



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 October 6, 2016

SUBJECT: Vesting Tentative Tract Map Application No. 4968 - Time Extension

Allow a two-year time extension to exercise Vesting Tentative Tract Map No. 4968 per Assembly Bill (AB) 1303 (Map Act Section 66452.25). Vesting Tentative Tract Map No. 4968 authorizes the division of approximately 149 acres of land into 308 lots with a minimum lot size of 6,800 square feet. The project site is located in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), R-2(c) (Single-Family Residential, 6,600 square-foot minimum parcel size, Conditional), R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) and O(c) (Open Conservation, Conditional) Zone Districts.

LOCATION: The project site is located within the Millerton Specific Plan on the south side of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately two and one-half miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-340-11s, 13s, 14s, 26s; 300-540-04s, 05s).

OWNER: JPJ, Inc.
APPLICANT: John Bonadelle, Jr

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

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve a two-year time extension for Vesting Tentative Tract Map No. 4968; 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 dated December 14, 2000 with Subdivision Review Committee Report dated February 3, 2000
5. Vesting Tentative Tract Map No. 4968
6. Applicant's Letter Requesting Time Extension

ENVIRONMENTAL DETERMINATION:

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

An Environmental Assessment (Initial Study No. 4665) was prepared for Vesting Tentative Tract Map No. 4968 under the provisions of CEQA, resulting in the determination that the previously-certified EIR and Addendum for the Millerton New Town Specific Plan remain adequate for the project. Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 20 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Map expires two years after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) which granted an automatic two-year time extension; d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; and e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date. Projects in Fresno County are eligible for time extensions under AB 1303 based on the County's annual mean income, annual non-seasonal unemployment, and poverty status statistics compared to statewide averages.

Granting an extension of a Tentative Map is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot Condition the grant of extension, unless the Applicant agrees to such additional Conditions. If the Applicant does not agree to such additional Conditions, the Commission may deny the extension if it finds, based on the evidence, that the project will be injurious to public health, safety or general welfare if the additional Conditions are not imposed.

The Planning Commission must determine that the application meets the following requirements: approved prior to December 31, 2001; was filed within 90 days of the date of expiration; and the project remains consistent with the existing zoning and the General Plan.

BACKGROUND INFORMATION:

On December 14, 2000, the Planning Commission approved Vesting Tentative Tract Map No. 4968, Classified Conditional Use Permit No. 2956, and Site Plan Review No. 7082, authorizing the development of a 146-acre planned residential development consisting of 308 single-family residences with a minimum lot size of 6,800 square feet.

The first one-year time extension for Vesting Tentative Tract Map No. 4968 (beyond the initial two years) was approved by the Planning Commission on January 23, 2003 and extended the expiration date to December 14, 2003. The second one-year time extension was approved on January 22, 2004 and extended the expiration date to December 14, 2004. On January 27, 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 extended the expiration date to December 14, 2005. The fourth one-year time extension was approved on January 26, 2006 and extended the expiration date to December 14, 2006. However, review of the surface water allotments to Millerton New Town conducted by the U.S. Bureau of Reclamation constituted a moratorium from the period of February 4, 2005 until February 25, 2007; therefore, staff determined that the Tentative Map would expire on December 31, 2008.

Subsequent to staff's determination that the Tentative Map would expire on December 31, 2008, Senate Bill (SB) 1185, effective July 15, 2008, granted an automatic one-year time extension for the Tentative Map, resulting in a new expiration date of December 31, 2009; Assembly Bill (AB) 333, effective July 15, 2009, granted an automatic two-year time extension for the Tentative Map, resulting in a new expiration date of December 31, 2011; Assembly Bill (AB) 208, effective

July 15, 2011, granted another automatic two-year time extension for the Tentative Map resulting in a new expiration date of December 31, 2013; and Assembly Bill (AB) 116, effective July 11, 2013, granted automatic two-year time extension for the Tentative Map resulting in a new expiration date of December 31, 2015. The previous application for a fifth one-year extension was granted by the Planning Commission and extended the expiration date to December 31, 2016.

The Commission may impose conditions when approving a time extension request for a vesting tentative tract, or may deny such a request only if such conditions could have been lawfully imposed as a condition to the approval of the map and 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.

In addition to the proposed AB 1303 two-year time extension, the State Subdivision Map Act provides up to six discretionary one-year time extensions. The subject application has been approved five times under these provisions with one discretionary time extension remaining.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 4968 was originally approved in 2000 concurrently with Conditional Use Permit (CUP) No. 2956 and Site Plan Review No. 7082 based on a determination that the required CUP findings could be made. Attached is a copy of the original Subdivision Review Committee Report and Planning Commission Resolution dated December 14, 2000 (Exhibit 4). According to the Applicant, the subject request is necessary in working with the County, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife to allow the project to proceed to Final map. Further, the Applicant has participated in completing the surface water treatment plant to serve the subject tract, obtained a fee schedule for County Service Area (SCA) 34C, participated in the construction of a tertiary wastewater treatment plant, and is working on procedures and operations regarding use of reclaimed water for the tract (Exhibit 5).

The approval date of this application is outside the band defined by AB 1303 to qualify for an automatic time extension; however, it is within the permitted range to apply for a discretionary extension, provided that the application was submitted with more than 90 days before expiration. The application was filed on August 17, 2016, which is 136 days before the expiration date of December 31, 2016.

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 two-year time extension for Vesting Tentative Tract Map No. 4968 should be approved, based on the factors cited in the analysis above. Approval of this time extension will

extend the expiration date to December 31, 2018.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine that Vesting Tentative Tract Map No. 4968 was approved prior to December 31, 2001, the time extension request was filed within 90 days of the date of expiration, and the project remains consistent with the existing zoning and the General Plan; and approve the two-year time extension for Vesting Tentative Tract Map No. 4968; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the two-year time extension request for Vesting Tentative Tract Map No. 4968 (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 of 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.

