



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 2 October 6, 2016

SUBJECT: Vesting Tentative Tract Map No. 4321 – Time Extension

Grant a two-year time extension in accordance with California Government Code Section 66452.25 (Assembly Bill 1303) to exercise Vesting Tentative Tract Map No. 4321, which authorizes the division of 191 acres into 180 residential lots in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts.

LOCATION: The project site is located on the south side of Millerton Road, approximately three quarters of a mile east of its intersection with Friant Road, approximately one mile east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-550-03 through 08; 300-560-02 through 16; 300-560-20, 22; 300-570-01 through 18; 300-570-21; 300-580-01 through 14; 300-580-16; 300-021-73, 78, 82, 86; 300-550-09T; 300-021-68T, 87T; 300-050-24).

OWNER: Donavon Harris
APPLICANT: Jerry K. Boren

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

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve a two-year time extension for Vesting Tentative Tract Map No. 4321
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Board of Supervisors Agenda Item and Staff Report dated November 29, 1994 (including the approved Vesting Tentative Tract Map)
5. Correspondence requesting Time Extension

ENVIRONMENTAL ANALYSIS:

Vesting Tentative Tract Map No. 4321 was evaluated by an Environmental Impact Report (EIR) that was certified by the Fresno County Board of Supervisors on November 29, 1994 in accordance with the California Environmental Quality Act (CEQA).

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

The subject time extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted above. Therefore, no subsequent or supplemental CEQA documentation is required.

PUBLIC NOTICE:

Notices were sent to 54 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 (Map Act) provides that prior to the expiration of a Tentative Tract Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Tract Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Tract Map expires two years after its approval unless time extensions are granted by the local agency. The Map Act provides for six discretionary one-year time extensions. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed five separate Bills providing time extensions for Tentative Tract Maps in addition to the six time extensions already provided by the Map Act, subject to certain criteria. These Bills and their associated criteria are as follows:

- Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) grants an automatic one-year time extension to any Tentative Tract Map that has not expired as of July 15, 2008, but will expire before January 1, 2011.
- Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) grants an automatic two-year time extension to any Tentative Tract Map that has not expired as of July 15, 2009, but will expire before January 1, 2012.
- Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) grants an automatic two-year time extension to any Tentative Tract Map that has not expired as of July 15, 2011, but will expire before January 1, 2014.
- Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) grants a two-year time extension to any Tentative Tract Map that has not expired as of July 11, 2013, if a discretionary application for time extension is filed by the subdivider prior to the expiration date.
- Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) grants a two-year time extension to any Tentative Tract Map that has not expired as of October 10, 2015, subject to the following criteria: the Tentative Tract Map was approved prior to December 31, 2001; a discretionary application for time extension was filed at least 90 days prior to the expiration date; and the development is consistent with existing zoning and the General Plan.

The granting of a time extension for a Tentative Tract Map is discretionary; however, the Planning Commission's discretion in such matters is limited to the question of time. Further, the Planning Commission cannot place additional Conditions on a project through a time extension application unless the Applicant agrees to such additional Conditions. If the Applicant does not agree to such additional Conditions, the Planning Commission may deny the time extension if it finds, based on the evidence, that the project will be injurious to public health, safety or general welfare if the additional Conditions are not imposed.

In order for a Tentative Tract Map to qualify for the two-year time extension made available by Assembly Bill (AB) 1303 (Map Act Section 66452.25), the Planning Commission must determine that the Tentative Tract Map satisfies the following requirements: the Tentative Tract Map was approved prior to December 31, 2001; a discretionary application for time extension was filed at least 90 days prior to the expiration date of the Tentative Tract Map; and the development

authorized by the Tentative Tract Map remains consistent with existing zoning and the General Plan.

BACKGROUND INFORMATION:

On November 29, 1994 the Board of Supervisors concurrently approved Vesting Tentative Tract Map No. 4321, General Plan Amendment No. 394, Amendment (rezone) No. 3565, Classified Conditional Use Permit No. 2535, and Site Plan Review No. 6399 authorizing the development of a 191-acre planned residential development consisting of 180 residential lots. The Board of Supervisors formally adopted the General Plan Amendment on December 13, 1994, and the rezone became effective 30 days thereafter. As such, the approval of Vesting Tentative Tract Map No. 4321 became effective on January 13, 1995 and was subject to the two-year project life noted above. However, the life of the Tentative Tract Map was extended to January 13, 1998 as a result of State legislation which granted an additional year to any approved Tentative Tract Map that had not expired as of May 15, 1996.

The first discretionary one-year time extension application authorized by the State Subdivision Map Act (Map Act) for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on February 5, 1998, extending the life of the Tentative Tract Map to January 13, 1999.

The second discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on January 14, 1999, extending the life of the Tentative Tract Map to January 13, 2000.

The third discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on March 9, 2000, extending the life of the Tentative Tract Map to January 13, 2001.

The fourth discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on March 8, 2001, extending the life of the Tentative Tract Map to January 13, 2002.

The fifth discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on February 21, 2002, extending the life of the Tentative Tract Map to January 13, 2003.

The Map Act includes provisions which grant statutory extensions to Tentative Tract Maps that utilize phased development. In the case of Vesting Tentative Tract Map No. 4321, a three-year extension was granted when the subdivider recorded Phase I of the project in December 2002, resulting in a new expiration date of January 13, 2006. Subsequently, another three-year extension was granted when the subdivider recorded Phase II of the project in December 2005, resulting in a new expiration date of January 13, 2009.

In 2008, Senate Bill (SB) 1185 (Map Act Section 66452.21) granted an automatic one-year time extension to Vesting Tentative Tract Map No. 4321, resulting in a new expiration date of January 13, 2010. Later in 2008, Assembly Bill (AB) 333 (Map Act Section 66452.22) granted an automatic two-year time extension to the Tentative Tract Map, resulting in a new expiration date of January 13, 2012.

In 2011, Assembly Bill (AB) 208 (Map Act Section 66452.23) granted an automatic two-year time extension to Vesting Tentative Tract Map No. 4321, resulting in a new expiration date of January 13, 2014.

Another discretionary one-year time extension application for Vesting Tentative Tract Map No. 4321 was approved by the Planning Commission on February 20, 2014, extending the life of the Tentative Tract Map to January 13, 2015. That time extension request was presented to the Planning Commission as the sixth discretionary time extension authorized by the State Subdivision Map Act (Map Act). However, Assembly Bill (AB) 116 (Map Act Section 66452.24) became effective in 2013, granting a two-year time extension to any Tentative Tract Map that had not expired as of July 11, 2013, if a discretionary application for time extension was filed by the subdivider prior to the expiration date of the Tentative Tract Map. As such, the discretionary one-year time extension application that was filed on December 18, 2013 (prior to the January 13, 2014 expiration date), made effective the two-year time extension provided by AB 116, and should not have been considered the sixth discretionary time extension authorized by the Map Act. Further, due to the two-year time extension provided by AB 116, approval of the discretionary time extension application filed on December 18, 2013 resulted in a new expiration date of January 13, 2016.

The sixth discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was filed on January 12, 2016 (prior to the January 13, 2016 expiration date), and was approved by the Planning Commission on March 3, 2016, extending the life of the Tentative Tract Map to January 13, 2017.

In accordance with Assembly Bill (AB) 1303 (Map Act Section 66452.25), Vesting Tentative Tract Map No. 4321 was approved on November 29, 1994, and the subject discretionary application for time extension was filed on July 6, 2016 (more than 90 days prior to the January 13, 2017 expiration date). If the subject discretionary application for time extension is approved, Vesting Tentative Tract Map No. 4321 will not expire until January 13, 2019.

ANALYSIS:

The approval of Vesting Tentative Tract Map No. 4321 became effective on January 13, 1995. Attached is a copy of the Board of Supervisors Agenda Item and Staff Report dated November 29, 1994 which were prepared for the Vesting Tentative Tract Map (Exhibit 4). Subsequent to the approval of Vesting Tentative Tract Map No. 4321, the subdivider filed seven discretionary time extension applications which were approved by the Planning Commission on February 5, 1998; January 14, 1999; March 9, 2000; March 8, 2001; February 21, 2002; February 20, 2014; and March 3, 2016. To date, the developer has recorded two final maps for this project (Phases I and II), and economic conditions have precluded the recordation of the third final map for the project (Phase III).

The discretionary one-year time extension application for Vesting Tentative Tract Map No. 4321 approved by the Planning Commission on February 20, 2014 extended the life of the Tentative Tract Map to January 13, 2015. That time extension request was presented to the Planning Commission as the sixth discretionary time extension authorized by the State Subdivision Map Act (Map Act). However, Assembly Bill (AB) 116 (Map Act Section 66452.24) became effective in 2013, granting a two-year time extension to any Tentative Tract Map that had not expired as of July 11, 2013, if a discretionary application for time extension was filed by the subdivider prior to the expiration date of the Tentative Tract Map. As such, the discretionary one-year time extension application that was approved by the Planning Commission on February 20, 2014 made effective the two-year time extension provided by AB 116, and should not have been

considered the sixth discretionary time extension authorized by the Map Act. Further, due to the two-year time extension provided by AB 116, the discretionary time extension approved by the Planning Commission on February 20, 2014 actually resulted in a new expiration date of January 13, 2016.

The sixth discretionary one-year time extension application authorized by the Map Act for Vesting Tentative Tract Map No. 4321 was filed on January 12, 2016 (prior to the January 13, 2016 expiration date), and was approved by the Planning Commission on March 3, 2016, extending the life of the Tentative Tract Map to January 13, 2017.

In accordance with Assembly Bill (AB) 1303 (Map Act Section 66452.25), Vesting Tentative Tract Map No. 4321 was approved by the Board of Supervisors on November 29, 1994, and the current discretionary application for time extension was filed on July 6, 2016 (more than 90 days prior to the January 13, 2017 expiration date).

With regard to AB 1303 (Map Act Section 66452.25) Zoning and General Plan criteria, the residential lots created by Vesting Tentative Tract Map No. 4321 are currently zoned R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) and are currently designated Low-Density Residential in the General Plan. Additionally, some of the Outlots created by Vesting Tentative Tract Map No. 4321 are currently zoned AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) and are currently designated Eastside Rangeland in the General Plan. These Zone Districts and General Plan designations are the same as those authorized by the Board of Supervisors on November 29, 1994 when the Board concurrently approved Vesting Tentative Tract Map No. 4321, General Plan Amendment No. 394, Amendment (rezone) No. 3565, Classified Conditional Use Permit No. 2535, and Site Plan Review No. 6399.

Based on the analysis above, Vesting Tentative Tract Map No. 4321 is eligible for a two-year time extension under the provisions of AB 1303 (Map Act Section 66452.25). As such, if the subject discretionary application for time extension is approved, Vesting Tentative Tract Map No. 4321 will not expire until January 13, 2019.

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.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the current time extension request for Vesting Tentative Tract Map No. 4321 should be approved based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to January 13, 2019.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine that Vesting Tentative Tract Map No. 4321 was approved prior to December 31, 2001, the time extension request was filed more than 90 days prior to the date of expiration, and the development remains consistent with existing zoning and the General Plan; and approve the two-year time extension for Vesting Tentative Tract Map No. 4321; 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. 4321 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community or both; or state how denial of the time extension request is required in order to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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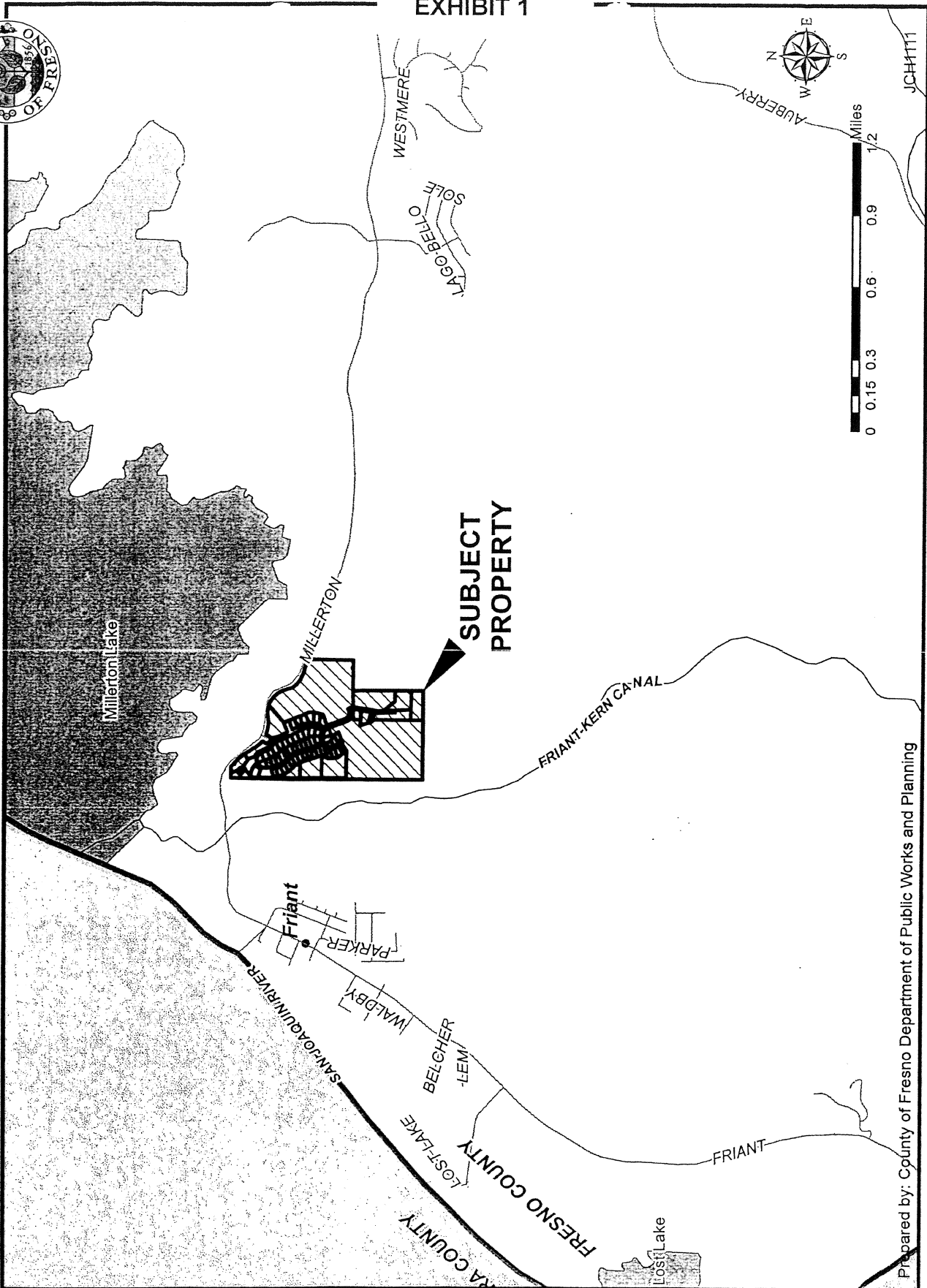
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LOCATION MAP

EXHIBIT 1

TT 4321

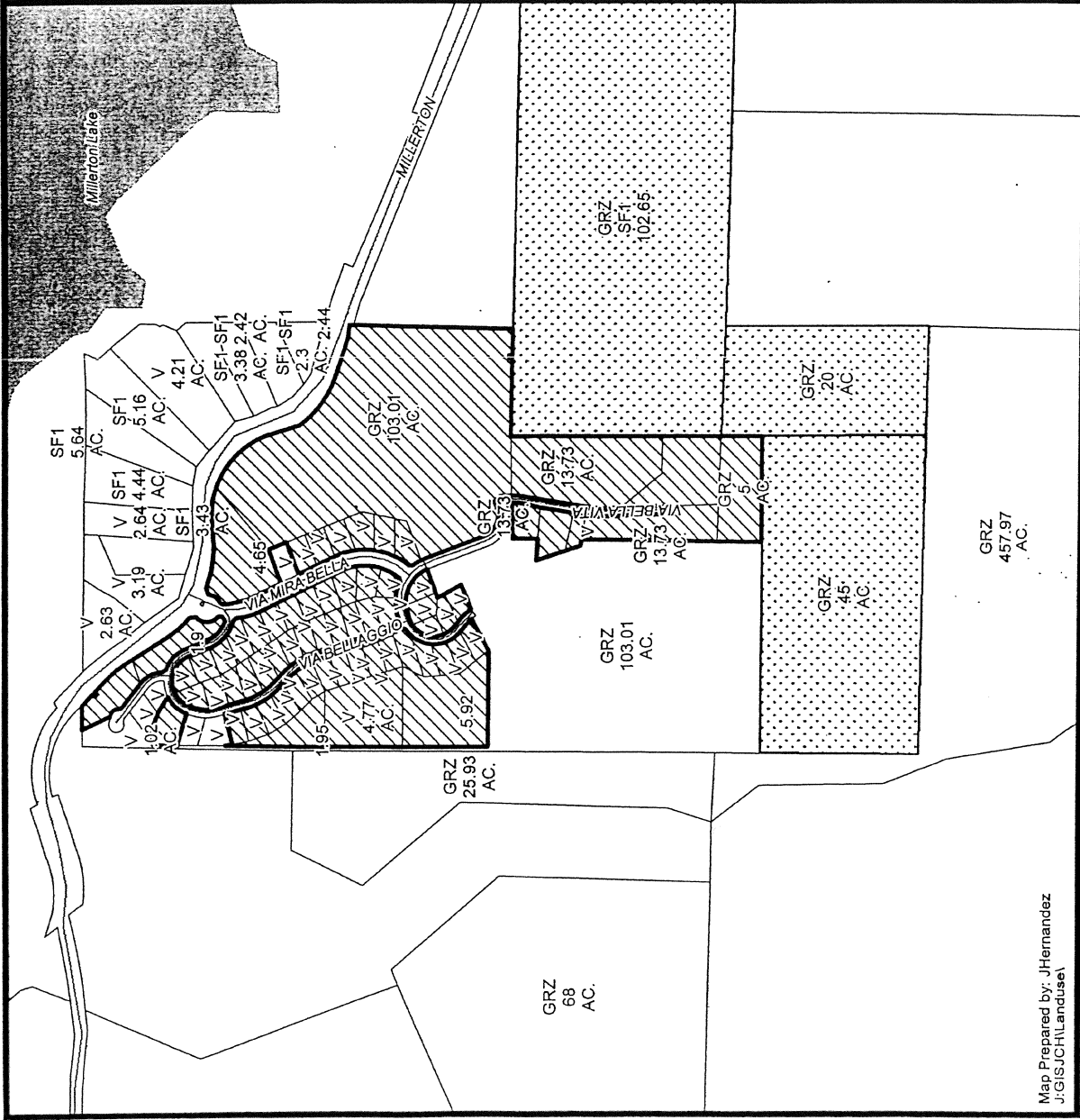


Prepared by: County of Fresno Department of Public Works and Planning



EXISTING LAND USE MAP

TT 4321



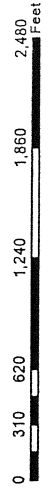
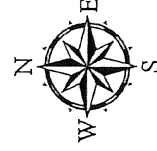
LEGEND

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

EXHIBIT 3

LEGEND:

	Subject Property
	Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: J.Hernandez
J.GIS\CHL\anduse1

EXHIBIT 4

County of



Agenda Item

Date: November 29, 1994

To: Board of Supervisors

From: Planning Commission

Subject: RESOLUTION NO. 10975 - GENERAL PLAN AMENDMENT APPLICATION NO. 394, AMENDMENT APPLICATION-NO. 3565, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2535, VESTING TENTATIVE TRACT NO. 4321, SITE PLAN REVIEW APPLICATION NO. 6399, EIR SCH 92112028

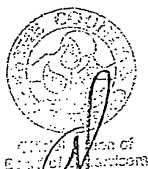
APPLICANT: Donovan Harris

REQUEST: 1. Amend the Fresno County General Plan by:

- a. Redesignating ten acres of the 191-acre subject property from Eastside Rangeland to Low Density Residential limited to a density of one unit per 37,500 square feet.
b. Amending Section 402-01:11.02b of the Sierra-North Regional Plan to read as follows (additions are underlined, deletions are overstruck):

"Within the Low Density Residential areas easterly and west of Millerton New Town and south of Millerton Road, development may occur through the planned development process at a density not exceeding one unit per 37,500 square feet. and Planned Residential Developments shall be developed with an open space or recreational amenity available for the use of the residents of the project area."

