



County of Fresno
Board of Supervisors
Minute Order

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August 6, 2019

Present: 5 - Chairman Nathan Magsig, Vice Chairman Buddy Mendes, Supervisor Steve Brandau, Supervisor Brian Pacheco, and Supervisor Sal Quintero

Agenda No. 6.

Public Works & Planning

File ID: 19-0709

Re: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7495 including Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 554 (GPA No. 554), a Specific Plan Amendment amending Land Use and Transportation Elements of County-adopted Millerton Specific Plan; adopt Resolution approving Specific Plan Amendment amending Land Use and Transportation Elements of Millerton Specific Plan; approve Ordinance pertaining to Amendment Application No. 3831 thereby rezoning a five-acre portion of subject 40-acre parcel from O Zone District to an R-1(c) Zone District; and rezone a 1.5-acre portion of subject 40-acre parcel from the R-1(c) Zone District to O Zone District; designate County Counsel to prepare fair and adequate summary of proposed ordinance and direct Clerk of the Board to post and publish required summary in accordance with California Government Code, Section 25124(b)(1); and approve Vesting Tentative Tract Map No. 6226, Conditional Use Permit No. 3621, and Site Plan Review No. 8108 authorizing Planned Unit Development consisting of 80 single-family residential lots on an approximately 25-acre portion of subject 40-acre parcel in the R-1(c) Zone District, subject 40-acre parcel is located within Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of unincorporated community of Friant

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE ACTED ON AS FOLLOWS: APPROVED RECOMMENDED ACTION ONE (1) OF AGENDA ITEM. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Magsig, Mendes, Brandau, Pacheco, and Quintero

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR BRANDAU, THAT THIS MATTER BE ACTED ON AS FOLLOWS: APPROVED RECOMMENDED ACTIONS 2, 3, 4, AND 5, OF AGENDA ITEM. THE BOARD INCLUDED AN ADDITIONAL CONDITION OF APPROVAL REQUIRING THE APPLICANT TO ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY APPLICATION NO. 7495 AND AMENDMENT APPLICATION NO. 3831 AND PROVIDE A BOND IN THE AMOUNT OF \$150,000 AS SECURITY FOR ANY SUCH LEGAL COSTS INCURRED BY THE COUNTY. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Magsig, Mendes, Brandau, Pacheco, and Quintero

Ordinance No. R-486-3831, Resolution No. 19-318



Inter Office Memo

**ATTENTION: FOR FINAL ACTION OR
MODIFICATION TO OR ADDITION OF
CONDITIONS, SEE FINAL BOARD OF
SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: May 16, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12777 – INITIAL STUDY APPLICATION NO. 7495,
AMENDMENT APPLICATION NO. 3831, GENERAL PLAN AMENDMENT NO.
554, TENTATIVE TRACT APPLICATION NO. 6226, CONDITIONAL USE
PERMIT APPLICATION 3621 AND SITE PLAN REVIEW APPLICATION NO.
8108

APPLICANT: Jeffrey T. Roberts
OWNER: Assemi Group, Inc.

- REQUEST:
1. Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Park" to provide for the park, amending existing provisions of the Millerton Specific Plan to address improved park area, and change the 1.5-acre site's zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District.
 2. Amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly approximate half-mile section of "Saubrice Avenue" to "Morningside Way".
 3. Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating Captains Hill Road as a Collector and removing it from Figure

SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan.

4. Allow a Planned Unit Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District.

LOCATION: The project site is located on approximately 40-acres within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-12).