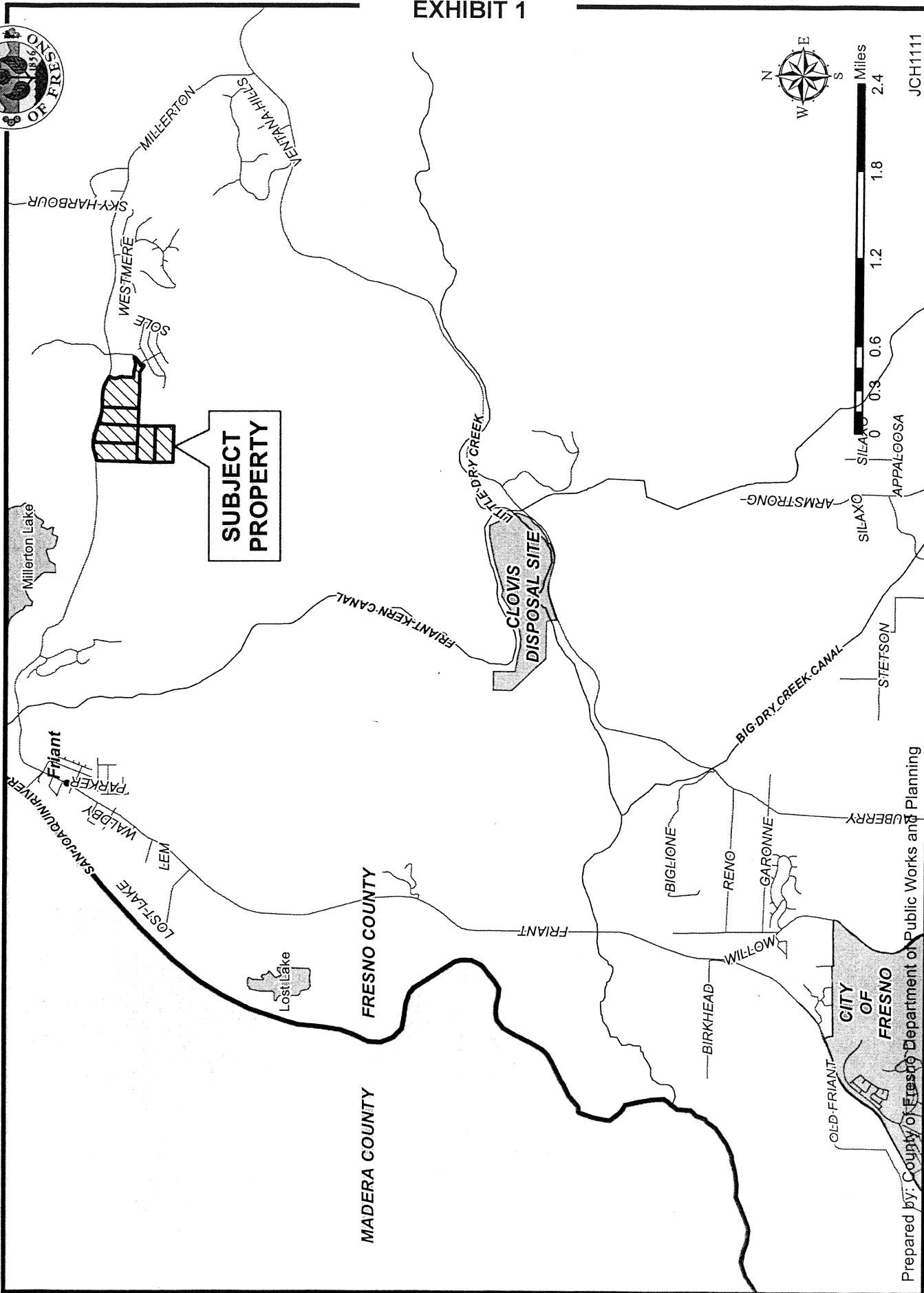
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EXHIBIT 1



LOCATION MAP



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

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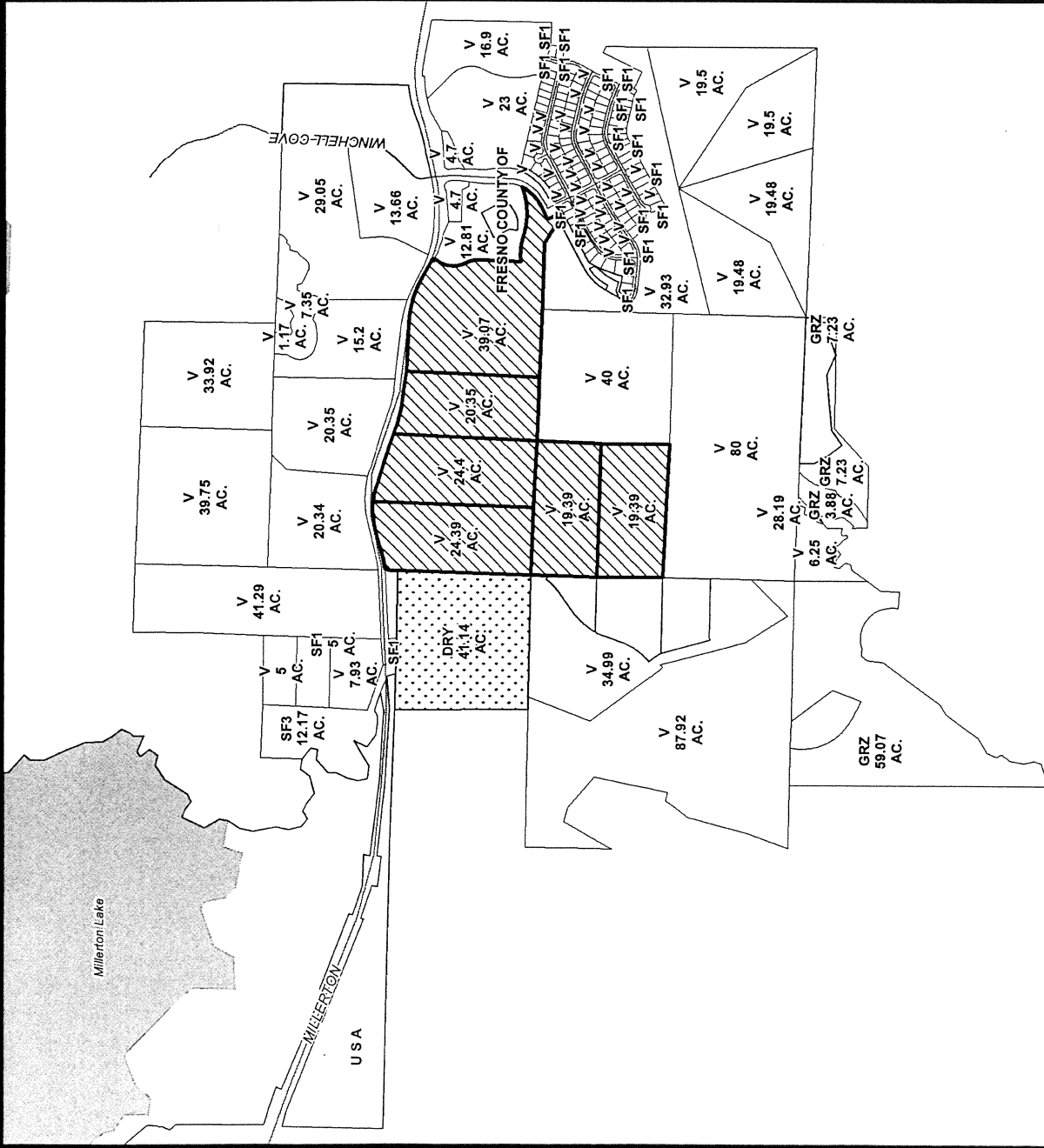
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EXISTING LAND USE MAP

EXHIBIT 2

TT 4968

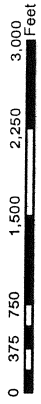
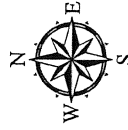