ADMINISTRATIVE OFFICE REVIEW [Signature] Page 1 of 14
BOARD ACTION: DATE November 29, 1994 APPROVED AS RECOMMENDED OTHER X



SEE PAGE 15 FOR BOARD ACTION.

2. Rezone a 156-acre portion and a ten-acre portion of the subject property from the R-1(c) (Single Family Residential, 6,000 square foot minimum parcel size) District and the AE-40 (Exclusive Agriculture, 40 acre minimum parcel size) District, respectively, to the R-1-B(c) (Single Family Residential, 12,500 square foot minimum parcel size, conditional) District limited to a maximum density of one unit per 37,500 square feet.
3. Allow a planned residential development on the above-referenced 191 acres consisting of 180 single-family homesites, private roads with gated entry, recreational facilities including tennis courts and a swimming pool, community sewage treatment facility, community water system, community propane tank and distribution system, and personal storage facilities.
4. Allow division of the above-referenced 191 acres into 180 single-family residential lots with a minimum lot size of 15,500 square feet and 140 storage facility lots with a minimum lot size of 440 square feet.

LOCATION: South side of Millerton Road between the Friant-Kern Canal and the Brighton Crest Subdivision approximately one mile east of the unincorporated community of Friant. (SUP. DIST.: 5) (APN 300-021-61, 62; portion of 300-050-22)

PLANNING COMMISSION ACTION:

At its hearing of November 3, 1994, the Commission considered the Staff Reports, the Subdivision Review Committee Report, and testimony (summarized on Exhibit "1"), adopted the recommended findings of fact in the Staff Reports and Subdivision Review Committee Report and took the following actions (including adoption of the proposed findings and statements contained in Exhibit "C" of the Staff Reports):

Environmental Impact Report SCH No. 92112028

The Commission, on a vote of 8-0, approved a motion taking the following actions:

2. Recommend that General Plan Amendment No. 394 be placed on the November 29, 1994, Board of Supervisors agenda at 3:00 p.m. for subsequent adoption as part of the fourth General Plan Amendment of 1994.

Amendment Application No. 3565

Recommend that the Board approve Amendment Application No. 3565 to rezone a 156-acre portion and a ten-acre portion of the subject 191-acre parcel of land to the R-1-B(c) Zone District subject to the conditions that development shall occur as a planned residential development and shall be limited to a maximum density of one unit per 37,500 square feet.

Classified Conditional Use Permit Application No. 2535

Recommend that the Board approve Classified Conditional Use Permit No. 2535, subject to the following conditions:

1. Development shall be in accordance with the site plans, elevations, and operational statement approved by the Commission, except as modified below.
2. The conditions in the Subdivision Review Committee Report for Vesting Tentative Subdivision Map No. 4321 shall be complied with.
3. This permit shall be tied to Vesting Tentative Subdivision Map No. 4321; if the tract is denied or expires, the Conditional Use Permit shall also expire.

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

4. Prior to recording a final map, a landscape plan addressing proposed landscaping along the Millerton Road frontage, around the swimming pool, tennis courts, lakes and parking area, within the median areas, and within the transition areas, between natural open space and development, wastewater treatment plant, water tank, and storage area shall be submitted to the Director of the Public Works and Development Services Department for approval. The plan shall include the species of plants, the size, and location. Installation of the landscaping shall be the responsibility of the subdivider.
5. The propane system shall be required to meet the requirements of CFR 49 latest edition.

6. The property development standards of the R-1-B District shall apply except as follows:
 - a. Front yard setbacks - Minimum 20 feet.
 - b. Off-street parking - All residences shall be constructed with enclosed garages and where the setback is reduced to 20 feet, automatic garage door openers shall be installed.
 - c. Building height - Main buildings or structures shall have a maximum height no greater than three stories, not to exceed forty (40) feet. Building heights on uphill lots shall not exceed the maximum allowed height when measured from the average elevation of the finished grade at the front of the building or at any other location when measured from the finished grade along a slope parallel and immediately adjacent to the building line.
7. Covenants, conditions, and restrictions limiting the sale, leasing, or renting of the storage lots to residential lot owners and/or subdivider, and the use of said storage facilities to personal storage, exclusive of living quarters, shall be recorded with the final map.
8. All EIR mitigation measures listed in the Mitigation Monitoring Program (Exhibit "B" of the Staff Report) 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.
9. Prior to recording a Final Map, a Site Plan Review Application for the storage facility and the community facilities (tennis courts, swimming pool, parking area) shall be submitted for approval by the Director of the Public Works and Development Services Department in accordance with Section 874 of the Fresno County Zoning Ordinance.
10. Prior to occupancy of the 59th unit, the tertiary sewer treatment and disposal facility shall be operational. This requirement/limitation shall be recorded as a covenant running with each lot.

11. The initial sewage collection and disposal system shall be designed and constructed to accommodate the ultimate sewer system.

Note: A partial cancellation of the Agricultural Land Conservation Contract No. 64 will be required for the 25-acre area proposed for the sewage treatment facilities.

Vesting Tentative Subdivision Map No 4321 and Site Plan Review No. 6399

Recommend that the Board approve Vesting Tentative Subdivision Map No. 4321 and Site plan Review No. 6399, subject to the conditions listed below:

1. WATER AND SEWER

- a. Water and sewer services shall be provided by a community system designed in accordance with County standards. (Mitigation Measure No. 2.6.2-1 through 4, 2.6.3-1 through 3)

NOTE: The sewage treatment facilities shall be fully permitted by the California Regional Water Quality Control Board prior to acceptance by a public entity. The water supply facilities and the sewer treatment and distribution facilities shall be approved by the County and the State Health Department prior to being placed into operation.

- b. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
- c. The sewer treatment facilities, the reclaimed wastewater disposal area, leachfield/reclaimed water pond area, and water tank shall be contained in an easement or an outlot with the final configuration of the outlot to be determined prior to recording a final map.
- d. The initial sewage collection and disposal system shall be designed and constructed to accommodate the ultimate sewer system.
- e. The tertiary treatment plant shall be available after completion of 58 units. Performance guarantees for construction of the tertiary treatment plant shall be provided prior to the recordation of a final subdivision map creating more than 58 lots (Mitigation

Measure No. 2.6.2-3)

2. ROADS

a. Millerton Road:

- (1) Additional right-of-way shall be granted to provide a total of 53 feet south of the centerline of the roadway. (Mitigation Measure No. 2.2-1)
- (2) Direct access rights shall be relinquished and a non access barrier acceptable to the Director of the Public Works & Development Services Department installed, except for the proposed entrance road and emergency access roads.
- (3) The south half of Millerton Road adjacent to the project shall be constructed to public road standards in accordance with the A-4 County Improvement Standard.

Note: The above construction may be deferred through the established funding mechanism with the agreement entered into prior to the recordation of the final map. Notice to future lot owners that they will be required to pay their pro-rata share of this improvement at time of issuance of a building permit is also required.

- (4) Acceleration and deceleration lanes shall be provide at the project entrance in accordance with Caltran's Highway Design Manual (Section 405). (Mitigation Measure No. 2.2-2 and 3)
- (5) School bus turnouts shall be constructed of a design and standard and at locations to be approved by the Director of the Public Works & Development Services Department after consideration of recommendations of the School District. (Mitigation Measure No. 2.2 and 3)
- (6) An extension of the Auberry Bikeway shall be provided along Millerton Road adjacent to this tract.

b. Road "A":

- (1) Road "A" shall be improved to a 25 M.P.H. public road standard in accordance with Section A-A as shown on the approved tentative map. (Mitigation

Measure No. 2.2-1)

- (2) Adequate safe sight distance shall be provided for the prevailing speed of traffic on Millerton Road (55 MPH) as approved by the Director of the Public Works & Development Services Department at the Millerton Road intersection together with the necessary property corner cutoffs (30 foot by 30 foot minimum).
- (3) A minimum 100 foot setback from the Millerton Road right-of-way shall be provided for the guard building and gate.
- (4) A turnaround area shall be provided in front of the guard building and gate to provide a continuous forward movement for vehicles denied access to the development.

c. Interior Roads:

- (1) These roads shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standard A-1 Case A-1E 50 (36 feet of base and pavement between curbs, 50-foot road easement), except that Road "B" shall be improved to a 25 M.P.H. public road standard in accordance with Section C-C as shown on the approved tentative map.
- (2) These roads shall terminate in Improvement Standard B-2 Rural Residential cul-de-sacs.
- (3) These roads shall provide for adequate sight distance as approved by the Director of the Public Works & Development Services Department at all intersections together with the necessary property corner cutoffs (20 foot by 20 foot minimum).
- (4) The roads shall intersect at right angles.
- (5) A temporary turnaround shall be provided at the end of roads to be extended to adjacent properties.
- (6) Slope easements shall be provided outside the road easements where necessary.
- (7) Lots 59, 60, and 61 shall have direct access to only one street frontage with access to be relinquished on the other frontage.

- (8) The cul-de-sac roads may exceed the adopted standard length of 500 feet as shown on the approved tentative map as long as the emergency access roads indicated on the tentative map are provided.

d. Access Road to Lots 181 - 320:

- (1) This road shall be improved in accordance with the A-15 County Improvement Standard including A.C. dikes.
- (2) This road shall terminate in Improvement Standard B-2 Rural Residential cul-de-sac or A-16 turnaround.

e. Emergency Access Roads:

- (1) These roads shall be contained within easements and shall connect to public roads.
- (2) These roads shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works & Development Services Department after consideration of the recommendations of the fire district having jurisdiction of the area.

f. All Interior Roads:

These roads shall be contained within non-exclusive private road easements or within outlots for the same purpose.

g. Off Site Roads:

- (1) The developer's pro-rata share of improvements shall be made to Friant and Millerton Roads between Auberry Road and the Fresno City limits.

Note: The above construction may be deferred through the established funding mechanism with the agreement entered into prior to the recordation of the final map. Notice to future lot owners that they will be required to pay their pro-rata share of this improvement at time of issuance of a building permit is also required.

- (2) To mitigate project-related traffic impacts on the Freeway 41/Friant Road Interchange, a pro rata

share of the cost of required improvements, as determined by a Project Study Report, shall be paid at the time of issuance of a building permit on each lot. Traffic mitigation fees will be placed on each lot. Traffic mitigation fees will be placed in a trust fund by Fresno County and held until improvements are made. Prior to the recording of a final map the applicant shall prepare and record a covenant, acceptable to the County, for each lot. The covenant shall provide notice that a traffic mitigation fee will be payable prior to the issuance of a building permit. (Mitigation Measure 2.2-4)

3. STREET TREES:

Since the project is a planned residential development, a landscaping plan approved by the Director of the Public Works & Development Services Department will be acceptable in lieu of trees as specified by the Tree Ordinance.

4. DRAINAGE AND EROSION CONTROL:

- a. 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.
- b. Provisions shall be made to retain all runoff generated from this tract within a drainage pond(s) or other facility acceptable to the Director of the Public Works & Development Services Department
- c. Ponds in excess of eighteen inches in depth shall be fenced.
- d. All natural water courses shall be indicated on an additional map sheet, as specified in Section 17.32.210 and 17.48.220 of the County Subdivision Ordinance. Minor water courses may be designated as "thread of stream".
- e. If natural drainage swales are piped, easements for the pipelines and a maintenance entity to maintain the pipelines will be required.
- f. 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.

- g. Soil erosion control measures shall be approved by the Director of the Public Works & Development Services. The developer shall consult with the U.S. Soil Conservation Service relative to soil erosion methods.
- h. Detention facilities within the natural drainage courses will need to be reviewed and approved by the California Department of Fish and Game and State Water Resources Control Board.

5. MAINTENANCE:

- a. A zone of benefit in a County Service Area or other method acceptable to the Director of the Public Works & Development Services Department shall be provided for the maintenance of all new public roads.

NOTE: A CSA Zone may not be used to maintain gated roads..

- b. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.
- c. The water, sewer and drainage facilities shall be owned and operated by a County Service Area or other approved public entity.
- d. The developer shall be 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. An estimate of the above costs shall be prepared by the developers' engineer subject to review by the County.
- e. Common facilities including open space, water features, tennis courts, swimming pool, and private roads shall be maintained by a homeowners' association.
- f. The common facilities associated with the storage lots shall be maintained by the owners of these lots through a Homeowner's Association.

6. FIRE PROTECTION:

- (a) 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 Works & Development Services Department after consideration of the recommendations of the fire

district, having jurisdiction of the area.

- (b) The 30-foot wide fuel break required around each unit and the project exterior as specified in Mitigation Measure No. 2.6.6-1d shall be shown on a separate map sheet of the Final Map.

Note: The Fresno County Fire Protection District has clarified that Mitigation Measure No. 2.6.6-1d will allow separation between dwellings to be less than 30 feet.

7. UTILITIES

- a. All existing overhead electric utilities within or adjacent to the tract shall be removed or placed underground.
- b. All new electrical utilities shall be placed underground.
- c. Easements shall be provided for sewer and water facilities and collection distribution lines.

8. OUTLOTS

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

9. STREET NAMES

The internal roads shall be named. The subdivider shall submit names to the Street Name Committee for review and approval prior to final map approval.

10. OTHER IMPROVEMENTS

All other improvements shall be in accordance with County Standards.

11. OTHER CONDITIONS

- a. All conditions of Classified Conditional Use Permit Application No. 2535 shall be complied with.
- b. All EIR Mitigation conditions listed in the Mitigation Monitoring Program (Exhibit "B" of the Staff Report) 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. Development of the community facilities (tennis courts, swimming pool, parking area, mailbox, security storage/temporary sales office and restroom facilities) and the landscaping, noise berms, and fencing along the Millerton Road frontage shall be completed as a part of Phase One.
- d. Covenants, conditions, and restrictions shall be recorded addressing Mitigation Measures No. 2.3-4, 2.4-2, 2.6.5-1 and 2, 2.9-1.
- e. The applicant shall secure the services of a qualified acoustical consultant. the consultant shall conduct such noise studies and acoustical evaluations as may be required to fully evaluate all noise impact zone parcels and propose mitigation measures sufficient to achieve compliance with the Noise Element. The proposed mitigation measures shall be reviewed and approved by the Community Health Department prior to approval of the Final Map. Building setback lines, if required for noise mitigation, shall be depicted on a separate map sheet. (Mitigation Measure No. 2.10-1 through 4)

- f. The subdivider has proposed to limit all development, landscaping, and storage to a development area encompassing the front 130 feet of each lot and to require the remaining lot area to remain in natural open space. This building setback line shall be shown on a separate map sheet. This limitation shall be included in the covenants, conditions, and restrictions recorded on each lot.
- g. Covenants, conditions, and restrictions shall be prepared and submitted to the County prior to approval of the final map which limits the landscaped area of each lot to a total aggregate area of 4,000 square feet to be comprised of 50 percent turf and 50 percent draught tolerant plants, except for corner lots and those lots fronting on main access roads where the maximum area will be 5,000 square feet.
- h. Storage lots shall be sold, leased, or rented only as improved lots and sale of said lots shall be limited to the developer and owner of the single-family lots within the subdivision.

Note: A final map shall be allowed to record only if determination by the California Department of Real Estate that this project is not a land project.

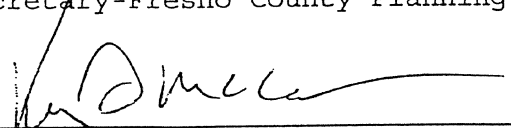
VOTING: Yes: Commissioners Campbell, Wilcox, Cucuk, Laub, Keep, Kitahara, Molen, Abrahamian

No: None

Absent: Commissioner Kazanjian

RICHARD D. WELTON, Director
Public Works & Development Services Department
Secretary-Fresno County Planning Commission

By


Kerry L. McCants, Manager
Development Services Division

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CERTIFIED ENVIRONMENTAL IMPACT REPORT AND SPECIFIED THAT CLERK TO THE BOARD OF SUPERVISORS AND DIRECTOR OF PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT ARE THE CUSTODIANS OF THE EIR DOCUMENTS AND RECORD PROCEEDINGS; ADOPTED FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS; APPROVED GENERAL PLAN AMENDMENT APPLICATION NO. 394, AMENDMENT APPLICATION NO. 3565, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2535, VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 4321 AND SITE PLAN REVIEW APPLICATION NO. 6399 WITH CONDITIONS AS RECOMMENDED BY PLANNING COMMISSION WITH MODIFICATIONS; DIRECTED STAFF TO PREPARE RESOLUTION TO AMEND THE GENERAL PLAN ACCORDINGLY TO BE FORMALLY ADOPTED AS PART OF THE FRESNO COUNTY GENERAL PLAN DURING THE FOURTH GENERAL PLAN AMENDMENT ON TUESDAY, DECEMBER 13, 1994.