PLANNING COMMISSION ACTION:

At its hearing of May 16, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Chairman Abrahamian and seconded by Commissioner Hill to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7495; approve General Plan Amendment Application No. 554 including the proposed changes to the County-adopted Millerton Specific Plan, Amendment Application No. 3827, Vesting Tentative Tract Map Application No. 6226, Classified Conditional Use Permit Application No. 3621 and Site Plan Review Application No. 8108 subject to the Conditions as listed in Exhibit "B" (Mitigation Monitoring and Reporting Program) including a condition added during the hearing requiring the developer to record a covenant with each saleable lot, stipulating that repair and maintenance of sidewalk along the property frontage is the homeowner's responsibility; and direct the Secretary to prepare a resolution documenting the Commission's action.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Hill, Burgess, Chatha, Delahay, Ede and Vallis
	No:	None
	Absent:	Commissioners Eubanks and Lawson
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:ksn
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3831, GPA 554 Resolution (Attachment A).docx

Attachments

EXHIBIT A

Initial Study Application No. 7495, Amendment Application No. 3831
General Plan Amendment Application No. 554, Tentative Tract Application No. 6226
Conditional Use Permit Application No. 3621, and Site Plan Review Application No. 8108

Staff: The Fresno County Planning Commission considered the Staff Report dated May 16, 2019, and heard a summary presentation by staff.

Applicant: Both the owner and Applicant concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:

- The Assemi Group, Inc. owns the subject parcel.
- The project entails a subdivision map, street name change, elimination of a Collector street, and relocation of a park.
- Since the County Board of Supervisors approved the Millerton Specific Plan (MSP) in 1984, the area's school district has changed to the Clovis Unified School District.
- We have conducted extensive environmental review for our project paying millions of dollars to the U.S. Fish & Wildlife Service to mitigate impacts to California Tiger Salamander.
- The current park site located within the proposed 11.44-acre open space area is comprised of wetlands, sensitive habitat, and cultural resources; the site will be dedicated to County Service Area (CSA) 34 to own and maintain; Table Mountain Rancheria visited the area and marked boundaries for sensitive cultural sites.
- The current park site is within an area with no public road access; the relocated park will be accessible by roads and is near existing and future residential developments.
- The Citizens' Advisory Committee for County Service Area (CSA) 34 supports the park relocation.
- A new fire station will be constructed at the junction of Morningside Way and Millerton Road and we are working with the fire department on this relocation.

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

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EJ:ksn
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EXHIBIT B

Mitigation Monitoring and Reporting Program
 Initial Study (IS) No. 7495/General Plan Amendment Application No. 554/
 Amendment Application No. 3831/Vesting Tentative Tract Map Application No. 6226/
 Classified Conditional Use Permit Application No. 3621 and Site Plan Review Application No. 8108
 (Including Conditions of Approval and Project Notes)

Mitigation Measures						
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning (PW&P)	As noted	
2.	Cultural Resources	The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.	Applicant	Applicant/PW&P	As noted	
3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted	
4.	Geology and Soils	Prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.	Applicant	Applicant/PW&P	As noted	
5.	Geology and Soils	Design and construct sewer infrastructure necessary to serve the development prior to the issuance of building permits, as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted	

