, 8		Once per phase		

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DRAINAGE AND FLOODING, cont'							
15.b	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&DS	1, 2, 3	Once	Once		
15.c	Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".	PW&DS	2, 5	CDC	Once		
15.d	The County Service Area should implement the drainage plan, maintain drainage easements and facilities.	CSA	7	OGAP	Annual		
VEGETATION AND WILDLIFE							
16.a	Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.	PW&DS	1, 2, 3, 5, 6	CDC	OGAP		
16.b	Habitat will be enhanced through development of parkways and other urban landscape area.	PW&DS	8	Once	N/A		
16.c	Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.	PW&DS CUSC	1, 2, 3	Once	Once		
16.d	"No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.	PW&DS	1, 2	Once	Once		
16.e	The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.	PW&DS	1	Once	Once		

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VEGETATION AND WILDLIFE, cont'							
16.f	<p>Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for those lands identified in Figures No. 5 and 6 of the Mitigation Plan, Millerton New Town by Hartsveldt and Ecological Consulting Services dated September 16, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartsveldt Plan and at a minimum shall:</p> <ol style="list-style-type: none"> Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof. Preserve and enhance approximately 85.2 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary. Create approximately 7.7 acres of emergent marsh/freshwater seep. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them. Create three vernal pools that together will be approximately 0.1 acres in size. Create a freshwater lake that provides maximum value for native wildlife, especially water birds. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. Address long-term management issues of the recreational open space after mitigation monitoring has been completed. Submit the mitigation and management plan to the U.S. Army Corps of Engineers for review. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. <p>Con't next page.</p>	<p>1, 2</p> <p>Annual</p> <p>Annual</p> <p>Annual</p>	<p>PW&DS F&G NRCS CSA</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>				

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16.i con't.	<p>k. Develop the Monitoring Program which, at a minimum, shall include:</p> <ul style="list-style-type: none"> - Measurable mitigation objectives. - Measures which will result in objectives being met. - A monitoring protocol by which the success of the plan can be measured that identifies: <ul style="list-style-type: none"> - When monitoring will occur - Survey methods - Reporting requirements. - Confirmation of a funding source for plan implementation. 	Con't from previous page					
16.g	<p>l. The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge-top and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.</p>	F&G	7	Once	Once		
16.h	<p>The project proponent shall pay a fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan and the project conditions of approval that already include open space set-aside and other protection measures.</p>	F&G	1, 2	TO BE DETERMINED BASED ON PLAN			

VEGETATION AND WILDLIFE, con't

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Millerlerton Specific Plan Mitigation Measures and Monitoring Program Matrix

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:	
				Monitoring	Reporting

Date Repts. Rec'd	Notes
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VEGETATION AND WILDLIFE, cont'		Annual	Annual	Annual
16.1	<p>Prior to recordation of a Final Tract Map or Site Plan, Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for those lands identified in Figure No. 3 of the Mitigation Plan, Western Project Site, Fresno County by Hartesveldt Ecological Consulting Services dated December 22, 1999. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum:</p> <ol style="list-style-type: none"> a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof. b. Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open-space corridor along White Fox Creek and its principle tributary. c. Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek. d. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them. e. Create two vernal pools that together will be approximately 0.01 acres in size. f. Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands. g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed. i. The plan shall be submitted to the U.S. Army Corps of Engineers for review. j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. 	P & RM F & G NRCS	REQUIRES DEVELOPMENT OF A PLAN.	Annual

Con't next page.

Responsible Person/Agency
 MM = Mitigation Monitor
 PW&DS = Public Works & Dev. Serv. Dept.
 FCFPD = Fresno Co. Fire Protection Dist.
 FCSO = Fresno Co. Sheriff's Department
 LAFCo = Local Agency Formation Comm.
 FCHD = Fresno Co. Health Department
 CSA = County Service Area No. 34
 CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, cont'
 WQCB = CA Regional Water Qual. Control Bd.
 APCD = San Joaquin Valley Unified Air Pollution Control Dist.
 CUSD = Clovis Unified School District
 SUSD = Sierra Unified School District
 NRCS = Natural Resource Conserv. Serv., USDA
 F&G = Calif. State Dept. of Fish & Game
 FCRD = Fresno Co. Resource Div., DPW&DS
 DOHS = CA Dept. of Health Services

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

Frequency
 Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
 CDC - Continuous during construction
 @Occ - At occupancy

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

Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation Date Repts. Rec'd	Notes
			Monitoring	Reporting		
VEGETATION AND WILDLIFE, con't						
16.l con't.	<ul style="list-style-type: none"> The Monitoring Program shall at a minimum include: <ul style="list-style-type: none"> Measurable mitigation objectives. Measures which will result in objectives being met. A monitoring protocol by which the success of the plan can be measured that identifies: <ul style="list-style-type: none"> When monitoring will occur Survey methods Reporting requirements Confirmation of a funding source for plan implementation. 					
CLIMATE AND AIR QUALITY						
17.a	The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System.	PW&DS	1, 2, 8	Once per phase	Once per phase	
17.b	A centralized location for a park and ride lot is established in the project within the central commercial area.	PW&DS	1, 8	Once	Once	
17.c	To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.	PW&DS APCO	5, 6	CDC	N/A	
17.d	Installation of emission reduction catalyst devices on all fireplace flues is recommended, they are effective in reducing carbon monoxide and particulate emissions.	APCD PW&DS	3	@BP	N/A	
17.e	Express bus service should be provided for commuters going to the FCMA.	FCRTA	7	Annual	N/A	
17.f	Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.	PW&DS	4	@ OCC	Annual	
17.g	All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.	PW&DS	1, 2	Once	Once	

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8 - SP/CUPTM
n/a - Not Applicable

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

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation Date Repts. Rec'd	Notes
				Monitoring	Reporting		
CLIMATE AND AIR QUALITY, con't							
17.h	The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.	APCD PW&DS	3, 4	@BP	@BP		
17.i	Bicycle parking facilities shall be installed for employees at the Inn, Conference Center, and Retail Site B.	PW&DS	1, 4	@BP	@BP		
17.j	Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.	PW&DS	1, 4	@BP	@BP		
17.k	If fireplaces are used for the Inn or Conference Center, natural gas fireplaces or EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).	PW&DS APCD	1, 4	@BP	@BP		
ENERGY RESOURCES							
18.a	The Specific Plan contains standards to reduce energy consumption including: 7 Public building design requirements; 8 Solar access provisions; 9 Parking lot shading; 10 Requirement for project level energy efficiency and evaluation; 11 Provisions for mixed land use and compact form; 12 A bikeways and pedestrian trail plan; 13 Proposal for a community recycling center; 14 Water conservation programs; 15 Requirement for bus, car, and van pooling facilities within the community core.	PW&DS	1, 2, 8	Once per phase	Once per phase		