Adopted by the Fresno County Board of Supervisors this 29th day of November, 1994, by the following vote, to-wit:

AYES: Supervisors Koligian, Oken, Levy, Vagim, Conrad
NOES: None
ABSENT: None

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EXHIBIT "1"

Staff: The Fresno County Public Works & Development Services Department presented its Staff Reports and Subdivision Review Committee Report dated November 3, 1994. The EIR consultant presented a summary of the major issues discussed in the EIR and reviewed of the required findings that must be made if the project is approved.

Applicant: The applicant's representative spoke in support of the proposed project and offered the following testimony:

- The applicant agrees with all the conditions of approval recommended by staff.
- The project site is one of the better locations for development.
- The site has been designated for residential development on the Plan for many years.
- The subject property is not productive agriculture land. There is a good water supply and few environmental constraints.
- The proposed project will have a rural character with 31 percent of the area devoted to open space. Much of the open space will remain in a natural state.
- The personal storage lots will not be open to the general public. They will be used by the residents of the subdivision for storing boats, extra cars, and other personal items.
- The residences will be marketed to sell from \$300,000 to \$750,000.
- The water supply studies indicate that there is sufficient water to serve the proposed project.
- The EIR was accepted by City of Clovis and the San Joaquin Valley Unified Air Pollution Control District as adequate.
- Because of the topography of the site, the predominant type of construction will be two story which uses a smaller footprint.

- The ultimate widening of Millerton Road will occur as development occurs.
- The three on-site wells proposed to serve the project were tested a number of times. These were conservative tests that proved there was adequate groundwater.
- Mitigation Measures have been required to address water use.
- The work done on the wells in this area since 1981 represents the largest study of hard rock fracture wells in the history of Fresno County.
- The results of these tests show that the well yields are far more than needed for the project.

Others:

Eleven persons spoke in support of the project and offered the following testimony:

- This is the highest and best use for the property.
- The Mitigation Monitoring Program ensures that this will be high quality project that will be sensitive to the environment.
- The project will benefit Friant by providing a stronger population base which will help support redevelopment of Friant.
- The project will help preserve agricultural land, reduce crime, and increase the tax base.
- The project should be supported because it is in the foothills and not on prime agricultural land.
- The project will bring to Friant what is required for development.
- The project encourages a village concept away from the City of Fresno.
- More people are needed in the area to support the commercial businesses in Friant.

- The property has limited value for grazing and no value for intensive agriculture.
- The question is not should the property be developed, but rather how it should be developed.
- It is better to develop the site as a Planned residential Development than as a cookie cutter subdivision.
- Responsible growth is needed to boost local businesses.

Four persons spoke in opposition to the project and offered the following testimony:

- Water is the primary issue.
- A new mitigation measure should be included to address the potential of overdraft of the groundwater supply as a result of the proposed project.
- The Lakeview I residents should be given a guarantee by the applicant that they will have an adequate water supply.
- The applicant should be required to provide a connection from the proposed project's community water system to allow the Lakeview I residents to hook up to that system if needed.
- Water consumption from this project will be greater than projected especially with the number of trees required to be planted.
- It is doubtful that this project will achieve water use that is below the State average of 2.5 acre feet per acre of urban development. The Sumner Hill project across the San Joaquin River illustrates this fact. The homeowners in that project use much more water than the State average.
- At 2.5-acre feet this project will use more than the safe yield.
- CEQA requires mitigation of adverse off-site impacts.

- All that is being requested is that if the applicant is wrong in his calculations, that he should be required to address our water loss.
- We are not challenging the applicant's safe yield or well testing numbers, but, are only asking for a contingency condition.
- The EIR is inaccurate and deficient with regard to the water assessment.
- The water studies were done under the best conditions.
- It is requested that there be restrictions on the amount of water used and that wells and springs on adjacent properties be monitored.
- To prevent contamination of the groundwater, it is requested that lined ponds be used rather than leach fields.
- There is a blind curve at the proposed entrance which is a concern because of the increased traffic that will result from the project.
- A west bound left turn lane for project residents exiting the development to the west should be provided.
- Mr. Simons is using long term extrapolation to reach conclusions.
- It is questionable whether expected low water use will be realized when the project develops.
- If the applicant installs a water line across Millerton Road we will pay the hook-up and service costs.

Correspondence:

Twelve letters and a petition with 106 signatures were submitted in support of the proposed project.

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EXHIBIT "2 "

STATEMENTS OF FACTS AND FINDINGS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

The Fresno County Planning Commission finds and declares that the EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The Commission finds and certifies that the EIR was presented to the Commission, and that the Commission reviewed and considered the information contained in the Environmental Impact Report (EIR) prior to acting on the project. Based upon its review of the EIR, the Commission finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the project, represents the independent judgement of the County and sets forth an adequate range of alternatives to this project.

Section 15091(a) of the CEQA Guidelines requires that one or more of the following findings be made for each significant environmental effect if a public agency approves a project for which an EIR has been prepared:

1. "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR."
2. "Changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency."
3. "Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR."

FINDINGS

The Planning Commission has considered the Final EIR and related testimony and makes the following findings:

A. Geology & Soils

Potentially Significant Impact: Development of the Lakeview site involves soils with slopes and erosion characteristics which require engineering evaluation and inspections as construction of roads and buildings occurs.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation

measures which include grading plans, design and construction requirements for the storm drainage system and roads, have been incorporated into the project. These measures, together with mandatory design, review, and construction requirements will substantially lessen the erosion impacts identified in the EIR to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures identified in Section 2.4 of the Final EIR require the following:

- "1. A grading plan shall be submitted to Fresno County with the Improvement Plans. Periodic geologic and engineering inspections shall be required as the grading progresses so that cuts can be examined, extent of subsurface drains determined, and so that factors of safety against sliding can be computed.
2. The developer shall prepare a set of "typical" grading plans for a range of lot types having slopes from 0-10%, 10-20%, and over 20%. This information, along with Best Management Practices for temporary and permanent erosion control, shall be made available to all homeowners.
3. Prior to site grading, an erosion control plan shall be prepared following consultation with the US Soil Conservation Service. The erosion plan shall include at least the following provisions as part of the approved grading and drainage plan:
 - a. Grading and excavation activities shall be performed during the dry season, or between the months of March and December, unless otherwise permitted by Fresno County.
 - b. Bare areas shall be mulched and planted with vegetation before the wet season begins.
 - c. Temporary devices such as diversion dikes, hay bales and plastic sheets shall be used to control runoff in exposed areas.
 - d. Grading shall be minimized within the building pad area and prohibited outside the building envelopes, except as necessary for driveways, drainage, patios, pools or other small appurtenant facilities.
4. All drainage channels and flow concentration points along roads and improved areas where storm water is concentrated, shall utilize control measures to minimize erosion as described in Fresno County standards.

5. The storm drainage system and landscaping of the project shall be designed to reduce erosion by limiting bare areas and controlling runoff on exposed soil.
6. The following guidelines shall govern all road building activity:
 - a. Most road cuts will be moderately shallow and confined to the soil and weathered rock zones. These shallow cuts can be designed on 1-1/2:1 slopes. For cuts in hard rock (seismic velocity greater than 7,550 feet per second) slopes of 1:1 can be used.
 - b. Fill slopes should not be constructed where they will toe out on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation and other unsuitable materials. Where natural slopes are 5:1 or steeper, they should be benched. Fill slopes themselves can be inclined at 1-1/2:1."

In addition, a requirement to follow the recommendations of a geotechnical engineering report is a standard County method for ensuring safe construction through the application of sound engineering practices to any grading activity in the County's jurisdiction. In this case, the geotechnical investigation will correlate the soil conditions with professional standards for the specific proposed construction. Thus, the report requirement provides appropriate mitigation for the potential impact.

B. Hydrology and Drainage

Potentially Significant Impact: Existing stormwater runoff conditions would be exceeded by increased peak rates generated by the Lakeview Estates project.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, a drainage plan shall be prepared. This measure will substantially lessen impacts created by stormwater runoff to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 1 identified in Section 2.5 of the Final EIR requires the following:

"1. The developer shall prepare a drainage plan prior to beginning grading activities."

The drainage plan will be designed in accordance with Fresno County and State Water Resources Control Board standards and will not permit a net increase in

surface runoff drainage beyond that occurring prior to development. In meeting these requirements, the storm water drainage system adequately ensures that the development runoff will not create a significant, adverse impact.

Potentially Significant Impact: Increased siltation and sedimentation may result from erosion and storm water runoff during construction of the Lakeview Estates development.

Finding: Pursuant to Sections 15091(a)(1) and (2) of the CEQA Guidelines, the inclusion of retention/settling ponds or other approved designs have been incorporated into the project. The addition of these measures has substantially lessened sedimentation and siltation impacts identified in the EIR to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 3, as identified in Section 2.5 of the Final EIR Mitigation Measures requires the following:

"3. The developer shall obtain a NPDES Permit prior to beginning grading activities."

As part of the NPDES permit process, a comprehensive erosion control plan will be implemented to protect water resources from impacts due to siltation and sedimentation generated by project construction. This comprehensive plan covers all activities that could result in siltation and sediment impacts from erosion and storm runoff during construction and requires compliance with methods known to be effective in avoiding or reducing such impacts.

Potentially Significant Impact: Increased peak rates of runoff could result in erosion, sedimentation and increased levels of contaminants, including nutrients, resulting in possible water quality impacts to downstream surface water.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the inclusion of retention/settling ponds or other approved designs and the requirement to obtain a NPDES Permit have been incorporated into the project. The addition of these measures has substantially lessened sedimentation and siltation impacts identified in the EIR to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 2 identified in Section 2.5 of the Final EIR requires the

following:

"2. Retention/settling ponds or other approved designs to reduce peak runoff and contain runoff so that suspended particulates can settle out prior to discharge into natural drainways shall be included in the drainage plan. The size of the settling ponds will depend on the amount of impervious surfaces in the proposed project."

A comprehensive runoff control plan will be prepared to protect water resources from impacts due to urban and landscape runoff generated by the project. The plan shall comply with the California General Construction Activity Storm Water Permit requirements and will include a combination of the following NPDES mandated Best Management Practices.

The elements of the NPDES plan have been developed in accordance with strict county, state and federal standards for controlling runoff impacts. The Best Management Practices have been shown to reduce or avoid potential runoff impacts and are uniformly applied to all major construction projects. Thus, the mitigation is adequate to reduce the potential impact to an insignificant level.

Potentially Significant Impact: Storm water runoff from the Lakeview Estates site may expose downstream surface water to contaminants.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include retention/settling ponds or other approved designs to contain runoff have been incorporated into the project. These measures substantially lessen the impacts stormwater runoff contaminants may have on surface water to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 2 identified in Section 2.5 of the Final EIR requires the following:

"2. Retention/settling ponds or other approved designs to reduce peak runoff and contain runoff so that suspended particulates can settle out prior to discharge into natural drainways shall be included in the drainage plan. The size of the settling ponds will depend on the amount of impervious surfaces in the proposed project."

The federal, state and county standards incorporated into the comprehensive runoff control plan have been determined by the appropriate experts to reduce the adverse impacts of urban contaminants to the groundwater supply to a less than significant

level. Thus, compliance with these standards will ensure that no significant adverse impacts to groundwater will result from the storm water drainage system.

C. Vegetation and Wildlife

Potentially Significant Impact: The project has the potential to impact some foraging habitat for special status birds and other special status species.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include a leash law, enforced by the homeowners, and preconstruction surveys for special status species have been incorporated into the project. These measures substantially lessen the impacts to foraging habitat identified in the EIR to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

A detailed biological assessment report was prepared for the EIR by Mr. Jeff Halstead and Mr. John Stebbins. Their reports were prepared following consultation with the California Department of Fish and Game and the California Natural Diversity Data Base.

Based on comments to the EIR from the U.S. Fish and Wildlife Service, of particular concern are potential impacts to the endangered San Joaquin Kit Fox. Mr. Halstead's conclusions are that development of the site will not result in any adverse impacts to this endangered species. In addition, the consulting firm of EIP Associates was contacted. A letter from Mr. Adrian Juncosa, PhD., Director of Botanical and Wetland Studies for EIP Associates is included in the Final EIR appendix and concludes, "the best scientific conclusion is that there is no potential for the occurrence of this endangered species (San Joaquin Kit Fox) on the Lakeview project site."

Mitigation Measures 1, 2 and 3 identified in Section 2.9 of the Final EIR require the following:

"1. A leash law shall be enacted within the project boundaries to be administered by the homeowner's association. In addition, the homeowner's association shall conduct an education program to discourage free-roaming pets within the project."

Provisions of the leash law shall include:

- a. Signs approved by the homeowners association shall be posted in common areas notifying residents of the leash law.

- b. The homeowners association board shall appoint a member to be animal control officer. The animal control officer shall respond to complaints as well as act on violations of the leash law.
 - c. A system of written warnings and fines for successive violations shall be established by the homeowner's association board.
2. The developer shall undertake a pre-construction survey to determine the existence of Burrowing Owl or Northern Harrier nesting sites. If nesting sites are found, the developer shall select one of the following measures for implementation."
- a. Destroy vacant burrows prior to March 1 in the year that a particular project phase is constructed.
 - b. Redesign the project temporarily or permanently) to avoid occupied burrows until after the nesting/fledgling season.
 - c. Delay the project until after nesting/fledgling season or install artificial burrows and wait for passive relocation.
 - d. Active relocation with conditions. The developer funds relocation to unoccupied, suitable habitat which is permanently preserved (up to 6.5 acres per nesting pair).
3. The pre-construction survey shall also determine the existence of San Joaquin Kit Fox burrows. Should active burrows be found the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted and appropriate measures taken."

D. Visual Impacts

Potentially Significant Impact: The proposed project will introduce an urban type development on a vacant parcel presently unused except for occasional grazing.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include the preparation of a landscape and irrigation plan have been incorporated into the project. These measures will substantially lessen the visual impacts this urban-type development would have on the surrounding properties to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the

following:

Mitigation measure 1, identified in Section 2.11 of the Final EIR, requires the following:

"1. As a condition of Site Plan Review approval, the developer shall prepare a landscape and irrigation plan containing at least the following provisions:

- a. Tree species and plant cover for common open space areas within the subdivision, including the landscape treatment along Millerton Road, internal roadways, transitions between development and open space, the wastewater treatment plant, water storage tank(s) and the self-storage area.
- b. All common open space area planting shall be completed within the first phase of the project.
- c. Landscape design guidelines and planting requirements for all lots shall be included in the developer's handbook to be given to each property owner.
- d. The entire effort in common area landscaping shall be monitored by the applicant and Fresno County every six months for the first three seasons and all trees and shrubs which do not survive shall be replaced by the applicant.
- e. All plantings should be done in the period October through March to achieve maximum establishment success.
- f. Perennial plantings shall be irrigated with an automatic drip irrigation system for a minimum of three years after planting. The system shall incorporate low gallonage drip emitters for each planting and be hooked to an automatic valve system and time clock(s)."

Fresno County development standards do not provide design guidelines to lessen visual impacts and given the site has no trees, the applicant proposes a comprehensive mitigation program to reduce visual impacts.

E. Traffic and Circulation

Potentially Significant Impact: The proposed project has the potential to adversely impact road capacity and increase traffic congestion.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include dedication of right of way, the construction of an east-bound right-turn deceleration lane and west-bound left-turn lane on Millerton Road and payment of a fair-share mitigation fees for improvement to Friant Road, Millerton Road and Friant/Highway 41 have been incorporated into the project. These measures will substantially lessen traffic congestion and road capacity impacts to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

A detailed traffic engineering report was prepared for the project EIR following consultation with County staff which considered the impact on roadways and intersections affected by the project when the Existing + Cumulative + Project traffic is considered. This report and data in the EIR confirms that mitigation measures shown below will result in acceptable levels of service on all roadways and intersections. The traffic analysis was approved by County Traffic Engineering staff.

Mitigation measures identified in Section 2.2 of the Final EIR require the following:

- "1. The developer shall provide dedication for a total of 55 feet of right of way on the south side of Millerton Road.
2. The developer shall construct a right-turn deceleration lane on the south side of Millerton Road at the project entrance. The area should be adequate in area to also serve as a school bus stop out of the right-turn lane on the east side of the entrance.
3. The developer shall construct a 375-foot left-turn lane with a 120-foot taper within Millerton Road east of the project entrance. Construction of the left-turn lane, right-turn deceleration lane and bus stop shall be completed prior to opening the project.
4. The developer shall pay a fair-share mitigation fee for the improvement of Friant Road, Millerton Road and Friant/Highway 41 as determined by Fresno County."

The adopted Sierra North Regional Plan was based in part upon road capacities and the availability of public service systems. Previous development commitments were recognized in the Plan, including the subject property. Traffic impacts of the project are consistent with those anticipated by the Sierra North Regional Plan.

F. Air Quality

Potentially Significant Impact: Project construction activities will cause a short-term increase in air pollution.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, implementation of the San Joaquin Valley Unified Air Pollution Control District's fugitive dust rules will reduce construction dust impacts to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following mitigation measures developed by direct consultation with the San Joaquin Valley Unified Air Pollution Control District:

Mitigation measures 1 and 2 identified in Section 2.3 of the EIR require the following:

- "1. The project shall be subject to San Joaquin Valley Unified Air Pollution Control District Regulation VIII - Fugitive Dust Rules, a series of rules designed to reduce PM₁₀ emissions generated by human activity, including construction, road building, bulk materials storage, and vehicle parking.

In particular, the following rules shall apply:

- a. Rule 8010 - Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM₁₀).
 - b. Rule 8020 - Fugitive Dust Requirements for Control of Fine Particulate Matter (PM₁₀) from Construction, Demolition, Excavation, and Extraction Activities.
2. In addition to District rules, the following measures shall be implemented during the construction phase of the project:
 - a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.
 - b. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds greater than 20 mph average over one hour.
 - c. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

- d. The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
- e. On-site vehicle speed shall be limited to 15 mph.
- f. All areas with vehicle traffic shall be watered periodically or have petroleum-based palliative applied for stabilization of dust emissions. Use of petroleum based palliatives shall meet the road oil requirements of the District's Rule 4641 Cutback Asphalt Paving Materials.
- g. A minimum 12' x 50' approach shall be constructed into the project site from adjoining roadways. The apron shall be paved or have a petroleum based palliative applied.
- h. All internal combustion engine driven equipment shall be properly maintained and well-tuned according to manufacturer's specifications.
- i. Dust control measures are to be employed at the direction of a single person having responsibility for monitoring a given working shift. The designated party must be made known to the Public Works and Development Services Department, and be available through a telephone connection or on-site schedule of hours on the job to facilitate contact by the County Public Works and Development Services Department.