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
6.	Geology and Soils	<p>Amend the existing Waste Discharge Requirements issued by the Regional Water Quality Control Board for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.</p> <p>a. Address and provide a permanent solution for current headworks issues at the wastewater treatment plant.</p> <p>b. Complete and provide a final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.</p>	Applicant	Applicant/PW&P	As noted
7.	Hydrology and Water Quality	Prior to the issuance of a building permit, the developer shall expand the existing surface water treatment facility as necessary to serve the development.	Applicant	Applicant/PW&P	As noted
8.	Hydrology and Water Quality	As per the Millerton Infrastructure Plan, design and install a 450-kilowatt (KW) or larger propane or diesel-powered generator, or alternative method of backup generation approved by the Director of the Department of Public Works and Planning, with accessible fueling station and service access together with transmission facilities to the lake pump Motor Control Center [backup power generation unit shall be sized to operate 3 to 100 horsepower (HP) pumps simultaneously].	Applicant	Applicant/PW&P	As noted
9.	Hydrology and Water Quality	Design and construct infrastructure necessary to serve the development prior to the issuance of building permits as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted
10.	Hydrology and Water Quality	Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County.	Applicant	Applicant/PW&P	As noted
11.	Transportation	To mitigate potential impacts to the County-maintained roads, a pro-rata share for future offsite improvements is required as defined in items a-s below. This fee shall either be paid prior to recordation of the map, or a covenant shall be recorded on	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	<p>each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the Applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.</p> <p>a) Signalization at the intersection of N. Friant Road and Copper/Millbrook Avenues: The project's maximum share for the 2020 scenario is 0.80% or \$0.00. (Note: Improvements are constructed.)</p> <p>b) Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 0.88% or \$11,056.00.</p> <p>c) Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 0.83% or \$1,549.00.</p> <p>d) Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$2,421.00.</p> <p>e) Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.19% or \$1,758.00.</p> <p>f) Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.45% or \$4,195.00.</p> <p>g) Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 0.52% or \$3,228.00.</p> <p>h) Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 1.56% or \$9,737.00.</p> <p>i) Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is 0.39% or \$0.00. (Note: Improvements are constructed.)</p>	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	<p>j) Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.73% or \$1,920.00.</p> <p>k) Signalization at the intersection of Auberry Road, Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 1.19% or \$11,163.00.</p> <p>l) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 1.07% or \$4,769.00.</p> <p>m) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 0.85% or \$9,116.00.</p> <p>n) Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 0.95% or \$2,087.00.</p> <p>o) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Maina Drive. The project's maximum share for the 2020 scenario is 1.14% or \$242,274.00.</p> <p>p) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.51% or \$37,520.00.</p> <p>q) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.35% or \$30,234.00. The project's total right-of-acquisition cost is 0.83% or \$3,085.00.</p> <p>r) Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.15% or \$5,941.00. The project's total right-of-acquisition cost is 0.15% or \$887.00.</p>	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
11. (cont.)	Transportation	s) Widening of Auberry Road from two (2) lanes to a four (4)-lane Arterial from E. Copper Avenue to Marina Drive: The project's maximum share for the 2020 scenario is 1.0% or \$464,993.00. The project's total right-of-acquisition cost is 2.0% or \$8,340.00.	Applicant	Applicant/PW&P	As noted

Subdivision Review Committee Conditions for Vesting Tentative Tract Map No. 6226 and SPR No. 8108

Water and Sewer					
1.		All of the water infrastructure required for this project shall be designed and constructed in accordance with the approved Infrastructure Plan and accepted by County Service Area No. 34 prior to issuance of building permits.			
2.		The water conservation standards include a maximum static pressure of 80 PSI. Pressure zone analyses shall be required, providing the water system operating pressure to be maintained between 60 PSI and 80 PSI. Construction thereof shall be implemented with the approved infrastructure as detailed in the Millerton Specific Plan.			
3.		Each residence shall have two water meters and boxes. One meter will serve the residence and the second meter will serve landscape irrigation needs.			
4.		Landscaping use with reclaimed or domestic water shall comply with California Code of Regulation Title 23, Waters. Department of Water Resources Chapter 2.7, Model Water Efficient Landscaping Ordinance (MWELO). Specific use of reclaimed water shall serve irrigation of landscaping along Lakeridge Drive SP1-P45.			
5.		The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.			
6.		Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Department of Public Works and Planning.			
7.		All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.			
8.		The subdivider shall be responsible for payment of all required water and wastewater infrastructure facility fees.			
9.		The Sewer Infrastructure Plan currently under revision shall comply with the Millerton Specific Plan and be constructed with the approved infrastructure plan.			
Roads					
10.		Lakeridge Drive shall be classified as a Collector road with an ultimate right-of-way width of 60 feet per Millerton Specific Plan.			