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Millerton Specific Plan

Mitigation Measures and Monitoring Program Matrix

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation
				Monitoring	Reporting	
		Date Repts. Rec'd	Notes			
ENERGY RESOURCES, cont.						
18.b	The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.	PW&DS	1, 3	@BP	N/A	
NOISE						
19.a	Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L ₅₀ 60 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L ₅₀ 45 dBA or below.	PW&DS	1, 2, 3	Once per phase	Once per phase	
19.b	Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses.	PW&DS	1, 3	@BP	Once per phase	
19.c	Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance).	FCHD	5, 6	CDC	N/A	

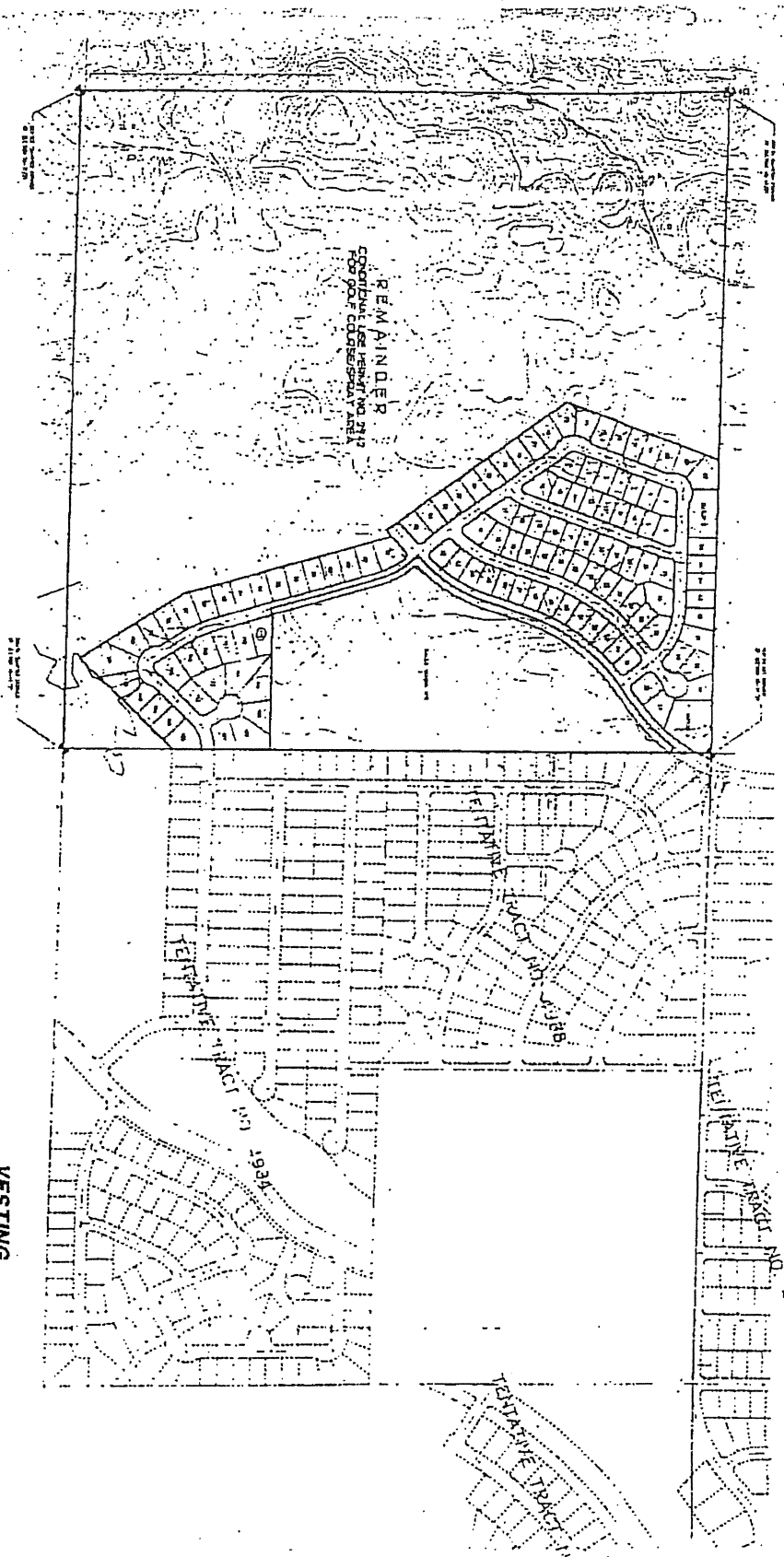
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 April 20, 1999
 Rev. February 3, 2000

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Responsible Person/Agency, cont.
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 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg phase
 CDC - Continuous during construction
 @Occ - At occupancy



REMAINDER
 FOR PUBLIC USE
 FOR OPEN SPACE

Scale: 1" = 100'

North Arrow

- 1' = 100'
- 1" = 100'

Prepared by: EDWARD D. DUNKEL AND ASSOCIATES, INC.
 1000 N. G ST., SUITE 100, FRESNO, CA 93703
 Phone: (559) 435-1111