Potentially Significant Impact: Long-term project impacts to air quality include stationary emissions from individual homes as well as vehicle emissions.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, measures have been incorporated into the project which will reduce stationary emissions from individual homes and vehicle emissions to a level of insignificance.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures 3 and 4 identified in Section 2.3 of the Final EIR requires the following:

- "3. The following measures shall be incorporated into project design.
- a. Residential Wood Burning shall be subject to District Rule 4901 which regulates the sale, installation and transfer of wood burning devices, and establishes a public education and voluntary wood burning curtailment program intended to reduce emissions of carbon monoxide and PM₁₀.
 - b. Residential Water Heaters shall be subject to District Rule 4902 which regulates the sale and installation of natural gas-fired water heaters to limit the emissions of oxides of nitrogen.
 - c. Residential units shall be oriented to maximize natural lighting and passive solar heating and cooling.
 - d. Electric equipment should be used for on-site maintenance and groundskeeping operations to the fullest extent possible.
 - e. Electrical outlets shall be provided around the exterior of buildings to encourage the use of electric maintenance and groundskeeping equipment.
 - f. The applicant shall provide information to each lot purchaser, prior to completion of the lot sale, that explains the air quality benefits of wood heating devices that meet the EPA Phase II emission and performance requirements. The information should be provided by the San Joaquin Unified Air Pollution Control District.
 - g. The applicant shall encourage trip reduction strategies such as ridesharing, off-peak hour travel, bikeway improvements/provision of support facilities and construction of a school bus stop at the site entrance."
4. To the extent feasible, one medium or large sized tree, compatible with climate zone 9 of the Western Garden Book, shall be planted for each 1,000 square feet of lot area. For reasons of slope, fire protection or other constraints, those trees that cannot be planted on each lot may be substituted by being planted within the project's open space areas such as median islands, paved surfaces and other common areas in which energy conservation may be optimized. Said landscaping shall be in selected, placed, irrigated and maintained in a manner acceptable to Fresno County."

According to ~~the~~ unified air district, the applicant has incorporated all reasonable, practical and ~~feasible~~ mitigation measures in accordance with direct consultation with SJVUAPCD experts. The SJVUAPCD affirms their finding in their EIR comment to Fresno County dated August 24, 1994, and also states that the air quality analysis contained in the EIR appears adequate.

The SJVUAPCD further concluded that at the project and cumulative levels, with the mitigation ~~measures~~ agreed to by the applicant, air quality impacts were not considered significant.

G. Noise

Potentially Significant Impact: Construction noise will cause temporary noise increases on and around the Lakeview Estates site.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, impacts associated with construction noise will be mitigated to an insignificant level by limiting the hours of construction and insuring that construction equipment have residential-type mufflers.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures 1 and 2 identified in Section 2.10 of the Final EIR requires the following:

- "1. The hours of construction on the project shall be limited to 7:00 am to 6:00 pm during the week and 8:00 am to 5:00 pm on Saturday."
2. All construction equipment shall be maintained with residential-type mufflers."

Potentially Significant Impact: Certain residential lots within the Lakeview Estates development could be exposed to unacceptable vehicle noise levels from Millerton Road.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, building setbacks and ~~the construction~~ of a noise barrier will reduce vehicle noise impacts from Millerton Road to a less than significant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation Measure 3 identified in Section 2.10 of the Final EIR requires the

following:

"3. A building setback of approximately 355 feet from the center line of Millerton Road shall be required for all residential purposes with the exception of lots 1, 2, 3 and 4. In this area, a noise barrier shall be constructed along Millerton Road as shown on Figure 2-24. The barrier shall have an effective height of 8 feet and may be either a berm, solid wall or combination thereof as approved by Fresno County."

Noise Element Policy 4.02 of the Fresno County General Plan establishes a maximum acceptable level exterior noise level of $55L_{dn}$ for Rural Residential areas and $60 L_{dn}$ for all other residential and noise sensitive receiver areas. The $60 L_{dn}$ significance criteria applies to the Lakeview Estates' residential areas as dictated by the County's General Plan Noise Element, since its density is greater than Rural Residential areas. Therefore, the above mitigation measure is the appropriate mitigation for this impact.

Potentially Significant Impact: Residents in the Lakeview Estates development will be exposed to noise from solid waste pick-up and sewage treatment plant equipment.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, noise impacts created when solid waste is collected and by mechanical equipment will be mitigated to an insignificant level by the shielding these areas from adjacent residential uses.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 4 identified in Section 2.10 of the Final EIR requires the following:

"4. Noise from future solid waste pick-up areas and mechanical equipment associated with the wastewater treatment plant shall be mitigated by shielding these areas from adjacent residential uses."

H Sheriff's Services

Potentially Significant Impact: The Lakeview Estates development will increase calls for Sheriff's service.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, impacts to the Sheriff's Department will be mitigated to a level of insignificance through burglary prevention methods to be devised in cooperation with the Sheriff's Department and by the physical layout of the project.

Facts In Support Of Finding: The impact will be avoided or reduced by the following:

Mitigation measures 1 and 2 identified in Section 2.6.7 of the Final EIR require the following:

- "1. The Sheriff's Department shall be consulted during the tract map stage to ensure that adequate provisions of police protection and burglary prevention are designed into the project.
2. The project shall incorporate a gated entry and controlled, security system to control access in and out of the subdivision."

I. Water Service

Potentially Significant Impact: The Lakeview Estate development will utilize a series of community wells and groundwater for domestic purposes. The project will consume an estimated 95 acre feet per year at full development, which could potentially effect groundwater in the area.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, water quantity studies conducted as part of the EIR indicate that sufficient groundwater is available in the area to serve the proposed project. Interference with one off-site well was discovered, however this impact will be mitigated by a series measures which shall be employed by the applicant. These measures will reduce impacts to the neighboring well to a level of insignificance.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

Four separate studies relating to groundwater have been prepared by the project geologist. These studies which are included in the EIR address the regional hydrology, well construction, pump testing procedures, well yields, interference between wells, aquifer properties, chemical quality and recharge potential, all in accordance with Fresno County standards.

Three wells with a total yield of 239 gpm have been tested in accordance with the County's 2H performance test and are intended to serve the site. The total well yield is well above the 95 gpm and 56 gpm, respectively, for peak and average flows for the complete buildout of the 180 unit project.

The project geologist also evaluated the various groundwater recharge components and concluded that the annual recharge for the area is approximately 150 acre feet. At full buildout, annual use is estimated at 95 acre feet, or only about 63% of the

available recharge. Therefore, it is clear that the proposed project facilities are capable of providing more water than the anticipated needs and that in so doing, overdrafting of the groundwater supply will not occur.

In conjunction with the well testing program, 16 adjacent wells were included in a monitoring array to evaluate whether interference occurred when the project wells were continually pumped as required by the County's 2H standards. In terms of monitoring the pumping response of a large observation well network, the project is precedent setting in Fresno County. This unusual monitoring effort was undertaken to alleviate the concerns of neighborhoods that individual wells could be affected by pumping of proposed project wells.

Test data compiled prior to, during and following the pumping of the proposed project wells demonstrated that interference with off-site neighboring wells did not occur except for the 4-lot community well on the opposite side of Millerton Road. This interaction was expected considering the small horizontal separation, same topographic setting, and the fact that hydraulic heads are virtually identical. Several alternatives were included in the EIR and are also shown below to mitigate potential effects on the 4-lot community well.

Comments were also received during the EIR review period related to off-site water springs and agricultural wells which could be affected by the project. Locations of wells and springs were determined in the field and, after consideration of their proximity to the proposed project, the project geologist stated in the Final EIR that large horizontal separation, differences in pump depth and comments from affected neighbors resulted in a conclusion that impacts on off-site wells and springs would not occur.

Mitigation measures identified in Section 2.6.3 of the Final EIR require the following:

1. If and when ground water extraction in Lakeview reaches the originally determined 95 acre foot/year, semi-annual water level fluctuations in a monitoring well network consisting of Lakeview Well Nos. 3,4,5, and 6, and a number of wells assigned to this purpose in the subdivision area, must be carefully scrutinized for possible onset of permanent storage depletion. In the event a storage depletion pattern begins to develop the Lakeview project must be prepared to reduce pumping, or obtain other sources such as surface water.

2. For practical purposes there is direct interconnection between the Lakeview No. 1 Well and the off-site 4 Lot Community and Harris No. 1 wells. Several alternatives are available to mitigate interference affects on these two off-site wells:

Alternative No. 1 - Set the pump level of the Lakeview No. 1 slightly above the existing pump level of the two wells (410 feet) so that its use would be discontinued prior to reaching their pumping level.

Alternative No. 2 - Redrill the two off-site wells to the same depth as Lakeview No. 1 Well (810 feet) and set the pumping level of the Lakeview Well slightly above the other two. This alternative offers the advantage of full utilization of Lakeview No. 1 while insuring that the water level in the off-site wells is not drawn below their pump setting.

Alternative No. 3 - Discontinue the use of the two off-site wells and negotiate an agreement with the four lot owners to provide them with water from the Lakeview No. 1 Well.

3. A complete Title 22 chemical analysis of the water from Lakeview No. 5 shall be performed prior to connection to the community water system.

J. Sewer Service

Potentially Significant Impact. The proposed Lakeview Estates groundwater recharge system will percolate water from the project's community leach field and tertiary sewage treatment plant into the underground aquifer and thereby has the potential to impact groundwater.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, a Report of Waste Discharge and technical report shall be prepared and submitted by the applicant to the California Regional Water Quality Control Board for their review and approval. This measure insures that the leach field and sewage treatment plant will not impact groundwater quality and, therefore, reduces this impact to a level of insignificance.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

The Soils, Geology, Sewage Disposal and Water Supply report prepared in conjunction with the Lakeview Final EIR recommends preparation of a detailed report to address the potential infiltration of effluent into the groundwater supply. The applicant has completed this report and the conclusions of the geologist are that the soils characteristics and geology of the site are such that natural protective mechanisms in the soils and weathered zone will prevent intersection of wastewater and groundwater until substantial attenuation has occurred.

This report has been reviewed and accepted by the Fresno County Health Services

Agency, Community Health Department. Construction of the leachfield as recommended in the report together with the mitigation measure shown below will satisfactorily avoid the potential impact upon groundwater.

Mitigation measure 4 identified in Section 2.6.2 of the Final EIR requires the following:

"4. A Report of Waste Discharge (RWD) and technical report detailing the design and location of the leach field system prepared under the direction of a California registered civil engineer shall be submitted to the California Regional Water Quality Control Board-Central Valley Region at least 150 days prior to discharge to the leach field system. An RWD and engineering report pursuant to Title 22, Chapter 3, Division 4 of the California Code of Regulations for reclaimed water must also be submitted at least 150 days prior to discharge from the waste water treatment facility."

The California Office of Drinking Water approval of the groundwater recharge system is also required. This review and approval of the system by the state agency with the expertise in protecting the safety of the State's groundwater/drinking water supply will substantially eliminate the potential for any adverse impacts.

Potentially Significant Impact: The Lakewood Estates development will utilize an interim on-site leachfield system built to permanent standards for the initial project phase (up to 58 units), increasing the potential for groundwater degradation.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include proper construction of the leach field, set-back requirements, the construction of a tertiary treatment plant after completion of 58 units, an RWD and technical report have been incorporated into the project. The addition of these measures reduce the potential for groundwater degradation to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The soils investigation prepared for the EIR concludes that the site will support a community leach field for a portion of the project and that potential impacts can be maintained within commonly accepted standards providing the leach field system is designed, constructed, operated and monitored in accordance with County and State Standards. Temporary leach field impacts will be mitigated by conversion to the tertiary wastewater plant.

Tertiary treatment provides various specific benefits. Tertiary treatment results in the highest level of wastewater reclamation in common practice. Reclaimed water from

the storage reservoir will be used to reduce water consumption and groundwater overdraft by , among other things, maintaining water levels in the two small ponds at the site entrance and to irrigate common area landscaping. This process will allow the reclaimed water to be put to "beneficial use" which is a goal of California water policy. A conventional spray irrigation system is proposed to distribute the reclaimed water onto approximately 25 acres of landscaped areas. In addition, reclaimed water will add to on-site recharge of underground water supplies.

Mitigation measures identified in Section 2.6.2 of the Final EIR require the following:

- "1. The proposed on-site leach field wastewater system shall be designed, constructed and monitored in accordance with Fresno County regulations and state law.
2. The leach field system shall be located a minimum of 100 feet from any spring, perennial stream or intermittent stream; a minimum of 50 feet from minor drainages; and a minimum of 150 feet from any domestic well.
3. The tertiary treatment plant shall be available after completion of 58 units. Performance guarantees for construction of the tertiary treatment plant shall be provided prior to the recordation of a final subdivision map creating more than 58 lots.
4. A Report of Waste Discharge (RWD) and technical report detailing the design and location of the leach field system prepared under the direction of a California registered civil engineer shall be submitted to the California Regional Water Quality Control Board-Central Valley Region at least 150 days prior to discharge to the leach field system. An RWD and engineering report pursuant to Title 22, Chapter 3, Division 4 of the California Code of Regulations for reclaimed water must also be submitted at least 150 days prior to discharge from the waste water treatment facility."

K. Fire Protection

Potentially Significant Impact: The Lakeview Estates development will increase calls for fire protection.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, measures recommended by the Fresno County Fire Protection District have been incorporated into the project which reduce the potential of increased fire calls to a level of insignificance.

Facts in Support of Finding: The ~~impact~~ will be avoided or reduced based on the following:

Mitigation measures identified in Section 2.6.6 of the Final EIR require the following:

"1. The following mitigation ~~measures~~ are based on ~~input~~ from the Mid Valley Fire Protection District reflecting ~~requirements~~ placed on other projects, and on measures agreed to by the developer.

- a. Adopt fire ~~powers~~ within the County Service Area that provides ~~services~~ to the development.
- b. Pay a ~~mitigation~~ fee of \$0.25 per square foot for all construction ~~within~~ the proposed development to fund a portion of ~~the~~ equipment necessary to respond to this location in the event of an emergency. The fee shall be paid to Mid Valley Fire ~~Protection~~ District at the time of building permit.
- c. Construct fire access roads 18 to 20 feet wide to give secondary ~~emergency~~ access to all areas of the subdivision.
- d. Provide a 30-foot-wide fuel break around each unit and the project exterior.
- e. Provide for ~~emergency~~ access to a public road as a secondary means of ~~ingress/egress~~ as provided for in Fresno County Ordinance Code.
- f. Provide a ~~water~~ source for fire protection approved by the Mid Valley Fire ~~Protection~~ District and fire flow capacity of 750 gpm for two hours (90,000 gal tank). Fire storage recharge time shall be five days.
- g. Provide ~~approved~~ fire hydrants spaced not more than 600 feet (300 feet ~~travel~~ distance) between hydrants, and not more than 300 feet from any building.
- h. Building ~~requirements~~ shall include Class I roof systems, enclosed roof overhangs, and screened vent openings.
- i. Road grades shall conform to County standards, with a maximum ~~grade~~ of 12%, except for short sections allowed at up to 20%."

The proposed Planned Unit Development provides advantages in the prevention and protection from fires. In addition to clustering of uses, a community water system, fire hydrants and water storage will also provide optimum fire fighting resources. Response time from the nearest fire station is under five minutes which is well within adopted standards.

L. Management of Community Services

Potentially Significant Impact: The Lakeview Estates development will increase the demand for administrative services for management of sewer, water and other services.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the project shall form a benefit zone, the cost of which shall be absorbed by residents of the subdivision, which will mitigate the increased demand for administrative services to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The mitigation measure identified in Section 2.6.1 of the Final EIR requires the following:

"1. The project shall form a benefit zone within County Service Area 44 or form a new CSA for provision of water, sewer, and other services."

Costs for these services will be borne by the residents of the proposed subdivision and therefore will not adversely affect the provision of services to other locations.

M. Mosquito Abatement

Potentially Significant Impact: The planned lakes at the project entrance could provide a breeding habitat for mosquitos.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which reduce the creation of a breeding habitat for mosquitos to a level of insignificance have been incorporated into the project.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The mitigation measure identified in Section 2.6.8 of the Final EIR requires the following:

"1. Prior to filling lakes or water features, the developer shall contact the Consolidated Mosquito Abatement District and prepare a plan for the stocking and maintenance of a mosquito fish program. "

STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the CEQA Guidelines requires that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the agency shall state in the administrative record that the benefits of the project outweigh the unavoidable adverse impacts.

The Commission's statement of overriding considerations must be based on substantial evidence in the administrative record and fully explained in the record of approval of the project.

Cumulative impacts to vegetation and wildlife have been determined to be significant, therefore the Planning Commission finds as follows:

Cumulative Impacts to Vegetation and Wildlife

1. Significant Impact: Although the site itself does not contain significant habitat, development of the site in combination with other cumulative projects will result in significant and unavoidable impacts to vegetation and wildlife.
2. Finding: Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, social or other considerations make infeasible mitigation measures or project alternatives identified in the EIR that would avoid or substantially lessen the significant impact.

Facts in Support of Finding: The following facts demonstrate that it is not feasible to mitigate the impact to a less than significant level. The unavoidable impact is acceptable when balanced against the considerations set forth below and in the Statement of Overriding Considerations. The infeasibility of alternatives that would avoid this impact is discussed below.

- a. The Lakeview site is 191 acres which will accommodate 180 units. The cumulative growth area covers several thousand acres of potential development sites. The Lakeview site is therefore not large enough to accommodate set-asides to mitigate loss of habitat on adjacent lands.
- b. The best available mitigation measure for cumulative vegetation and wildlife impacts is preparation of a regional Habitat Conservation Plan (HCP). Such a plan

requires cooperation between several agencies, including the City of Fresno, the Counties of Fresno and Madera, as well as the State Department of Fish and Game and the U.S. Fish and Wildlife Service. Such a plan could require several years to prepare at a cost which is prohibitive for a single small project, such as Lakeview, to bear. As this responsibility is outside the purview of the Lakeview project, the potential impacts remain significant and unavoidable.

The unavoidable, significant adverse impacts of the project are outweighed by the following overriding benefits:

1. Planning Considerations: The Lakeview site has been designated for low density residential development in the Sierra-North Regional Plan since May of 1982. Development of the project is consistent with goals and objectives of the Sierra-North Regional Plan. Further, the Final EIR for the Sierra-North Regional Plan recognized that certain cumulative impacts would occur with development, including impacts to vegetation and wildlife. The EIR has determined that there are no site specific impacts which cannot be mitigated to an insignificant level.
2. Housing Opportunities: The County has experienced an increased demand for housing because of the rapid growth and associated population expansion experienced in and around the County. In the 1980s, the population of Fresno County increased by 34%. According to the Fresno County Council of Governments, population in the Fresno-Clovis area is expected to increase an additional 29% by the year 2000. The Lakeview project will contribute to meeting this growing housing need in the County.