LEGEND

- 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\JCHALanduse\

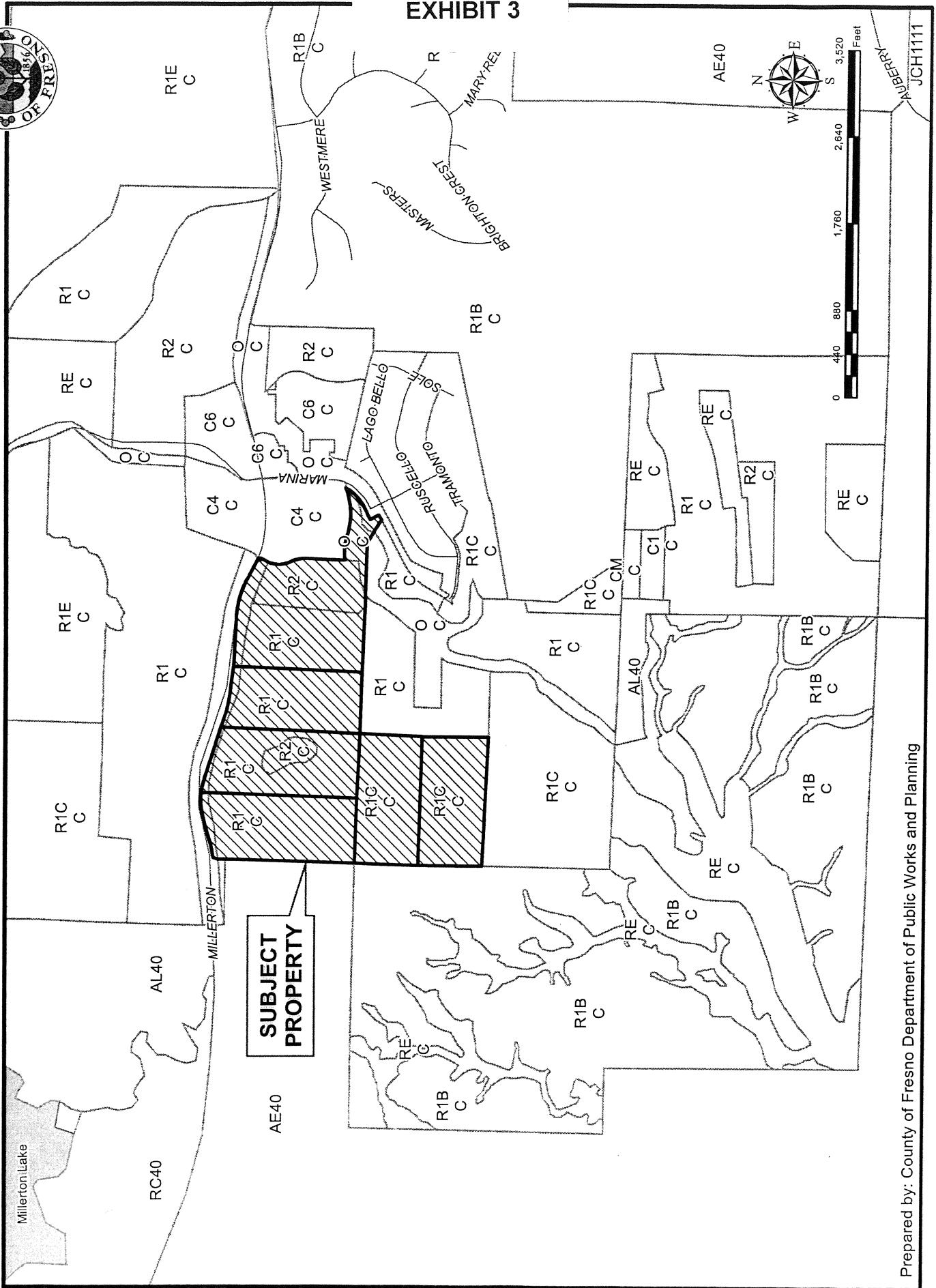
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EXISTING ZONING MAP



EXHIBIT 3



JCH1111



EXHIBIT 4
Inter Office Memo

DATE: December 14, 2000
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 11554 – INITIAL STUDY APPLICATION NO. 4665,
VESTING TENTATIVE TRACT MAP NO. 4968, CLASSIFIED CONDITIONAL
USE PERMIT APPLICATION NO. 2956, SITE PLAN REVIEW APPLICATION
NO. 7082

APPLICANT: Westcal Inc.

REQUEST: Allow a planned residential development consisting of 308 single-family homesites on 146 acres of land in the R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional), R-2(c) (Single-Family Residential, 6,600 square-foot minimum parcel size, Conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), and O(c) (Open Conservation, Conditional) 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. (SUP. DIST: 5) (APN: 300-340-09s, 10s, 11s, 13s, 14s, & 300-061-01s, 02s)

PLANNING COMMISSION ACTION:

At its hearing of December 14, 2000, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Tokmakian and seconded by Commissioner Price 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. 4968, Classified Conditional Use Permit Application No. 2956, and Site Plan Review Application No. 7082,

subject to the recommended conditions, except for the deletion of Conditional Use Permit Staff Report Conditions No. 12-16, as detailed on Exhibit "B".

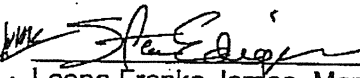
This motion passed on the following vote:

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

No: None

Absent: Commissioner Ferguson

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. 4968 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 other Staff Report dated December 14, 2000, without a presentation.

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

- This is the fifth and final application of the first phase of Millerton New Town.
- This project will allow us to finance the wastewater treatment plant and related infrastructure, a new school site, and other amenities needed to move forward.
- We have had discussions with the Fire Agency to remove Conditions No. 12 ~ 16, since the Mitigation Measures Matrix deals with fire protection issues.

Others: A member of the Friant Chamber of Commerce presented information in support of the project as summarized below.

- We support this project in the Millerton Specific Plan. It will help the viability of businesses in Friant.

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EXHIBIT "B"

Conditions of Approval

Classified Conditional Use Permit Application No. 2956

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 Vesting Tentative Subdivision Map No. 4968 shall be complied with.
3. This permit shall be tied to Vesting Tentative Subdivision Map No. 4968; if the tract is denied or expires, the Conditional Use Permit shall also expire.

NOTE: In accordance with Section 873 – 1 of the Zoning Ordinance, a conditional use permit to authorize a tentative subdivision map automatically assumes the life span of the tract map.

4. For those areas zoned R-1-C, R-2, and R-1 the property development standards of the R-1-C, R-2, and R-1 District shall apply except as follows:
 - a. Front yard setback – Minimum 20 feet for structures minimum 15 feet for porches.
 - b. Side yard setback – Minimum five feet; on corner lots, the side yard abutting the street shall be not less than ten feet in width; on reverse corner lots, the side yard setback abutting the street will be 12 feet.
 - c. Off street parking – There shall be at least two covered parking spaces.
 - d. Lot width – interior lot width minimum 60 feet width, corner lot width minimum 65 feet.
- *5. 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.

6. 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 infrastructure 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.
7. The grading standards specified in Section 806-04:2.03d of the Millerton Specific Plan shall be met.
8. 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.
9. The water conservation standards specified in Section 806-04:6.03a-d and g-j of the Millerton Specific Plan shall be met.
10. 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.
11. 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. All structures and infrastructure related to this project shall comply with Fresno County Ordinance 91-025, Fire Safe Regulations.