11.	Lakeridge Drive shall be constructed within a 60-foot right-of-way and for a 35 M.P.H. design speed. Sidewalks shall be constructed on the south side of Lakeridge Drive along the tract frontage per Millerton Specific Plan Figure SP1-8.
12.	Lakeridge Drive shall be provided right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
13.	Lakeridge Drive shall be intersected by all roads as near to right angles as practicable with thirty-foot by thirty-foot corner cut offs at all intersections
14.	The subdivider shall insure that Lakeridge Drive provides for the relinquishment of direct access for all abutting double-frontage and corner lots.
15.	The subdivider shall insure that Lakeridge Drive be provided with bicycle and hiking trails including sidewalks throughout the project area in accordance with the Millerton Specific Plan.
16.	Lago Bello Drive, Marrone Way, Siena Drive, Genteel Drive, Sierra Drive, Bearberry Lane, Tramonto Lane, and "Street A" (interior road) shall be constructed to an interior road standard as shown in the Millerton Specific Plan, Figure SP1-8.
17.	Interior roads shall be constructed to a 25 M.P.H public road standard in accordance with County Improvement Standards and the Millerton Specific Plan SP1-8 (36 feet of base and pavement between curbs).
18.	Interior roads shall provide for right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan Figure SP1-8.
19.	Interior roads shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
20.	Interior roads shall provide for adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).
21.	A County Standard B-2 rural residential cul-de-sac or an approved design by the Director of the Department of Public Works and Planning shall be provided at the end of all cul-de-sac roads.
22.	The subdivider shall provide complete sets of engineered plans and documents (e.g., calculations, specifications and reports), prepared, stamped, signed and dated by a licensed engineer, for the road improvements and plans shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval. The initial submittal shall include a soils report, which shall identify a recommended traffic index, R-value, and pavement structural section. Subsequent R-values shall be obtained for sub-grade after completion of earthwork operations for verification of AB/AC sections prior to commencement of any pavement construction.
23.	Warning signs, regulatory signs, markers, guardrails, and barricades shall be included in the design and installed in accordance with County Improvement Standards.
24.	One-foot restricted access strips shall be provided, along with barricades, signage and reflectors at the end of the stub roads.
25.	Easements shall be provided for future road and emergency access where such routes traverse proposed lots and common future areas.
26.	Emergency Access Roads shall be contained within easements and shall connect to public roads.

27.	Emergency Access Roads shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction over the area.
28.	Emergency Access Roads shall be constructed with crash gates at both the entrance and exit. Signage shall be installed on the gates detailing "EMERGENCY EXIT ONLY".
29.	A zone of Benefit in County Service Areas 34 or other method acceptable to the Director of Department of Public Works and Planning shall be formed for the maintenance of the new roads and drainage facilities.
30.	The subdivider shall be required to secure the maintenance of the new roads for two one-year warranty periods (two years) after the acceptance thereof.
31.	Fresno County Ordinance Code Title 17.48.350 street signs, warning signs, regulatory signs, markers, barricades and other markings shall be included in the design and installed in accordance with County Improvement Standards and Specifications.
32.	The subdivider shall insure that Traffic and Circulation standards are 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.
Drainage and Erosion Control and Flood-Prone Areas	
33.	Slope easements shall be provided outside of the right-of-way where necessary.
34.	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.
35.	All storm water runoff generated by the proposed development shall be retained on site within drainage ponds or other facilities acceptable to the Director of the Department of Public Works and Planning. If runoff is to be temporarily retained on site, the storage basins shall be sized using the formula $V_s=0.28CA$. If permanent facilities are required, the storage basins shall be sized using the formula $V_s =0.5CA$. Any retention facilities within the natural drainage courses will need to be reviewed and approved by the California State Department of Fish and Wildlife and State Water Resources Control Board. Ponds 18" or deeper shall be fenced with a 6'-high chain-link fence or approved equal in accordance with the Millerton Specific Plan.
36.	An engineered grading and drainage plan shall be prepared and submitted to the County of Fresno Department of Public Works and Planning Development Engineering Section for review and approval in accordance with the Fresno County Ordinance Code prior to grading activities.
37.	Prior to approval of a Final Map, drainage plans shall demonstrate compatibility with adjacent properties in the sub-watershed. Offsite control measures may be required to mitigate drainage impacts.
38.	Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.