Discussion within the Sierra-North Regional Plan states that one purpose of the Plan was to provide a wide range of different housing types for area residents. The project will further the goals of the Sierra-North Regional Plan.

3. Employment Opportunities: Development of the project will generate needed construction and long-term employment opportunities in the County, thereby contributing to the economic well-being of the County and its residents.
4. Preservation of Prime Agricultural Land: A primary goal of the Fresno County General Plan is the preservation of prime agricultural land. The project EIR provided information that concluded the site is not composed of prime agricultural lands. Focusing development on non-prime agricultural land will reduce pressure to develop on prime land.

JV:gah
lvfds

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA

4 RESOLUTION TO CERTIFY THE EIR
5 (SCH 92112028), ADOPT FINDINGS
6 AND TAKE ACTION TO TENTATIVELY
7 APPROVE AN AMENDMENT TO THE
8 SIERRA-NORTH REGIONAL PLAN TO
9 REDESIGNATE A 10-ACRE PORTION
10 OF A 166-ACRE SITE FROM
11 EASTSIDE RANGELAND TO LOW
12 DENSITY RESIDENTIAL, AND TO
ALLOW PLANNED DEVELOPMENT OF
THE ENTIRE SITE (GPA 394) AND
TENTATIVELY APPROVE CONCURRENT
RE Z O N I N G (A A 3 5 6 5) ,
CONDITIONAL USE PERMIT (CUP
2535), VESTING TENTATIVE
SUBDIVISION MAP (VTSM 4321) AND
SITE PLAN REVIEW (SPR 6399)
APPLICATIONS

10 IN THE MATTER OF THE
11 COUNTY GENERAL PLAN,
12 SUBDIVISION ORDINANCE AND
ZONING ORDINANCE

13 WHEREAS, on November 3, 1994, the Fresno County Planning
14 Commission after public notice and hearing did by Resolution No.
15 10975 certify the Environmental Impact Report (EIR) and recommend
16 approval of an amendment to the Sierra-North Regional Plan as
17 proposed by General Plan Amendment (GPA) No. 394, a rezoning
18 proposed by Amendment Application (AA) No. 3565, a planned
19 residential development proposed by Conditional Use Permit (CUP)
20 No. 2535, a division of land proposed by Vesting Tentative
21 Subdivision Map (VTSM) No. 4321 and site improvements proposed by
22 Site Plan Review (SPR) No. 6399; and

23 WHEREAS, thereafter this Board duly and regularly fixed
24 November 29, 1994, for public hearings on the above proposals, and
25 public hearings were held thereon in the manner prescribed by law;

26 and

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28 ////

1 WHEREAS, on November 29, 1994 the Board heard and considered
2 written and oral testimony relevant to GPA 394, AA 3565, CUP 2535,
3 VTSM 4321 and SPR 6399 from the following sources:

4 1. Public Works & Development Services Staff Reports dated
5 November 3, 1994;

6 2. Planning Commission Resolution No. 10975;

7 3. Environmental Impact Report (SCH No. 92112028);

8 4. Comments from the applicant's representative, property
9 owners, representatives from interest groups, and members of the
10 public;

11 5. The applicant provided the Sierra-North Regional Plan
12 Environmental Impact Report, a letter to the Board Chairman with
13 information to support finding the proposed development consistent
14 with the Plan, two Fresno Bee articles on the importance of quality
15 development for the community, four letters and a petition signed
16 by 230 people in support of the project; and

17 WHEREAS, on the aforementioned date, the Board heard and
18 considered written and oral testimony in favor and in opposition to
19 certification of the EIR and to the adoption of the EIR findings,
20 Statement of Overriding Considerations, the Mitigation Monitoring
21 Program, and the General Plan consistency findings.

22 NOW THEREFORE BE IT RESOLVED that as more particularly set
23 forth in Exhibit "A" of this Resolution - Statement of Facts,
24 Findings and Overriding Considerations - this Board hereby
25 certifies that the EIR was completed in compliance with the
26 California Environmental Quality Act (CEQA), that the Board has
27 reviewed and considered the EIR and that the EIR represents the

28 ////

1 independent judgment of the County and discusses an adequate range
2 of alternatives to this project; and

3 BE IT FURTHER RESOLVED that pursuant to Section 21081.6(d) of
4 the CEQA Guidelines, the Board hereby specifies the Clerk to the
5 Board of Supervisors and the Director of Public Works & Development
6 Services Department are the custodians of the EIR documents and
7 other materials which constitute the record of proceedings upon
8 which the Board has based its decision, and that the records may be
9 found at their respective offices; and

10 BE IT FURTHER RESOLVED that this Board hereby adopts the
11 findings pursuant to Section 15091(a) of the CEQA Guidelines, for
12 the identified significant environment effect as contained in
13 Exhibit "A" and that these findings relate to GPA 394, AA 3565,
14 CUP 2535, VTSM 4321 and SPR 6399; and

15 BE IT FURTHER RESOLVED that this Board adopts a Statement of
16 Overriding Consideration as set forth in the "Cumulative Impacts to
17 Vegetation and Wildlife" section of said Exhibit "A" and finds that
18 cumulative impacts to vegetation and wildlife cannot be
19 substantially mitigated, that such impacts are acceptable because
20 the benefits of the project outweigh the unavoidable adverse
21 impacts, and that this statement is based on substantial evidence
22 in the administrative record; and

23 BE IT FURTHER RESOLVED that this Board hereby adopts the
24 Mitigation Monitoring Program as set forth in Exhibit "B", the cost
25 of complying with which shall be borne by the developer, his
26 successors, or assigns; and

27 BE IT FURTHER RESOLVED that this Board finds and declares that
28 GPA 394 is consistent with the General Plan's Goals, Objectives and

1 Policies and that no additional change is necessary to those Goals,
2 Objectives and Policies in order to maintain internal consistency,
3 and that GPA 394 be tentatively approved, for placement on the
4 December 13, 1994, Board of Supervisors agenda at 3:00 p.m. for
5 adoption as part of the fourth General Plan Amendment of 1994; and

6 BE IT FURTHER RESOLVED that this Board finds and declares that
7 AA 3565 is consistent with the General Plan and said rezoning is
8 tentatively approved subject to the conditions that development
9 shall occur as a planned residential development and shall be
10 limited to a maximum density of one unit per 37,500 square feet, to
11 be final and take full force thirty days from the date of adoption
12 of the fourth General Plan Amendment of 1994; and

13 BE IT FURTHER RESOLVED that CUP 2535 be tentatively approved,
14 subject to conditions as stated in Exhibit "C", said CUP to be
15 final and take full force and effect 30 days from the date of
16 adoption of the fourth General Plan Amendment of 1994; and

17 BE IT FURTHER RESOLVED that VTSM 4321 and SPR 6399 be
18 tentatively approved, subject to conditions as stated in Exhibit
19 "C", said VTSM and SPR to be final and take full force and effect
20 30 days from the date of adoption of the fourth General Plan
21 Amendment of 1994.

22 IM:gah R-GPA394
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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 29th day of November, 1994, to-wit:

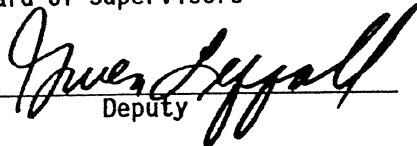
AYES: Supervisors Koligian, Oken, Levy, Vagim, Conrad

NOES: None

ABSENT: None


CHAIRMAN, Board of Supervisors

ATTEST:
SHARI GREENWOOD, Clerk
Board of Supervisors

By 
Deputy

File #12635

Agenda #16

Resolution #94-727

EXHIBIT "A"

**STATEMENTS OF FACTS AND FINDINGS AND
STATEMENT OF OVERRIDING
CONSIDERATIONS**

This exhibit provides the statements of facts and findings to support Board actions to certify the final Environmental Impact Report.

EXHIBIT "A "

STATEMENTS OF FACTS AND FINDINGS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

The Fresno County Board of Supervisors finds and declares that the EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The Board finds and certifies that the EIR was presented to the Board, and that the Board reviewed and considered the information contained in the Environmental Impact Report (EIR) prior to acting on the project. Based upon its review of the EIR, the Board finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the project, represents the independent judgement of the County and sets forth an adequate range of alternatives to this project.

Section 15091(a) of the CEQA Guidelines requires that one or more of the following findings be made for each significant environmental effect if a public agency approves a project for which an EIR has been prepared:

1. "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR."
2. "Changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency."
3. "Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR."

FINDINGS

The Board of Supervisors has considered the Final EIR and related testimony and makes the following findings:

A. Geology & Soils

Potentially Significant Impact: Development of the Lakeview site involves soils with slopes and erosion characteristics which require engineering evaluation and inspections as construction of roads and buildings occurs.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation

measures which include grading plans, design and construction requirements for the storm drainage system and roads, have been incorporated into the project. These measures, together with mandatory design, review, and construction requirements will substantially lessen the erosion impacts identified in the EIR to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures identified in Section 2.4 of the Final EIR require the following:

- "1. A grading plan shall be submitted to Fresno County with the Improvement Plans. Periodic geologic and engineering inspections shall be required as the grading progresses so that cuts can be examined, extent of subsurface drains determined, and so that factors of safety against sliding can be computed.
2. The developer shall prepare a set of "typical" grading plans for a range of lot types having slopes from 0-10%, 10-20%, and over 20%. This information, along with Best Management Practices for temporary and permanent erosion control, shall be made available to all homeowners.
3. Prior to site grading, an erosion control plan shall be prepared following consultation with the US Soil Conservation Service. The erosion plan shall include at least the following provisions as part of the approved grading and drainage plan:
 - a. Grading and excavation activities shall be performed during the dry season, or between the months of March and December, unless otherwise permitted by Fresno County.
 - b. Bare areas shall be mulched and planted with vegetation before the wet season begins.
 - c. Temporary devices such as diversion dikes, hay bales and plastic sheets shall be used to control runoff in exposed areas.
 - d. Grading shall be minimized within the building pad area and prohibited outside the building envelopes, except as necessary for driveways, drainage, patios, pools or other small appurtenant facilities.
4. All drainage channels and flow concentration points along roads and improved areas where storm water is concentrated, shall utilize control measures to minimize erosion as described in Fresno County standards.

5. The storm drainage system and landscaping of the project shall be designed to reduce erosion by limiting bare areas and controlling runoff on exposed soil.
6. The following guidelines shall govern all road building activity:
 - a. Most road cuts will be moderately shallow and confined to the soil and weathered rock zones. These shallow cuts can be designed on 1-1/2:1 slopes. For cuts in hard rock (seismic velocity greater than 7,550 feet per second) slopes of 1:1 can be used.
 - b. Fill slopes should not be constructed where they will toe out on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation and other unsuitable materials. Where natural slopes are 5:1 or steeper, they should be benched. Fill slopes themselves can be inclined at 1-1/2:1."

In addition, a requirement to follow the recommendations of a geotechnical engineering report is a standard County method for ensuring safe construction through the application of sound engineering practices to any grading activity in the County's jurisdiction. In this case, the geotechnical investigation will correlate the soil conditions with professional standards for the specific proposed construction. Thus, the report requirement provides appropriate mitigation for the potential impact.

B. Hydrology and Drainage

Potentially Significant Impact: Existing stormwater runoff conditions would be exceeded by increased peak rates generated by the Lakeview Estates project.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, a drainage plan shall be prepared. This measure will substantially lessen impacts created by stormwater runoff to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure I identified in Section 2.5 of the Final EIR requires the following:

"1. The developer shall prepare a drainage plan prior to beginning grading activities."

The drainage plan will be designed in accordance with Fresno County and State Water Resources Control Board standards and will not permit a net increase in

surface runoff drainage beyond that occurring prior to development. In meeting these requirements, the storm water drainage system adequately ensures that the development runoff will not create a significant, adverse impact.

Potentially Significant Impact: Increased siltation and sedimentation may result from erosion and storm water runoff during construction of the Lakeview Estates development.

Finding: Pursuant to Sections 15091(a)(1) and (2) of the CEQA Guidelines, the inclusion of retention/settling ponds or other approved designs have been incorporated into the project. The addition of these measures has substantially lessened sedimentation and siltation impacts identified in the EIR to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 3, as identified in Section 2.5 of the Final EIR Mitigation Measures requires the following:

"3. The developer shall obtain a NPDES Permit prior to beginning grading activities."

As part of the NPDES permit process, a comprehensive erosion control plan will be implemented to protect water resources from impacts due to siltation and sedimentation generated by project construction. This comprehensive plan covers all activities that could result in siltation and sediment impacts from erosion and storm runoff during construction and requires compliance with methods known to be effective in avoiding or reducing such impacts.

Potentially Significant Impact: Increased peak rates of runoff could result in erosion, sedimentation and increased levels of contaminants, including nutrients, resulting in possible water quality impacts to downstream surface water.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the inclusion of retention/settling ponds or other approved designs and the requirement to obtain a NPDES Permit have been incorporated into the project. The addition of these measures has substantially lessened sedimentation and siltation impacts identified in the EIR to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 2 identified in Section 2.5 of the Final EIR requires the

following:

"2. Retention/settling ponds or other approved designs to reduce peak runoff and contain runoff so that suspended particulates can settle out prior to discharge into natural drainways shall be included in the drainage plan. The size of the settling ponds will depend on the amount of impervious surfaces in the proposed project."

A comprehensive runoff control plan will be prepared to protect water resources from impacts due to urban and landscape runoff generated by the project. The plan shall comply with the California General Construction Activity Storm Water Permit requirements and will include a combination of the following NPDES mandated Best Management Practices.

The elements of the NPDES plan have been developed in accordance with strict county, state and federal standards for controlling runoff impacts. The Best Management Practices have been shown to reduce or avoid potential runoff impacts and are uniformly applied to all major construction projects. Thus, the mitigation is adequate to reduce the potential impact to an insignificant level.

Potentially Significant Impact: Storm water runoff from the Lakeview Estates site may expose downstream surface water to contaminants.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include retention/settling ponds or other approved designs to contain runoff have been incorporated into the project. These measures substantially lessen the impacts stormwater runoff contaminants may have on surface water to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 2 identified in Section 2.5 of the Final EIR requires the following:

"2. Retention/settling ponds or other approved designs to reduce peak runoff and contain runoff so that suspended particulates can settle out prior to discharge into natural drainways shall be included in the drainage plan. The size of the settling ponds will depend on the amount of impervious surfaces in the proposed project."

The federal, state and county standards incorporated into the comprehensive runoff control plan have been determined by the appropriate experts to reduce the adverse impacts of urban contaminants to the groundwater supply to a less than significant

level. Thus, compliance with these standards will ensure that no significant adverse impacts to groundwater will result from the storm water drainage system.

C. Vegetation and Wildlife

Potentially Significant Impact: The project has the potential to impact some foraging habitat for special status birds and other special status species.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include a leash law, enforced by the homeowners, and preconstruction surveys for special status species have been incorporated into the project. These measures substantially lessen the impacts to foraging habitat identified in the EIR to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

A detailed biological assessment report was prepared for the EIR by Mr. Jeff Halstead and Mr. John Stebbins. Their reports were prepared following consultation with the California Department of Fish and Game and the California Natural Diversity Data Base.

Based on comments to the EIR from the U.S. Fish and Wildlife Service, of particular concern are potential impacts to the endangered San Joaquin Kit Fox. Mr. Halstead's conclusions are that development of the site will not result in any adverse impacts to this endangered species. In addition, the consulting firm of EIP Associates was contacted. A letter from Mr. Adrian Juncosa, PhD., Director of Botanical and Wetland Studies for EIP Associates is included in the Final EIR appendix and concludes, "the best scientific conclusion is that there is no potential for the occurrence of this endangered species (San Joaquin Kit Fox) on the Lakeview project site."

Mitigation Measures 1, 2 and 3 identified in Section 2.9 of the Final EIR require the following:

"1. A leash law shall be enacted within the project boundaries to be administered by the homeowner's association. In addition, the homeowner's association shall conduct an education program to discourage free-roaming pets within the project."

Provisions of the leash law shall include:

- a. Signs approved by the homeowners association shall be posted in common areas notifying residents of the leash law.

- b. The homeowners association board shall appoint a member to be animal control officer. The animal control officer shall respond to complaints as well as act on violations of the leash law.
 - c. A system of written warnings and fines for successive violations shall be established by the homeowner's association board.
2. The developer shall undertake a pre-construction survey to determine the existence of Burrowing Owl or Northern Harrier nesting sites. If nesting sites are found, the developer shall select one of the following measures for implementation."
- a. Destroy vacant burrows prior to March 1 in the year that a particular project phase is constructed.
 - b. Redesign the project temporarily or permanently) to avoid occupied burrows until after the nesting/fledgling season.
 - c. Delay the project until after nesting/fledgling season or install artificial burrows and wait for passive relocation.
 - d. Active relocation with conditions. The developer funds relocation to unoccupied, suitable habitat which is permanently preserved (up to 6.5 acres per nesting pair).
3. The pre-construction survey shall also determine the existence of San Joaquin Kit Fox burrows. Should active burrows be found the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted and appropriate measures taken."

D. Visual Impacts

Potentially Significant Impact: The proposed project will introduce an urban type development on a vacant parcel presently unused except for occasional grazing.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include the preparation of a landscape and irrigation plan have been incorporated into the project. These measures will substantially lessen the visual impacts this urban-type development would have on the surrounding properties to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the

following:

Mitigation measure 1, identified in Section 2.11 of the Final EIR, requires the following:

- "1. As a condition of Site Plan Review approval, the developer shall prepare a landscape and irrigation plan containing at least the following provisions:
 - a. Tree species and plant cover for common open space areas within the subdivision, including the landscape treatment along Millerton Road, internal roadways, transitions between development and open space, the wastewater treatment plant, water storage tank(s) and the self-storage area.
 - b. All common open space area planting shall be completed within the first phase of the project.
 - c. Landscape design guidelines and planting requirements for all lots shall be included in the developer's handbook to be given to each property owner.
 - d. The entire effort in common area landscaping shall be monitored by the applicant and Fresno County every six months for the first three seasons and all trees and shrubs which do not survive shall be replaced by the applicant.
 - e. All plantings should be done in the period October through March to achieve maximum establishment success.
 - f. Perennial plantings shall be irrigated with an automatic drip irrigation system for a minimum of three years after planting. The system shall incorporate low gallonage drip emitters for each planting and be hooked to an automatic valve system and time clock(s)."

Fresno County development standards do not provide design guidelines to lessen visual impacts and given the site has no trees, the applicant proposes a comprehensive mitigation program to reduce visual impacts.