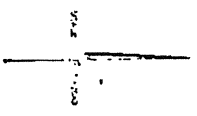


VICINITY MAP

VESTING
TENTATIVE SUBDIVISION MAP
TRACT NO. 4976

The Villages
At
WhiteFox Creek

FRESNO COUNTY, CALIFORNIA



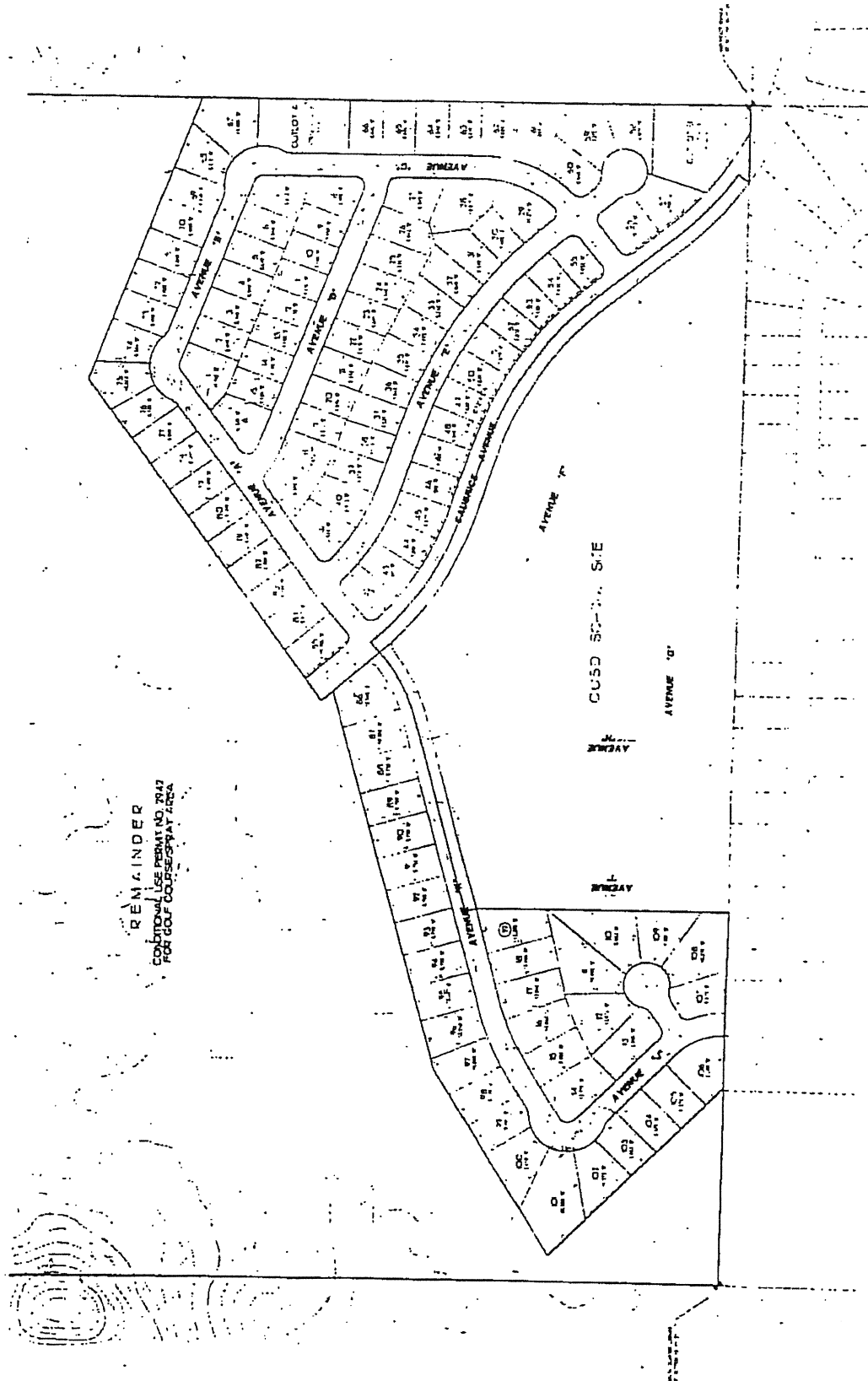


EXHIBIT 5



Inter Office Memo

DATE: January 9, 2003
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 11721 – VESTING TENTATIVE TRACT MAP NO. 4976 (TIME EXTENSION)

APPLICANT: The Clarksfield Company, Inc.

REQUEST: Grant a one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. Since a 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District.

LOCATION: Within the Millerton New Town Specific Plan area, located south of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant. (APN: 300-540-86).

PLANNING COMMISSION ACTION:

At its hearing of January 9, 2003, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Peters and seconded by Commissioner Downing to grant a one-year time extension to exercise Vesting Tentative Tract Map No. 4976, subject to the following additional condition as offered by the applicant:

Wood burning fireplaces shall be prohibited for all homes constructed within Vesting Tentative Tract Map No. 4976.

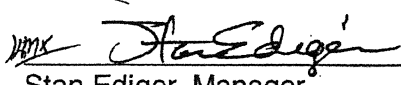
This motion passed on the following vote:

VOTING: Yes: Commissioners Peters, Downing, Ferguson, Johnson, Milligan, Moore

No: Commissioners Hall, Hurtt, Pierce

Absent: None

RICHARD L. BROGAN, Director
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Stan Ediger, Manager
Development Services Division

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. This is the subdivider's first extension request under the provisions of the State Map Act. The Tentative Map will expire November 30, 2003, unless a final map is recorded or a second one-year time extension application is submitted.

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EXHIBIT "A"

Staff: The Fresno County Planning Commission accepted the Staff Report dated January 9, 2003, and a summary staff presentation.

Applicant: The applicant's representative expressed agreement with staff's recommendation and provided the following points of information:

- We have made substantial progress on this project. We have completed a surface water treatment plant, are upgrading the wastewater treatment facility to treat wastewater to the tertiary level, and have worked towards establishing a benefit assessment district.
- I would like to add a condition to the project prohibiting wood burning fireplaces from being installed in homes constructed as part of this tract.

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

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1/27/2003 1:11 PM



County of Fresno

Department of Public Works and Planning
Richard L. Brogan
Director

March 13, 2003

The Clarksfield Company, Inc.
410 W. Fallbrook Avenue, Suite 102
Fresno, CA 93711

Dear Sirs:

Subject: Notice of Planning Commission Decision – Vesting Tentative Tract Map
No. 4976 (Time Extension)

On January 9, 2003, the Fresno County Planning Commission granted your request for a one-year extension of time to exercise Vesting Tentative Tract Map Application No. 4976, subject to the additional condition listed in the enclosed Planning Commission resolution. The tentative map will expire November 30, 2003, unless a final map is recorded or a second one-year time extension application is submitted.

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

If you have any questions, please call me at (559) 262-4325.

Very truly yours,

Darrel Schmidt, Planning & Resource Analyst
Development Services Division

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Enclosure

c: Bruce O'Neal



County of Fresno

Department of Public Works and Planning
Richard L. Brogan
Director

Planning Commission Staff Report Consent Agenda Item No. 2 January 9, 2003

SUBJECT: Vesting Tentative Tract Map Application No. 4976

Grant a one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. A 20.23-acre portion of the site was acquired for school purposes. This time extension request seeks to allow 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District.

LOCATION: The subject site is located south of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant. (APN: 300-540-86).

Applicant and Owner: The Clarksfield Company, Inc.