39.	The U.S.G.S. Quad Map shows that White Fox Creek traverses the southeast portion of the parcel. Any development within or near the creek requires clearance from the State Department of Fish and Wildlife. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels require that the Applicant obtain the necessary permits with local, State and Federal Agencies.
40.	The centerline of any natural watercourses shall be indicated on an additional map sheet and dimensioned at the lot lines.
41.	The Applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board. A copy of this Notice and active WIDID # shall be provided to the County prior to commencement of any grading activities. The Applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities. Erosion control measures shall be provided to all exposed slopes in a manner acceptable to the Director of the Department of Public Works and Planning.
42.	According to FEMA FIRM Panel 1035H, portions of the parcel are found to be within Flood Zone AE. Floodway Areas in Flood Zone AE are subject to flooding from the 1%-chance storm event. No net import of fill shall be allowed within the flood zone. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.
43.	Property subject to inundation from the 1% flood shall be identified by the hydrologic study and shall be indicated on an additional map sheet of the final map.
44.	A soils investigation report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a condition of the final map. The soils report shall address the feasibility of the site for the proposed type of development.
45.	Prior to any work conducted within the jurisdictional waters of the United States, the subdivider shall obtain necessary permits from the responsible agencies, including, but not limited to, the Army Corp of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.
Maintenance	
46.	The landscape areas shall be designated on the final map as out lots for landscaping and open space purposes. The out lots shall be conveyed to CSA No. 34 or another public entity acceptable to the County, and provision shall be made for their perpetual maintenance.
47.	Prior to recordation of the final map, an agreement between the developer/subdivider and the CSA shall be entered into 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.
48.	The subdivider shall enter into a Reimbursement Agreement and provide an Engineer's Report to set the fees and assessments to pay for services for TT No. 6226, and form a zone within County Service Area 34 through a formation and Proposition 218 proceeding.
Fire Protection	
49.	Fire protection measures and facilities shall be provided as required in the Millerton Specific Plan, and as set forth in the Mitigation Measures and Monitoring Program Matrix as subject to a determination of applicability by the fire district having jurisdiction over the area. All structures and infrastructure related to this project shall comply with Fresno County Ordinance 91-025, Fire Safe Regulations.

50.	The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district.
51.	The Director of the Department of Public Works and Planning in collaboration with the Fresno County Fire Protection District shall approve fire access roads, fuel breaks, and fuel modification zones.
Utilities	
52.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
53.	Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
Street Names	
54.	The subdivider shall submit proposed Street Names for review prior to approval of the Final Map.
Pedestrian Trails and Bike Paths	
55.	Bicycle and pedestrian paths (trail system) shall be developed within the subdivision in accordance with the Millerton Specific Plan SP1-P22, Figure SP1-9. Pedestrian and bicycle pathways not associated with roadways shall be located to take advantage of natural drainage areas or areas of scenic quality. Hiking trails and pedestrian pathways should be a minimum of four feet in width and constructed of compacted natural material.
56.	White Fox Creek (southeast portion of development) shall be maintained and pedestrian trails shall be provided by the subdivider and included along its alignment, with public access provided at frequent intervals.
57.	The subdivider for Vesting Tentative Tract Map No. 6226 shall provide connectivity from the developed 1.5-acre park to the White Fox Parkway via improved bike lanes or trails and centralized placement for interconnectivity to multiple developments.
58.	The subdivider shall insure that the proposed plan development shall contain open space/out lot areas per the Millerton Specific Plan E.4, Open Space and Recreation. The common open space areas shall be usable for open space and recreation uses and shall be designated on the recorded map.
Outlots	
59.	The common open space areas shall be usable for open space and recreation uses and shall be designated on the recorded map.
Law Enforcement/CFD	
60.	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.
Other Conditions	
61.	The subdivider shall insure that all Mitigation Measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR 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.
62.	Prior to any development, the developer/subdivider 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.
63.	The subdivider shall insure that the project pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) as administered through the Fresno County Council of Governments.
64.	All conditions of the Site Plan Review (SPR) shall be completed and accepted with the final plan approval.
65.	All other improvements shall be in accordance with Fresno County Improvement Standards.
66.	Should the subdivider/developer propose sidewalks abutting internal residential streets within the development, at the time of recordation of a final map, the developer shall be responsible for recording a covenant on each saleable parcel which shall notify future property owners that long-term maintenance and repair of sidewalks along their property frontage is the responsibility of the property owner. (Condition added at the May 16, 2019 Planning Commission hearing)