E. Traffic and Circulation

Potentially Significant Impact: The proposed project has the potential to adversely impact road capacity and increase traffic congestion.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include dedication of right of way, the construction of an east-bound right-turn deceleration lane and west-bound left-turn lane on Millerton Road and payment of a fair-share mitigation fees for improvement to Friant Road, Millerton Road and Friant/Highway 41 have been incorporated into the project. These measures will substantially lessen traffic congestion and road capacity impacts to an insignificant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

A detailed traffic engineering report was prepared for the project EIR following consultation with County staff which considered the impact on roadways and intersections affected by the project when the Existing + Cumulative + Project traffic is considered. This report and data in the EIR confirms that mitigation measures shown below will result in acceptable levels of service on all roadways and intersections. The traffic analysis was approved by County Traffic Engineering staff.

Mitigation measures identified in Section 2.2 of the Final EIR require the following:

- "1. The developer shall provide dedication for a total of 53 feet of right of way on the south side of Millerton Road.
2. The developer shall construct a right-turn deceleration lane on the south side of Millerton Road at the project entrance. The area should be adequate in area to also serve as a school bus stop out of the right-turn lane on the east side of the entrance.
3. The developer shall construct a 375-foot left-turn lane with a 120-foot taper within Millerton Road east of the project entrance. Construction of the left-turn lane, right-turn deceleration lane and bus stop shall be completed prior to opening the project.
4. The developer shall pay a fair-share mitigation fee for the improvement of Friant Road, Millerton Road and Friant/Highway 41 as determined by Fresno County."

The adopted Sierra North Regional Plan was based in part upon road capacities and the availability of public service systems. Previous development commitments were recognized in the Plan, including the subject property. Traffic impacts of the project are consistent with those anticipated by the Sierra North Regional Plan.

F. Air Quality

Potentially Significant Impact: Project construction activities will cause a short-term increase in air pollution.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, implementation of the San Joaquin Valley Unified Air Pollution Control District's fugitive dust rules will reduce construction dust impacts to an insignificant level.

Facts In Support of Finding: The impact will be avoided or reduced based on the following mitigation measures developed by direct consultation with the San Joaquin Valley Unified Air Pollution Control District:

Mitigation measures 1 and 2 identified in Section 2.3 of the EIR require the following:

- "1. The project shall be subject to San Joaquin Valley Unified Air Pollution Control District Regulation VIII - Fugitive Dust Rules, a series of rules designed to reduce PM₁₀ emissions generated by human activity, including construction, road building, bulk materials storage, and vehicle parking.

In particular, the following rules shall apply:

- a. Rule 8010 - Fugitive Dust Administrative Requirements for Control of Fine Particulate Matter (PM₁₀).
 - b. Rule 8020 - Fugitive Dust Requirements for Control of Fine Particulate Matter (PM₁₀) from Construction, Demolition, Excavation, and Extraction Activities.
2. In addition to District rules, the following measures shall be implemented during the construction phase of the project:
 - a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.
 - b. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds greater than 20 mph average over one hour.
 - c. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

- d. The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
- e. On-site vehicle speed shall be limited to 15 mph.
- f. All areas with vehicle traffic shall be watered periodically or have petroleum- based palliative applied for stabilization of dust emissions. Use of petroleum based palliatives shall meet the road oil requirements of the District's Rule 4641 Cutback Asphalt Paving Materials.
- g. A minimum 12' x 50' approach shall be constructed into the project site from adjoining roadways. The apron shall be paved or have a petroleum based palliative applied.
- h. All internal combustion engine driven equipment shall be properly maintained and well-tuned according to manufacturer's specifications.
- i. Dust control measures are to be employed at the direction of a single person having responsibility for monitoring a given working shift. The designated party must be made known to the Public Works and Development Services Department, and be available through a telephone connection or on-site schedule of hours on the job to facilitate contact by the County Public Works and Development Services Department.

Potentially Significant Impact: Long-term project impacts to air quality include stationary emissions from individual homes as well as vehicle emissions.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, measures have been incorporated into the project which will reduce stationary emissions from individual homes and vehicle emissions to a level of insignificance.

Facts In Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures 3 and 4 identified in Section 2.3 of the Final EIR requires the following:

- "3. The following measures shall be incorporated into project design.
- a. Residential Wood Burning shall be subject to District Rule 4901 which regulates the sale, installation and transfer of wood burning devices, and establishes a public education and voluntary wood burning curtailment program intended to reduce emissions of carbon monoxide and PM₁₀.
 - b. Residential Water Heaters shall be subject to District Rule 4902 which regulates the sale and installation of natural gas-fired water heaters to limit the emissions of oxides of nitrogen.
 - c. Residential units shall be oriented to maximize natural lighting, and passive solar heating and cooling.
 - d. Electric equipment should be used for on-site maintenance and groundskeeping operations to the fullest extent possible.
 - e. Electrical outlets shall be provided around the exterior of buildings to encourage the use of electric maintenance and groundskeeping equipment.
 - f. The applicant shall provide information to each lot purchaser, prior to completion of the lot sale, that explains the air quality benefits of wood heating devices that meet the EPA Phase II emission and performance requirements. The information should be provided by the San Joaquin Unified Air Pollution Control District.
 - g. The applicant shall encourage trip reduction strategies such as ridesharing, off-peak hour travel, bikeway improvements/provision of support facilities and construction of a school bus stop at the site entrance."
4. To the extent feasible, one medium or large sized tree, compatible with climate zone 9 of the Western Garden Book, shall be planted for each 1,000 square feet of lot area. For reasons of slope, fire protection or other constraints, those trees that cannot be planted on each lot may be substituted by being planted within the project's open space areas such as median islands, paved surfaces and other common areas in which energy conservation may be optimized. Said landscaping shall be in selected, placed, irrigated and maintained in a manner acceptable to Fresno County."

According to the unified air district, the applicant has incorporated all reasonable, practical and feasible mitigation measures in accordance with direct consultation with SJVUAPCD experts. The SJVUAPCD affirms their finding in their EIR comment to Fresno County dated August 24, 1994, and also states that the air quality analysis contained in the EIR appears adequate.

The SJVUAPCD further concluded that at the project and cumulative levels, with the mitigation measures agreed to by the applicant, air quality impacts were not considered significant.

G. Noise

Potentially Significant Impact: Construction noise will cause temporary noise increases on and around the Lakeview Estates site.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, impacts associated with construction noise will be mitigated to an insignificant level by limiting the hours of construction and insuring that construction equipment have residential-type mufflers.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures 1 and 2 identified in Section 2.10 of the Final EIR requires the following:

- "1. The hours of construction on the project shall be limited to 7:00 am to 6:00 pm during the week and 8:00 am to 5:00 pm on Saturday."
2. All construction equipment shall be maintained with residential-type mufflers."

Potentially Significant Impact: Certain residential lots within the Lakeview Estates development could be exposed to unacceptable vehicle noise levels from Millerton Road.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, building setbacks and the construction of a noise barrier will reduce vehicle noise impacts from Millerton Road to a less than significant level.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation Measure 3 identified in Section 2.10 of the Final EIR requires the

following:

"3. A building setback of approximately 355 feet from the center line of Millerton Road shall be required for all residential purposes with the exception of lots 1, 2, 3 and 4. In this area, a noise barrier shall be constructed along Millerton Road as shown on Figure 2-24. The barrier shall have an effective height of 8 feet and may be either a berm, solid wall or combination thereof as approved by Fresno County."

Noise Element Policy 4.02 of the Fresno County General Plan establishes a maximum acceptable level exterior noise level of $55L_{dn}$ for Rural Residential areas and $60 L_{dn}$ for all other residential and noise sensitive receiver areas. The $60 L_{dn}$ significance criteria applies to the Lakeview Estates' residential areas as dictated by the County's General Plan Noise Element, since its density is greater than Rural Residential areas. Therefore, the above mitigation measure is the appropriate mitigation for this impact.

Potentially Significant Impact: Residents in the Lakeview Estates development will be exposed to noise from solid waste pick-up and sewage treatment plant equipment.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, noise impacts created when solid waste is collected and by mechanical equipment will be mitigated to an insignificant level by the shielding these areas from adjacent residential uses.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

Mitigation measure 4 identified in Section 2.10 of the Final EIR requires the following:

"4. Noise from future solid waste pick-up areas and mechanical equipment associated with the wastewater treatment plant shall be mitigated by shielding these areas from adjacent residential uses."

H. Sheriff's Services

Potentially Significant Impact: The Lakeview Estates development will increase calls for Sheriff's service.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, impacts to the Sheriff's Department will be mitigated to a level of insignificance through burglary prevention methods to be devised in cooperation with the Sheriff's Department and by the physical layout of the project.

Facts In Support Of Finding: The impact will be avoided or reduced by the following:

Mitigation measures 1 and 2 identified in Section 2.6.7 of the Final EIR require the following:

- "1. The Sheriff's Department shall be consulted during the tract map stage to ensure that adequate provisions of police protection and burglary prevention are designed into the project.
2. The project shall incorporate a gated entry and controlled, security system to control access in and out of the subdivision."

I. Water Service

Potentially Significant Impact: The Lakeview Estate development will utilize a series of community wells and groundwater for domestic purposes. The project will consume an estimated 95 acre feet per year at full development, which could potentially effect groundwater in the area.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, water quantity studies conducted as part of the EIR indicate that sufficient groundwater is available in the area to serve the proposed project. Interference with one off-site well was discovered, however this impact will be mitigated by a series measures which shall be employed by the applicant. These measures will reduce impacts to the neighboring well to a level of insignificance.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

Four separate studies relating to groundwater have been prepared by the project geologist. These studies which are included in the EIR address the regional hydrology, well construction, pump testing procedures, well yields, interference between wells, aquifer properties, chemical quality and recharge potential, all in accordance with Fresno County standards.

Three wells with a total yield of 239 gpm have been tested in accordance with the County's 2H performance test and are intended to serve the site. The total well yield is well above the 95 gpm and 56 gpm, respectively, for peak and average flows for the complete buildout of the 180 unit project.

The project geologist also evaluated the various groundwater recharge components and concluded that the annual recharge for the area is approximately 150 acre feet. At full buildout, annual use is estimated at 95 acre feet, or only about 63% of the

available recharge. Therefore, it is clear that the proposed project facilities are capable of providing more water than the anticipated needs and that in so doing, overdrafting of the groundwater supply will not occur.

In conjunction with the well testing program, 16 adjacent wells were included in a monitoring array to evaluate whether interference occurred when the project wells were continually pumped as required by the County's 2H standards. In terms of monitoring the pumping response of a large observation well network, the project is precedent setting in Fresno County. This unusual monitoring effort was undertaken to alleviate the concerns of neighborhoods that individual wells could be affected by pumping of proposed project wells.

Test data compiled prior to, during and following the pumping of the proposed project wells demonstrated that interference with off-site neighboring wells did not occur except for the 4-lot community well on the opposite side of Millerton Road. This interaction was expected considering the small horizontal separation, same topographic setting, and the fact that hydraulic heads are virtually identical. Several alternatives were included in the EIR and are also shown below to mitigate potential effects on the 4-lot community well.

Comments were also received during the EIR review period related to off-site water springs and agricultural wells which could be affected by the project. Locations of wells and springs were determined in the field and, after consideration of their proximity to the proposed project, the project geologist stated in the Final EIR that large horizontal separation, differences in pump depth and comments from affected neighbors resulted in a conclusion that impacts on off-site wells and springs would not occur.

Mitigation measures identified in Section 2.6.3 of the Final EIR require the following:

1. If and when ground water extraction in Lakeview reaches the originally determined 95 acre foot/year, semi-annual water level fluctuations in a monitoring well network consisting of Lakeview Well Nos. 3,4,5, and 6, and a number of wells assigned to this purpose in the subdivision area, must be carefully scrutinized for possible onset of permanent storage depletion. In the event a storage depletion pattern begins to develop the Lakeview project must be prepared to reduce pumping, or obtain other sources such as surface water.

2. For practical purposes there is direct interconnection between the Lakeview No. 1 Well and the off-site 4 Lot Community and Harris No. 1 wells. Several alternatives are available to mitigate interference affects on these two off-site wells:

Alternative No. 1 - Set the pump level of the Lakeview No. 1 slightly above the existing pump level of the two wells (410 feet) so that its use would be discontinued prior to reaching their pumping level.

Alternative No. 2 - Redrill the two off-site wells to the same depth as Lakeview No. 1 Well (810 feet) and set the pumping level of the Lakeview Well slightly above the other two. This alternative offers the advantage of full utilization of Lakeview No. 1 while insuring that the water level in the off-site wells is not drawn below their pump setting.

Alternative No. 3 - Discontinue the use of the two off-site wells and negotiate an agreement with the four lot owners to provide them with water from the Lakeview No. 1 Well.

3. A complete Title 22 chemical analysis of the water from Lakeview No. 5 shall be performed prior to connection to the community water system.

J. Sewer Service

Potentially Significant Impact. The proposed Lakeview Estates groundwater recharge system will percolate water from the project's community leach field and tertiary sewage treatment plant into the underground aquifer and thereby has the potential to impact groundwater.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, a Report of Waste Discharge and technical report shall be prepared and submitted by the applicant to the California Regional Water Quality Control Board for their review and approval. This measure insures that the leach field and sewage treatment plant will not impact groundwater quality and, therefore, reduces this impact to a level of insignificance.

Facts In Support Of Finding: The impact will be avoided or reduced based on the following:

The Soils, Geology, Sewage Disposal and Water Supply report prepared in conjunction with the Lakeview Final EIR recommends preparation of a detailed report to address the potential infiltration of effluent into the groundwater supply. The applicant has completed this report and the conclusions of the geologist are that the soils characteristics and geology of the site are such that natural protective mechanisms in the soils and weathered zone will prevent intersection of wastewater and groundwater until substantial attenuation has occurred.

This report has been reviewed and accepted by the Fresno County Health Services

Agency, Community Health Department. Construction of the leachfield as recommended in the report together with the mitigation measure shown below will satisfactorily avoid the potential impact upon groundwater.

Mitigation measure 4 identified in Section 2.6.2 of the Final EIR requires the following:

"4. A Report of Waste Discharge (RWD) and technical report detailing the design and location of the leach field system prepared under the direction of a California registered civil engineer shall be submitted to the California Regional Water Quality Control Board-Central Valley Region at least 150 days prior to discharge to the leach field system. An RWD and engineering report pursuant to Title 22, Chapter 3, Division 4 of the California Code of Regulations for reclaimed water must also be submitted at least 150 days prior to discharge from the waste water treatment facility."

The California Office of Drinking Water approval of the groundwater recharge system is also required. This review and approval of the system by the state agency with the expertise in protecting the safety of the State's groundwater/drinking water supply will substantially eliminate the potential for any adverse impacts.

Potentially Significant Impact: The Lakeview Estates development will utilize an interim on-site leachfield system built to permanent standards for the initial project phase (up to 58 units), increasing the potential for groundwater degradation.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which include proper construction of the leach field, set-back requirements, the construction of a tertiary treatment plant after completion of 58 units, an RWD and technical report have been incorporated into the project. The addition of these measures reduce the potential for groundwater degradation to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The soils investigation prepared for the EIR concludes that the site will support a community leach field for a portion of the project and that potential impacts can be maintained within commonly accepted standards providing the leach field system is designed, constructed, operated and monitored in accordance with County and State Standards. Temporary leach field impacts will be mitigated by conversion to the tertiary wastewater plant.

Tertiary treatment provides various specific benefits. Tertiary treatment results in the highest level of wastewater reclamation in common practice. Reclaimed water from

the storage reservoir will be used to reduce water consumption and groundwater overdraft by , among other things, maintaining water levels in the two small ponds at the site entrance and to irrigate common area landscaping. This process will allow the reclaimed water to be put to "beneficial use" which is a goal of California water policy. A conventional spray irrigation system is proposed to distribute the reclaimed water onto approximately 25 acres of landscaped areas. In addition, reclaimed water will add to on-site recharge of underground water supplies.

Mitigation measures identified in Section 2.6.2 of the Final EIR require the following:

- "1. The proposed on-site leach field wastewater system shall be designed, constructed and monitored in accordance with Fresno County regulations and state law.
2. The leach field system shall be located a minimum of 100 feet from any spring, perennial stream or intermittent stream; a minimum of 50 feet from minor drainages; and a minimum of 150 feet from any domestic well.
3. The tertiary treatment plant shall be available after completion of 58 units. Performance guarantees for construction of the tertiary treatment plant shall be provided prior to the recordation of a final subdivision map creating more than 58 lots.
4. A Report of Waste Discharge (RWD) and technical report detailing the design and location of the leach field system prepared under the direction of a California registered civil engineer shall be submitted to the California Regional Water Quality Control Board-Central Valley Region at least 150 days prior to discharge to the leach field system. An RWD and engineering report pursuant to Title 22, Chapter 3, Division 4 of the California Code of Regulations for reclaimed water must also be submitted at least 150 days prior to discharge from the waste water treatment facility."

K. Fire Protection

Potentially Significant Impact: The Lakeview Estates development will increase calls for fire protection.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, measures recommended by the Fresno County Fire Protection District have been incorporated into the project which reduce the potential of increased fire calls to a level of insignificance.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

Mitigation measures identified in Section 2.6.6 of the Final EIR require the following:

"1. The following mitigation measures are based on input from the Mid Valley Fire Protection District reflecting requirements placed on other projects, and on measures agreed to by the developer.

- a. Adopt fire powers within the County Service Area that provides services to the development.
- b. Pay a mitigation fee of \$0.25 per square foot for all construction within the proposed development to fund a portion of the equipment necessary to respond to this location in the event of an emergency. The fee shall be paid to Mid Valley Fire Protection District at the time of building permit.
- c. Construct fire access roads 18 to 20 feet wide to give secondary emergency access to all areas of the subdivision.
- d. Provide a 30-foot-wide fuel break around each unit and the project exterior.

NOTE: The Fresno County Fire Protection District has clarified that Mitigation Measure No. 2.6.6-1.d will allow separation between dwellings to be less than 30 feet.

- e. Provide for emergency access to a public road as a secondary means of ingress/egress as provided for in Fresno County Ordinance Code.
- f. Provide a water source for fire protection approved by the Mid Valley Fire Protection District and fire flow capacity of 750 gpm for two hours (90,000 gal tank). Fire storage recharge time shall be five days.
- g. Provide approved fire hydrants spaced not more than 600 feet (300 feet travel distance) between hydrants, and not more than 300 feet from any building.
- h. Building requirements shall include Class I roof systems,

enclosed roof overhangs, and screened vent openings.

- i. Road grades shall conform to County standards, with a maximum grade of 12%, except for short sections allowed at up to 20%."