STAFF CONTACT: Darrel Schmidt, Planning & Resource Analyst
(559) 262-4325

Will Kettler, Senior Staff Analyst
(559) 262-4241

RECOMMENDATION:

Approve the one-year time extension for Tentative Tract Map No. 4976, and direct the secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Existing Land Use Map
2. Existing Zoning Map
3. Location Map
4. Planning Commission Resolution and Staff Report dated November 30, 2000 (including Tentative Tract Map)
5. Tentative Tract Map identifying new lot configuration following school site acquisition

ENVIRONMENTAL DETERMINATION

The subject property is located within the boundaries of the Millerton New Town Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Initial Study No. 4664, prepared for the Map in 2000 determined that the existing EIR is adequate and was adopted by the Planning Commission in conjunction with approval of this Vesting Tentative Tract Map in 2000.

Section 15162 of the California Environmental Quality Act Guidelines states that once a Negative Declaration has been adopted 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. Though approximately 20 acres of the site originally approved for the Vesting Tentative Tract have been acquired by the Clovis Unified School District, as discussed in the Background Section, below, and the number of lots proposed for the Tract has been reduced from 184 to 119, the density and character of the Tract remain substantially the same. In addition, there is no evidence of the circumstances noted in conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required. As a point of information, no review agencies expressed concerns with the school site acquisition as it relates to the Vesting Tentative Tract map.

PUBLIC NOTICE:

Notices were sent to 9 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.

BACKGROUND:

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 five 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.

Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on November 30, 2000, concurrently with a Conditional Use Permit Application to allow the subject property to be developed as a planned residential development consisting of a maximum of 184 single-family residential lots with a minimum lot size of 7,150 square feet and a Site Plan Review. Following approval of this Map and Conditional Use Permit in 2000, 20.23 acres of the project site were acquired by the Clovis Unified School District for construction of a future elementary school which will serve the Millerton New Town area. A General Plan Conformity Review hearing, regarding this school site acquisition, was held before the Planning Commission on February 22, 2001. At that hearing, the Planning Commission determined that the proposed location for the school site is consistent with the General Plan. This new school site reduces the area available for the approved Tentative Tract from approximately 55 acres to 34.99 acres and reduces the number of lots to be developed from 184 to 119. The overall density of the subdivision remains at approximately 0.29 acres per lot. In addition, the overall configuration of the subdivision's lots and roads remains substantially the same as that approved in 2000, with the exception of the area now removed for the school site (Exhibits 4 & 5). As a point of information, a Plan amendment to the Millerton Specific Plan was recently submitted which would redesignate that portion of the project site purchased for a school site, from a residential designation to a school site in the Specific Plan.

The current application, filed on November 25, 2002, requests approval of a first, one-year time extension. Pursuant to the Map Act, the filing of the request automatically extends the Tentative Map 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The Commission may impose conditions when approving a time extension request for a vesting tentative tract, or may deny such a request only if it determines either of the following: (1) A failure to do so would place the residents of the subdivision or the

immediate community, or both, in a condition dangerous to their health or safety, or both; or (2) The condition or denial is required in order to comply with state or federal law.

ANALYSIS / DISCUSSION:

Tentative Tract Map Application No. 4976 was originally approved in 2000 concurrently with Conditional Use Permit Application No. 2955 and Site Plan Review Application No. 7081 based on a determination that the required findings could be made. Attached is a copy of the original Staff Report and Planning Commission Resolution (See Exhibit 4). The applicant states this one-year time extension is necessary because it has taken considerable time to complete the necessary requirements, documentation, and mitigation measures as required for the Millerton Specific Plan in order to develop the subject property. Specifically, the applicant has completed a surface water treatment plant which will serve the Millerton New Town area, including the project site, completed the formation of the Fire District Benefit Assessment District covering the subject property, is continuing to work towards completing of a wastewater treatment plant (expected completion in Fall, 2003), and has prepared updated Wetlands Delineation Reports for the subject property.

The current time extension request was routed to the same agencies that reviewed the Tentative Map, Conditional Use Permit, and Site Plan Review in 2000. The reviewing agencies did not identify any change in circumstances and did not express concerns with the proposed extension.

CONCLUSION:

Staff believes the one-year time extension for the tentative tract map should be approved, based on factors cited in the analysis above. Approval of this time extension will extend the expiration date to November 30, 2003.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve a one-year time extension for Tentative Tract Map No. 4976.
- Direct the secretary to prepare a resolution documenting the Commission's action.

Alternative Motion A (denial action)

- Move to deny the one-year time extension request for Tentative Tract Map No. 4976 for the following reasons (state how approval of the time extension request would pose a public health, safety or general welfare impact); and



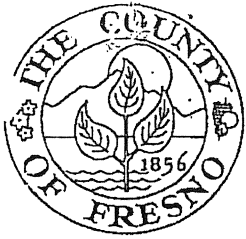
- Direct the secretary to prepare a resolution documenting the Commission's action.

NOTE: This is the subdivider's first extension request under the provisions of the State Map Act, which allows extensions to be granted not to exceed a total of five years.

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EXHIBIT 6

Stan Ediga - DuSard
Joseph
e-wk



Agenda Item

DATE: March 16, 2004
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 11794 – VESTING TENTATIVE TRACT MAP NO. 4976 - TIME EXTENSION
APPLICANT: JPJ, Inc.

REQUEST: Grant a second one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. A 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District.

LOCATION: Within the Millerton New Town Specific Plan area, located south of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant. (SUP. DIST.: 5) (APN: 300-540-86).

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE

John W. Weisen
March 16, 2004

APPROVED AS RECOMMENDED

Page 1 of 2
OTHER



DENIED APPEAL; GRANTED ONE-YEAR TIME EXTENSION; AND DIRECTED STAFF TO BEGIN INVESTIGATING FEASIBILITY OF ASSESSING IMPACT MITIGATION FEES OR OTHER PROACTIVE AIR POLLUTION REMEDIES RELATIVE TO NEW DEVELOPMENT.

Official Action of Board of Supervisors

UNAPPROVED

ANDERSON

ARAME

Exhibit 4 - Page 93

LARSON

WATERSTON

PLANNING COMMISSION ACTION:

At its hearing of January 8, 2004, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Peters and seconded by Commissioner Phillips to grant the second one-year time extension to exercise Vesting Tentative Tract Map No. 4976.

This motion passed on the following vote:

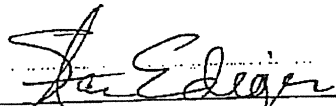
VOTING: Yes: Commissioners Peters, Phillips, Abrahamian, Downing, Ferguson, Milligan

No: Commissioners Hurtt, Pierce

Recused: Commissioner Hall

Absent: None

ANDREW E. RICHTER, Interim Director
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Stan Ediger, Manager
Development Services Division

NOTE: This is the subdivider's second extension request under the provisions of the State Map Act. The Tentative Map will expire November 30, 2004, unless a final map is recorded or a third one-year time extension application is submitted.

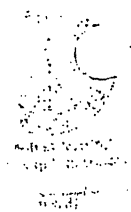


EXHIBIT "A"

Vesting Tentative Tract Map No. 4976
(TIME EXTENSION)

Staff: The Fresno County Planning Commission accepted the Staff Report dated January 8, 2004, and a summary staff presentation.

Applicant: The applicant's representative expressed agreement with staff's recommendation and provided the following points of information:

- We prepared an air quality model for the Millerton Specific Plan project using the current models adopted by the Air District. The model run shows significantly less emission generated by the project than when originally studied in 1984. There is approximately a 90% reduction in vehicle emissions.
- We anticipate the Indirect Source Fee to be adopted by the Air District this year and we will abide by the rules when formally adopted.

Others: Kevin Hall, who recused himself from participating as a Planning Commissioner, presented testimony representing the Sierra Club - Tehipte Chapter in opposition to the requested time extension.

- The study performed by the applicant does not include construction emissions.
- There is new information of substantial importance, which was not known, nor could have been known when the project was originally prepared, related to air quality and the health impacts.
- The Sierra Club request the project be approved with two additional conditions: 1) require the air quality model to include construction activity and 2) develop an Indirect Source Fee Schedule to address the air quality impacts of this tract map.

No other individuals presented information in support of or in opposition to the proposal.

Correspondence: An information packet was submitted to the Planning Commission in opposition of the application as proposed.

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Tentative Tract Map No. 4976
(TIME EXTENTION)

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

Environmental Review:	\$178.00
Tentative Tract Map (Time Extension):	\$773.00
Total Fees Collected	\$951.00



County of Fresno

Department of Public Works and Planning
Richard L. Brogan
Director

Planning Commission Staff Report Consent Agenda Item No. 2 January 8, 2004

SUBJECT: Vesting Tentative Tract Map Application No. 4976 –
Time Extension

Grant a second one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. A 20.23-acre portion of the site was acquired for school purposes. This time extension request seeks to allow 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District.

LOCATION: The subject site is located south of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant. (APN: 300-540-86).

Applicant and Owner: JPJ, Inc.

STAFF CONTACT: Will Kettler, Senior Staff Analyst
(559) 262-4241

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 Employer

RECOMMENDATION:

Approve the one-year time extension for Vesting Tentative Tract Map No. 4976, and direct the secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Existing Land Use Map
2. Existing Zoning Map
3. Location Map
4. Planning Commission Resolution and Staff Report dated November 30, 2000 (including Tentative Tract Map)
5. Tentative Tract Map identifying new lot configuration following school site acquisition

ENVIRONMENTAL DETERMINATION

The subject property is located within the boundaries of the Millerton New Town Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix were 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. Initial Study No. 4664, prepared for the Map in 2000 determined that the existing EIR is adequate and was adopted by the Planning Commission in conjunction with approval of this Vesting Tentative Tract Map in 2000.

Section 15162 of the California Environmental Quality Act Guidelines states that once a Negative Declaration has been adopted 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. Though approximately 20 acres of the site originally approved for the Vesting Tentative Tract have been acquired by the Clovis Unified School District, as discussed in the Background Section, below, and the number of lots proposed for the Tract has been reduced from 184 to 119, the density and character of the Tract remain substantially the same. In addition, there is no evidence of the circumstances noted in conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required. As a point of information, no review agencies expressed concerns with the school site acquisition as it relates to the Vesting Tentative Tract map.

PUBLIC NOTICE:

Notices were sent to 9 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.

BACKGROUND:

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 five 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.

Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on November 30, 2000, concurrently with a Conditional Use Permit Application to allow the subject property to be developed as a planned residential development consisting of a maximum of 184 single-family residential lots with a minimum lot size of 7,150 square feet and a Site Plan Review. Following approval of this Map and Conditional Use Permit in 2000, 20.23 acres of the project site were acquired by the Clovis Unified School District for construction of a future elementary school which will serve the Millerton New Town area. A General Plan Conformity Review hearing, regarding this school site acquisition, was held before the Planning Commission on February 22, 2001. At that hearing, the Planning Commission determined that the proposed location for the school site is consistent with the General Plan. This new school site reduces the area available for the approved Tentative Tract from approximately 55 acres to 34.99 acres and reduces the number of lots to be developed from 184 to 119. The overall density of the subdivision remains at approximately 0.29 acres per lot. In addition, the overall configuration of the subdivision's lots and roads remains substantially the same as that approved in 2000, with the exception of the area now removed for the school site (Exhibits 4 & 5). As a point of information, a Plan amendment to the Millerton Specific Plan was recently submitted which would redesignate that portion of the project site purchased for a school site, from a residential designation to a school site in the Specific Plan.

The first one-year time extension was approved by the Planning Commission on January 9, 2003 and extended the expiration date to November 30, 2003. The current application, filed on November 26, 2003, requests approval of a second, one-year time extension. Pursuant to the Map Act, the filing of the request automatically extends the Tentative Map 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve a one-year time extension for Vesting Tentative Tract Map No. 4976.
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Alternative Motion A (denial action)

- Move to deny the one-year time extension request for Vesting Tentative Tract Map No. 4976 for the following reasons (state how approval of the time extension request would pose a public health, safety or general welfare impact); and
- Direct the secretary to prepare a resolution documenting the Commission's action.

NOTE: This is the subdivider's second extension request under the provisions of the State Map Act, which allows extensions to be granted not to exceed a total of five years.

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Inter Office Memo

DATE: January 6, 2005

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11866 – TENTATIVE TRACT MAP APPLICATION NO. 4976 (TIME EXTENSION)

APPLICANT: JPJ, Incorporated

REQUEST: Grant a third one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. Since a 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District within the Millerton Specific Plan.

LOCATION: The subject site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant (APN: 300-540-86).

PLANNING COMMISSION ACTION:

At its hearing of January 6, 2005, the Commission, as part of its Consent Agenda, considered the Staff Report dated January 6, 2005.

A motion was made by Commissioner Phillips and seconded by Commissioner Ferguson to approve the requested one-year time extension to exercise Tentative Tract Map Application No. 4976 subject to the condition listed in Exhibit "A" as recommended by staff.

EXHIBIT "A"

Condition of Approval

Tentative Tract Map Application No. 4976 – Time Extension

1. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

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County of Fresno

Department of Public Works and Planning
CECIL LEONARDO
Interim Director

January 25, 2005

Mr. John Bonadelle
JPJ, Incorporated
2109 W. Bullard Avenue, Suite 133
Fresno, CA 93711

SUBJECT: RESOLUTION NO. 11866 – TENTATIVE TRACT MAP APPLICATION
NO. 4976 – TIME EXTENSION

Dear Mr. Bonadelle:

On December 16, 2004, the Fresno County Planning Commission granted with one condition your request for a one-year time extension of time to exercise Tentative Tract Map Application No. 4976.

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

This is the subdivider's third extension request under the provisions of the State Map Act. The Tentative Map will expire November 30, 2005, unless a final map is recorded or a fourth one-year time extension is submitted and approved.

Very truly yours,

Lew Pond, Planning & Resource Analyst
Development Services Division

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Enclosure

C: Mr. Ben Ewell
Mr. Bruce O'Neal



County of Fresno

Department of Public Works and Planning
CECIL LEONARDO
Interim Director

Planning Commission Staff Report Consent Agenda Item No. 2 January 6, 2005

SUBJECT: Vesting Tentative Tract Map Application No. 4976 - Time Extension

Grant a third one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. Since a 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square foot minimum parcel size, Conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size) District within the Millerton Specific Plan.

LOCATION: The subject site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 1.5 miles east of the unincorporated community of Friant (APN: 300-540-86).

Applicant and Owner: JPJ, Incorporated

STAFF CONTACT: Lew Pond, Planning & Resource Analyst
(559) 262-4321

Rick Ballantyne, Senior Staff Analyst
(559) 262-4241

RECOMMENDATION:

Approve the third one-year time extension for Vesting Tentative Tract Map No. 4976, 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. Planning Commission Resolution and Staff Report dated September 7, 2000 (including Tentative Tract Map)

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Millerton New Town Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim. On December 7, 2004, the Board of Supervisors approved General Plan Amendment Application No. 3724, approving several amendments to the Millerton New Town Specific Plan, after consideration of the previously certified Millerton New Town Environmental Impact Report and 2004 Addendum approving Millerton Specific Plan Mitigation Measures & Monitoring Program Matrix.

Section 15162 of the California Environmental Quality Act Guidelines states that once a Negative Declaration has been adopted 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. Though approximately 20 acres of the site originally approved for the Vesting Tentative Tract have been acquired by the Clovis Unified School District, as discussed in the Background Section, below, and the number of lots proposed for the Tract has been reduced from 184 to 119, the density and character of the Tract remain substantially the same. In addition, there is no evidence of the circumstances noted in conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required. As a point of information, no review agencies expressed concerns with the school site acquisition as it relates to the Vesting Tentative Tract map.

PUBLIC NOTICE:

Notices were sent to 9 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.

BACKGROUND:

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 five 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.

Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on November 30, 2000, concurrently with a Conditional Use Permit Application to allow the subject property to be developed as a planned residential development consisting of a maximum of 184 single-family residential lots with a minimum lot size of 7,150 square feet and a Site Plan Review. Following approval of this Map and Conditional Use Permit in 2000, 20.23 acres of the project site were acquired by the Clovis Unified School District for construction of a future elementary school which will serve the Millerton New Town area. A General Plan Conformity Review hearing, regarding this school site acquisition, was held before the Planning Commission on February 22, 2001. At that hearing, the Planning Commission determined that the proposed location for the school site is consistent with the General Plan. This new school site reduces the area available for the approved Tentative Tract from approximately 55 acres to 34.99 acres and reduces the number of lots to be developed from 184 to 119. The overall density of the subdivision remains at approximately 0.29 acres per lot. In addition, the overall configuration of the subdivision's lots and roads remains substantially the same as that approved in 2000, with the exception of the area now removed for the school site.

The first one-year time extension was approved by the Planning Commission on January 9, 2003, and extended the expiration date to November 30, 2003. The second one-year time extension was approved by the Planning Commission on January 8, 2004, extending the life of the tract to November 30, 2004. The current application, filed on November 30, 2004, requests approval of a third, one-year time extension. Pursuant to the Map Act, the filing of the request automatically extends the Tentative Map 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The Commission may impose conditions when approving a time extension request for a vesting tentative tract, or may deny such a request only if it determines either of the following: (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or (2) The condition or denial is required in order to comply with state or federal law.

ANALYSIS / DISCUSSION:

Tentative Tract Map Application No. 4976 was originally approved in 2000 concurrently with Conditional Use Permit Application No. 2955 and Site Plan Review Application No. 7081 based on a determination that the required findings could be made. Attached is a copy of the original Staff Report and Planning Commission Resolution (Exhibit 4). The applicant states this one-year time extension is necessary because it has taken considerable time to complete the necessary requirements, documentation, and mitigation measures as required for the Millerton Specific Plan in order to develop the subject property. Specifically, the applicant states that since the original project approval and the first one-year time extension, the applicant has participated in the completion of the surface water treatment plant, which is now operational and has obtained approval of CUP 2979, which allows a tertiary wastewater treatment plant to serve this tract and others in the Millerton New Town area. In addition, the applicant states that other work is in progress including the establishment of related traffic and service district fees, and tiered water rates.

The current time extension request was routed to the same agencies that reviewed the Tentative Map, Conditional Use Permit, and Site Plan Review in 2000. The reviewing agencies did not identify any change in circumstances and did not express concerns with the proposed extension.

The approval of Vesting Tentative Tract Map Application No. 4976 on November 30, 2000, is subject to compliance with applicable measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6 of Exhibit 4 of this report). Mitigation Measure 5.c in this matrix requires establishment of a funding mechanism through CSA No. 34 to support on-going costs of Sheriff's protection services for development within the Millerton New Town Specific Plan Area. Subsequent to the approval of the second one-year extension, the Board of Supervisors has directed that a funding mechanism be established to provide for minimum level manning of Sheriff's services for all new tentative tract maps and extensions of such maps. This mechanism has been determined to be the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, not funding through a CSA. This mitigation also establishes a minimum manning level of two sworn officers per 1,000 residents as a basis for the cost determination. The applicant has agreed with this condition.

CONCLUSION:

Staff believes the one-year time extension for the vesting tentative tract map should be approved, based on factors cited in the analysis above. Approval of this time extension will extend the expiration date to November 30, 2005.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve a one-year time extension for Vesting Tentative Tract Map No. 4976, subject to the condition listed below.
- 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. 4976 for the following reasons (state how approval of the time extension request would pose a public health, safety or general welfare impact); and
- Direct the secretary to prepare a resolution documenting the Commission's action.

NOTE: This is the subdivider's third extension request under the provisions of the State Map Act, which allows extensions to be granted not to exceed a total of five years.

Recommended Condition of Approval, Tentative Tract Application No. 4976

1. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

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EXHIBIT 8

Inter Office Memo

DATE: January 26, 2006

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11954 – VESTING TENTATIVE TRACT MAP
APPLICATION NO. 4976 (TIME EXTENSION)

OWNER: JPJ, Incorporated
APPLICANT: JPJ, Incorporated

REQUEST: Grant a fourth one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. Since a 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size, conditional) District within the Millerton Specific Plan.

LOCATION: The subject site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately one and one-half miles east of the unincorporated community of Friant (APN: 300-540-86).

PLANNING COMMISSION ACTION:

At its hearing of January 26, 2006, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Ferguson and seconded by Commissioner Goodman to approve the requested fourth one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976.

EXHIBIT "A"

Vesting Tentative Tract Map Application No. 4976 (Time Extension)

Staff: The Fresno County Planning Commission accepted the Staff Report dated January 26, 2006.

Applicant: The applicant's representative expressed agreement with staff's recommendation, and provided the following point of information in response to a question from the Commission:

- The application for readjustment of the Federal "Place of Use" line is pending with the State Water Resources Control Board. A response is anticipated within the next 30 days and there is no reason to think that the application will be disapproved.

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

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

February 13, 2006

JPJ, Inc.
2109 W. Bullard Ave., Suite 101
Fresno, CA 93711

SUBJECT: RESOLUTION NO. 11954 – VESTING TENTATIVE TRACT MAP
APPLICATION NO. 4976 – TIME EXTENSION

If you have any questions regarding the information in this letter, or the resolution enclosed, please contact Lew Pond, Planning and Resource Analyst, at (559) 262-4321 or via email at lpond@co.fresno.ca.us.

On January 26, 2006, the Fresno County Planning Commission granted your time extension request. 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.

This is the subdivider's fourth extension request under the provisions of the State Subdivision Map Act. The Tentative Map will expire November 30, 2006 unless a final map is recorded or a fifth one-year time extension application is submitted.

Sincerely,

Lew Pond, Planning & Resource Analyst
Development Services Division

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Enclosure

c: Bruce O'Neal
Ben Ewell

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721
Equal Employment Opportunity

262-4302 / 262-4022 FAX 262-4893
employer

Exhibit 4 - Page 113



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 2 January 26, 2006

SUBJECT: Vesting Tentative Tract Map Application No. 4976 - Time Extension

Grant a fourth one-year time extension to exercise Vesting Tentative Tract Map Application No. 4976, which authorizes the division of approximately 55 acres into 184 lots with a minimum lot size of 7,150 square feet. Since a 20.23-acre portion of the site was acquired for school purposes, the Vesting Tentative Map is limited to 119 lots on the remaining 34.99 acres of land. The project site is located in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, conditional) District and the R-E(c) (Recreational, two-acre minimum parcel size, conditional) District within the Millerton Specific Plan.

LOCATION: The subject site is located on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately one and one-half miles east of the unincorporated community of Friant (APN: 300-540-86).

Applicant and Owner: JPJ, Incorporated

STAFF CONTACT: Lew Pond, Planning & Resource Analyst
(559) 262-4321

Chris Motta, Senior Staff Analyst
(559) 262-4241

RECOMMENDATION:

Approve the third one-year time extension for Vesting Tentative Tract Map No. 4976, 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. Planning Commission Resolution and Staff Report dated September 7, 2000, (including Tentative Tract Map)

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Millerton New Town Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim. On December 7, 2004, the Board of Supervisors approved General Plan Amendment Application No. 489, approving several amendments to the Millerton New Town Specific Plan, after consideration of the previously certified Millerton New Town Environmental Impact Report and the 2004 Addendum approving the Millerton Specific Plan Mitigation Measures & Monitoring Program Matrix.

Section 15162 of the California Environmental Quality Act Guidelines states that once a Negative Declaration has been adopted 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. Twenty acres of the site originally approved for the Vesting Tentative Tract have been acquired by the Clovis Unified School District and the number of lots proposed for the Tract has been reduced from 184 to 119, but the density and character of the Tract remain substantially the same. In addition, there is no evidence of the circumstances noted in conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to nine 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.

BACKGROUND:

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 five 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.

Vesting Tentative Tract Map No. 4976 was approved by the Planning Commission on November 30, 2000, concurrently with a Conditional Use Permit Application to allow the subject property to be developed as a planned residential development consisting of a maximum of 184 single-family residential lots with a minimum lot size of 7,150 square feet and a Site Plan Review. As indicated in the Environmental Determination section above, the number of lots proposed for the Tract has been reduced from 184 to 119 to provide land for a school site, but the density and character of the tract remain substantially the same.

The first one-year time extension was approved by the Planning Commission on January 9, 2003, and extended the expiration date to November 30, 2003. The second and third year extension request approvals have extended the life of the map to November 30, 2005. A condition of approval was included with the third extension requiring that a funding mechanism 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. The current application, filed on November 21, 2005, requests approval of a fourth one-year time extension. Pursuant to the Map Act, the filing of the request automatically extends the Tentative Tract Map 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The Commission may impose conditions when approving a time extension request for a vesting tentative tract, or may deny such a request only if it determines either of the following: (1) A failure to do so would place the residents of the subdivision or

the immediate community, or both, in a condition dangerous to their health or safety, or both; or (2) The condition or denial is required in order to comply with state or federal law.

ANALYSIS / DISCUSSION:

Tentative Tract Map Application No. 4976 was originally approved in 2000 concurrently with Conditional Use Permit Application No. 2955 and Site Plan Review Application No. 7081 based on a determination that the required findings could be made. Attached is a copy of the original Staff Report and Planning Commission Resolution (Exhibit 4). The applicant states that this one-year time extension is necessary because a Final Map cannot be filed until resolution of the "Place of Use" matter to allow surface water to be used for the project. In addition, the applicant states that since the original project approval and the three one-year time extensions, the applicant has participated in the completion of the surface water treatment plant, which is now operational. In addition, the applicant states that other work is in progress including the establishment of related traffic and service district fees, tiered water rates, and the tertiary wastewater treatment plant (authorized through Conditional Use Permit Application No. 2979, approved on October 9, 2003) which must be completed to serve the subject tract and which is now substantially complete.

The current time extension request was routed to the same agencies that reviewed the Tentative Tract Map, Conditional Use Permit, and Site Plan Review in 2000. The reviewing agencies did not identify any change in circumstances and did not express concerns with the proposed extension.

CONCLUSION:

Staff believes the one-year time extension for the vesting tentative tract map should be approved, based on factors cited in the analysis above. Approval of this time extension will extend the expiration date to November 30, 2006.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve a one-year time extension for Vesting Tentative Tract Map No. 4976.
- 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. 4976 for the following reasons (state how approval of the time extension request would pose a public health, safety or general welfare impact); and
- Direct the secretary to prepare a resolution documenting the Commission's action.

NOTE: This is the subdivider's fourth extension request under the provisions of the State Map Act, which allows extensions to be granted not to exceed a total of five years.

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Grantor Real Estate Investments, LLC

1396 W

ite 101

EXHIBIT 9

September 22, 2015

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

RECEIVED
COUNTY OF FRESNO

SEP 24 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Subject: Extension of Life of Tract Map 4976

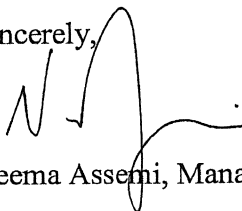
To Whom It May Concern:

Please consider this letter as a request to extend the life of Tract Map (TM) 4976. This extension is being requested for the following reasons:

- Some infrastructure will require expansion. The extent of expansion is uncertain and our engineer will begin exploring actual needs with County staff. Actual expansion will be verified through the entitlement/EIR process but our engineer will begin a dialogue with County staff based on the current layout of TM 4976.
- The property which comprises TM 4976 is part of several entitlement applications which may or may not be approved. If approved, the configuration of TM 4976 may need to be altered. The applications and associated processing does include an extensive EIR. The completion of the hearing process is uncertain but not expected to be completed for at least five (5) – seven (7) months.
- This and other property within the Specific Plan Area is the subject of an ongoing environmental assessment, which includes The Fish and Wildlife Service and Department of Fish and Wildlife, is a requirement of the County of Fresno for water delivery to the plan area.
- An extensive cultural resources survey is being conducted as part of the Bureau of Reclamation NEPA process (Section 106) and the results of that survey may alter lotting patterns.
- The past economic downturn has impacted residential development throughout the Central Valley and even though there is some movement, the recovery is slow and the area continues to be impacted.

Should you need additional information or to discuss this request please contact Tom McLaughlin at (559) 905-5288.

Sincerely,



Neema Assemi, Manager

Attachment to Application to Extend Life of TM 4976

Property Owner and Applicant

Grantor Real Estate Investments, LLC. a California Limited Liability Company
1396 W. Herndon Ave, Suite 101
Fresno, California 93711
(559) 436-0900

Representative

Tom McLaughlin
C/O Granville Homes, Inc.
1396 W. Herndon Ave.
Fresno, Ca. 93711
(559) 905-5288

EXHIBIT 5

Motta, Chris

From: Jeffrey Roberts <JRoberts@gvhomes.com>
Sent: Monday, December 19, 2016 3:44 PM
To: Motta, Chris
Subject: Request for Tima Extension - Tentative Tract No. 4976

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COUNTY OF FRESNO

DEC 19 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Motta,

Please consider this as a request to extend the "life" of the Tentative Tract referenced above. As you are aware, this property is located within the Millerton Specific Plan Area of Fresno County. We have been working on this property for several years, since we acquired it in a "bulk" sale. For a portion of that time, the Clovis Unified School District was working with us to look at an alternative School Site. Fairly recently, we have determined that the proposed school will not be relocated and the need to redesign the map has eliminated. Therefore, we are now requesting a time extension on the originally approved map.

Please feel free to contact me if you have any questions

Thank you

Jeffrey T. Roberts

Granville Homes

Passion, Commitment & Innovation Everlasting

1396 W. Herndon Suite 101, Fresno, CA 93711

559.436.0900 / fax 559.436.1659 / cell 559.288.0688

Visit us at www.gvhomes.com to follow us on facebook and YouTube!

Monfette, Christina

From: Motta, Chris
Sent: Tuesday, January 10, 2017 8:19 AM
To: Monfette, Christina
Subject: FW: Request for Time Extension (Tentative Tract No. 4976)

From: Jeff Roberts [<mailto:JRoberts@assemigroup.com>]
Sent: Tuesday, January 10, 2017 8:16 AM
To: Motta, Chris
Subject: Request for Time Extension (Tentative Tract No. 4976)

The purpose of the requested time extension is to allow the owner to complete soil studies on the subject site in preparation for development of the parcel. The soils in this area are known to contain significant amounts of clay; a factor which can affect the design of the foundations and the grading itself. The property (and the adjacent land to the west) will then go through the various processes to provide for single family residential development in conformance with the Millerton Plan and zoning.

The applicant has owned this property (and adjacent properties) for several years and has been working with other owners in the vicinity on a federal water transfer. (to CSA 34) This process has required the applicant to complete Section 106 Cultural Resource studies (in cooperation with Table Mountain Rancheria) and complete a federally required section 7 "consultation" for biological resources. The applicant has perfected all of the "Offsite Mitigation" process (with U.S. Fish and Wildlife Service) which required helping to set up a project specific dedicated "Mitigation Bank" in Madera County and has purchased all of the necessary mitigation "credits". All of this work had to be completed before any additional mapping could occur within the Millerton Specific Plan area.

The applicant has submitted a "Draft" final map on the property adjacent to the east and is awaiting County feedback as to the map design and its consistency with an additional tentative map. The applicant has also submitted a "Pre-Application" on another 40 acres east of the subject site and will be submitting applications in 2017.

Jeffrey T. Roberts

Granville Homes

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1396 W. Herndon Suite 101, Fresno, CA 93711

559.436.0900 / fax 559.436.1659 / cell 559.288.0688

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