Conditions of Approval for Conditional Use Permit No. 3621 (PUD)	
1.	All conditions of the Subdivision Review Committee Report for Vesting Tentative Tract Map No. 6226 shall be complied with and development and operation of the Planned Unit Residential Development shall be in substantial conformance with Vesting Tentative Tract Map No. 6226 and the Operational Statement approved by the Board of Supervisors.
2.	General Plan Amendment (GPA) No. 554, Amendment Application (AA) No. 3831, and Conditional Use Permit (CUP) No. 3621 shall be tied to Vesting Tentative Tract Map (TT) No. 6226; if the TT is denied or expired, the GPA, AA and CUP shall also be denied or expire. Note: In accordance with Section 873-I of the Zoning Ordinance, a Conditional Use Permit to authorize a Tentative Tract Map automatically assumes the life span of the Map.
3.	Development shall be in accordance with the Millerton Specific Plan, including compliance with the most recently adopted Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, and the project site plan and project description as it pertains to property development standards, recreation corridors, natural surface drainage, open space, landscaping, fencing, lighting, circulation, grading and infrastructure.
4.	Where standards are unspecified in the Millerton Specific Plan or Millerton New Town Infrastructure Plan, the standards used shall be in accordance with the Fresno County Improvement Standards or as directed and approved by the Director of the Department of Public Works and Planning.

Project Notes

from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

7. According to the California Regional Water Quality Control Board, the project shall require permitting and mitigation either under the Federal Clean Water Act Sections 404/401 or under the State of California Water Code due to the property containing Waters of the United States. The project shall also require coverage under the Construction Storm Water General Permit and incorporate non-structural BMPs (Best Management Practices) rather than using the proposed detention basin along White Fox Creek.

8. The Clovis Unified School District in which the proposed development will occur 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.

9. The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans must be submitted to the County of Fresno Department of Public Works and Planning for review. The project shall also adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinkler Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD. Additionally, the project may require joining Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

10. The Fresno County Fire Protection District notes that the project shall conform to the following statutory requirements per the California Code of Regulations, Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations:

- Emergency Access and Egress 1273.00 - Road and street networks, whether public or private, unless exempted under Section 1270.02(d), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 1273.00 through 1273.11. This shall include the connection of the development to paved public roads that provide two different travel directions.
- Greenbelts 1276.03 – Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and must be consistent with the CALFIRE Unit Fire Management Plan or County Fire Plan.
- California Building Code Chapter 7A, California Fire Code Appendix D – Section D107 – One- or two-family Residential Developments where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study (IS) No. 7495, General Plan Amendment Application No. 554,
Amendment Application No. 3831, Vesting Tentative Tract Map Application No. 6226,
Classified Conditional Use Permit Application No. 3621, and
Site Plan Review Application No. 8108

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

Initial Study Application	\$ 3,901.00 ¹
Amendment Application with Classified Conditional Use Permit	\$ 8,501.00 ²
Tentative Tract Map	\$ 31,365.00 ²
Site Plan Review	\$ 6,959.00 ³
Public Health Department Review	<u>\$ 2,926.00⁴</u>
Total Fees Collected	<u>\$ 53,652.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
³ Review of proposal, which includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Conditions of Approval for the project by the Site Plan Review section of Fresno County Department of Public Works and Planning.
⁴ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.