The proposed Planned Unit Development provides advantages in the prevention and protection from fires. In addition to clustering of uses, a community water system, fire hydrants and water storage will also provide optimum fire fighting resources. Response time from the nearest fire station is under five minutes which is well within adopted standards.

L. Management of Community Services

Potentially Significant Impact: The Lakeview Estates development will increase the demand for administrative services for management of sewer, water and other services.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the project shall form a benefit zone, the cost of which shall be absorbed by residents of the subdivision, which will mitigate the increased demand for administrative services to an insignificant level.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The mitigation measure identified in Section 2.6.1 of the Final EIR requires the following:

"1. The project shall form a benefit zone within County Service Area 44 or form a new CSA for provision of water, sewer, and other services."

Costs for these services will be borne by the residents of the proposed subdivision and therefore will not adversely affect the provision of services to other locations.

M. Mosquito Abatement

Potentially Significant Impact: The planned lakes at the project entrance could provide a breeding habitat for mosquitos.

Finding: Pursuant to Section 15091(a)(1) of the CEQA Guidelines, mitigation measures which reduce the creation of a breeding habitat for mosquitos to a level of insignificance have been incorporated into the project.

Facts in Support of Finding: The impact will be avoided or reduced based on the following:

The mitigation measure identified in Section 2.6.8 of the Final EIR requires the following:

- "1. Prior to filling lakes or water features, the developer shall contact the Consolidated Mosquito Abatement District and prepare a plan for the stocking and maintenance of a mosquito fish program. "

STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the CEQA Guidelines requires that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the agency shall state in the administrative record that the benefits of the project outweigh the unavoidable adverse impacts.

The Board's statement of overriding considerations must be based on substantial evidence in the administrative record and fully explained in the record of approval of the project.

Cumulative impacts to vegetation and wildlife have been determined to be significant, therefore the Board of Supervisors finds as follows:

Cumulative Impacts to Vegetation and Wildlife

1. Significant Impact: Although the site itself does not contain significant habitat, development of the site in combination with other cumulative projects will result in significant and unavoidable impacts to vegetation and wildlife.
2. Finding: Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, social or other considerations make infeasible mitigation measures or project alternatives identified in the EIR that would avoid or substantially lessen the significant impact.

Facts in Support of Finding: The following facts demonstrate that it is not feasible to mitigate the impact to a less than significant level. The unavoidable impact is acceptable when balanced against the considerations set forth below and in the Statement of Overriding Considerations. The infeasibility of alternatives that would avoid this impact is discussed below.

- a. The Lakeview site is 191 acres which will accommodate 180 units. The cumulative growth area covers several thousand acres of potential development sites.

The Lakeview site is therefore not large enough to accommodate set-asides to mitigate loss of habitat on adjacent lands.

b. The best available mitigation measure for cumulative vegetation and wildlife impacts is preparation of a regional Habitat Conservation Plan (HCP). Such a plan requires cooperation between several agencies, including the City of Fresno, the Counties of Fresno and Madera, as well as the State Department of Fish and Game and the U.S. Fish and Wildlife Service. Such a plan could require several years to prepare at a cost which is prohibitive for a single small project, such as Lakeview, to bear. As this responsibility is outside the purview of the Lakeview project, the potential impacts remain significant and unavoidable.

The unavoidable, significant adverse impacts of the project are outweighed by the following overriding benefits:

1. Planning Considerations: The Lakeview site has been designated for low density residential development in the Sierra-North Regional Plan since May of 1982. Development of the project is consistent with goals and objectives of the Sierra-North Regional Plan. Further, the Final EIR for the Sierra-North Regional Plan recognized that certain cumulative impacts would occur with development, including impacts to vegetation and wildlife. The EIR has determined that there are no site specific impacts which cannot be mitigated to an insignificant level.
2. Housing Opportunities: The County has experienced an increased demand for housing because of the rapid growth and associated population expansion experienced in and around the County. In the 1980s, the population of Fresno County increased by 34%. According to the Fresno County Council of Governments, population in the Fresno-Clovis area is expected to increase an additional 29% by the year 2000. The Lakeview project will contribute to meeting this growing housing need in the County.

Discussion within the Sierra-North Regional Plan states that one purpose of the Plan was to provide a wide range of different housing types for area residents. The project will further the goals of the Sierra-North Regional Plan.

3. Employment Opportunities: Development of the project will generate needed construction and long-term employment opportunities in the County, thereby contributing to the economic well-being of the County and its residents.
4. Preservation of Prime Agricultural Land: A primary goal of the Fresno County General Plan is the preservation of prime agricultural land. The project EIR provided information that concluded the site is not composed of

prime agricultural lands. Focusing development on non-prime agricultural land will reduce pressure to develop on prime land.

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lvfds

EXHIBIT "B"

MITIGATION MONITORING PROGRAM

This exhibit describes the Mitigation Monitoring Program for the Lakeview Subdivision Project. This exhibit was reproduced directly from the EIR and is provided here for convenient reference.

IMPACT AND MITIGATION SUMMARY TABLE AND PROPOSED MONITORING PROGRAM

The following table summarizes the impacts of development of the Lakeview Subdivision and contains proposed mitigation measures. The impacts are classified as:

- S Significant Adverse Impact
- P Potentially Significant Impact
- L Less than Significant Impact
- B Beneficial Impact
- N No Impact

The table also shows the proposed mitigation monitoring program by Public Resources Code Section 21081.6. Mitigation measures which require continuous and/or long-term monitoring will require the services of a mitigation monitor hired by the County and paid for by the developer.

Impact Category	Impact Without Mitigation	Mitigation Measure	Impact With Mitigation	Monitoring Program
2.1 Land Use, Plan Conformance & Zoning	L	Because no significant land use impacts are anticipated, no mitigation is required.	L	None required.
2.2 Traffic & Circulation	S	<p>1. The developer shall provide dedication for a total of 55 feet of right of way on the south side of Millerton Road.</p> <p>2. The developer shall construct a right-turn deceleration lane on the south side of Millerton Road at the project entrance. The area should be adequate in area to also serve as a school bus stop out of the right-turn lane on the east side of the entrance.</p> <p>3. The developer shall construct a 375-foot left-turn lane with a 120-foot taper within Millerton Road east of the project entrance. Construction of the left-turn lane, right-turn deceleration lane and bus stop shall be completed prior to opening the project.</p> <p>4. The developer shall pay a fair-share mitigation fee for the improvement of Friant Road, Millerton Road, and Friant/Highway 41 as determined by Fresno County.</p>	L	<p>1. Mitigation shall be included as a condition of tentative map approval and implemented with the Final Map under responsibility of the Fresno County Public Works and Development Services Department.</p> <p>2. Mitigation shall be included as a condition of tentative map approval and implemented with the Final Map under responsibility of the Fresno County Public Works and Development Service Department.</p> <p>3. Mitigation shall be included as a condition of tentative map approval and implemented with the Final Map under responsibility of the Fresno County Public Works and Development Services Department.</p> <p>4. Mitigation shall be included as a condition of Building Permit issuance under responsibility of the Fresno County Public Works and Development Services Department.</p>

Impact Category	Impact Without Mitigation	Mitigation Measure	Impact With Mitigation	Monitoring Program
2.3 Air Quality	P	<p>i. Dust control measures are to be employed at the direction of a single person having responsibility for monitoring a given working shift. The designated party must be made known to the Public Works and Development Services Department, and be available through a telephone connection or on-site schedule of hours on the job to facilitate contact by the County Public Works and Development Services Department.</p> <p>3. The following measures shall be incorporated into project design.</p> <p>a. Residential Wood Burning shall be subject to District Rule 4901 which regulates the sale, installation and transfer of wood burning devices, and establishes a public education and voluntary wood burning curtailment program intended to reduce emissions of carbon monoxide and PM₁₀.</p> <p>b. Residential Water Heaters shall be subject to District Rule 4902 which regulates the sale and installation of natural gas-fired water heaters to limit the emissions of oxides of nitrogen.</p> <p>c. Residential units shall be oriented to maximize natural lighting, and passive solar heating and cooling.</p> <p>d. Electric equipment should be used for on-site maintenance and groundskeeping operations to the fullest extent possible.</p> <p>e. Electrical outlets shall be provided around the exterior of buildings to encourage the use of electric maintenance and groundskeeping equipment.</p> <p>f. The applicant shall provide information to each lot purchaser, prior to completion of the lot sale, that explains the air quality benefits of wood heating devices that meet the EPA Phase II emission and performance requirements. The information should be provided by the San Joaquin Unified Air Pollution Control District.</p> <p>g. The applicant shall encourage trip reduction strategies such as ridesharing, off-peak hour travel, bikeway improvements/provision of support facilities and construction of a school bus stop at the site entrance.</p> <p>4. To the extent feasible, one medium or large sized tree, compatible with climate zone 9 of the Western Garden Book, shall be planted for each 1,000 square feet of lot area. For reasons of slope, fire protection or other constraints, those trees that cannot be planted on each lot may be substituted by being planted within the project's open space areas such as median islands, paved surfaces and other common areas in which energy conservation may be optimized. Said landscaping shall be in selected, placed, irrigated and maintained in a manner acceptable to Fresno County.</p>		<p>3. Mitigation shall be included as a condition of <i>Site Plan Review</i> approval under responsibility of the Fresno County Public Works and Development Service Department, and monitored by the Mitigation Monitor and/or issuance of Building Permits.</p> <p>4. Mitigation shall be included in the Homeowner's CC&Rs and monitored through landscaping requirements of the Architectural Review Committee.</p>

Impact Category	Impact Without Mitigation	Mitigation Measure	Impact With Mitigation	Monitoring Program
2.4 Geology and Soils	P	<p>5. The storm drainage system and landscaping of the project shall be designed to reduce erosion by limiting bare areas and controlling runoff on exposed soil.</p> <p>6. The following guidelines shall govern all road building activity:</p> <p>a. Most road cuts will be moderately shallow and confined to the soil and weathered rock zones. These shallow cuts can be designed on 1-1/2:1 slopes. For cuts in hard rock (seismic velocity greater than 7,550 feet per second) slopes of 1:1 can be used.</p> <p>b. Fill slopes should not be constructed where they will toe out on natural slopes steeper than 2:1. The ground surface shall be prepared to receive fill by removing vegetation and other unsuitable materials. Where natural slopes are 5:1 or steeper, they should be benched. Fill slopes themselves can be inclined at 1-1/2:1.</p>	L	<p>5. Mitigation shall be included in the <i>grading and drainage plan approval</i> under responsibility of the Fresno County Public Works and Development Services Department and monitored by the <i>County Construction Inspector and/or Mitigation Monitor</i>.</p> <p>6. Mitigation shall be included as a condition of <i>Improvement Plan approval</i> under responsibility of the Fresno County Public Works and Development Services Department and monitored by the <i>County Construction Inspector and/or Mitigation Monitor</i>.</p>
2.5 Hydrology and Drainage	P	<p>1. The developer shall prepare a drainage plan as a condition of Final Map Approval.</p> <p>2. Retention/settling ponds or other approved designs to reduce peak runoff and contain runoff so that suspended particulates can settle out prior to discharge into natural drainways shall be included in the drainage plan. The size of the settling ponds will depend on the amount of impervious surfaces in the proposed project.</p> <p>3. The developer shall obtain a NPDES Permit prior to beginning grading activities.</p>	L	<p>1. Mitigation shall be included in the <i>grading plan approval</i> under responsibility of the Fresno County Public Works and Development Services Department and monitored by the <i>County Construction Inspector and/or Mitigation Monitor</i>.</p> <p>2. Mitigation shall be included with <i>grading and drainage plan approval</i> under responsibility of the Fresno County Public Works and Development Services Department and monitored by the <i>County Construction Inspector and/or Mitigation Monitor</i>.</p> <p>3. Mitigation shall be monitored by the <i>Mitigation Monitor</i>.</p>
2.6.1 Management of Community Services	P	<p>1. The project shall form a benefit zone within County Service Area 44 or form a new CSA for provision of water, sewer, and other services.</p>	L	<p>1. Mitigation shall be included as a condition of <i>tentative map approval</i> and implemented with the <i>Final Map</i> under responsibility of the Fresno County Public Works and Development Service Department.</p>

Impact Category	Impact Without Mitigation	Mitigation Measure	Impact With Mitigation	Monitoring Program
2.6.3 Water Service	P	<p>1. If and when ground water extraction in Lakeview reaches the originally determined 95 acre foot/year, semi-annual water level fluctuations in a monitoring well network consisting of Lakeview Well Nos. 3,4,5, and 6, and a number of wells assigned to this purpose in the subdivision area, must be carefully scrutinized for possible onset of permanent storage depletion. In the event a storage depletion pattern begins to develop the Lakeview project must be prepared to reduce pumping, or obtain other sources such as surface water.</p> <p>2. For practical purposes there is direct interconnection between the Lakeview No. 1 Well and the off-site 4 Lot Community and Harris No. 1 wells. several alternatives are available to mitigate interference affects on these two off-site wells:</p> <p><u>Alternative No. 1</u> - Set the pump level of the Lakeview No. 1 slightly above the existing pump level of the two wells (410 feet) so that its use would be discontinued prior to reaching their pumping level.</p> <p><u>Alternative No. 2</u> - Redrill the two off-site wells to the same depth as Lakeview No. 1 Well (810 feet) and set the pumping level of the Lakeview Well slightly above the other two. This alternative offers the advantage of full utilization of Lakeview No. 1 while insuring that the water level in the off-site wells is not drawn below their pump setting.</p> <p><u>Alternative No. 3</u> - Discontinue the use of the two off-site wells and negotiate an agreement with the four lot owners to provide them with water from the Lakeview No. 1 Well.</p> <p>3. A complete Title 22 chemical analysis of the water from Lakeview No. 5 shall be performed prior to connection to the community water system.</p>	L	<p>1. Mitigation shall be included in the formation of the benefit zone or new CSA to provide water and will be monitored by the Mitigation Monitor. All correspondence on outside water use shall be forwarded to the Resources Division for review.</p> <p>2. Mitigation shall be included under responsibility of the Fresno County Public Works and Development Services Department prior to accepting of the water system by a CSA.</p> <p>3. Mitigation shall be included in the formation of the benefit zone or new CSA and will be monitored by the County Health Services Agency prior to inclusion in the water system.</p>
2.6.4 Schools	L	<p>1. Because no significant impacts to the school district are anticipated, no additional mitigation is required.</p>	L	<p>1. None required.</p>
2.6.5 Waste Disposal	L	<p>1. The Homeowners Association shall contract for waste disposal and recycling services through a single private hauler to minimize noise and traffic in the subdivision and provide a more orderly streetscape.</p> <p>2. The Homeowners Association shall encourage recycling and conservation efforts and participate in curbside recycling programs instituted by Fresno County.</p>	L	<p>1. Mitigation shall be included in the Homeowner's CC&Rs.</p> <p>2. Mitigation shall be included in the Homeowner's CC&Rs.</p>

<u>Impact Category</u>	<u>Impact Without Mitigation</u>	<u>Mitigation Measure</u>	<u>Impact With Mitigation</u>	<u>Monitoring Program</u>
2.6.8 Mosquito Abatement	P	1. Prior to filling lakes or water features, the developer shall contact the Consolidated Mosquito Abatement District and prepare a plan for the stocking and maintenance of a mosquito fish program.	L	1. Mitigation shall be included as a condition of <i>Site Plan Review approval</i> under responsibility of the Fresno County Public Works and Development Services Department and shall be fulfilled prior to occupancy of the recreational facilities.
2.6.9 Recreational Facilities	L	1. Because no significant impacts to recreation facilities are anticipated, no additional mitigation is required.	L	1. None required.
2.7 Cultural Resources	L	1. In the event that any cultural resources are uncovered during construction, all work in the area shall stop and a qualified archaeologist, a representative of the Indian community, and the Fresno County Public Works and Development Services Department notified. After consultation, significance of the find shall be determined and appropriate action taken.	L	1. Mitigation shall be included as a condition of <i>Site Plan Review approval</i> under responsibility of the Fresno County Public Works and Development Services Department.
2.8 Fiscal Impacts	L	1. Because no significant impacts are anticipated, no mitigation is required.	L	1. None required.

Impact Category	Impact Without Mitigation	Mitigation Measure	Impact With Mitigation	Monitoring Program
2.10 Noise	P	<ol style="list-style-type: none"> 1. The hours of construction on the project shall be limited to 7:00 am to 6:00 pm during the week and 8:00 am to 5:00 pm on Saturday. 2. All construction equipment shall be maintained with residential-type mufflers. 3. A building setback of approximately 355 feet from the center line of Millerton Road shall be required for all residential purposes with the exception of lots 1, 2, 3. 4. Noise from future solid waste pick-up areas and mechanical equipment associated with the wastewater treatment plant shall be mitigated by shielding these areas from adjacent residential uses. 	L	<ol style="list-style-type: none"> 1. Mitigation shall be included under responsibility of the Fresno County Public Works and Development Services Department <i>and/or</i> Mitigation Monitor. 2. Mitigation shall be included under responsibility of the Fresno County Public Works and Development Services Department <i>and/or</i> Mitigation Monitor. 3. Mitigation shall be included as a condition of <i>Building Permit</i> under responsibility of the Fresno County Public Works and Development Services Department. 4. Mitigation shall be included as a condition of <i>Site Plan Review</i> approval under responsibility of the Fresno County Public Works and Development Services Department.
2.11 Visual Impacts	P	<ol style="list-style-type: none"> 1. As a condition of Final Subdivision Map approval, the developer shall prepare a landscape and irrigation plan containing at least the following provisions: <ol style="list-style-type: none"> a. Tree species and plant cover for common open space areas within the subdivision, including the landscape treatment along Millerton Road, internal roadways, transitions between development and open space, the wastewater treatment plant, water storage tank(s) and the self-storage area. b. All common area planting shall be undertaken within the first phase of the project. c. Landscape design guidelines and planting requirements for all lots to be included in the developer's handbook to be given to each property owner. d. The entire effort shall be monitored by the applicant and Fresno County every six months for the first three seasons, and all trees and shrubs which do not survive shall be replaced by the applicant. e. All plantings should be done in the period October through March to achieve maximum establishment success. f. Perennial plantings shall be irrigated with an automatic drip irrigation system for a minimum of three years after planting. The system shall incorporate low gallonage drip emitters for each planting and be hooked to an automatic valve system and time clock(s). 	L	<ol style="list-style-type: none"> 1. Mitigation shall be included as a condition of <i>Site Plan Review</i> approval under responsibility of the Fresno County Public Works and Development Services Department <i>and shall be monitored by the County Public Works Department and/or Mitigation Monitor.</i>

EXHIBIT "C"

**CONDITIONS FOR APPROVAL
LAKEVIEW SUBDIVISION**

This exhibit provides the conditions that the Board of Supervisors approved for Conditional Use Permit No. 2535, Vesting Tentative Subdivision Map No. 4321, and Site Plan Review No. 6399

EXHIBIT "C"

CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT NO. 2535
VESTING TENTATIVE SUBDIVISION MAP NO. 4321
SITE PLAN REVIEW NO. 6399

Classified Conditional Use Permit No. 2535

The Board of Supervisors tentatively approves Classified Conditional Use Permit No. 2535, subject to the following conditions:

1. Development shall be in accordance with the site plans, elevations, and operational statement approved by the Commission, except as modified below.
2. The conditions in the Subdivision Review Committee Report for Vesting Tentative Subdivision Map No. 4321 shall be complied with.
3. This permit shall be tied to Vesting Tentative Subdivision Map No. 4321; if the tract is denied or expires, the Conditional Use Permit shall also expire.