Vesting Tentative Tract Map Application No. 4968

1. WATER, SEWER, AND STORM WATER COLLECTION:

All community water, sewer, and storm water collection systems shall be designed according to the standards specified in the Millerton Specific Plan and in addition, shall be implemented according to the provisions specified in the Millerton New Town Infrastructure Plan currently under review by Fresno County.

2. ROADS:

a. MILLERTON ROAD:

1. Millerton Road shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan.

2. All landscape setbacks and bike lanes for Millerton Road shall be in accordance to Fresno County Standards and the Millerton Specific Plan.
 3. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided for Millerton Road.
 4. Millerton Road is classified as an Arterial with 30' of existing road right-of-way south of the centerline. This project shall provide an additional 23' or road right-of-way south of the existing south right-of-way.
 5. Millerton Road is a County maintained road. Records indicate this section of Millerton Road has an ADT of 5800, pavement width of 26.7' and structural section of 0.37' AC, 1.30' IB. The existing road is centered on right-of-way and will need to be replaced with the arterial road standard shown in the Millerton Specific Plan.
 6. Millerton Road shall be improved to a four-lane divided road along the tract's Millerton frontage. Improvements to Millerton road shall be in accordance to Fresno County improvement Standards and the Millerton Specific Plan.
 7. Left and right turn lanes shall be constructed on Millerton Road at all intersections within the Specific Plan area.
- b. AVENUE "J" (SAUBRICE AVENUE):
1. Saubrice Avenue shall be constructed with a 60' right-of-way and a 45 M.P.H. design speed in accordance with the Millerton Specific Plan and Fresno County Standards.
 2. Saubrice Avenue shall provide on-site turnarounds for all lots accessing Saubrice Road.
 3. Saubrice Avenue shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
 4. Saubrice Avenue shall provide a temporary turnaround at the south end of the road.
 5. Saubrice Avenue shall provide for the relinquishment of direct access for all abutting lots.
 6. Saubrice Avenue shall provide for the relinquishment of direct access along Saubrice Road for all abutting double frontage lots.
 7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided for Saubrice Avenue.

8. All local road connections with Saubrice Road must intersect at right angles' and curb returns must have a 30' radius.
9. Saubrice Avenue shall provide bicycle and hiking trails throughout the project area in accordance with the Millerton Specific Plan.

c. AVENUE "E" (LAKERIDGE DRIVE):

1. Lakeridge Drive shall be constructed with a 60' right-of-way and a 45 M.P.H. design speed in accordance with Fresno County Standards.
2. Lakeridge Drive shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Lakeridge Drive 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. Lakeridge Drive shall provide a temporary turnaround at the south end of the road.
6. Lakeridge Drive shall provide for the relinquishment of direct access for all abutting double frontage and corner lots.
7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided.
8. On site turnarounds shall be provided for all lots fronting on Lakeridge Drive.
9. Lakeridge Drive shall provide bicycle and hiking trails including sidewalks throughout the project area in accordance with the Millerton Specific Plan.

d. AVENUE "U" (CAPTAINS HILL ROAD):

1. Captains Hill Road shall be constructed with a 60' right-of-way and a 25 M.P.H. design speed in accordance with Fresno County Standards.
2. On site turnarounds shall be provided for all lots fronting on Captains Hill Road.
3. Captains Hill Road shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.

4. Captains Hill Road shall provide a temporary turnaround at the south end of the road.
5. Captains Hill Road shall provide for the relinquishment of direct access for all abutting double frontage and corner lots.
6. Captains Hill Road shall provide bicycle and hiking trails throughout the project area in accordance with the Millerton Specific Plan.

e. INTERIOR ROADS:

1. Avenue "O" shall be constructed to an interior road standard.
2. 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).
3. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
4. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of each road.
5. Shall provide Proposed County Improvement Standard A-26 knuckles at lots 152 and 197.
6. Shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
7. Shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).

f. ROADS GENERAL:

1. An engineered grading plan will be required.
2. Slope easements shall be provided out-side of the right-of-way where necessary.
3. Asphalt dikes shall be provided where necessary for erosion control.
4. Warning signs, markers, guardrails, and barricades shall be included in the design in accordance with County Improvement Standards.
5. A one-foot restricted access strips shall be provided at the end of the stub roads.

6. Bicycle and pedestrian paths shall be developed in accordance with the Millerton Specific Plan.
7. Direct access or easements for driveways shall be provided for all lots to the new roads and adequate sight distance shall be provided for the driveways for those lots requiring onsite turnarounds. It will be the duty of a registered civil engineer to certify compliance with this provision prior to recordation of the final map.
8. All roads shall provide for un-adopted Improvement Standard A-26 (Knuckle).

3. 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 down stream of the project.

4. FUTURE DEVELOPMENT:

Easements shall be provided for future roads and emergency access where such routes traverse proposed lots and common future areas.

5. FLOOD PRONE AREAS:

- a. The tract lies partially within a flood hazard area. Any development within the areas identified as flood prone shall be in accordance with Fresno County

Flood Hazard Ordinance.

- b. 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.
- c. Lots or portions thereof within the limits of inundation shall be provided with a minimum of 3,000 square feet of building area above the Base Flood elevation.

6. 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.

7. FIRE PROTECTION:

- a. Fire protection facilities shall be designed according to the standards specified in the Millerton Specific Plan and in addition, shall be implemented according to the provisions specified in the Millerton New Town Infrastructure Plan currently under review by Fresno County.
- b. 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.
- c. Fire access roads, fuel breaks, and fuel modification zones shall be approved by the Director of Public Works in collaboration with the Fresno County Fire Protection District.

8. 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.

9. OTHER IMPROVEMENTS:

All other improvements shall be in accordance with adopted Fresno County Improvement Standards.

10. GENERAL:

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.

11. 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.

12. STREET NAMES

The streets within the subdivision shall be named. The subdivider shall submit names to the Street Names Committee for review and approval prior to approval of the Final Map.

13. OUTLOTS

- a. The landscape areas shall be designated on the final map as Outlots for landscaping and open space purposes. The outlots shall be conveyed to CSA No. 34 or another public entity acceptable to the County and provision shall be made for their perpetual maintenance.
- b. The use of all Outlots shall be designated on the recorded map.

14. OTHER CONDITIONS

- a. All conditions of Classified Conditional Use Permit Application No. 2956 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 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.

AGENDA ITEM NO. 6

SUBDIVISION REVIEW COMMITTEE REPORT
TO
THE FRESNO COUNTY PLANNING COMMISSION
Vesting Tentative Subdivision Map No. 4968
Initial Study Application No. 4665
February 3, 2000

Project Analyst: David Deel (559) 262-4321

Date Filed: September 9, 1999

Date of Subdivision Review
Committee Meeting: November 20, 2000

Subdivider: Westcal, Inc.

Engineer: Les Peterson

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: 146

Number of Lots: 308

Minimum Lot Size: 6,800 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:

Roads and Pipelines to natural channels

Zoning on Subject Property:

R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, conditional), R-2(c) (Single-Family Residential, 6,600 square-foot minimum parcel size, conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, conditional), O(c) (Open Conservation, conditional) Districts.

Proposed Zoning:

None

Surrounding Zoning:

AL-40, O(c), R-1-B(c), R-1-C(c), R-1(c), R-2(c), C-4(c), C-6(c)

Proposed Use:

Single-family residences

Land Use on Subject Property:

Grazing, vacant

Surrounding Land Use:

Grazing, rural homesites, single-family residences, golf course, casino, Lake Millerton State Park.

Noticing:

Notices were sent to 12 property owners within one-quarter mile of the subject property, and six special interest groups.

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, a 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. On September 7, 2000, Conditional Use Permit Application No. 2942 was approved authorizing an 18-hole golf course and related golf shop, and allowing application of treated wastewater on the 172-acre parcel. On November 30, 2000, the Planning Commission approved Conditional Use Permit Application No. 2955, Vesting Tentative Subdivision Map No. 4976, and Site Plan Review No. 7081 authorizing a Planned Residential Development consisting of 184 single-family homesites.

Vesting Tentative Subdivision Map No. 4968 is now being considered concurrently with Classified Conditional Use Permit Application No. 2956 and Site Plan Review Application No. 7082, to divide the subject property into a maximum of 308 lots with a minimum lot size of 6,800 square feet. The tentative subdivision map may only be approved if the above-referenced conditional use permit is also approved.

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 Initial Study (Initial Study No. 4665) 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 146 acres in size and is located within the Millerton Specific Plan. Under this request, the applicant is proposing to subdivide subject property into 308 residential lots having a minimum parcel size of 6,800 square feet. There will be a six outlots totaling 38 acres, which will remain as common /open space. Approximately 56 acres of the proposed subdivision within the northeast portion of the subject property is designated Medium High Density Residential and is zoned R-1(c) and R-2(c). Approximately 53 acres within the northwest portion is designated Medium Density Residential and is zoned R-1(c) and R-2(c). The remaining approximately 37 acres in the southwest corner of the proposed subdivision is designated Medium Low Density Residential and is zoned R-1-C(c). The R-1 and R-2, zoning is consistent with the Medium and Medium High Density Residential and R-1-C zoning is consistent with Medium Low Density Residential land use designation, respectively.

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). Areas designated Medium Density Residential shall be developed at a density not to exceed one dwelling unit per 6,000 square feet (net) or seven units per acre (gross). Areas designated Medium High Density Residential shall be developed at a density not to exceed one dwelling unit per 2,400 square feet (net) or ten units per acre (gross).

Under this request, the applicant is proposing 308 residential lots on approximately 146 acres that is designated for Medium Low, Medium and Medium High Density Residential. Of the 308 proposed lots, 106 would be developed on approximately 58 acres that is designated Medium High Density Residential, 63 lots would be developed on approximately 53 acres designated for Medium Density Residential and 139 lots would be developed on approximately 40 acres designated for Medium Low Density Residential. This would result in a density of 1.8 units per gross acre for the Medium High Density Residential designation, 1.1 units per gross acre for the Medium Density Residential designation and 3.5 units per gross acre for the Medium Low Density Residential designation which is consistent with the densities specified by the Specific Plan.

The policies of the Specific Plan indicate that common open space free of buildings, streets, driveways, or parking areas shall be provided as a part of the planned development. The open space areas are to be designed and located to be easily accessible to all residents of the project and usable for open space and recreational uses. The Plan 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 six outlots, totaling 38 acres, which comprises approximately 26 percent of the project site. In addition, this development is part of the Millerton Specific Plan, which provides for substantial community-wide open space and recreation areas to be developed for the residents of the Specific Plan area including those of the proposed project. Components of this open space and recreation system will include a village green, community parks, a golf course, and recreation corridors. 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 Lakeridge Drive (Avenue "E") 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. 2956, 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 the 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 demonstrates 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 through six outlots totaling 38 acres.

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 and dated December 22, 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 have 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. 2956 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. Also, 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 that a pro-rata fee be established for the cost of a Sheriff's substation in the government center and 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 requires 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 area below the small ridgeline that runs along the southerly edge of the property.

The project description submitted by the applicant indicates that the homes proposed for the development will have a contemporary theme, which the Plan deems appropriate for Millerton New Town. The building form, materials, and earth-tone color scheme for the housing will blend with the surrounding landscape. According to the project description, the homes will range in size from 1,100 square feet to 2,400 square feet and the proposed floor plans will allow for variety of setbacks, which will create a staggered effect along the street. Front yard landscaping will also be provided for each home as required by the Plan. 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 600 to 770 feet above sea level. Physical features for the subject property include two prominent hill peaks along the northern boundary with rolling hills throughout the property. The area that is proposed to be subdivided generally has gentle slopes with only a few areas of moderately steep incline that approach 20 percent. The soils consist of Sesame Sandy Loam. According to 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 small 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. Minor drainage courses running through the Millerton Specific Plan area. To ensure that these channels are 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 facility. 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 in place, and County Service Area No. 34 ready to provided 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 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 avoidably 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 one acre to over 100 acres in size. The subject property is vacant and occasionally used for grazing. Surrounding land uses include grazing to the north, west, and south. 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 the 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 both the EIR and the Addendum to the EIR to address the environmental impacts resulting from development within the Specific Plan. Specifically, the mitigation measure requires development of a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program prior to recordation of a Final Map or Site Plan Review. The mitigation measures of the EIR and the Addendum to the EIR have been incorporated into the project and will be imposed as conditions of approval. Based on this, the subdivision or 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. 2956.

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 and 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 type of improvements that are proposed is likely to cause any serious health problems. Both community water and sewer facilities will be provided for 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. 2956.

STAFF RECOMMENDATION

Staff recommends approval of Vesting Tentative Subdivision Map No. 4968, subject to the following conditions:

1. **WATER, SEWER, AND STORM WATER COLLECTION:**

All community water, sewer, and storm water collection systems shall be designed according to the standards specified in the Millerton Specific Plan and in addition, shall be implemented according to the provisions specified in the Millerton New Town Infrastructure Plan currently under review by Fresno County.

2. **ROADS:**

a. **MILLERTON ROAD:**

1. Millerton Road shall be constructed to a 45 M.P.H. public road standard in accordance with County Improvement Standards and the Millerton Specific Plan.
2. All landscape setbacks and bike lanes for Millerton Road shall be in accordance to Fresno County Standards and the Millerton Specific Plan.

3. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided for Millerton Road.
 4. Millerton Road is classified as an Arterial with 30' of existing road right-of-way south of the centerline. This project shall provide an additional 23' of road right-of-way south of the existing south right-of-way.
 5. Millerton Road is a County maintained road. Records indicate this section of Millerton Road has an ADT of 5800, pavement width of 26.7' and structural section of 0.37' AC, 1.30' IB. The existing road is centered on right-of-way and will need to be replaced with the arterial road standard shown in the Millerton Specific Plan.
 6. Millerton Road shall be improved to a four-lane divided road along the tract's Millerton frontage. Improvements to Millerton road shall be in accordance to Fresno County improvement Standards and the Millerton Specific Plan.
 7. Left and right turn lanes shall be constructed on Millerton Road at all intersections within the Specific Plan area.
- b. AVENUE "J" (SAUBRICE AVENUE):
1. Saubrice Avenue shall be constructed with a 60' right-of-way and a 45 M.P.H. design speed in accordance with the Millerton Specific Plan and Fresno County Standards.
 2. Saubrice Avenue shall provide on-site turnarounds for all lots accessing Saubrice Road.
 3. Saubrice Avenue shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
 4. Saubrice Avenue shall provide a temporary turnaround at the south end of the road.
 5. Saubrice Avenue shall provide for the relinquishment of direct access for all abutting lots.
 6. Saubrice Avenue shall provide for the relinquishment of direct access along Saubrice Road for all abutting double frontage lots.
 7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided for Saubrice Avenue.

8. All local road connections with Saubrice Road must intersect at right angles' and curb returns must have a 30' radius.
9. Saubrice Avenue shall provide bicycle and hiking trails throughout the project area in accordance with the Millerton Specific Plan.

c. AVENUE "E" (LAKERIDGE DRIVE):

1. Lakeridge Drive shall be constructed with a 60' right-of-way and a 45 M.P.H. design speed in accordance with Fresno County Standards.
2. Lakeridge Drive shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
3. Lakeridge Drive 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. Lakeridge Drive shall provide a temporary turnaround at the south end of the road.
6. Lakeridge Drive shall provide for the relinquishment of direct access for all abutting double frontage and corner lots.
7. A non-access barrier acceptable to the Director of the Department of Public Works shall be provided.
8. On site turnarounds shall be provided for all lots fronting on Lakeridge Drive.
9. Lakeridge Drive shall provide bicycle and hiking trails including sidewalks throughout the project area in accordance with the Millerton Specific Plan.

d. AVENUE "U" (CAPTAINS HILL ROAD):

1. Captains Hill Road shall be constructed with a 60' right-of-way and a 25 M.P.H. design speed in accordance with Fresno County Standards.
2. On site turnarounds shall be provided for all lots fronting on Captains Hill Road.

3. Captains Hill Road shall be intersected by all roads as near to right angles as practicable in accordance with the County Improvement Standards.
4. Captains Hill Road shall provide a temporary turnaround at the south end of the road.
5. Captains Hill Road shall provide for the relinquishment of direct access for all abutting double frontage and corner lots.
6. Captains Hill Road shall provide bicycle and hiking trails throughout the project area in accordance with the Millerton Specific Plan.

e. INTERIOR ROADS:

1. Avenue "O" shall be constructed to an interior road standard.
2. 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).
3. Shall provide right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
4. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of each road.
5. Shall provide Proposed County Improvement Standard A-26 knuckles at lots 152 and 197.
6. Shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
7. Shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).

f. ROADS GENERAL:

1. An engineered grading plan will be required.
2. Slope easements shall be provided out-side of the right-of-way where necessary.
3. Asphalt dikes shall be provided where necessary for erosion control.

4. Warning signs, markers, guard rails, and barricades shall be included in the design in accordance with County Improvement Standards.
5. A one-foot restricted access strips shall be provided at the end of the stub roads.
6. Bicycle and pedestrian paths shall be developed in accordance with the Millerton Specific Plan.
7. Direct access or easements for driveways shall be provided for all lots to the new roads and adequate sight distance shall be provided for the driveways for those lots requiring onsite turnarounds. It will be the duty of a registered civil engineer to certify compliance with this provision prior to recordation of the final map.
8. All roads shall provide for un-adopted Improvement Standard A-26 (Knuckle).

3. 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 down stream of the project.

4. FUTURE DEVELOPMENT:

Easements shall be provided for future roads and emergency access where such routes traverse proposed lots and common future areas.

5. FLOOD PRONE AREAS:

- a. The tract lies partially within a flood hazard area. Any development within the areas identified as flood prone shall be in accordance with Fresno County Flood Hazard Ordinance.
- b. 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.
- c. Lots or portions thereof within the limits of inundation shall be provided with a minimum of 3,000 square feet of building area above the Base Flood elevation.

6. 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.

7. FIRE PROTECTION:

- a. Fire protection facilities shall be designed according to the standards specified in the Millerton Specific Plan and in addition, shall be implemented according to the provisions specified in the Millerton New Town Infrastructure Plan currently under review by Fresno County.
- b. 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.

- c. Fire access roads, fuel breaks, and fuel modification zones shall be approved by the Director of Public Works in collaboration with the Fresno County Fire Protection District.

8. 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.

9. OTHER IMPROVEMENTS:

All other improvements shall be in accordance with adopted Fresno County Improvement Standards.

10. GENERAL:

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.

11. 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.

12. STREET NAMES

The streets within the subdivision shall be named. The subdivider shall submit names to the Street Names Committee for review and approval prior to approval of the Final Map.

13. OUTLOTS

- a. The landscape areas shall be designated on the final map as Outlots for landscaping and open space purposes. The outlots shall be conveyed to CSA No. 34 or another public entity acceptable to the County and provision shall be made for their perpetual maintenance.

- b. The use of all Outlots shall be designated on the recorded map.

14. OTHER CONDITIONS

- a. All conditions of Classified Conditional Use Permit Application No. 2905 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 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.

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.

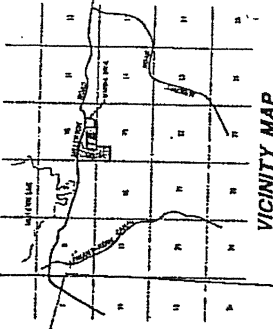
1. The Clovis Unified School District in which you are proposing construction has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State Law, which authorizes the fee, may not issue a building permit without certification from the school district that the 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.

EXHIBIT 5

EDWARD J. DUNNELL AND ASSOCIATES

VESTING TENTATIVE SUBDIVISION MAP

WESTCAL, INC.
Prepared for
Submitted by
Approved by
Date
Project
City
County
State
Sheet No.
of 2 Sheets
Scale
Date

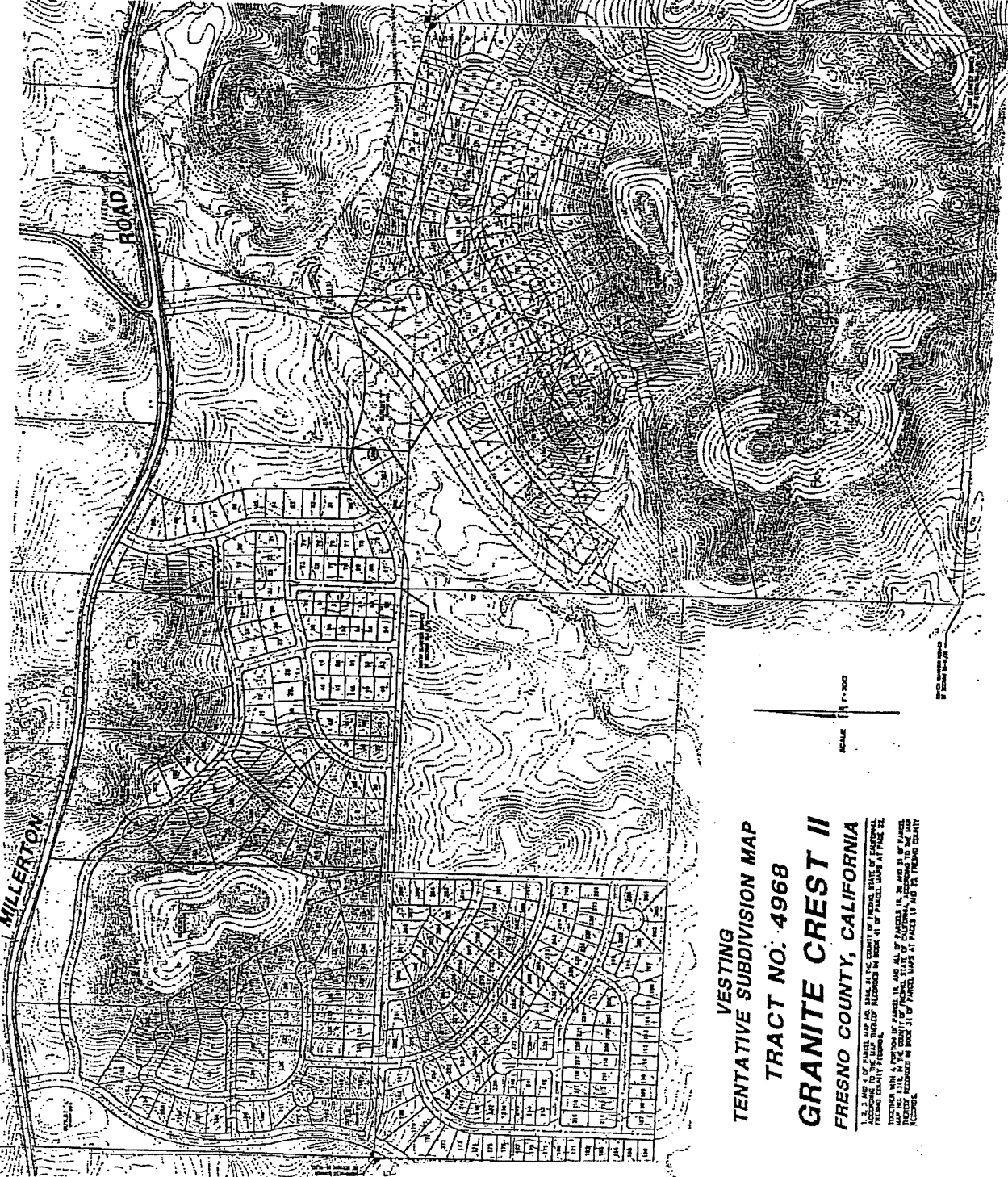


VICINITY MAP

REPLACES
NO. 111308

WESTCAL, INC.
Prepared for
Submitted by
Approved by
Date
Project
City
County
State
Sheet No.
of 2 Sheets
Scale
Date

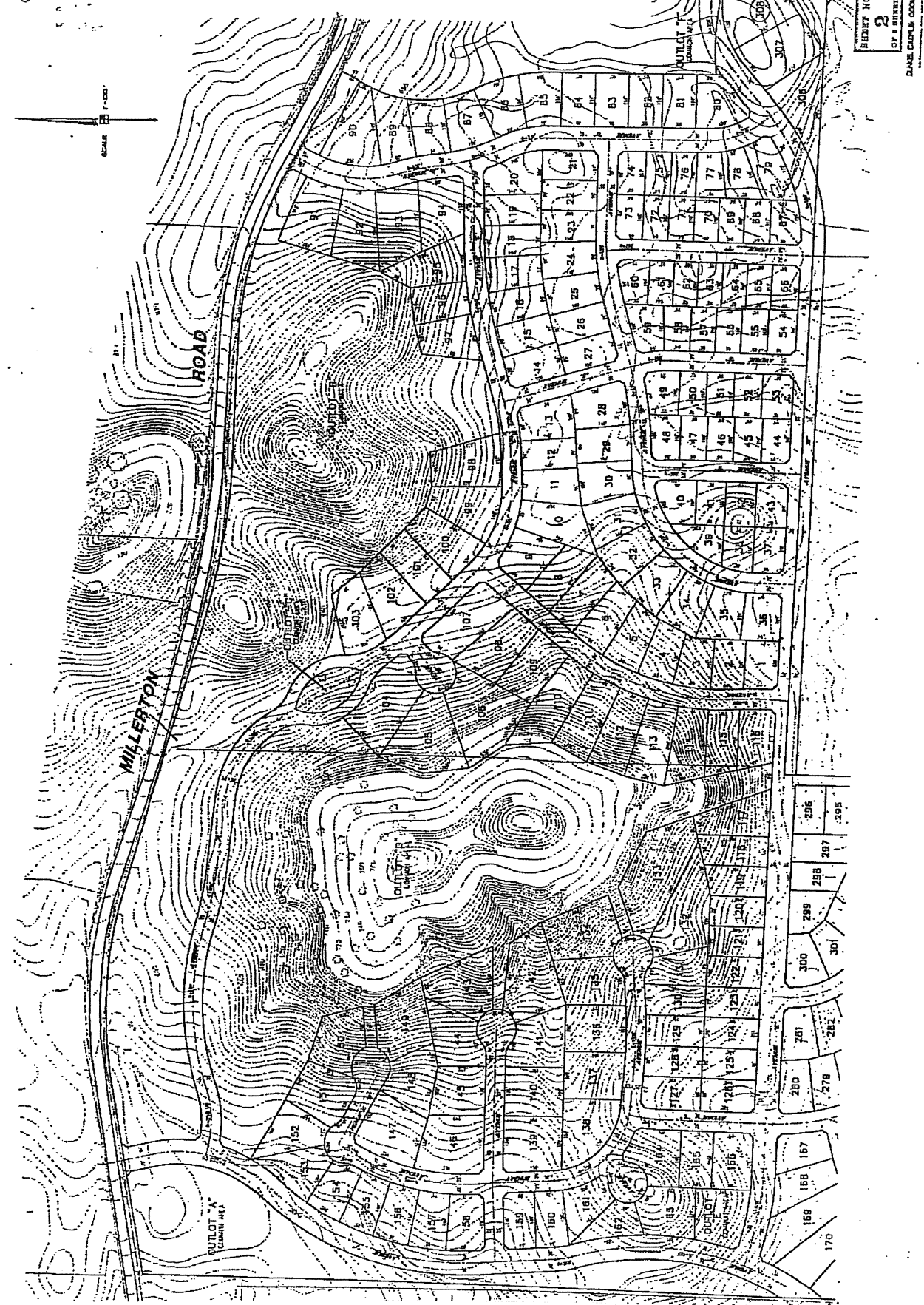
REVISION COPY



VESTING
TENTATIVE SUBDIVISION MAP
TRACT NO. 4968
GRANITE CREST II
FRESNO COUNTY, CALIFORNIA

U.S. AND A.C. PARCEL MAP NO. 21414 IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, RECORDS IN BOOK 47 OF PARCEL MAPS AT PAGE 22. TOGETHER WITH A PORTION OF PARCEL 18, AND ALL OF PARCELS 15, 16, 17 AND 18, ALL OF WHICH ARE PART OF PARCEL 18, AS SHOWN ON PARCEL MAP NO. 21414 IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, RECORDS IN BOOK 47 OF PARCEL MAPS AT PAGE 22 AND THE FRESNO COUNTY RECORDS.

SCALE 1" = 100'



SHEET NO. 2
 OF 8 SHEETS
 DAME CIVIL ENGINEERING

EDWARD D. DONKEL AND ASSOCIATES

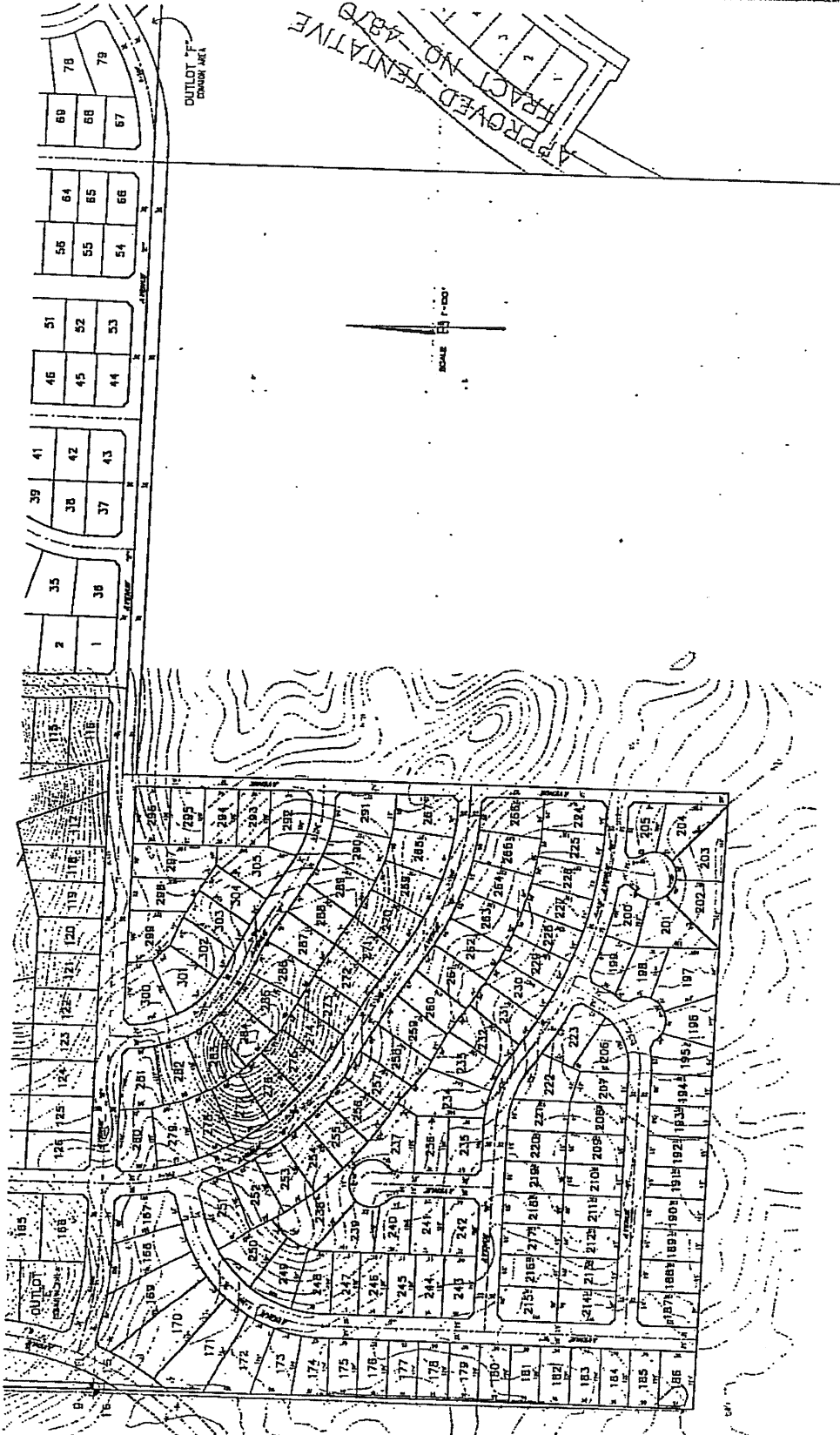
WAITING TENTATIVE SUBDIVISION MAP
GRANITE CREST II

WESTCAL
307 W. BULLARD AVENUE SUITE 200
FREMONT, CALIFORNIA 94531

Prepared for:
Checked by:
Reviewed by:
Date:
Scale:
Author:
Revised:
Date:
Date:

SHEET NO. 3 OF 8 SHEETS

THIS MAP IS SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE REGULATIONS THEREUNDER.



JPJ, INC.
7030 N. Fruit Avenue, Suite# 101
Fresno, California 93711

EXHIBIT 6

August 15, 2016

Mr. Chris Motta
Fresno County Development Services Division
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, California 93721-2104

TTM 4968

RECEIVED
COUNTY OF FRESNO

AUG 17 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Re: Tract 4968

Dear Chris:

This letter will constitute the request of JPJ, Inc (formerly Westcal Incorporated) to seek the extension of Tentative Tract Map 4968 originally approved on or about December 14, 2000, for 308 single-family lots within the Millerton New Town Specific Plan.

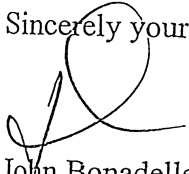
JPJ, Inc. has been diligently working since the original date of approval and the last extension to complete the necessary approvals, documentation, and mitigation measures as required by the Millerton Specific Plan in order to develop the subject property, as follows:

1. JPJ, Inc. has been diligently working with Fresno County and the U. S. Bureau of Reclamation, USFWS and CDFW to allow this Project to proceed to Final Map.
2. Since the previous request for extension of this Map, JPJ, Inc. has participated in completion of the surface water treatment plant to serve the Millerton New Town area, including the subject Tract.
3. JPJ, Inc. has obtained the approval of a Fee Schedule for the CSA-34 C adjacent Tract, which will be applicable to the subject Tract 4968
4. JPJ, Inc. participated in the construction of a tertiary wastewater treatment plant required to serve Tract 4968 and other Tracts in the Specific Plan area which has been completed.

5. JPJ, Inc. is working with consultants and Fresno County to establish a procedure and operation for reclaimed water usage for Tract 4968 and related Tracts.

Should you have any further questions, please do not hesitate to contact me.

Sincerely yours,



John Bonadelle
President



cc: Mr. Austin B. Ewell III
Mr. Dean Pryor
Mr. Art Lancaster
Mr. Rick Heyman