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

4. Prior to recording a final map, a landscape plan addressing proposed landscaping along the Millerton Road frontage, around the swimming pool, tennis courts, lakes and parking area, within the median areas, and within the transition areas, between natural open space and development, wastewater treatment plant, water tank, and storage area shall be submitted to the Director of the Public Works and Development Services Department for approval. The plan shall include the species of plants, the size, and location. Installation of the landscaping shall be the responsibility of the subdivider.
5. The propane system shall be required to meet the requirements of CFR 49 latest edition.
6. The property development standards of the R-1-B District shall apply except as follows:
 - a. Front yard setbacks - Minimum 20 feet.
 - b. Off-street parking - All residences shall be constructed with enclosed garages and where the setback is reduced to

20 feet, automatic garage door openers shall be installed.

- c. Building height - Main buildings or structures shall have a maximum height no greater than three stories, not to exceed forty (40) feet. Building heights on uphill lots shall not exceed the maximum allowed height when measured from the average elevation of the finished grade at the front of the building or at any other location when measured from the finished grade along a slope parallel and immediately adjacent to the building line.
7. Covenants, conditions, and restrictions limiting the sale, leasing, or renting of the storage lots to residential lot owners and/or subdivider, and the use of said storage facilities to personal storage, exclusive of living quarters, shall be recorded with the final map.
8. All EIR mitigation measures listed in the Mitigation Monitoring Program (Exhibit "B") 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.
9. Prior to recording a Final Map, a Site Plan Review application for the storage facility and the community facilities (tennis courts, swimming pool, parking area) shall be submitted for approval by the Director of the Public Works and Development Services Department in accordance with Section 874 of the Fresno County Zoning Ordinance.
10. Prior to occupancy of the 59th unit, the tertiary sewer treatment and disposal facility shall be operational. This requirement/limitation shall be recorded as a covenant running with each lot.
11. The initial sewage collection and disposal system shall be designed and constructed to accommodate the ultimate sewer system.

NOTE: A partial cancellation of the Agricultural Land Conservation Contract No. 64 will be required for the 25-acre area proposed for the sewage treatment facilities.

Vesting Tentative Subdivision Map No 4321 and Site Plan Review
No. 6399

The Board of Supervisors tentatively approves Vesting Tentative Subdivision Map No. 4321 and Site Plan Review No. 6399, subject to the conditions listed below:

1. WATER AND SEWER

- a. Water and sewer services shall be provided by a community system designed in accordance with County standards. (Mitigation Measure No. 2.6.2-1 through 4, 2.6.3-1 through 3)

NOTE: The sewage treatment facilities shall be fully permitted by the California Regional Water Quality Control Board prior to acceptance by a public entity. The water supply facilities and the sewer treatment and distribution facilities shall be approved by the County and the State Health Department prior to being placed into operation.

- b. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
- c. The sewer treatment facilities, the reclaimed wastewater disposal area, leachfield/reclaimed water pond area, and water tank shall be contained in an easement or an outlot with the final configuration of the outlot to be determined prior to recording a final map.
- d. The initial sewage collection and disposal system shall be designed and constructed to accommodate the ultimate sewer system.
- e. The tertiary treatment plant shall be available after completion of 58 units. Performance guarantees for construction of the tertiary treatment plant shall be provided prior to the recordation of a final subdivision map creating more than 58 lots (Mitigation Measure No. 2.6.2-3)

2. ROADS

- a. Millerton Road:

- (1) Additional right-of-way shall be granted to provide a total of 53 feet south of the centerline of the roadway. (Mitigation Measure No. 2.2-1)

- (2) Direct access rights shall be relinquished and a non access barrier acceptable to the Director of the Public Works & Development Services Department installed, except for the proposed entrance road and emergency access roads.
- (3) The south half of Millerton Road adjacent to the project shall be constructed to public road standards in accordance with the A-4 County Improvement Standard.

NOTE: The above construction may be deferred through the established funding mechanism with the agreement entered into prior to the recordation of the final map. Notice to future lot owners that they will be required to pay their pro-rata share of this improvement at time of issuance of a building permit is also required.

- (4) Acceleration and deceleration lanes shall be provide at the project entrance in accordance with Caltrans Highway Design Manual (Section 405). (Mitigation Measure No. 2.2-2 and 3)
- (5) School bus turnouts shall be constructed of a design and standard and at locations to be approved by the Director of the Public Works & Development Services Department after consideration of recommendations of the School District. (Mitigation Measure No. 2.2 and 3)
- (6) An extension of the Auberry Bikeway shall be provided along Millerton Road adjacent to this tract.

b. Road "A":

- (1) Road "A" shall be improved to a 25 M.P.H. public road standard in accordance with Section A-A as shown on the approved tentative map (Mitigation Measure No. 2.2-1)
- (2) Adequate safe sight distance shall be provided for the prevailing speed of traffic on Millerton Road (55 MPH) as approved by the Director of the Public Works & Development Services Department at the Millerton Road intersection together with the necessary property corner cutoffs (30 foot by 30 foot minimum).

- (3) A minimum 100 foot setback from the Millerton Road right-of-way shall be provided for the guard building and gate.
- (4) A turnaround area shall be provided in front of the guard building and gate to provide a continuous forward movement for vehicles denied access to the development.

c. Interior Roads:

- (1) These roads shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standard A-1 Case A-IE 50 (36 feet of base and pavement between curbs, 50-foot road easement), except that Road "B" shall be improved to a 25 M.P.H. public road standard in accordance with Section C-C as shown on the approved tentative map.
- (2) These roads shall terminate in Improvement Standard B-2 Rural Residential cul-de-sacs.
- (3) These roads shall provide for adequate sight distance as approved by the Director of the Public Works & Development Services Department at all intersections together with the necessary property corner cutoffs (20 foot by 20 foot minimum).
- (4) The roads shall intersect at right angles.
- (5) A temporary turnaround shall be provided at the end of roads to be extended to adjacent properties.
- (6) Slope easements shall be provided outside the road easements where necessary.
- (7) Lots 59, 60, and 61 shall have direct access to only one street frontage with access to be relinquished on the other frontage.
- (8) The cul-de-sac roads may exceed the adopted standard length of 500 feet as shown on the approved tentative map as long as the emergency access roads indicated on the tentative map are provided.

d. Access Road to Lots 181 - 320:

- (1) This road shall be improved in accordance with the A-15 County Improvement Standard including A.C. dikes.

- (2) This road shall terminate in Improvement Standard B-2 Rural Residential cul-de-sac or A-16 turnaround.

e. Emergency Access Roads:

- (1) These roads shall be contained within easements and shall connect to public roads.
- (2) These roads shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works & Development Services Department after consideration of the recommendations of the fire district having jurisdiction of the area.

f. All Interior Roads:

These roads shall be contained within non-exclusive private road easements or within outlots for the same purpose.

g. Off Site Roads:

- (1) The developer's pro-rata share of improvements shall be made to Friant and Millerton Roads between Auberry Road and the Fresno City limits.

NOTE: The above construction may be deferred through the established funding mechanism with the agreement entered into prior to the recordation of the final map. Notice to future lot owners that they will be required to pay their pro-rata share of this improvement at time of issuance of a building permit is also required.

- (2) To mitigate project-related traffic impacts on the Freeway 41/Friant Road Interchange, a pro rata share of the cost of required improvements, as determined by a Project Study Report, shall be paid at the time of issuance of a building permit on each lot. Traffic mitigation fees will be placed on each lot. Traffic mitigation fees will be placed in a trust fund by Fresno County and held until improvements are made. Prior to the recording of a final map the applicant shall prepare and record a covenant, acceptable to the County, for each lot. The covenant shall provide notice that a traffic mitigation fee will be payable prior to the issuance of a building permit. (Mitigation Measure 2.2-4)

3. STREET TREES

Since the project is a planned residential development, a landscaping plan approved by the Director of the Public Works & Development Services Department will be acceptable in lieu of trees as specified by the Tree Ordinance.

4. DRAINAGE AND EROSION CONTROL

- a. 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.
- b. Provisions shall be made to retain all runoff generated from this tract within a drainage pond(s) or other facility acceptable to the Director of the Public Works & Development Services Department
- c. Ponds in excess of eighteen inches in depth shall be fenced.
- d. All natural water courses shall be indicated on an additional map sheet, as specified in Section 17.32.210 and 17.48.220 of the County Subdivision Ordinance. Minor water courses may be designated as "thread of stream".
- e. If natural drainage swales are piped, easements for the pipelines and a maintenance entity to maintain the pipelines will be required.
- f. 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.
- g. Soil erosion control measures shall be approved by the Director of the Public Works & Development Services. The developer shall consult with the U.S. Soil Conservation Service relative to soil erosion methods.
- h. Detention facilities within the natural drainage courses will need to be reviewed and approved by the California Department of Fish and Game and State Water Resources Control Board.

5. MAINTENANCE

- a. A zone of benefit in a County Service Area or other method acceptable to the Director of the Public Works &

Development Services Department shall be provided for the maintenance of all new public roads.

NOTE: A CSA Zone may not be used to maintain gated roads.

- b. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.
- c. The water, sewer and drainage facilities shall be owned and operated by a County Service Area or other approved public entity.
- d. The developer shall be 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. An estimate of the above costs shall be prepared by the developers' engineer subject to review by the County.
- e. Common facilities including open space, water features, tennis courts, swimming pool, and private roads shall be maintained by a homeowners' association.
- f. The common facilities associated with the storage lots shall be maintained by the owners of these lots through a Homeowner's Association.

6. FIRE PROTECTION

- a. 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 Works & Development Services Department after consideration of the recommendations of the fire district having jurisdiction of the area.
- b. The 30-foot wide fuel break required around each unit and the project exterior as specified in Mitigation Measure No. 2.6.6-1d shall be shown on a separate map sheet of the Final Map.

NOTE: The Fresno County Fire Protection District has clarified that Mitigation Measure No. 2.6.6-1d will allow separation between dwellings to be less than 30 feet.

7. UTILITIES

- a. All existing overhead electric utilities within or adjacent to the tract shall be removed or placed underground.
- b. All new electrical utilities shall be placed underground.
- c. Easements shall be provided for sewer and water - facilities and collection distribution lines.

8. OUTLOTS

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

9. STREET NAMES

The internal roads shall be named. The subdivider shall submit names to the Street Name Committee for review and approval prior to final map approval.

10. OTHER IMPROVEMENTS

All other improvements shall be in accordance with County Standards.

11. OTHER CONDITIONS

- a. All conditions of Classified Conditional Use Permit application No. 2535 shall be complied with.
- b. All EIR Mitigation conditions listed in the Mitigation Monitoring Program (Exhibit "B") 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. Development of the community facilities (tennis courts, swimming pool, parking area, mailbox, security storage/temporary sales office and restroom facilities) and the landscaping, noise berms, and fencing along the Millerton Road frontage shall be completed as a part of Phase One.
- d. Covenants, conditions, and restrictions shall be recorded addressing Mitigation Measures No. 2.3-4, 2.4-2, 2.6.5-1 and 2, 2.9-1.
- e. The applicant shall secure the services of a qualified acoustical consultant. the consultant shall conduct such noise studies and acoustical evaluations as may be required to fully evaluate all noise impact zone parcels and propose mitigation measures sufficient to achieve compliance with the Noise Element. The proposed mitigation measures shall be reviewed and approved by the Community Health Department prior to approval of the Final Map. Building setback lines, if required for noise mitigation, shall be depicted on a separate map sheet. (Mitigation Measure No. 2.10-1 through 4)
- f. The subdivider has proposed to limit all development, landscaping, and storage to a development area encompassing the front 130 feet of each lot and to require the remaining lot area to remain in natural open space. This building setback line shall be shown on a separate map sheet. This limitation shall be included in the covenants, conditions, and restrictions recorded on each lot.

- g. Covenants, conditions, and restrictions shall be prepared and submitted to the County prior-to approval of the final map which limits the landscaped area of each lot to a total aggregate area of 4,000 square feet to be comprised of 50 percent turf and 50 percent draught tolerant plants, except for corner lots and those lots fronting on main access roads where the maximum area will be 5,000 square feet.
- h. Storage lots shall be sold, leased, or rented only as improved lots and sale of said lots shall be limited to the developer and owner of the single-family lots within the subdivision.

NOTE: A final map shall be allowed to record only if determination by the California Department of Real Estate that this project is not a land project.

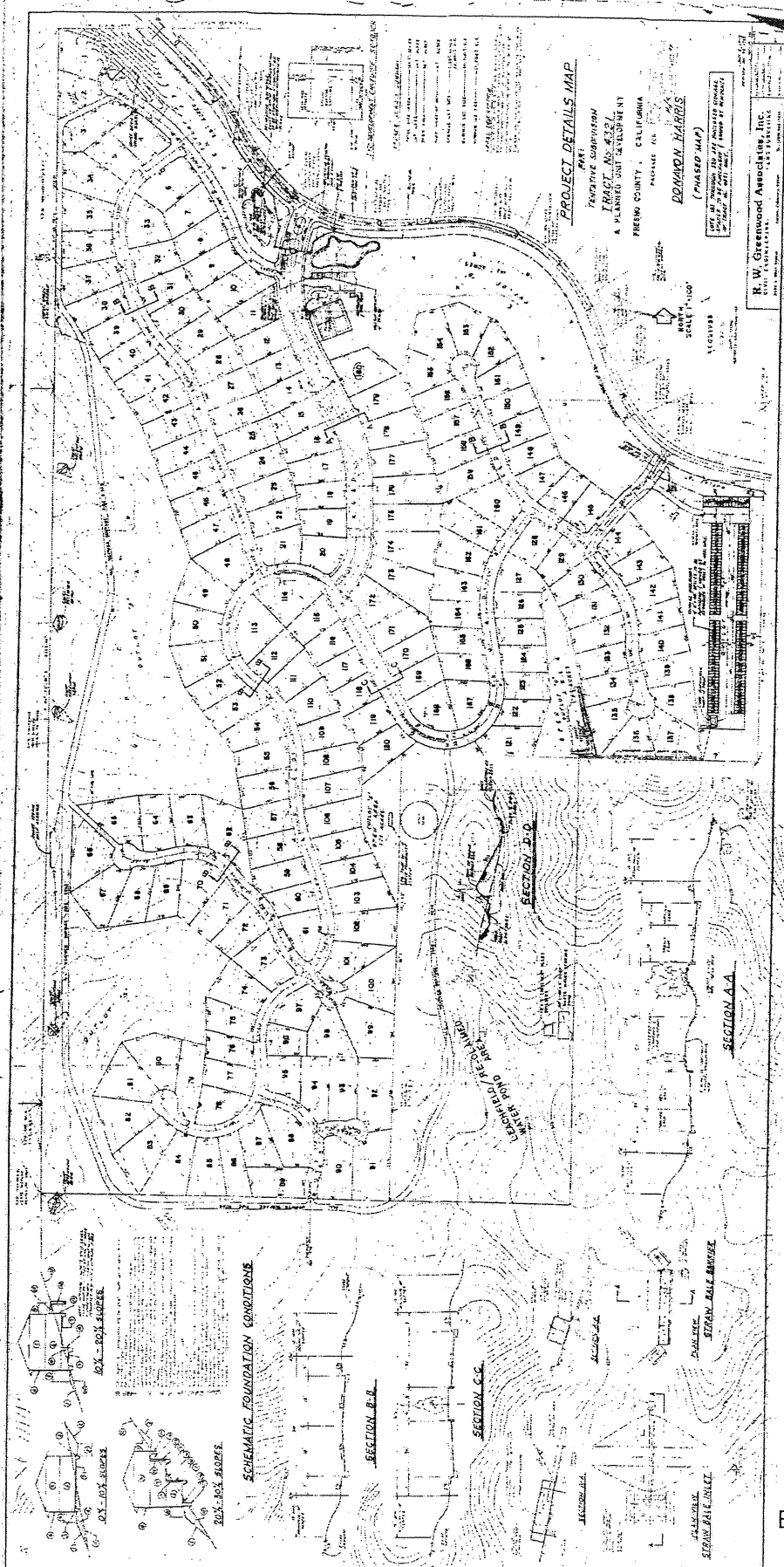


EXHIBIT 5

DONAVON HARRIS
7411 N. FLORA
FRESNO, CA 93720

July 5, 2016

Mr. Chris Motta Principal Staff Analyst
Fresno County Public Works and Planning Department
2220 E. Tulare Street ,6th floor
Fresno California 93721

Dear Chris:

This letter is written to request a two(2) year discretionary time extension for Tentative Tract No. 4321, Mira Bella Subdivision which is permitted by AB 1303(approved 2015; map act section 66453.23).

The tentative tract was originally approved several years ago and two final maps have been previously recorded. Improvement plans for a third Final map were submitted for checking sometime back and are on file in the development services division.

For several years the project was a victim of the economic downturn and legal actions that forestalled its development and its only in the past two years that conditions have improved to a point that onsite development is finally occurring on the first two final maps.

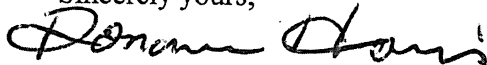
On March 3, 2016 a one(1) year time extension was approved that provided for additional life for the map to January 17, 2017. Although a discretionary two-year time limit was available at the time, we were unaware of this and in good faith requested a one-year time extension in our letter to the county. Thus, mistakenly we did not avail our self of the two year time extension that was available through AB 1303.

Staff noted in the previous staff report that the applicant is entitled to apply for the AB 1303 two (2) year time extension now being requested.

With the additional two (2) year, the applicant will pursue recordation of the third final map discussed above as well as any other final maps required to complete the entire project.

Your Consideration is appreciated.

Sincerely yours;



Donavon Harris

TT 4321
RECEIVED
COUNTY OF FRESNO

JUL 06 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION