



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 June 30, 2016

**SUBJECT:** Tentative Tract Map No. 4048-R2 – Two-Year Discretionary Time Extension

Grant a discretionary two-year time extension pursuant to AB 1303 to exercise Tentative Tract Map No. 4048-R2, which authorizes the division of 488 acres into 328 single-family and 92 multiple-family lots in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

**LOCATION:** The project site is located on the east and west sides of Brighton Crest Drive, south of Millerton Road and north of Auberry Road, approximately two miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 300-420-02s, 300-420-03s, 300-420-04s, and 300-420-29s).

**OWNER/APPLICANT:** Table Mountain Rancheria

**STAFF CONTACT:** Daniel Brannick, Planner  
(559) 600-4297

William M. Kettler, Division Manager  
(559) 600-4497

**RECOMMENDATION:**

- Approve a discretionary two-year time extension as permitted under AB 1303 to exercise Tentative Tract Map No. 4048-R2; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Assessor's Parcel Map
5. Planning Commission Resolution and Staff Report dated December 20, 1990 (including the approved Tentative Tract Map)
6. Correspondence Requesting a Discretionary Time Extension under AB 1303

**ENVIRONMENTAL ANALYSIS:**

Mitigated Negative Declarations were prepared and adopted for Tentative Tract No. 4048 (Initial Study No. 3425) in 1988, Tentative Tract No. 4048-R (Initial Study No. 3664) in 1990, and Tentative Tract No. 4048-R2 (Initial Study No. 4806-R) in 2004 in accordance with the California Environmental Quality Act (CEQA). Section 15162 of the CEQA Guidelines states that once an Environmental Impact Report (EIR) and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous EIR (or Mitigated Negative Declaration) was certified. Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required.

**PUBLIC NOTICE:**

Notices were sent to 178 property owners within one quarter-mile of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**PROCEDURAL CONSIDERATIONS:**

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

Since 2008, the State of California has passed four separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly

Bill (AB) 333 (Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 116 (Map Act Section 66452.24) which allows discretionary approval of a two-year time extension; and d) Assembly Bill (AB) 1303 (Map Act Section 66452.25) which allows discretionary approval of a two-year time extension for Tentative Maps originally approved on or before December 31, 2001.

As amended by AB 1303, Section 66452.25(b)(2) of the California Government Code authorizes a legislative body or an advisory agency to approve or conditionally approve tentative maps for an extension period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed.

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

#### **BACKGROUND INFORMATION:**

On December 20, 1988, the Fresno County Board of Supervisors approved Tentative Tract Map No. 4048 and Classified Conditional Use Permit No. 2352 authorizing the development of a 488-acre planned residential development consisting of 320 single-family residential lots, 100 multiple-family lots, golf course with clubhouse facilities, and a community center with supportive recreational and commercial facilities. On December 20, 1990, the Planning Commission approved revision proposal 4048-R, which modified the lot mix to 328 single-family residential lots and 92 multiple-family lots. This revision proposal also modified the design and use of the community center and development standards. On May 27, 2004, the Commission approved revision proposal 4048-R2, which reconfigured 17 of the single-family residential lots and relocated the golf course clubhouse facilities.

Through provisions of the State Subdivision Map Act, the life of Tentative Tract Map No. 4048-R was extended to December 20, 2003. This occurred through two legislative extensions adopted by the State in 1993 and 1996 adding three years of life to the Tentative Map, and the Map Act providing ten years of statutory extensions through phased development.

On February 5, 2004, the Planning Commission approved the first one-year time extension for Tentative Tract Map No. 4048-R, resulting in a new expiration date of December 20, 2004. On January 27, 2005, the Commission approved the second one-year time extension for the Tentative Map, resulting in a new expiration date of December 20, 2005. This approval was subject to a Condition requiring establishment of a funding mechanism through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support the ongoing cost of Sheriff's protection services. On January 26, 2006, the Commission approved the third one-year time extension for the Tentative Map, resulting in a new expiration date of December 20, 2006. However, as review of surface water allotments to Millerton New Town conducted by the U.S. Bureau of Reclamation constituted a moratorium from the period of February 4, 2005 until February 25, 2007, staff determined that the Tentative Map would expire on January 10, 2009.

Subsequent to staff's determination that the Tentative Map would expire on January 10, 2009, Senate Bill (SB) 1185 (Map Act Section 66452.21) granted an automatic one-year time

extension for the Tentative Map, resulting in a new expiration date of January 10, 2010. Additionally, Assembly Bill (AB) 333 (Map Act Section 66452.22) granted an automatic two-year time extension for the Tentative Map, resulting in a new expiration date of January 10, 2012. On January 13, 2011, the Planning Commission approved the fourth one-year time extension for the Tentative Map, resulting in a new expiration date of January 10, 2013. On January 24, 2013, the Planning Commission approved the fifth one-year time extension for the Tentative Map, resulting in a new expiration date of January 10, 2014. On January 9, 2014, the Planning Commission approved a discretionary two-year time extension that was filed pursuant to Assembly Bill (AB) 116 (Map Act Section 66452.24), resulting in a new expiration date of January 10, 2016. Prior to the expiration of that time extension, the Applicant filed for a sixth discretionary one-year time extension, which was approved on February 18, 2016, and extended the life of the Tentative Map to January 10, 2017. The Applicant has exercised all available time extensions except for the time extension permitted under AB 1303.

This application for a discretionary two-year time extension has been filed under AB 1303, which amended the State Subdivision Map Act to allow for an additional discretionary two-year time extension for previously approved Tentative Maps within counties meeting certain socioeconomic criteria. Projects in Fresno County are eligible for time extensions under AB 1303 based on the County's annual mean income, annual non-seasonal unemployment, and poverty status statistics compared to statewide averages. This application for a two-year time extension, if approved, will extend the life of the Tentative Map to January 10, 2019.

#### **ANALYSIS:**

The current time extension request was routed to the same agencies that reviewed the original project, subsequent revisions, and previous time extensions. In response to the routing for the subject time extension under AB 1303, the U.S. Fish and Wildlife Service (USFWS) commented that County staff should refer to a comment letter previously provided on January 19, 2016, regarding the sixth discretionary time extension and apply the comments to the subject time extension request. In that letter, USFWS commented that two federally threatened species not listed at the time the Mitigated Negative Declaration for Tentative Tract Map No. 4048 was prepared – the vernal pool fairy shrimp (VPFS) and the California tiger salamander (CTS) – have subsequently been documented within the boundary of the project site, and further, that the project site falls within designated critical habitat for both VPFS and CTS. According to USFWS, development of the proposed project could result in take of one or both of the species, including harm from habitat loss, and any take that could occur as a result of the project would require consultation with USFWS under Section 7 or Section 10 of the Endangered Species Act of 1973 in order to not be in violation of the Act.

No other agencies identified any change in circumstances or the need for additional Conditions, nor expressed any concern with the proposed time extension.

As mentioned above, AB1303 authorizes approval of a time extension for a Tentative Map upon a showing of findings that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. In this instance, the project area is currently designated Low-Density Residential in the Sierra North Regional Plan, and its zoning is R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, conditional to limit overall density to not exceed one unit per 37,500 square feet). The subject proposal is comprised of single-family residential development, which is permitted in Low-Density Residential areas and the R-1-B(c) Zone District, and it meets the density requirements for both the Low-Density Residential designation and for the R-1-B conditional zoning. No other applicable policies were identified during review of the proposed time extension. Therefore, the



subject proposal is consistent with the applicable zoning and general plan requirements in effect and the findings for approval can be made.

In addition to the proposed AB 1303 two-year time extension, the State Subdivision Map Act provides up to six one-year discretionary time extensions for Tentative Maps, which have all been exercised for this proposal. Therefore, at this time, there are no remaining discretionary time extensions available should the subject request be approved.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Staff believes the discretionary two-year time extension permitted under AB 1303 for Tentative Tract Map No. 4048-R2 should be approved based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to January 10, 2019.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve a discretionary two-year time extension as permitted under AB 1303 to exercise Tentative Tract Map No. 4048-R2; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to deny a discretionary two-year time extension pursuant to AB 1303 for Tentative Tract Map No. 4048-R2 (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.

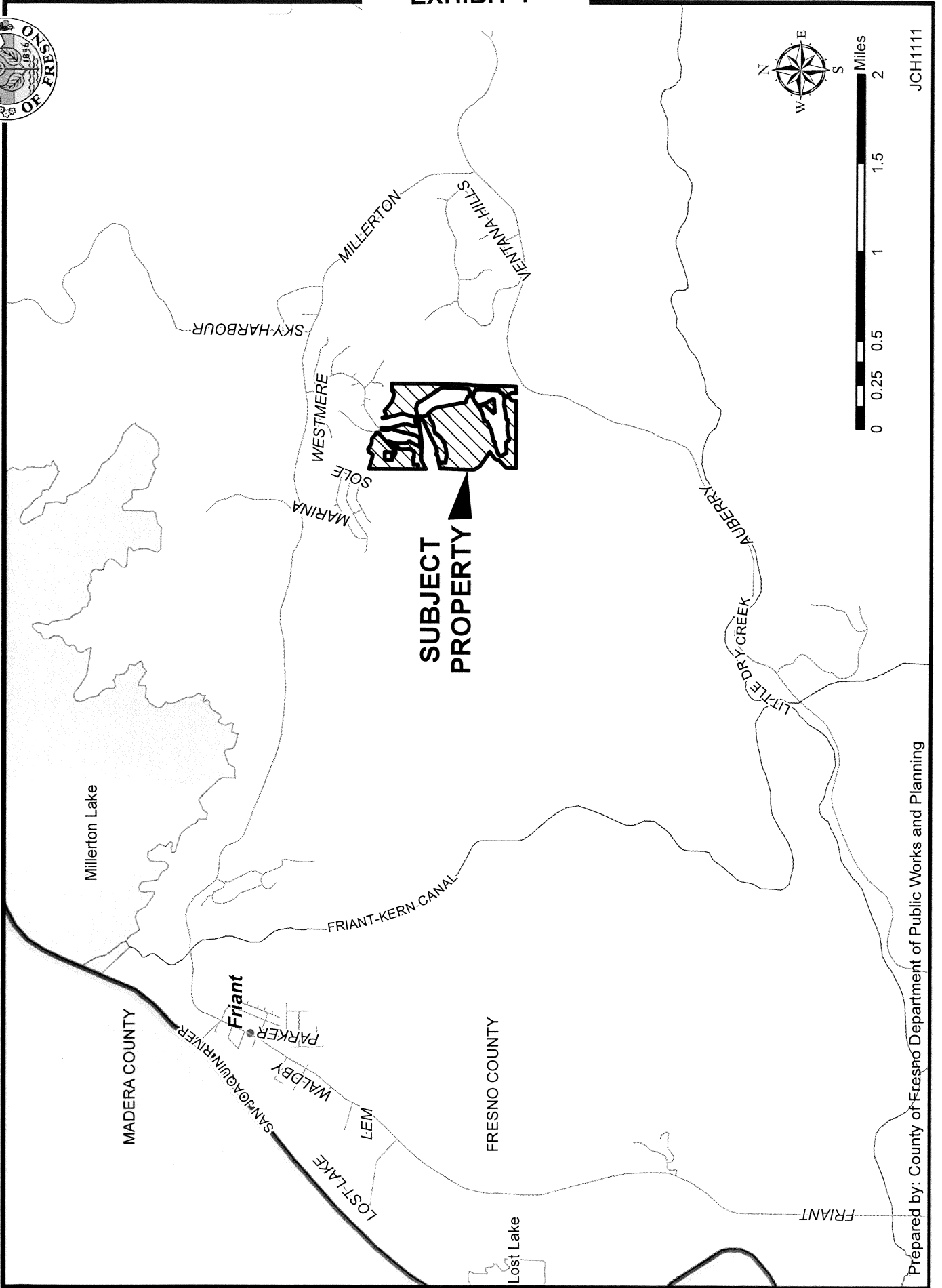
DB:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\TT4000-4099\4048\TT4048-R2 AB 1303 Time Ext\SR\TT4048-R2 AB 1303 Time Ext SR.docx

# LOCATION MAP

TT 4048-R2 (AB 1303 Time Ext)



## EXHIBIT 1



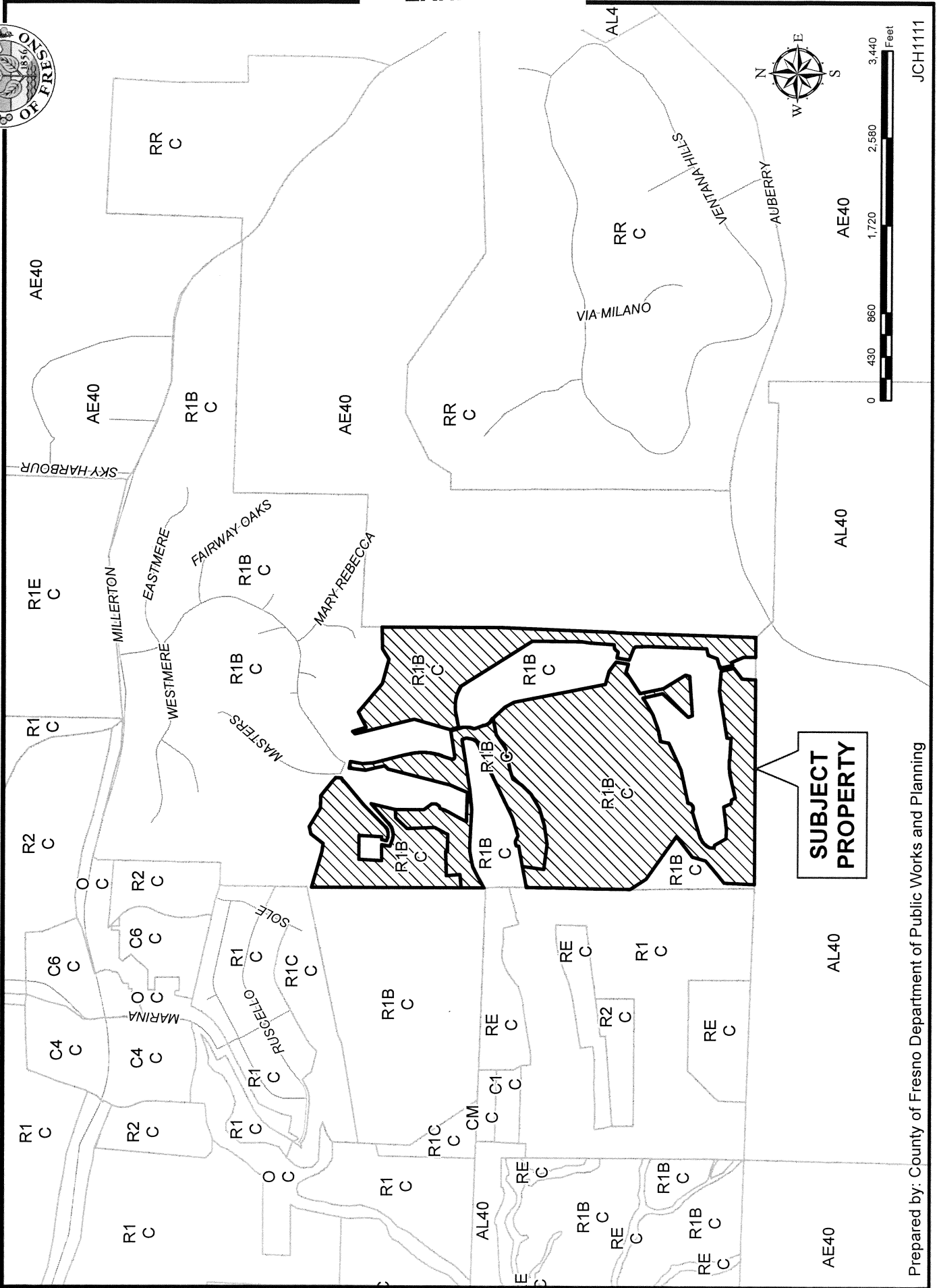
JCH1111

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

# EXISTING ZONING MAP



## EXHIBIT 2

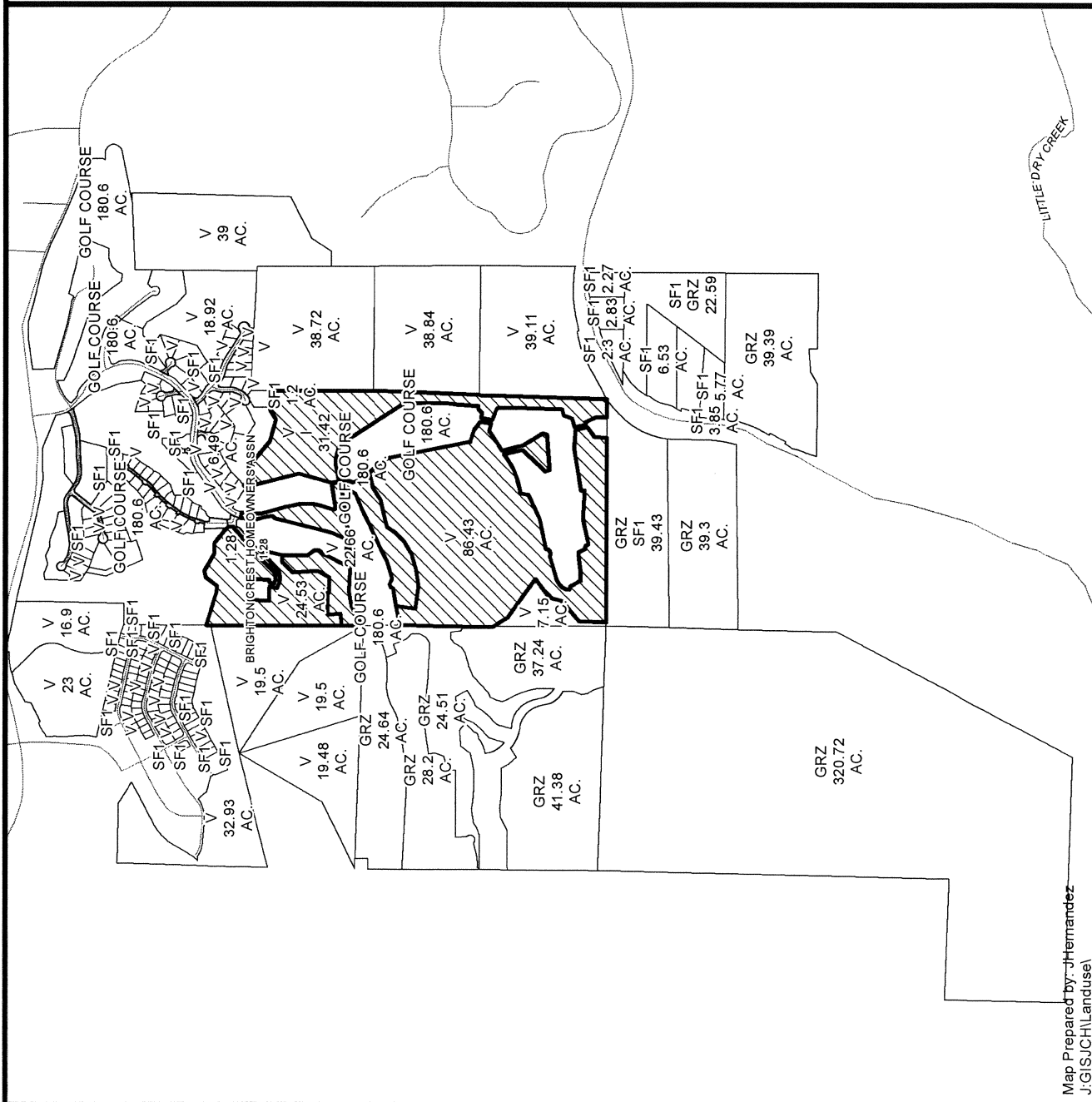




# EXHIBIT 3

## EXISTING LAND USE MAP

TT 4048-R2 (AB 1303 Time Ext)

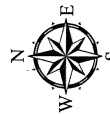


### LEGEND

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

### LEGEND:

 Subject Property



Department of Public Works and Planning  
Development Services Division

SUBDIVIDED LAND IN POR. SEC'S. 11, 12 & 14, T. 11S., R. 21E., M.D.B.&M.

NOTE ---  
This map is for Assessment purposes only.  
It is not to be construed as portraying  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.

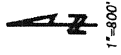
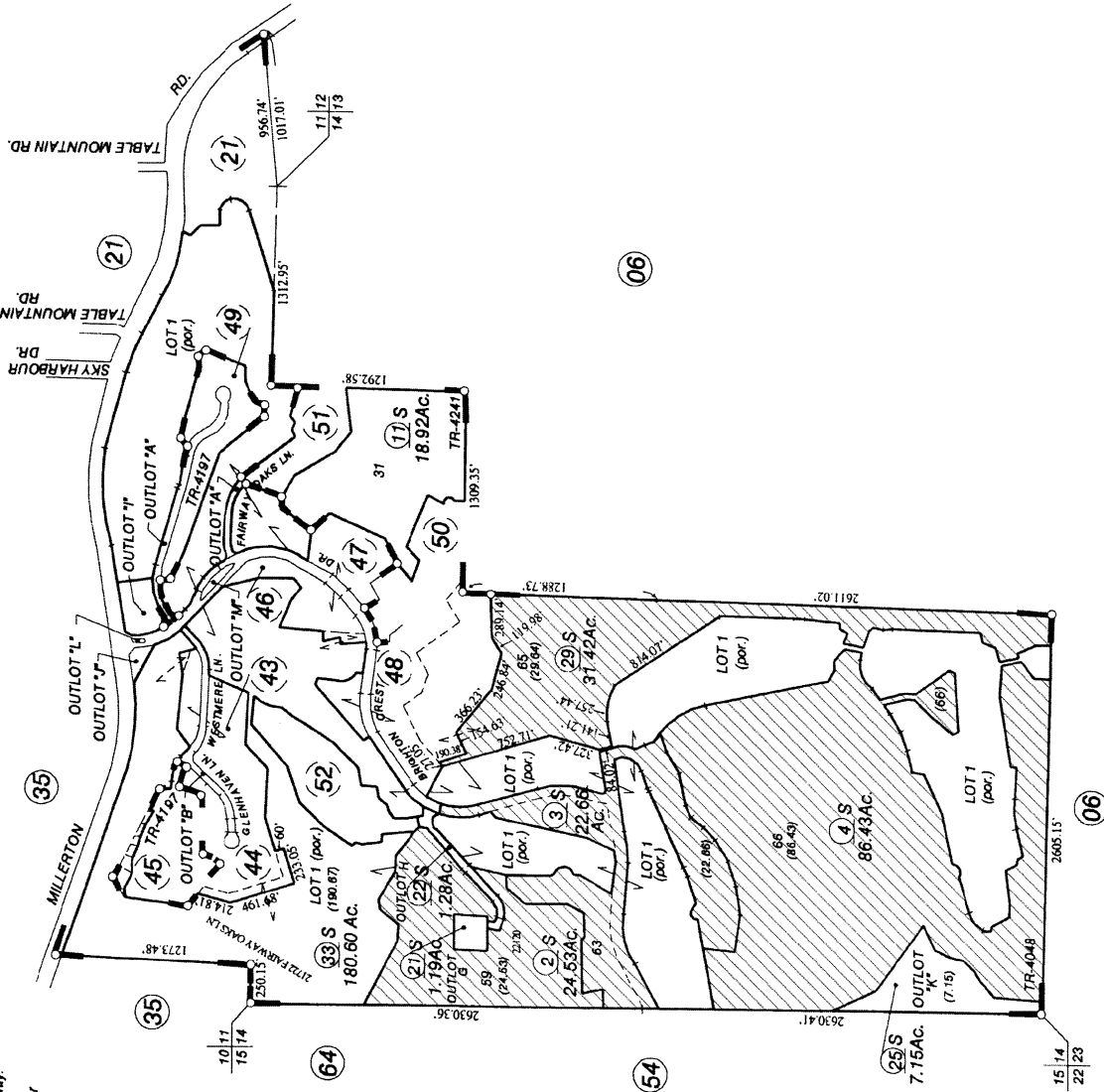


EXHIBIT 4



Assessor's Map Bk. 300 - Pg. 42  
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Tract No. 4048 - Plat Bk. 49, Pgs. 61-79  
Tract No. 4197 - Plat Bk. 50, Pgs. 57-64  
Tract No. 4241 - Plat Bk. 55, Pgs. 93-100

## EXHIBIT 5

County of



### Inter Office Memo

Date: December 20, 1990

To: Board of Supervisors

From: Planning Commission

Subject: RESOLUTION NO. 10492 - CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2473, VARIANCE APPLICATION NO. 3290, TENTATIVE SUBDIVISION MAP NO. 4048-R, ENVIRONMENTAL ASSESSMENT NO. 3664

APPLICANT: Millerton New Town Development Company

- REQUEST:
1. Allow revisions to a previously approved 420 unit planned residential development on a 488-acre parcel. The proposed revisions include:
    - a. Development of 328 single-family homesites instead of 320 homesites and 92 multiple-family units instead of 100 units.
    - b. Modifications to the design and uses of the Community Center.
    - c. Revisions to the property development standards.
  2. Allow creation of 231 single-family lots and five lots for future multiple-family development on a 210-acre portion of the subject 488-acre site.
  3. Allow creation of a six-acre parcel and a 33.50-acre parcel from a 39.5-acre parcel (40 acres required) to allow for relocation of Road "B".

LOCATION: The subject property is located in the R-1-B(c) (Single Family Residential, 12,500 square-foot minimum parcel size) District on the south side of Millerton Road at the intersection of Sky Harbor and Millerton Roads, adjacent to the Millerton Specific Plan Area. (SUP. DIST.: 5) (APN 300-061-28, 300-210-19S, 300-420-01S thru 06S, 300-430-01S thru 09S, 300-440-01S thru 18S, 300-450-01S, 300-460-01S thru 04S, 300-470-01S thru 14S; 300-480-01S thru 14S)

PLANNING COMMISSION ACTION:

At its hearing of December 20, 1990, the Commission considered the Staff Report, the Subdivision Review Committee Report, and testimony (summarized on Exhibit "A"), approved the Negative Declaration prepared for the project, adopted the recommended findings of fact in the Staff Report and Subdivision Review Committee Report, and approved Classified Conditional Use Permit Application No. 2473, Variance Application No. 3290, and Tentative Subdivision Map No. 4048-R, subject to the following conditions:

Classified Conditional Use Permit Application No. 2473

1. Development shall be in accordance with the operational statement, site plans, floor plans, and elevations approved by the Commission, except as modified by conditions below.
2. The conditions in the Subdivision Review Committee Report for Tentative Subdivision Map No. 4048-R shall be complied with.
3. This permit shall be tied to Tentative Subdivision Map No. 4048-R; 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 subdivision map instead of the two-year limit otherwise in effect.

4. A Site Plan Review Application shall be submitted for approval by the Director of Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan review may include, but are not limited to, parking, on-site circulation, access, drainage and grading, landscaping, and signs.
5. Assurance shall be provided prior to approval of Site Plan Review that the parking for the community center on the north side of Road "E" within the golf course area will be available on a permanent basis.
6. That portion of the parking area on the north side of Road "E" which is proposed to be located within the archaeological sensitive area shall be developed as shown on the revised site plan (Exhibit "H").
7. The use of the community center for temporary golf facilities shall be limited to a period of two years from the date of occupancy.
8. The maximum number of temporary, at grade, golf cart crossings across Road "B" shall be two.
9. The property development standards of the R-1-B District shall apply except as follows:

- a. The front yard setback for lots may be reduced from 35 feet to 25 feet.
  - b. The side yard setback for lots may be reduced from ten to seven feet.
  - c. The minimum lot dimensions and street frontage may be reduced as indicated on the approved tentative tract.
  - d. On lots uphill from the street, the maximum building height may be 35 feet above the natural grade.
  - e. East and west entry wall signs 30 square feet in size may be constructed at Millerton and Auberry Roads.
  - f. Project identification signs 20 square feet in size may be constructed at the eastern and western boundary of the project site along Millerton and Auberry Roads and at the western boundary of the project site at Marina Drive (Road "B").
10. Reconfiguration of the entrance roadway and modification to the entry station structure to include a canopy to cover a portion of the roadway may be permitted only if Road "A" becomes a private road and the Director of the Public Works & Development Services Department determines that the design adequately addresses any traffic safety concerns.
11. All conditions of Classified Conditional Use Permit Nos. 2352 and 2406 shall remain in full force and effect except where modified by conditions of this permit.

Variance Application No. 3209

The alignment of Road "B" shall be redesigned to avoid creating an island unless terrain requires such a design. If an island area is created at the time the road is dedicated to the County, the island area shall be conveyed to the Homeowners' Association to ensure proper maintenance.

Tentative Subdivision Map No. 4048-R

1. WATER AND SEWER

- a. Water and sewer services shall be provided by a community system in accordance with County standards.
- b. In the event that surface water is not available to supply the community water system at the time that the subdivider submits a final map for Tentative Tract No. 4048-R, or any portion thereof, the community water system may utilize groundwater developed in accordance with Section II-H of the County Improvement Standards.



- c. All rights to groundwater beneath the subdivision shall be dedicated to County Service Area No. 34, subject to development by the subdivider or his assignee, and only for lands to be served by the County Service Area within its existing boundaries.
- d. Proof that a sufficient amount of surface water or a combination of surface water and groundwater can be provided to the development shall be submitted for approval by the Director of the Public Works & Development Services Department prior to approval of the final map.

2. AUBERRY ROAD

- a. Right-of-way shall be granted to provide 42 feet westerly of the centerline.
- b. A left-turn pocket shall be provided at the intersection with the entry to the project.

NOTE: Securing the necessary right-of-way for the turn pocket will be the responsibility of the applicant.

- c. A 20-foot by 20-foot corner cutoff shall be provided at the intersection.

3. MARINA DRIVE EXTENSION TO AUBERRY ROAD (ROAD B)

- a. This road shall intersect Auberry Road at right angles.
  - b. A 45 mile-per-hour design speed shall be provided for.
  - c. This road shall be intersected by all roads at a right angle.
- NOTE: Deviations are allowed in the Improvement Standard.
- d. This road shall be a public road with the grade, base and drainage constructed to public road standards in accordance with the standards identified in the Millerton Specific Plan and granting of necessary right-of-way.
  - e. The pavement surfacing required by the above construction may be reduced to the A-2 public road Standard, Case A-2a (36 feet of base and pavement and granting 60 feet of right-of-way) with a temporary turnaround at the west property line, along with an irrevocable offer of dedication for the additional right-of-way to provide a total of 84 feet.
  - f. On-site turnarounds shall be required for all lots accessing Road B.
  - g. Adequate sight distance for egress shall be provided for Lots 44 through 47 and certified as such by the developer's engineer.
  - h. Direct access shall be relinquished for Lot 62 and as indicated on the Tentative Map.

4. ROAD A

- a. This road shall be a public road constructed to a 30 mile-per-hour public road standard in accordance with Standard A-2, Case A-2a (36 feet of base and pavement and granting 60 feet of right-of-way).
- b. This road shall be intersected by all roads at a right angle.
- c. On-site turnarounds shall be required for all lots accessing Road A.

5. INTERIOR ROADS

- a. Interior Roads shall be contained within 40-foot wide non-exclusive private road easements with minimum five feet slope easement plus necessary additional slope easements.
- b. The easement shall be constructed to a 25 mile-per-hour public road standard in accordance with the A-1 Standard, Case A-1-a (32 feet of base and pavement) with B-2 cul-de-sacs as follows:
  - (1) The surface width may be reduced to two, ten-foot travel lanes with an eight-foot parking lane on one side, provided an additional improved parking space for replacement of on-street parking is provided for lots on both sides of the road; or where prohibited by grade, the eight-foot parking lane may be replaced with two additional improved on-site parking spaces provided on lots on both sides of the road. The improved backup area provided with any covered parking shall not be considered as meeting this requirement. This condition shall be included in the covenants, conditions, and restrictions recorded on each lot.
  - (2) All weather pedestrian easements shall be provided when one or both parking lanes are omitted, except cul-de-sacs less than 600 feet long will require only one easement.
  - (3) A lesser design speed may be allowed as approved by the Director of Public Works & Development Services Department, but in no case less than 20 miles-per-hour.
- c. These roads shall intersect at a 90 degree angle.
- d. These roads shall have maximum grades of 15 percent, as approved by the Director of the Public Works & Development Services Department in accordance with the Improvement Standards.
- e. Direct access shall be relinquished as indicated on the Tentative Map.
- f. Interior roads shall be provided to all Future Development Lots (Lots 17, 18, 19, 20, and 21) and road alignments to these lots shall be coterminous with lot lines.

6. PRIVATE DRIVES

- a. These roads shall serve a maximum of four parcels.
- b. These roads shall be contained within a 60-foot wide non-exclusive private road easement. The road alignment shall provide for a minimum centerline curve radius of 125 feet, except the minimum radius may be 75 feet when the grade is in excess of ten percent.

NOTE: A lesser width may be allowed by the Director upon a determination that the lesser width will accommodate the easement.

- c. The easement shall be constructed to a public road standard in accordance with the A-1 Standard, (18 feet of base and pavement) with a-16 turnarounds. Grades shall be in accordance with the A-15 Standard.
- d. Private drives shall be coterminous with lot lines.
- e. The private drive for Lots 63 does not meet the B-3 standard for driveway approaches and shall be relocated subject to "d" above.

7. ROADS - GENERAL

- a. Asphalt dikes shall be provided where necessary for erosion control.
- b. Pavement widths shall be measured from the front of the dikes.
- c. Road shoulders shall be a minimum of three feet wide. The Director of the Public Works & Development Services Department may allow a lesser width when asphalt dikes are necessary.
- d. Slope easements shall be provided outside of the private road easements and rights-of-way where necessary.
- e. All crossings for golf carts and golfers shall be visibly marked and/or signed.
- f. A structure acceptable to the Director of the Public Works & Development Services Department should be provided for golf carts and pedestrians to cross Road B at such time as it connects to Millerton Road. This shall require easements to be created on the map and a deferment of construction agreement to be executed.
- g. 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.
- h. Fencing or other means, adjacent to public roads, acceptable to the Director of the Public Works & Development Services Department shall be provided to contain golf balls on the project site.

- i. Adequate sight distance as determined by the Director of the Public Works & Development Services Department shall be provided at all intersections together with the necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).
- j. Offset road intersections shall have a minimum separation of 125 feet between roads.
- k. Warning signs, markers, guard rails, and barricades shall be included in the design in accordance with County Standards.
- l. The Public Works & Development Services Department will furnish and install all signs, at the subdivider's expense, at the County roads. The subdivider will be required to furnish and install all other signs on the private roads.

NOTE: Deviations of the required 90° intersections of roads are provided for in the Improvement Standards.

8. REDESIGN

Future Development Lots shall not be divided by the phasing of Final Maps.

9. STREET TREES

Since this subdivision is a planned unit 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.

10. 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. Fire access roads, fuel breaks, and fuel modification zones 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.

11. MAINTENANCE

- a. A district, agency, or other method acceptable to the Director of the Public Works & Development Services Department shall be formed to provide the maintenance of the sewer, water and drainage facilities, private and public roads, landscaped areas and all common areas.

NOTE: The County may accept the maintenance of Roads A and B at such time as they function as collector roads.

- b. The subdivider will be required to secure the maintenance of the public roads and private drives for a period of two years after the acceptance thereof.

## 12. UTILITIES

- a. All new utilities shall be placed underground.
- b. All existing overhead utilities within the tract, or the street right-of-way adjacent to the tract, shall be removed and placed underground.

## 13. EXCAVATION AND GRADING

Any on-site grading or roadwork performed on this tract shall conform to the requirements of Chapter 14 of the Excavation and Grading Ordinance. A grading plan shall be submitted in accordance with Section 17.48.165 of the Subdivision Ordinance.

## 14. DRAINAGE AND EROSION CONTROL

- a. If a natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required.
- b. 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".
- c. A hydrologic study shall be made to determine the extent of flooding based on a 100-year storm outside of the stream bed of the creeks shown on the U.S. Quad (Shaver) as blue or blue dash with dots within the parcel.
- d. Property subject to inundation identified by the hydrologic study shall be indicated on an additional map sheet.
- e. Drainage control measures shall be provided to collect and divert runoff to prevent erosion and siltation of natural drainage channels in such a manner as to maintain natural drainage characteristics downstream of the project.
- f. Soil erosion control measures shall be approved by the Fresno County Public Works & Development Services Department. The developer shall consult with the U.S. Soil Conservation Service and U.S. Forest Service relative to soil erosion methods.
- g. On-site detention shall be provided as needed to avoid increase in peak stream flows.

NOTE: Detention facilities within the natural drainage courses will need to be reviewed and approved by California State Department of Fish and Game and State Water Resources Control Board.

15. FLOOD PRONE AREAS

- a. The tract lies partially within a flood prone area. The flood prone area shall be shown on an additional map sheet indicating the limits of inundation for a 100-year storm. All other lots within the limits of inundation shall be allowed only if the stream is rechanneled and/or the level of the lots is raised prior to recordation of the final map such that each lot has a buildable area above the level of inundation.

16. GATES

- a. Gates shall not be allowed on public roads (Roads A and B).
- b. Gates shall be located to provide sufficient on-site storage of entering vehicles.
- c. Installation of gates shall provide on-site turnarounds.

17. BIKE LANE

Class II bike lanes shall be provided along Roads A and B having a minimum width of five feet each side of the roadway.

NOTE: The six-foot shoulders may be used for the bike lanes, provided no on-street parking is allowed and two additional on-site improved parking spaces for replacement of on-street parking are provided on the lots accessing the roads. The improved backup area provided with covered parking shall not be considered as meeting this requirement. This condition shall be included in the covenants, conditions, and restrictions recorded on each lot.

18. JOGGING TRAILS

- a. All trails shall be contained within easements.
- b. Trails shall not connect to Millerton or Auberry Roads.

19. PHASING

Temporary turnarounds shall be provided at the end of each road to be extended through an additional phase of the tract.

20. FUTURE DEVELOPMENT

Easements shall be provided for roads and emergency access where these routes traverse lots, common areas, or the golf course.

21. 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. Provisions shall be made for their perpetual maintenance.

- b. The water storage area shall be shown on the final map as an Outlot and shall be designated for water storage purposes. Provisions shall be made for its perpetual maintenance.
- c. The use of all Outlots shall be designated on the recorded map.
- d. Ownership of all Outlots 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.

22. OTHER IMPROVEMENTS

All other improvements shall be in accordance with County standards.

23. OTHER CONDITIONS

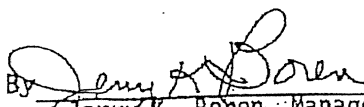
- a. All conditions of Classified Conditional Use Permit Application No. 2473 shall be complied with.
- b. A final map shall be allowed to record only upon determination by the California Department of Real Estate that this project is not a land project.

VOTING: Yes: Commissioners Quist, Campbell, Comstock, Kajanzian, Lingo, Petersen, Stephens

No: None

Abstained: Loring, Munger

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

By   
Jerry K. Boren, Manager  
Development Services Division

NOTES: 1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

2. The approval of this project will expire two years from the date of approval unless a Final Map is recorded. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a one-year time extension. Application for such extension must be filed with the Public Works & Development Services Department before the expiration of the Tentative Subdivision Map.

DC:gah  
4488K



RESOLUTION NO. 10492

EXHIBIT "A"

Staff:

The Fresno County Public Works & Development Services Department presented its Staff Report and Tentative Subdivision Review Committee Report dated December 20, 1990.

Applicant:

The applicant's representative indicated that the applicant concurred with the Staff Reports and conditions of approval and provided the following testimony in support of the proposed project:

- Many of the components of the project are constructed or under construction.
- This application is an attempt to make the development better and more sensitive to the environment and the topography.
- Originally we were requesting a reduction in the design speed for Road "B" from 45 to 35 miles per hour. After reviewing this proposal with staff and identifying ways to address our concerns, this request is being dropped.
- The applicant is no longer requesting a reduction in the pavement width of private drives from 18 to 15 feet.
- The water system is under construction. Groundwater will be used on an interim basis but the project will ultimately rely on treated surface water.
- The sewer facilities are a step system.
- One of the areas originally designed to be for multiple-family development has been redesigned for single-family lots because of the topography and trees on the site.
- When the next phase of the Millerton New Town project is developed, a tertiary sewage treatment facility will be required. The Brighton Crest Development will be connected to this system and the wastewater from that plant will be used to irrigate the golf course.

DC:gah  
4488K



Public Works & Development Services Department

Richard D. Welton  
Director

AGENDA ITEM NO. 5  
SUBDIVISION REVIEW COMMITTEE REPORT  
TO  
THE FRESNO COUNTY PLANNING COMMISSION  
Tentative Subdivision Map No. 4048-R  
Environmental Assessment No. 3664  
December 20, 1990

Date Filed: August 30, 1990

Date of Subdivision Review Committee Meeting: October 31, 1990

Subdivider: Millerton New Town Development Company

Engineer: Provost and Pritchard, Inc.

Location: South side of Millerton Road at the intersection of Sky Harbor and Millerton Roads, adjacent to the Millerton Specific Plan Area

Nearest City Limits: The unincorporated community of Friant is located approximately three miles west of the subject property

Number of Acres: 210

Number of Lots: 236 (231 single-family residential lots and five lots for future multiple-family development)

Minimum Lot Size: 9,600 square feet

Proposed Source of Water: County Service Area No. 34

Proposed Means of Sewage Disposal: County Service Area No. 34

Drainage: Channeled to natural drainage courses

Zoning on Subject Property: R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size) District

Proposed Rezoning: None

Surrounding Zoning: AL-40, AE-40, R-1-E, R-1-B(c), R-1-C(c), R-1(c), O(c)

Proposed Use: Single-family residential lots and lots for future multiple-family development.

Land Use on Subject Property: Grazing

Surrounding Land Use: Grazing, Scattered single-family residences

## Environmental Analysis

For the Environmental Analysis see Staff Report for Classified Conditional Use Permit Application No. 2473.

## Staff Analysis of Required Findings

### Finding 1: General Plan Consistency

The subdivision is consistent with the Sierra-North Regional Plan and other applicable General Plan policies in regard to both its design and the proposed development of single-family residential and multiple-family residential uses. A finding can also be made that the proposed overall density is consistent with the Plan. Additional discussion concerning General Plan policies is included in Finding 4 of Classified Conditional Use Permit Application No. 2473.

NOTE: This review does not give consideration to the multiple-family residential units specified on Lots 17, 18, 19, 20, and 21 except to indicate the maximum number of units that may be developed on each lot provided this site is suitable. Development entitlement for said lots will be determined based on General Plan policies at the time a conditional use permit for a planned residential development is submitted.

### Finding 2: Suitability of Site

The site is located within the low foothills just southeast of Millerton Lake. Possible geological, grading and erosion impacts associated with development in foothill terrain could occur on this site. A Geologic and Soils Study prepared by Melvin C. Simons Associates in August, 1988, as part of the previously approved Tentative Subdivision Map No. 4048, adequately addressed issues needing review at this time. The report noted various measures to mitigate erosion and other potential geologic hazards, but also indicated that a later geotechnical report would be needed to address building pad cuts, fills, compaction, foundation, and lateral earth pressures. This would be included as part of a grading and drainage plan which the County Geologist has recommended be provided by the developer as part of the Final Map. If such a condition is applied, a finding can be made that the site is suitable for the proposed development.

### Finding 3: Environmental Effects

The subdivision or proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. The Environmental Assessment conducted for this report did not identify any potential environmental impacts related to the proposed project. The current project is a revised tentative subdivision map for a 210-acre portion of Tentative Subdivision Map No. 4048 which was originally approved in 1988 for 488 acres and for which final maps for 96 lots have been recorded. The Environmental Assessment conducted for that original project did identify the deterioration of wildlife and plant habitat within the Millerton Lake area and on the project site, and associated effects on one

Federal-listed (endangered) animal species, the bald eagle, and two State-listed (endangered) plant species. However, the State Department of Fish and Game indicated that while the project could contribute to the cumulative reduction in the area-wide bald eagle population, the approximate two-mile separation between Millerton Lake and the project site would result in an insignificant impact upon the habitat of the bald eagle. The State Department of Fish and Game also reviewed a plant field survey prepared by the applicant's consultant and determined that no significant plant species impacts will occur as a result of project development.

#### Finding 4: Public Utilities and Easements

The design of the subdivision and the type of improvements proposed will not conflict with any easements acquired by the public at large for access through or use of the property. All proposed utilities will be placed underground in accordance with County requirements and easements for these utilities will be provided as a condition of this map.

#### Finding 5: Public Health

Neither the design of the subdivision nor the type of improvements is likely to cause serious health problems. Both community water and sewer facilities were previously approved in 1988 under a separate conditional use permit filed in conjunction with the original project. These facilities are currently under construction and will be owned and operated by County Service Area No. 34.

#### STAFF RECOMMENDATION

Staff recommends approval of the Negative Declaration prepared for the project.

Staff believes the required findings can be made as discussed above, and recommends approval of Tentative Subdivision Map No. 4048-R, subject to the following conditions:

#### 1. WATER AND SEWER

- a. Water and sewer services shall be provided by a community system in accordance with County standards.
- b. In the event that surface water is not available to supply the community water system at the time that the subdivider submits a final map for Tentative Tract No. 4048-R, or any portion thereof, the community water system may utilize groundwater developed in accordance with Section II-H of the County Improvement Standards.
- c. All rights to groundwater beneath the subdivision shall be dedicated to County Service Area No. 34, subject to development by the subdivider or his assignee, and only for lands to be served by the County Service Area within its existing boundaries.
- d. Proof that a sufficient amount of surface water or a combination of surface water and groundwater can be provided to the development

shall be submitted for approval by the Director of the Public Works & Development Services Department prior to approval of the final map.

2. AUBERRY ROAD

- a. Right-of-way shall be granted to provide 42 feet westerly of the centerline.
- b. A left-turn pocket shall be provided at the intersection with the entry to the project.

NOTE: Securing the necessary right-of-way for the turn pocket will be the responsibility of the applicant.

- c. A 20-foot by 20-foot corner cutoff shall be provided at the intersection.

3. MARINA DRIVE EXTENSION TO AUBERRY ROAD (ROAD B)

- a. This road shall intersect Auberry Road at right angles.
- b. A 45 mile-per-hour design speed shall be provided for.
- c. This road shall be intersected by all roads at a right angle.

NOTE: Deviations are allowed in the Improvement Standard.

- d. This road shall be a public road with the grade, base and drainage constructed to public road standards in accordance with the standards identified in the Millerton Specific Plan and granting of necessary right-of-way.
- e. The pavement surfacing required by the above construction may be reduced to the A-2 public road Standard, Case A-2a (36 feet of base and pavement and granting 60 feet of right-of-way) with a temporary turnaround at the west property line, along with an irrevocable offer of dedication for the additional right-of-way to provide a total of 84 feet.
- f. On-site turnarounds shall be required for all lots accessing Road B.
- g. Adequate sight distance for egress shall be provided for Lots 44 through 47 and certified as such by the developer's engineer.
- h. Direct access shall be relinquished for Lot 62 and as indicated on the Tentative Map.

4. ROAD A

- a. This road shall be a public road constructed to a 30 m.p.h. public road standard in accordance with Standard A-2, Case A-2a (36 feet of base and pavement and granting 60 feet of right-of-way).

- b. This road shall be intersected by all roads at a right angle.
- c. On-site turnarounds shall be required for all lots accessing Road A.

5. INTERIOR ROADS

- a. Interior Roads shall be contained within 60-foot wide non-exclusive private road easements.

NOTE: The easement width may be reduced to 40 feet with minimum five-foot slope easement plus necessary additional slope easements if an exception is granted.

- b. The easement shall be constructed to a 25 mile-per-hour public road standard in accordance with the A-1 Standard, Case A-1-a (32 feet of base and pavement) with B-2 cul-de-sacs.

NOTE: The following modifications would apply to "b." above if an exception is granted:

- (1) The surface width may be reduced to two, ten-foot travel lanes with an eight-foot parking lane on one side, provided an additional improved parking space for replacement of on-street parking is provided for lots on both sides of the road; or where prohibited by grade, the eight-foot parking lane may be replaced with two additional improved on-site parking spaces provided on lots on both sides of the road. The improved backup area provided with any covered parking shall not be considered as meeting this requirement. This condition shall be included in the covenants, conditions, and restrictions recorded on each lot.
- (2) All weather pedestrian easements shall be provided when one or both parking lanes are omitted, except cul-de-sacs less than 600 feet long will require only one easement.
- (3) A lesser design speed may be allowed as approved by the Director of Public Works & Development Services Department, but in no case less than 20 miles-per-hour.

- c. These roads shall intersect at a 90 degree angle.
- d. These roads shall have maximum grades of 15 percent, as approved by the Director of the Public Works & Development Services Department in accordance with the Improvement Standards.
- e. Direct access shall be relinquished as indicated on the Tentative Map.
- f. Interior roads shall be provided to all Future Development Lots (Lots 17, 18, 19, 21, and 21) and road alignments to these lots shall be coterminous with lot lines.

Exception Request

The applicant requests that an exception to the standards indicated in Item

"5-a" and "5-b" above be granted to allow a reduction in the easement width and to allow modifications in various geometrical requirements for the interior roads.

### Analysis of Required Findings

#### 1. Exceptional Circumstances

Slopes and other natural topographical features of the site create a unique situation for development which does not normally exist in areas of level terrain. In order to preserve existing rock outcroppings, oak trees, natural drainage ways, and other environmental features, the easement width and road surface width and design speeds may need to be reduced or modified in some situations. Because of the natural terrain, requiring standard easement width, road surface width, and design speed for the private interior roads within the development could complicate the design of the subdivision and reduce the area available for development.

#### 2. Property Right

The ability to construct all of the private roads within the development to the required standards is affected by the difficult terrain and other natural features of the site. Requiring the standard easement width, road surface width, or design speed for certain areas of the site cannot be accomplished without removing existing rock outcroppings, oak trees, and natural drainage ways, and other environmental features which could adversely impact the project.

#### 3. Health or Safety

The purpose of the requirement for a 60-foot wide road easement is to allow sufficient room for the road surface and for proper cuts and fills. A reduction in the easement width will be acceptable as long as additional slope easements are provided for cuts and fills. The standard geometric requirements are necessary to allow for vehicles to pass safely, to provide enough room for on-street parking, and to allow room for safe pedestrian travel. Modification to these standards can be considered acceptable since the volume of traffic on the interior roads within the development will be low. This is because these roads will be private, possibly gated, and will not be through roads. However, the modification will only be acceptable provided two additional parking spaces are provided on the lots to replace parking lanes on one or both sides of the road.

#### 4. Injury to Other Property

The proposed exceptions should not have any detrimental affect on surrounding properties.

### Conclusion

Staff believes that the findings can be made for the proposed exceptions.

#### 6. PRIVATE DRIVES

- a. These roads shall serve a maximum of four parcels.
- b. These roads shall be contained within a 60-foot wide non-exclusive private road easement. The road alignment shall provide for a minimum centerline curve radius of 125 feet, except the minimum radius may be 75 feet when the grade is in excess of ten percent.

NOTE: A lesser width may be allowed by the director upon a determination that the lesser width will accommodate the easement.

- c. The easement shall be constructed to a public road standard in accordance with the A-1 Standard, (18 feet of base and pavement) with a-16 turnarounds. Grades shall be in accordance with the A-15 Standard.
- d. Private drives shall be coterminous with lot lines.
- e. The private drive for Lots 63 does not meet the B-3 standard for driveway approaches and shall be relocated subject to "d" above.

#### Exception Request

The applicant requests that an exception to the standards indicated in Items "6-b" and "6-c" above be granted to allow a reduction in the easement width and to allow a reduction in the surface width to 15 feet.

#### Analysis of Required Findings

##### 1. Exceptional Circumstances

The applicant indicates that slopes and other natural topographical features of the site create a unique and exceptional situation for development which does not normally exist in areas of level terrain. In order to preserve existing rock outcroppings, oak trees, natural drainage ways, and other environmental features, the easement and road surface widths for private drives may need to be reduced in some instances. Because of the natural terrain requiring the standard easement and road surface widths for the private drives could complicate the design of the subdivision and reduce the area available for development.

It is true that in certain cases it may be desirable to have a lesser easement width because of slopes and other topographical features or in order to preserve a unique physical feature. In these situations a lesser easement width would be acceptable if it is determined the lesser width will still accommodate the easement. However, staff does not believe that unique physical or topographical features are a sufficient basis to reduce the road surface width to 15 feet. Recently as part of a broad review of the County's Road Standards, the Board of Supervisors reduced the road surface width from 20 feet to 18 feet for the A-1 public road standard. In addition the 18-foot wide road surface standard is consistent with the Fire District requirements.



## 2. Property Right

The applicant states that the ability to construct the private drives within the development to required standards is affected by the sometimes difficult terrain and by other natural features of the site. Requiring the standard easement and road surface width for certain areas of the site may not be able to be accomplished without removing existing rock outcropping, oak trees, natural drainage ways, and other environmental features which could adversely affect the project.

The removal of unique physical features in order to provide an easement width of 60 feet may constitute a property right issue. However, a road surface width of 18 feet has been determined to be the minimum width necessary to provide for vehicle travel on roads built to the A-1 public road standard. Also, as stated in Finding 1 above, 18 feet is consistent with the Fire District requirements for minimum width of the road surface.

## 3. Health or Safety

The requirement for a 60-foot wide road easement is intended to allow sufficient room for the road surface and for proper cuts and fills. A reduction in the easement width will be acceptable as long as additional slope easements are provided for cuts and fills. The 18-foot standard road surface width is necessary to allow for vehicles to pass safely, to provide enough room for on-street parking, to allow room for safe pedestrian travel, and to allow access to fire fighting equipment. A reduction in these standards to 15 feet should not be considered since it could reduce the ability of vehicles and pedestrians to travel safely and could restrict access of fire fighting equipment to properties served by the private drive.

## 4. Injury to Other Properties

The proposed exception shall not have any detrimental affect on surrounding properties.

## Conclusion

Staff believes that the findings can be made for the proposed exception to reduce the easement width, but does not believe that Findings 1, 2 and 3 can be made for the proposed exception to reduce the road surface width to 15 feet.

## 7. ROADS - GENERAL

- a. Asphalt dikes shall be provided where necessary for erosion control.
- b. Pavement widths shall be measured from the front of the dikes.
- c. Road shoulders shall be a minimum of three feet wide. The Director of the Public Works & Development Services Department may allow a lesser width when asphalt dikes are necessary.
- d. Slope easements shall be provided outside of the private road easements and rights-of-way where necessary.

- e. All crossings for golf carts and golfers shall be visibly marked and/or signed.
- f. A structure acceptable to the Director of the Public Works & Development Services Department should be provided for golf carts and pedestrians to cross Road B at such time as it connects to Millerton Road. This shall require easements to be created on the map and a deferment of construction agreement to be executed.
- g. 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.
- h. Fencing or other means, adjacent to public roads, acceptable to the Director of the Public Works & Development Services Department shall be provided to contain golf balls on the project site.
- i. Adequate sight distance as determined by the Director of the Public Works & Development Services Department shall be provided at all intersections together with the necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).
- j. Offset road intersections shall have a minimum separation of 125 feet between roads.
- k. Warning signs, markers, guard rails, and barricades shall be included in the design in accordance with County Standards.
- l. The Public Works & Development Services Department will furnish and install all signs, at the subdivider's expense, at the County roads. The subdivider will be required to furnish and install all other signs on the private roads.

NOTE: Deviations of the required 90° intersections of roads are provided for in the Improvement Standards.

8. REDESIGN

Future Development Lots shall not be divided by the phasing of Final Maps.

9. STREET TREES

Since this subdivision is a planned unit 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.

10. 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. Fire access roads, fuel breaks, and fuel modification zones 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.

#### 11. MAINTENANCE

- a. A district, agency, or other method acceptable to the Director of the Public Works & Development Services Department shall be formed to provide the maintenance of the sewer, water and drainage facilities, private and public roads, landscaped areas and all common areas.

NOTE: The County may accept the maintenance of Roads A and B at such time as they function as collector roads.

- b. The subdivider will be required to secure the maintenance of the public roads and private drives for a period of two years after the acceptance thereof.

#### 12. UTILITIES

- a. All new utilities shall be placed underground.
- b. All existing overhead utilities within the tract, or the street right-of-way adjacent to the tract, shall be removed and placed underground.

#### 13. EXCAVATION AND GRADING

Any on-site grading or roadwork performed on this tract shall conform to the requirements of Chapter 14 of the Excavation and Grading Ordinance. A grading plan shall be submitted in accordance with Section 17.48.165 of the Subdivision Ordinance.

#### 14. DRAINAGE AND EROSION CONTROL

- a. If a natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required.
- b. 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".
- c. A hydrologic study shall be ade to determine the extent of flooding based on a 100-year storm outside of the stream bed of the creeks shown on the U.S. Quad (Shaver) as blue or blue dash with dots within the parcel.

- d. Property subject to inundation identified by the hydrologic study shall be indicated on an additional map sheet.
- e. Drainage control measures shall be provided to collect and divert runoff to prevent erosion and siltation of natural drainage channels in such a manner as to maintain natural drainage characteristics downstream of the project.
- f. Soil erosion control measures shall be approved by the Fresno County Public Works & Development Services Department. The developer shall consult with the U.S. Soil Conservation Service and U.S. Forest Service relative to soil erosion methods.
- g. On-site detention shall be provided as needed to avoid increase in peak stream flows.

NOTE: Detention facilities within the natural drainage courses will need to be reviewed and approved by California State Department of Fish and Game and State Water Resources Control Board.

#### 15. FLOOD PRONE AREAS

- a. The tract lies partially within a flood prone area. The flood prone area shall be shown on an additional map sheet indicating the limits of inundation for a 100-year storm. All other lots within the limits of inundation shall be allowed only if the stream is rechanneled and/or the level of the lots is raised prior to recordation of the final map such that each lot has a buildable area above the level of inundation.

#### 16. GATES

- a. Gates shall not be allowed on public roads (Roads A and B).
- b. Gates shall be located to provide sufficient on-site storage of entering vehicles.
- c. Installation of gates shall provide on-site turnarounds.

#### 17. BIKE LANE

Class II bike lanes shall be provided along Roads A and B having a minimum width of five feet each side of the roadway.

NOTE: The six-foot shoulders may be used for the bike lanes, provided no on-street parking is allowed and two additional on-site improved parking spaces for replacement of on-street parking are provided on the lots accessing the roads. The improved backup area provided with covered parking shall not be considered as meeting this requirement. This condition shall be included in the covenants, conditions, and restrictions recorded on each lot.

18. JOGGING TRAILS

- a. All trails shall be contained within easements.
- b. Trails shall not connect to Millerton or Auberry Roads.

19. PHASING

Temporary turnarounds shall be provided at the end of each road to be extended through an additional phase of the tract.

20. FUTURE DEVELOPMENT

Easements shall be provided for roads and emergency access where these routes traverse lots, common areas, or the golf course.

21. 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. Provisions shall be made for their perpetual maintenance.
- b. The water storage area shall be shown on the final map as an Outlot and shall be designated for water storage purposes. Provisions shall be made for its perpetual maintenance.
- c. The use of all Outlots shall be designated on the recorded map.
- d. Ownership of all Outlots 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.

22. OTHER IMPROVEMENTS

All other improvements shall be in accordance with County standards.

23. OTHER CONDITIONS

- a. All conditions of Classified Conditional Use Permit Application No. 2473 shall be complied with.
- b. A final map shall be allowed to record only upon determination by the California Department of Real Estate that this project is not a land project.

DC:gah  
3857K

STANDARD REQUIREMENTS FOR  
SUBDIVISION DEVELOPMENT

SIGNS

Street name signs shall be placed at all intersections.

Signs indicating "Not a Through Road" shall be placed at all cul-de-sac intersections.

Warning signs, markers, guard rails, and barricades shall be included in the design in accordance with County standards.

The Department of Public Works will furnish and install all signs, at the Subdivider's expense, on County roads.

The Subdivider will be required to furnish and install all signs on private roads.

CANALS, PIPELINES, AND WELLS

Easements shall be provided for all canals, pipelines, or wells that are to remain. Those pipelines or wells that are not to remain shall be removed or abandoned in accordance with the Subdivision Ordinance.

PLANS, SPECIAL PROVISIONS, AND MATERIALS REPORT

Plans and special provisions for this tract shall be prepared and submitted for checking in accordance with Section I-B of the Improvement Standards.

A materials report shall be submitted in accordance with Section II-A-14 of the Improvement Standards.

EXCAVATION AND GRADING

Any on-site grading or roadwork performed on this tract shall conform to the requirements of Chapter 14 of the Excavation and Grading Ordinance. A grading plan shall be submitted in accordance with Section 17.48.165 of the Subdivision Ordinance.

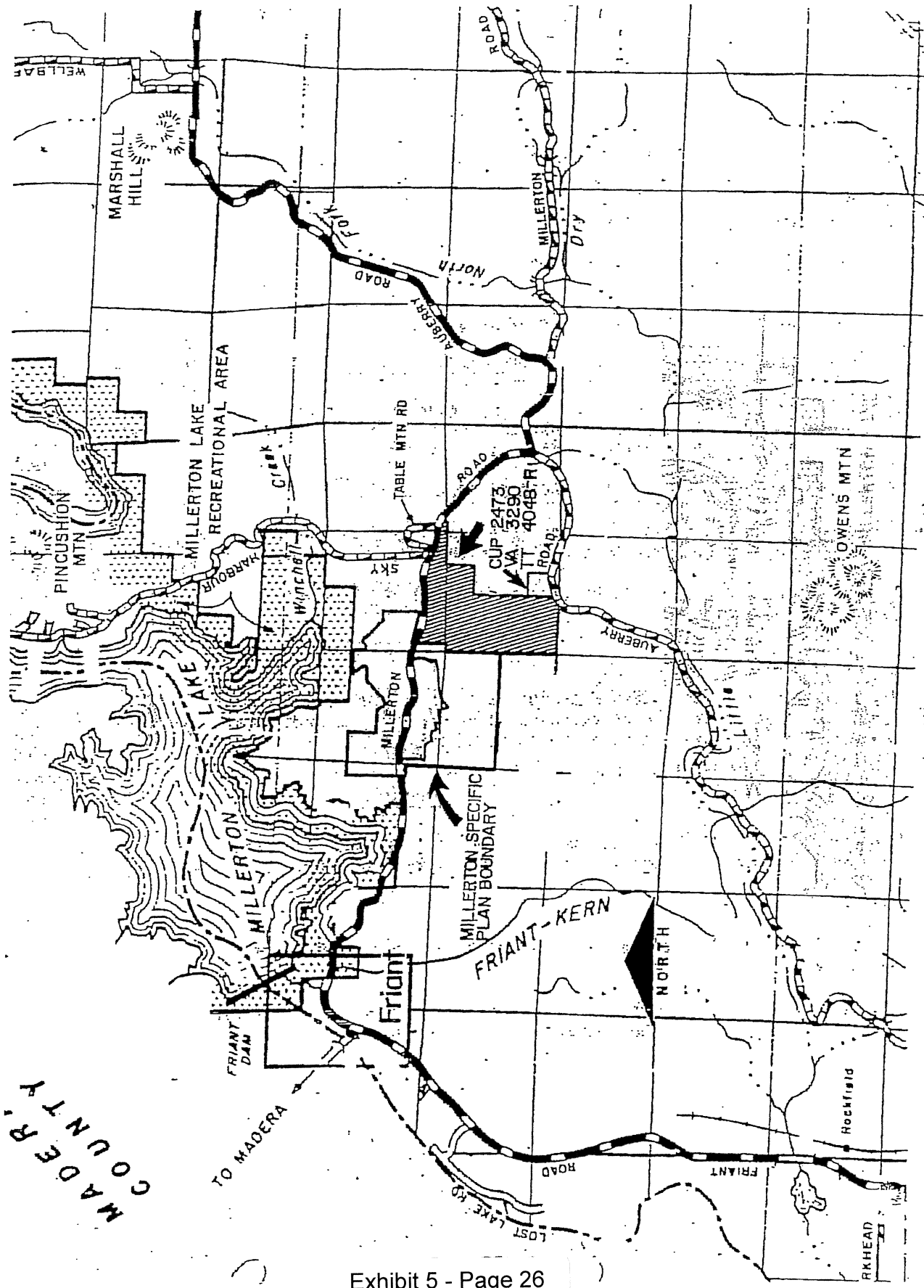
PRELIMINARY SOIL REPORT

A preliminary soil report shall be prepared in accordance with the Subdivision Ordinance and submitted prior to the filing of the final map.

UTILITIES

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

Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.

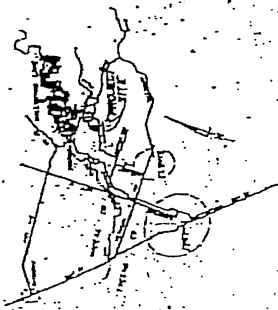


# A MASTER PLANNED COMMUNITY AMENDED TENTATIVE MAP

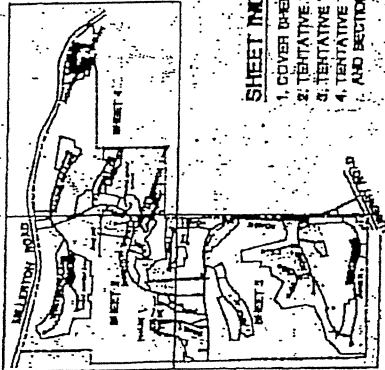
TRACT NO. 4048  
COUNTY OF FRESNO

STATE OF CALIFORNIA

LOCATION MAP



VICINITY MAP



SHEET INDEX

- 1. COVER SHEET
- 2. TENTATIVE TRACT MAP LOTS
- 3. TENTATIVE TRACT MAP LOTS
- 4. TENTATIVE TRACT MAP LOTS AND SECTIONS

SUBDIVIDER'S STATEMENT

I, the undersigned, being duly qualified under the laws of the State of California, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office, and that the same conform to the requirements of the laws of the State of California relating to the recording of maps.

\_\_\_\_\_  
 [Signature]

SUBDIVIDER

MILLERTON NEW TOWN  
DEVELOPMENT COMPANY  
83 EAST SHAW AVENUE, SUITE 201  
FRESNO, CALIFORNIA 93710  
(209-222-4797)

LAND PLANNER

DAVID JENSEN ASSOCIATES  
300 SOUTH MONROE, SUITE 120  
DENVER, COLORADO 80209  
(303-333-8561)

ENGINEER

PROVOST & PRITCHARD INC.  
3888M FIRST STREET, SUITE 123  
FRESNO, CALIFORNIA 93726  
(209-226-2620)

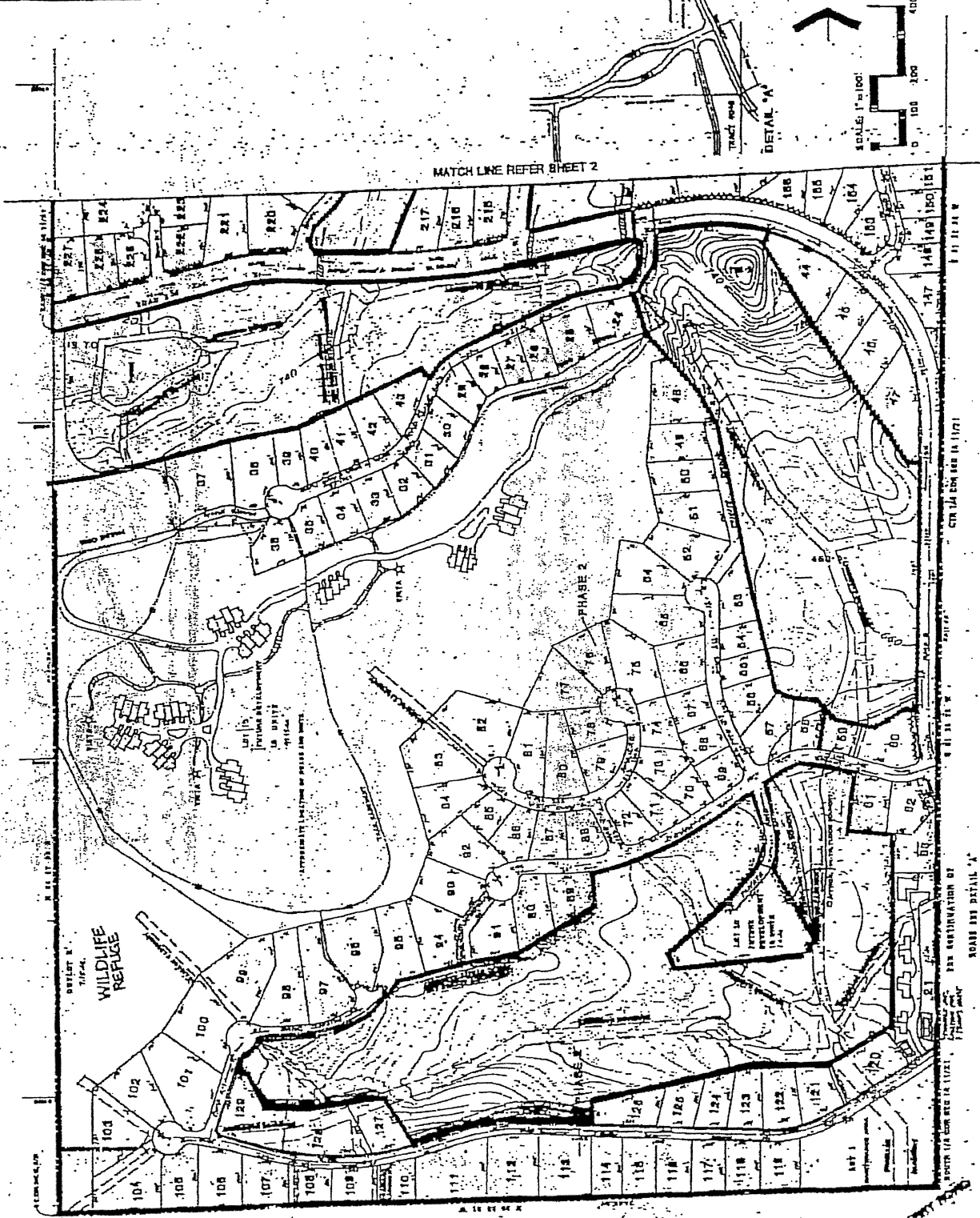
DEVELOPER ARCHITECT

JOHN WYLLIE DESIGN LTD.  
1159 S. US HIGHWAY #1, SUITE 305  
MARTINE, FLORIDA 33477  
(407-744-9988)





4 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200	TRACT 4048 - A MASTER PLANNED COMMUNITY TENTATIVE MAP - AMENDED	DAY & NIGHT ASSOCIATES 1000 S. GARDEN STREET ANAHEIM, CALIFORNIA 92805 PHONE: (714) 771-1111 FAX: (714) 771-1112	DAY & NIGHT ASSOCIATES 1000 S. GARDEN STREET ANAHEIM, CALIFORNIA 92805 PHONE: (714) 771-1111 FAX: (714) 771-1112	DAY & NIGHT ASSOCIATES 1000 S. GARDEN STREET ANAHEIM, CALIFORNIA 92805 PHONE: (714) 771-1111 FAX: (714) 771-1112
--	---	--	--	--



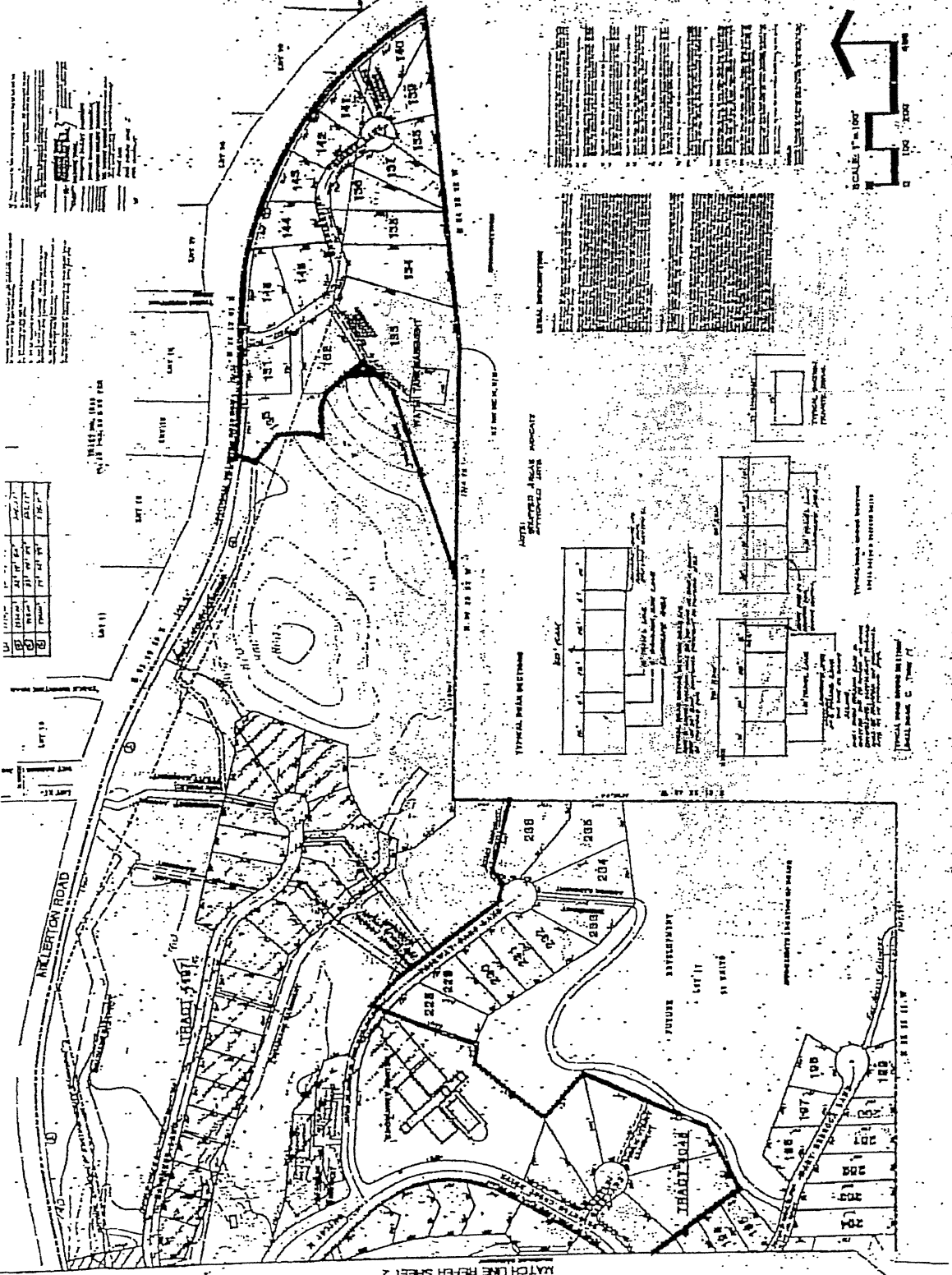
**TRACT 4048 - A MASTER  
PLANNED COMMUNITY  
TENTATIVE MAP - AMENDED**

DAVID KENTON ASSOCIATES  
1100 W. CENTRAL AVENUE, SUITE 1100  
DENVER, COLORADO 80202  
PHONE: 303.733.1100  
FAX: 303.733.1101  
WWW.DKA-ASSOCIATES.COM

ALBERTSON NEW TOWN  
DEVELOPMENT COMPANY  
1100 W. CENTRAL AVENUE, SUITE 1100  
DENVER, COLORADO 80202  
PHONE: 303.733.1100  
FAX: 303.733.1101  
WWW.DKA-ASSOCIATES.COM

5000 Avenue  
1100 W. CENTRAL AVENUE, SUITE 1100  
DENVER, COLORADO 80202  
PHONE: 303.733.1100  
FAX: 303.733.1101  
WWW.DKA-ASSOCIATES.COM

TRACT 4048 - A  
PLANNED COMMUNITY  
TENTATIVE MAP - AMENDED



Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
140	10,000	10,000	10,000
141	10,000	10,000	10,000
142	10,000	10,000	10,000
143	10,000	10,000	10,000
144	10,000	10,000	10,000
145	10,000	10,000	10,000
146	10,000	10,000	10,000
147	10,000	10,000	10,000
148	10,000	10,000	10,000
149	10,000	10,000	10,000
150	10,000	10,000	10,000
151	10,000	10,000	10,000
152	10,000	10,000	10,000
153	10,000	10,000	10,000
154	10,000	10,000	10,000
155	10,000	10,000	10,000
180	10,000	10,000	10,000
181	10,000	10,000	10,000
182	10,000	10,000	10,000
183	10,000	10,000	10,000
184	10,000	10,000	10,000
185	10,000	10,000	10,000
186	10,000	10,000	10,000
187	10,000	10,000	10,000
188	10,000	10,000	10,000
189	10,000	10,000	10,000
190	10,000	10,000	10,000
191	10,000	10,000	10,000
192	10,000	10,000	10,000
193	10,000	10,000	10,000
194	10,000	10,000	10,000
195	10,000	10,000	10,000
196	10,000	10,000	10,000
197	10,000	10,000	10,000
198	10,000	10,000	10,000
199	10,000	10,000	10,000
200	10,000	10,000	10,000
201	10,000	10,000	10,000
202	10,000	10,000	10,000
203	10,000	10,000	10,000
204	10,000	10,000	10,000
205	10,000	10,000	10,000
208	10,000	10,000	10,000
209	10,000	10,000	10,000
210	10,000	10,000	10,000
211	10,000	10,000	10,000
212	10,000	10,000	10,000
213	10,000	10,000	10,000
214	10,000	10,000	10,000
215	10,000	10,000	10,000



Public Works & Development Services Department

Richard D. Welton  
Director

AGENDA ITEM NO. 5  
STAFF REPORT  
TO

THE FRESNO COUNTY PLANNING COMMISSION  
Classified Conditional Use Permit Application No. 2473  
Variance Application No. 3290  
Environmental Assessment No. 3664  
December 20, 1990

Applicant: Millerton New Town Development Co. Accepted On: August 30, 1990

- Request:
1. Allow revisions to a previously approved 420-unit planned residential development on a 488-acre parcel. The proposed revisions include:
    - a. Development of 328 single-family homesites instead of 320 homesites and 92 multiple-family units instead of 100 units.
    - b. Modifications to the design and uses of the Community Center.
    - c. Revisions to the property development standards.
  2. Allow creation of a six-acre parcel and a 33.50-acre parcel from a 39.5-acre parcel (40 acres required) to allow for relocation of Road "B".

Location: On the south side of Millerton Road at the intersection of Sky Harbor and Millerton Roads, adjacent to the Millerton Specific Plan Area.

Present Zoning: R-1-B(c) (Single Family Residential, 12,500 square-foot minimum parcel size) District

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing

1. Approximate Area: 488 acres and 39.5 acres
2. Use of Subject Property: Planned residential development, golf course
3. Use of Surrounding Area: Grazing, scattered single-family residences
4. Surrounding Zoning: AL-40, AE-40, R-1-E(c), R-1-B(c), R-1(c), R-2(c), O(c)
5. City Limits: The unincorporated community of Friant is located approximately three miles west of the subject property.

6. Noticing: Notices were sent to 52 property owners within one-quarter mile of the subject property.

B. Background

In December, 1988, Classified Conditional Use Permit No. 2352 and Tentative Subdivision Map No. 4048 were approved which allowed a 420-unit planned residential development consisting of 320 single-family homesites, 100 multiple-family units, a golf course and club house facilities and a community center with supportive recreational and commercial facilities. In October, 1989, Classified Conditional Use Permit No. 2406 was approved which modified the design, location, and size of the community center, the golf course maintenance facilities and open space preserve. The current application request would allow further revisions to the 420-unit planned residential development including a reallocation of the ratio of single-family homesites and multiple-family units, modifications to the design and use of the community center, and changes to the property development standards. The current request also includes a revised tentative subdivision map for that portion of Tract 4048 for which final maps have not been recorded (two final maps for 96 lots have been recorded to date). The purpose of the revised tentative map is to allow for design and access changes for those lots not yet recorded. In addition, the current application includes a request to relocate the alignment of Road "B" where it connects with Auberry Road. A variance is needed because this new alignment will bisect an existing 39.5-acre parcel zoned AE-40 creating two substandard zoning parcels.

C. Operational Statement

The operational statement submitted by the applicant is included as Attachment "A".

D. Site Plans, Floor Plans, and Elevations

An overall site plan submitted by the applicant shows the entire subdivision as originally approved with the changes currently proposed. These changes are as follows:

1. An increase in the number of single-family homesites from 320 to 328 with lot design changes for about 60 of the homesites.
2. An increase in the number of future development lots from four to five with a reallocation of units among these lots and an overall decrease in the number of multiple-family units from 100 units to 92 units.
3. A realignment of the alignment of Road "B" where it connects with Auberry Road.

A site plan of the community center submitted by the applicant shows the following major features:

1. The main community center building.

2. A swimming pool and tot lot enclosed by a five-foot high wrought iron fence.
3. A parking area with 16 spaces located adjacent to the building with access to Road "E" and a parking area with 22 spaces and overflow area located on the north side of Road "E" across from the community center.

A detailed floor plan and elevation of the community center building submitted by the applicant shows the following major features:

1. A detailed floor plan of the community center building showing the allocation of floor area to various uses as authorized under the previous conditional use permit. Area is provided for a sales office, library, exercise room/future convenience store, various storage rooms and offices, a conference room, lounge, restrooms, future kitchen, electrical/mechanical room, and tot lot.
2. A revised floor plan of the community center building showing the proposed uses associated with the temporary golf facility to be located in the community center building including a pro shop, food service/dining area, golf administration and sales area, and kitchen area.
3. Elevation drawings of the community center building including north, east, west and south views.

A site plan, floor plan, and elevation drawings of the proposed entry station structure showing the following major features:

1. A 76-foot wide roadway with four travel lanes, median islands, and guardhouse/information center.
2. Front and side elevations of the guardhouse/information center with a canopy and landscaping.

A site plan of the proposed realignment of Road "B" showing the following major features:

1. The subject 39.5-acre parcel divided into a six-acre parcel and a 33.5-acre parcel by the proposed road alignment. (This is the subject of the variance).
2. Auberry Road located along the southern boundary of the subject parcel and intersecting with the proposed road alignment.
3. Tract 4048 located adjacent to the west boundary of the subject parcel.

Elevations of the proposed entry wall signs and project identification signs are included as exhibits in the operational statement. These conceptual drawings show the signs incorporated as part of the entry wall and fences along the edge of the project boundary.

E. Staff Analysis/Recommended Findings of Fact

Classified Conditional Use Permit Application No. 2473

Finding 1: Adequacy of Size and Shape of Subject Parcel

As indicated in the Background Section, previously approved Classified Conditional Use Permit No. 2352 and Tentative Subdivision Map No. 4048 allowed a 420-unit planned residential development consisting of 320 single-family homesites, 100 multiple-family units, a golf course and clubhouse facility, a community center, and open space areas. The ability of the subject 488-acre site to accommodate this development was evaluated as a part of that original conditional use permit and the site was determined to be adequate in its size and shape. Since the proposed project will not be increasing the number of total units, but will only be considering a reallocation of the ratio of single-family homesites and multiple-family units, modifications to the design and uses of the community center and changes to the property development standards for the single-family homesites within the 488-acre site, the size and shape of the subject parcel should continue to be adequate.

Finding 2: Adequacy of Streets and Highways

Access into the project site will be from Millerton Road along the north side of the proposed development and from Auberry Road at the southeast corner of the site. As originally approved under Conditional Use Permit No. 2352 and Tentative Subdivision Map No. 4048, this development was required to provide certain road improvements. This included a requirement to construct all roads within the project site to serve the proposed development, to make improvements on Millerton and Auberry Roads, and to enter into an agreement requiring each lot owner to contribute to a fund that will pay for road work beyond the boundary of the tract necessary to address impacts caused by development within the tract. The proposed reallocation of residential units, the modifications to the design and uses of the community center and the various changes to the property development standards will not generate any more traffic than was originally considered. Therefore, the road improvements previously required should adequately serve the proposed development including the changes currently being considered.

Findings 3 and 4: Adverse Effects on Surrounding Properties/  
General Plan Consistency

As indicated above, the purpose of this request is to revise the previously approved 420-unit planned residential development by changing the ratio of single-family homesites to multiple-family units, modifying the uses of the community center, and revising various property development standards for the subject 488-acre site. Under the current proposal there will be no increase in the total number of residential units previously approved. The applicant is not proposing to make any changes to the previously approved golf course, golf club house, or the golf course maintenance facility.

The Environmental Assessment conducted for this project did not identify any potential environmental impacts associated with the proposed changes. Any impacts to the surrounding properties that were identified during the original development proposal in 1988 were addressed by the previously conditions of that application. Those conditions will remain in effect and are not affected by the proposed request except for the conditions that relate specifically to the proposed changes.

The project site is designated Low Density Residential on the Sierra-North Regional Plan. The uses and residential unit density that were originally approved in 1988, were found to be consistent with this designation and will remain the same.

The location and design of the community center is the same as previously approved and is currently under construction. Under the current request, the applicant is proposing to use part of this facility as a temporary golf facility until the permanent golf clubhouse is constructed. Proposed as temporary uses within the community center are a pro shop, a food preparation and dining area, and a sales and administrative area. In addition, a golf cart staging area is proposed adjacent to the community center where parking is currently planned. According to the applicant, it is expected that the temporary facilities would be located at the community center for a period of 18 to 24 months. During this period the use of the community center as a temporary golf facility should not reduce the level of services originally contemplated to be provided to the residents. The center would continue to provide the recreational facilities to the residents as intended including the swimming pool which will be sized for its ultimate use. Some uses, such as the dining area, food preparation area, and sales and administration areas, will serve both the golf course and the residents. Other uses, such as the library and exercise area, will be sufficiently sized to accommodate the amount of residential development expected during this two-year period. After two years, it is expected that development of the subdivision will have occurred to the extent that the entire area of the Community Center will be required to serve the residents of the project. Therefore, to ensure that the temporary golf facilities do not extend beyond the intended two years, staff is recommending that a condition be imposed limiting the use of the community center for the golf facility to a period of two years from the date of occupancy for the community center.

The Development Engineering Section of the Public Works & Development Services Department has indicated that with the proposed temporary golf facilities, the number of parking spaces requested for the community center will increase from 26 spaces to 71. The parking area currently planned and approved adjacent to the Community Center (16 spaces) is proposed to serve as a temporary golf cart staging area. Additional parking sufficient to satisfy the required 71 spaces is proposed to be placed on the north side of Fair Oaks Drive adjacent to parking previously approval. This area is currently part of the golf course lot and will require a over and across agreement for use of this area for parking. Also, the school district has designated the proposed parking area for a bus turnaround area. The development of the parking area along with the design of the bus turnaround and agreements for use of the golf course area will be addressed during the Site Plan Review process.



In addition, a portion of the proposed parking area lies within an archaeological sensitive area. A certified archaeologist has reviewed the applicant's proposal and has determined that the proposed parking could not be developed as originally submitted. After consultation with the archaeologist, the applicant has submitted a revised site plan (Exhibit "H") showing proposed parking in a location where no significant archaeological features will be adversely impacted.

The policies of the General Plan which pertain to planned residential developments allow for the reduction or waiver of property development standards, except for density, provided a more functional and desirable site or building improvement will result, and there is not adverse impact on adjoining properties. The applicant has not proposed any changes in the overall density of the project. The original approval was to allow a total of 420 units, 320 units of which were to be single-family lots and 100 units of which were to be multiple-family units to be developed on four large lots designated for future development. The current request proposes to reallocate these 420 units so that there will be a total of 328 single-family lots and 92 multiple-family units to be developed on five large lots. As in the original approval, this conditional use permit provides no entitlement for the five proposed multiple-family residential lots (lots 17, 18, 19, 20 and 21) except to indicate the maximum number of units that may be developed on each lot provided that the site is suitable. Development of each of these lots will be subject to a planned residential development approved under separate conditional use permits.

According to the operational statement submitted by the applicant, the current project proposes that the single-family residential lots range in size from 9,600 square feet to more than 30,000 square feet which is the same as to the original proposal. The previously approved project required that the development standards of the R-1-B Zone District apply except for certain deviations related to setbacks, lot dimensions and public road frontage requirements. The current application is proposing the following additional deviations:

1. The front yard setback for lots may be reduced from 35 feet to 25 feet.
2. The side yard setback for lots may be reduced from ten to seven feet.
3. The minimum lot dimensions and street frontage may be reduced as indicated on the approved tentative tract.
4. On lots uphill from the street, the maximum building height may be 35 feet above the natural grade.
5. East and west entry wall signs 30 square feet in size may be constructed at Millerton and Auberry Roads.
6. Project identification signs 20 square feet in size may be constructed at the eastern and western boundary of the project site along Millerton and Auberry Roads and at the western boundary of the project site at Marina Drive (Road "B").

The above deviations to setbacks, lot dimensions, and building heights have been requested because steep slopes, substantial rock out-crops, drainage streams, trees, or other topographic features may make it difficult to develop all of the sites in accordance with the required development standards of the R-1-B District. Because of the considerable amount of open area provided by the golf course and the fairly large size of the lots, the proposed reduction in setbacks or lot dimensions should not create any sense of overcrowding that could be found with a conventional development. The deviations to the number and size of the subdivision identification and entry wall signs should not cause any adverse impacts. The two entry wall signs at the Millerton Road entrance have been previously approved and are now constructed. The entry wall signs at the Auberry Road entrance are proposed to be similar in design. The project identification signs are proposed to be integrated as a part of the fence extending along portions of the project boundary. The increased size of the signs will allow for easier identification of the project site while traveling along Millerton and Auberry Roads and Marina Drive. The exact location and design of the signs will be further addressed through the Site Plan Review process.

The applicant is also proposing changes for the main entrance to the project site at Millerton Road. An information center has been approved through the Site Plan Review process for the entry to the project site. In the future the applicant would like to reconfigure the entrance roadway and modify the entry station structure to include a canopy to cover a portion of the roadway. The Road Maintenance and Operation Division indicates that this proposal is not acceptable for a public road. They indicate that the County does not permit obstructions within the travel lanes of public roads. If at some point in the future this road was converted to a private road, the proposed structure may be acceptable if safety concerns can be adequately addressed. Staff therefore, recommends that the proposed design should only be permitted if Road "A" becomes a private road and that the final design should be subject to further review by the Director.

The current project also proposes a realignment of Road "B" and its intersection with Auberry Road. It is proposed to relocate the Road "B" intersection with Auberry Road approximately 500 feet further to the east than originally approved in 1988. The purpose of this proposed change is to provide for an approximately 90 degree intersection with increased visibility in both directions along Auberry Road. The new road alignment will bisect an existing 39.5-acre parcel creating two separate parcels approximately six acres and 33.5 acres in size. Since these two parcels will be less than the 40-acre minimum parcel size allowed by the AE-40 zoning on the subject parcel, a variance application must be approved. Variance Application No. 3220 has been submitted by the applicant and is discussed below.

The applicant has also proposed three temporary at-grade crossings for golf carts and golfers across Road "B". These crossings are to be in place until such time as Road "B" is extended west through the Millerton Specific Plan area to Millerton Road, at which point a crossing structure will be required to be constructed. The Development Engineering Section of the Public Works & Development Services Department has reviewed the

proposal and indicates that for safety reasons only a maximum of two temporary crossings should be permitted on Road "B".

Variance Application No. 3290

Findings 1 and 2: Exceptional or Extraordinary Circumstances/  
Substantial Property Right

The applicant indicates that the purpose of the Variance is to create two substandard parcels because a roadway is proposed to bisect the existing 39.5-acre parcel. The applicant indicates that the roadway can only be placed on this property and it is necessary to create a situation with proper sight distance in both directions. The applicant also states that this request is necessary to provide for safe sighting distance which will be necessary when Tract No. 4048 develops planned. The applicant indicates that a proper situation to access Auberry Road is a right possessed by all nearby property owners.

The subject Variance is necessary due to the realignment of Road "B", a proposed collector road for the adjacent residential subdivision. It has been determined that the new alignment will provide an improved intersection with Auberry Road that gives increased visibility in both directions. As a result of this realignment two parcels will be created in such a manner that they are less than the required 40-acre minimum parcel size. Based on these factors, staff believes that an unusual circumstance and substantial property right exists.

Finding 3: Adverse Effects on Public Welfare or Surrounding Properties

The applicant indicates that the granting of this variance will not be detrimental to anyone in the area but, in fact, will be beneficial to all those who will use the proposed public streets.

If approved, the proposed Variance would create a six-acre parcel and a 33.5-acre parcel. Each of these parcels could be developed with two residences, two more than could be developed now on the existing 39.5-acre parcel. Although normally an increase in population density could have an adverse impact on surrounding properties, this would not appear to be the case in this situation since a residential subdivision is being developed on the adjacent property to the west.

Also, as indicated in Findings 1 and 2 above, the realignment of Road "B" is proposed in order to provide a safer connection with Auberry Road. According to the Development Engineering Section of the Public Works & Development Services Department the proposed realignment is an improvement over the original alignment because it will provide greater site distance in either direction on Auberry Road.

In addition, it should be noted that as a part of the realignment of Road "B" the applicant is proposing a design which creates an island area between a portion of the two travel lanes. Staff believes that this configuration should be avoided unless terrain requires such design. If however, an island area must be created because of topographical features staff recommends that at the time the road is dedicated to the County, the

island area be conveyed to the Homeowners' Association to ensure proper maintenance of this area.

Based on these factors, staff does not believe any adverse impacts will result from the proposed realignment.

Finding 4: General Plan Consistency

The applicant indicates that the granting of the Variance will not be contrary to the objectives of the General Plan.

The subject property is designated Eastside Rangeland by the Sierra-North Regional Plan. This designation requires a minimum parcel size of 40 acres as a means of encouraging the preservation of grazing land. In this case, adjacent land to the west is designated for low density residential uses and is being developed as a planned residential development. Road "B", which bisects the subject parcel into two substandard parcels and is the reason for the Variance, is a major collector which will serve this proposed subdivision and ultimately extend further west through the Millerton Specific Plan area to connect with Millerton Road. As indicated in Findings 1, 2, and 3 above, the realignment of this road is necessary for an improved connection to Auberry Road. Based on these factors, the proposed Variance may be considered consistent with the General Plan.

F. Staff Recommendation

Staff recommends that the Commission approve the Negative Declaration prepared for this project.

Classified Conditional Use Permit Application No. 2473

1. Development shall be in accordance with the operational statement, site plans, floor plans, and elevations approved by the Commission, except as modified by conditions below.
2. The conditions in the Subdivision Review Committee Report for Tentative Subdivision Map No. 4048-R shall be complied with.
3. This permit shall be tied to Tentative Subdivision Map No. 4048-R; 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 subdivision map instead of the two-year limit otherwise in effect.

4. A Site Plan Review Application shall be submitted for approval by the Director of Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan review may include, but are not limited to parking, on-site circulation, access, drainage and grading, landscaping, and signs.

5. Assurance shall be provided prior to approval of Site Plan Review that the parking for the community center on the north side of Road "E" within the golf course area will be available on a permanent basis.
6. That portion of the parking area on the north side of Road "E" which is proposed to be located within the archaeological sensitive area shall be developed as shown on the revised site plan (Exhibit "H").
7. The use of the community center for temporary golf facilities shall be limited to a period of two years from the date of occupancy.
8. The maximum number of temporary at grade golf cart crossings across Road "B" shall be two.
9. The property development standards of the R-1-B District shall apply except as follows:
  - a. The front yard setback for lots may be reduced from 35 feet to 25 feet.
  - b. The side yard setback for lots may be reduced from ten to seven feet.
  - c. The minimum lot dimensions and street frontage may be reduced as indicated on the approved tentative tract.
  - d. On lots uphill from the street, the maximum building height may be 35 feet above the natural grade.
  - e. East and west entry wall signs 30 square feet in size may be constructed at Millerton and Auberry Roads.
  - f. Project identification signs 20 square feet in size may be constructed at the eastern and western boundary of the project site along Millerton and Auberry Roads and at the western boundary of the project site at Marina Drive (Road "B").
10. Reconfiguration of the entrance roadway and modification to the entry station structure to include a canopy to cover a portion of the roadway may be permitted only if Road "A" becomes a private road and the Director of the Public Works & Development Services Department determines that the design adequately addresses any traffic safety concerns.
11. All conditions of Classified Conditional Use Permit Nos. 2352 and 2406 shall remain in full force and effect except where modified by conditions of this permit.

Variance Application No. 3209

Staff believes the required findings for Variance Application No. 3209 can be made and recommends approval subject to the following condition:

The alignment of Road "B" shall be redesigned to avoid creating an island unless terrain requires such a design. If an island area is created at the time the road is dedicated to the County, the island area shall be conveyed to the Homeowners' Association to ensure proper maintenance.

DC:gvd:gah  
3859K

APPENDIX A

REQUIRED FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways: adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

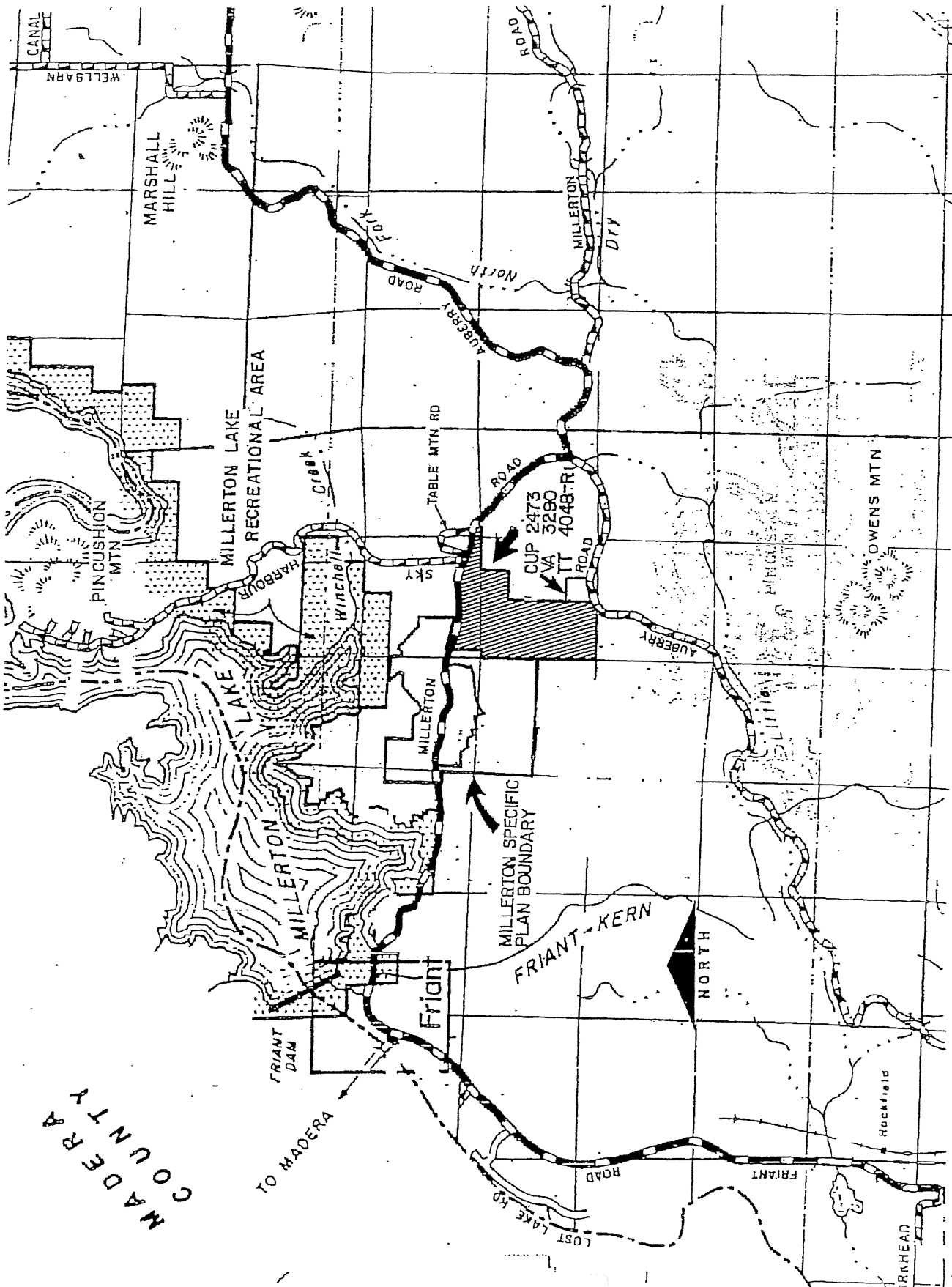
APPENDIX A

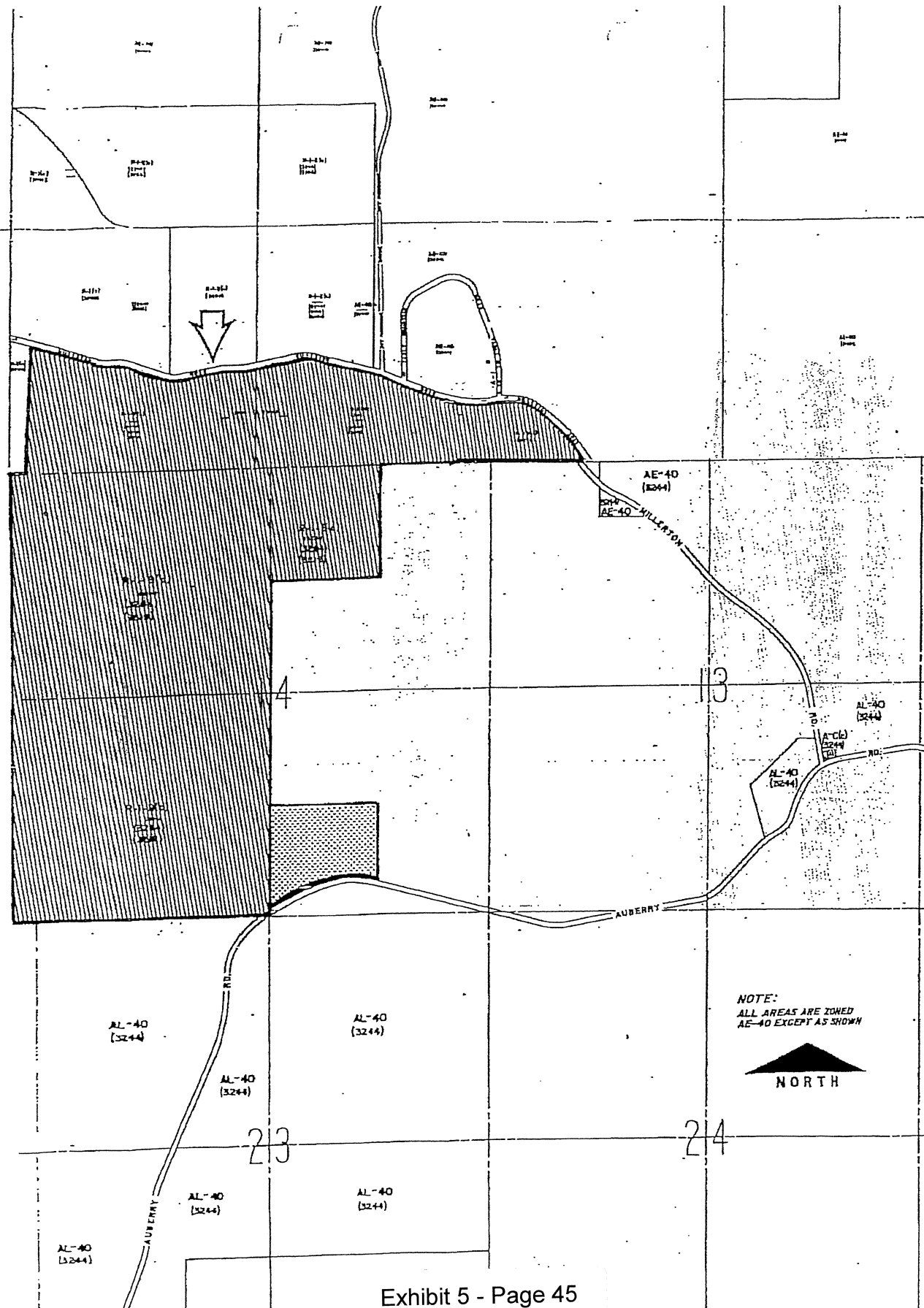
FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

A Variance may be granted only when all of the following conditions exist in reference to the property being considered.

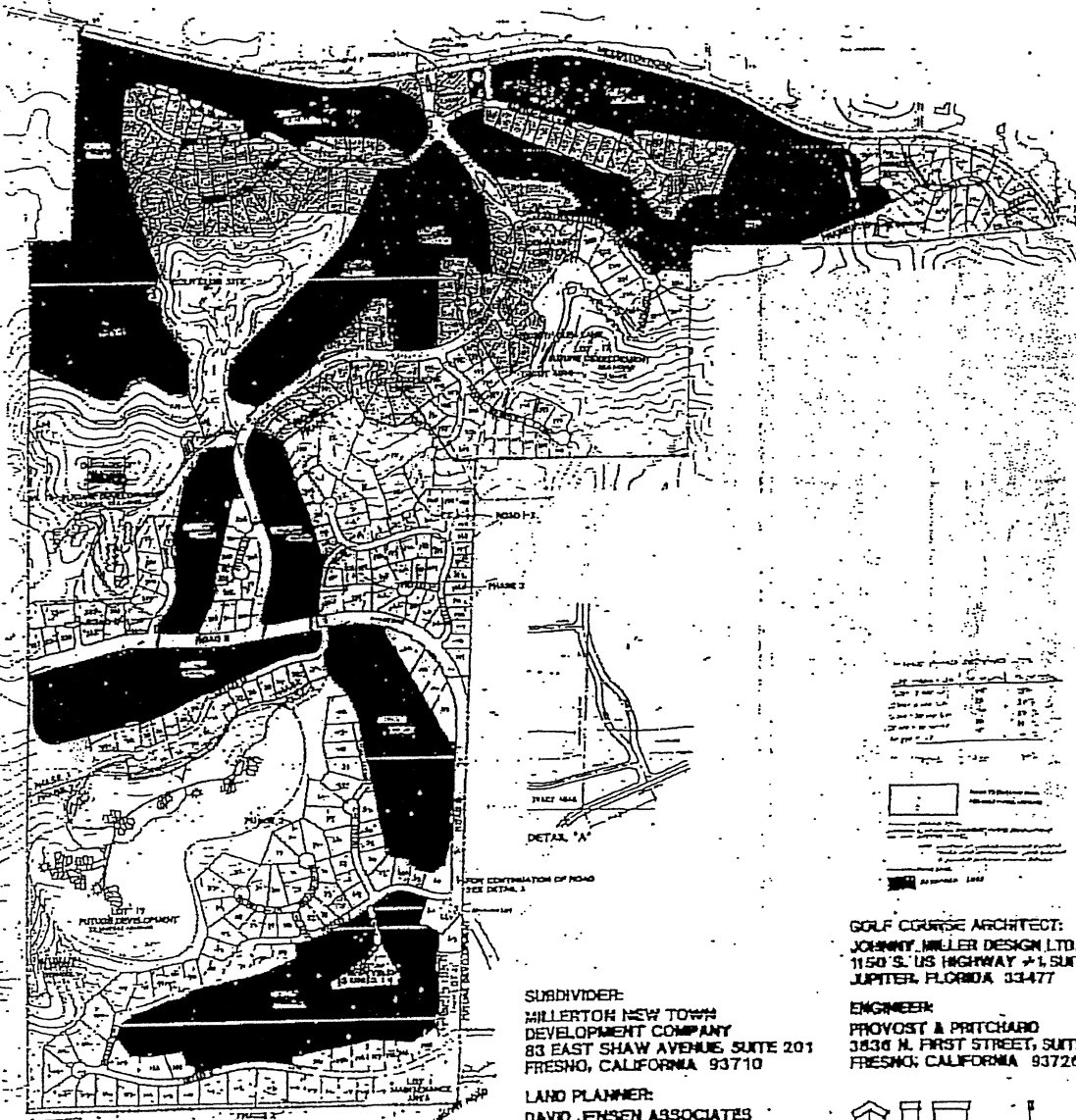
1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.
4. The granting of such a Variance will not be contrary to the objectives of the General Plan.







TRACT NO. 4048  
**A MASTER PLANNED COMMUNITY**  
 COUNTY OF FRESNO, CALIFORNIA

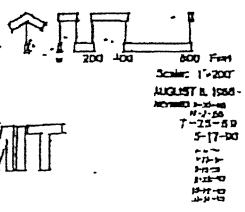


**SUBDIVIDER:**  
 MILLERTON NEW TOWN  
 DEVELOPMENT COMPANY  
 83 EAST SHAW AVENUE, SUITE 201  
 FRESNO, CALIFORNIA 93710

**LAND PLANNER:**  
 DAVID JENSEN ASSOCIATES  
 350 S. MONROE STREET, SUITE 120  
 DENVER, COLORADO 80209

**GOLF COURSE ARCHITECT:**  
 JOHNNY MILLER DESIGN LTD.  
 1150 S. US HIGHWAY #1, SUITE 365  
 JUPITER, FLORIDA 33477

**ENGINEER:**  
 PROVOST & PRITCHARD  
 3830 N. FIRST STREET, SUITE 123  
 FRESNO, CALIFORNIA 93726



**CONDITIONAL USE PERMIT**

Thompson Architectural Group, Inc.  
 8700 N. 194th Avenue, Frank, Colorado 80721 (303) 431-8500

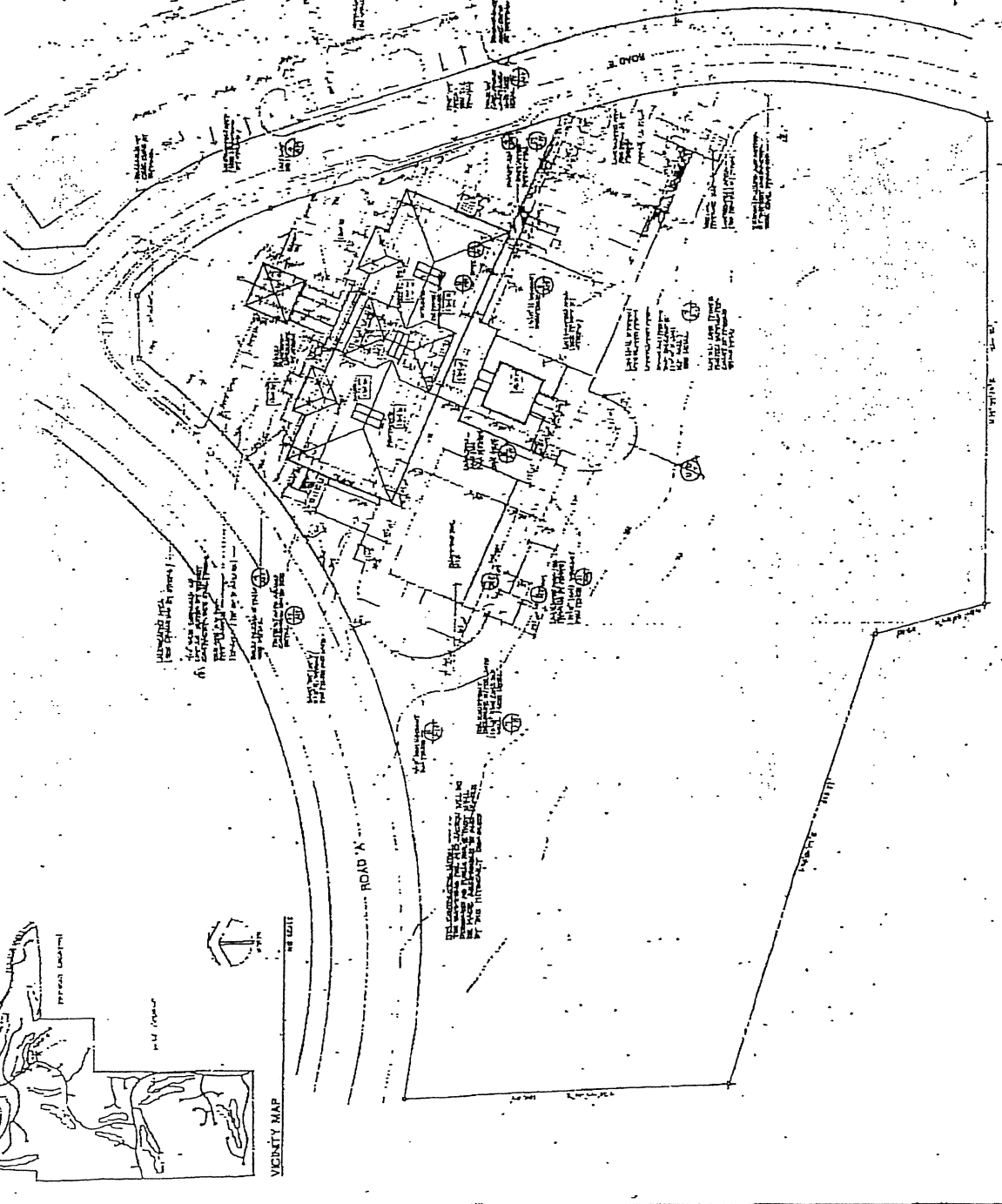
BRIGHTON CREST  
 COMMUNITY BUILDING  
 LAURELVIEW TOWN  
 WILKINSON LAKE

**PROJECT DATA**  
 PROJECT NO. 1987-001  
 DATE: 11/11/87  
 CLIENT: BRIGHTON CREST COMMUNITY CENTER  
 1987-001  
 1987-001  
 1987-001

**LEGAL DESCRIPTION**  
 SECTION 10, T11N, R10E, S10W  
 COUNTY OF WASHINGTON, COLORADO  
 1987-001  
 1987-001

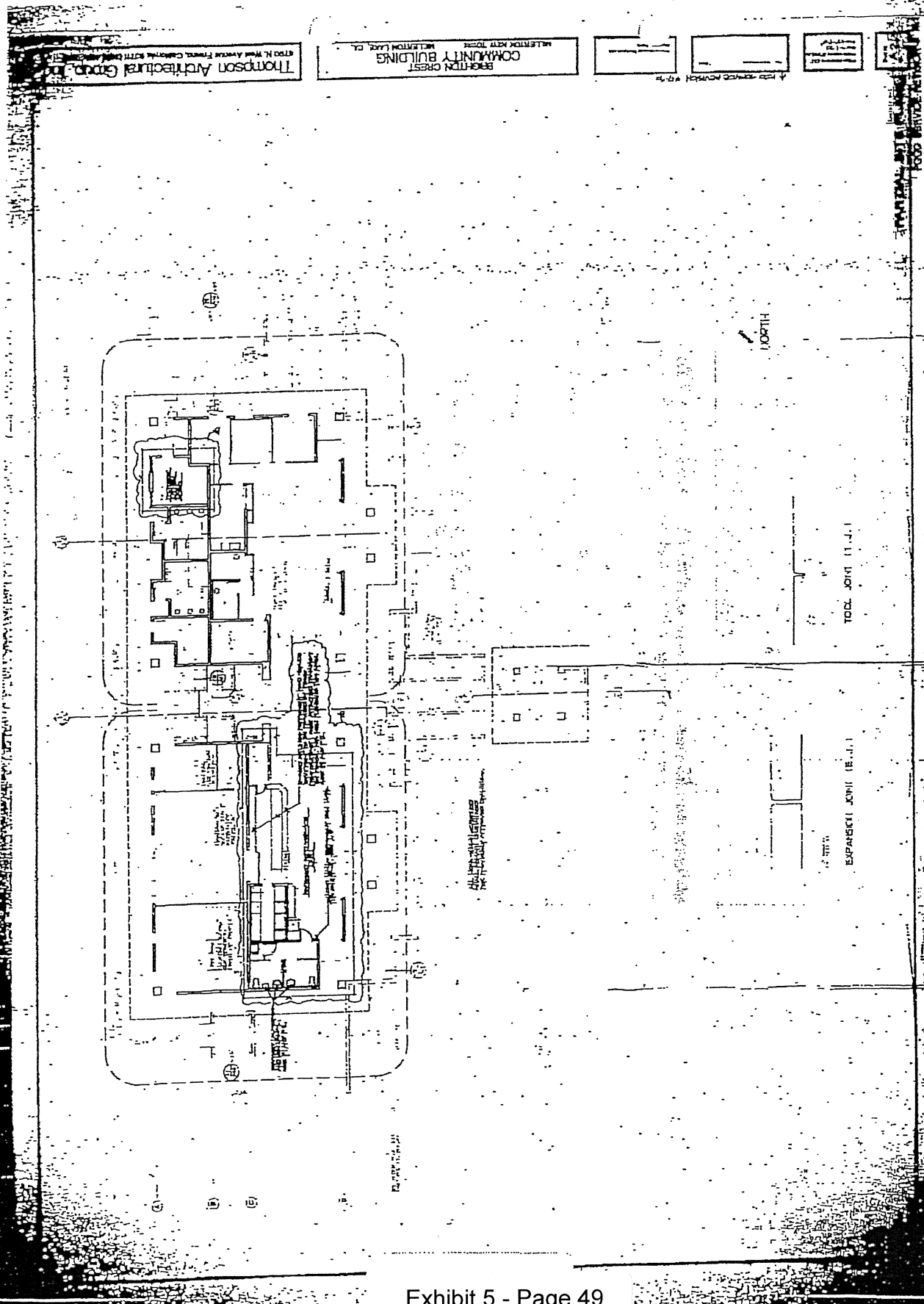
**NOTES**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

Scale: 1" = 40'  
 North Arrow  
 Date: 11/11/87  
 Drawn by: [Name]  
 Checked by: [Name]



BRIGHTON CREST COMMUNITY CENTER SITE PLAN





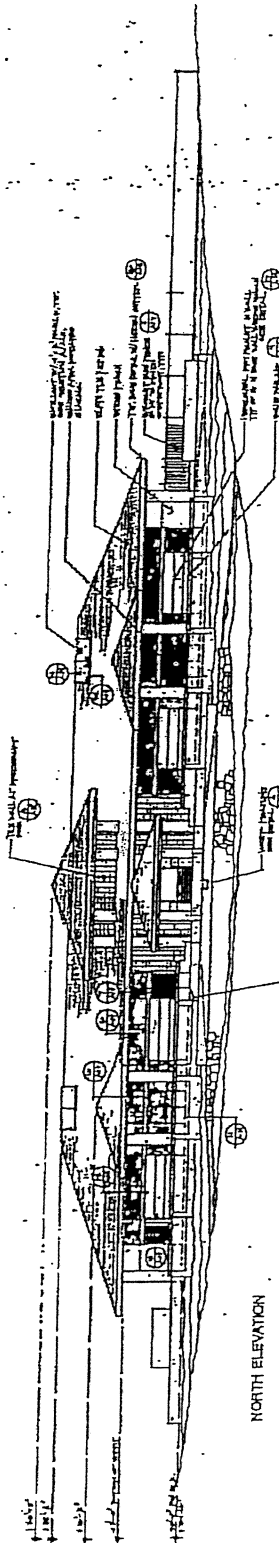
Thompson Architectural Group  
 8700 N. West Avenue, Fresno, California 93711

BRIGHTON CREST  
 COMMUNITY BUILDING  
 MILLINGTON KEY TO USE  
 MILLINGTON LAKE, CA.


Thompson Architectural Group, Inc.  
 8700 N. West Avenue, Front, California 92718 432-8300

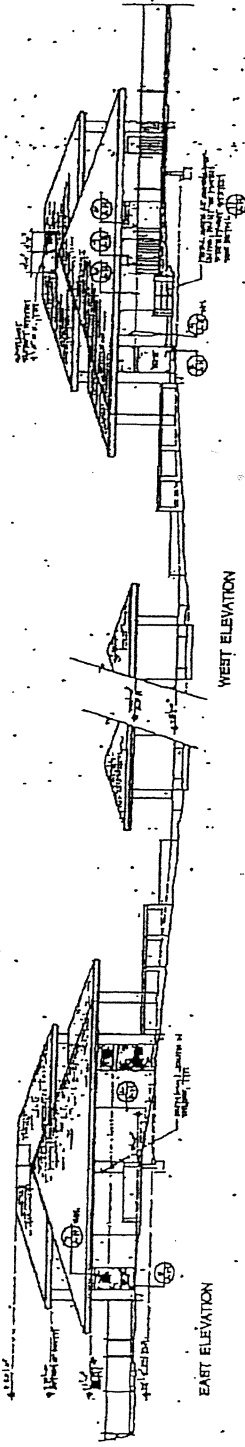
BRIGHTON CREST  
 COMMUNITY BUILDING  
 BRIGHTON, NEW YORK  
 FALLBROOK LAKE, CA

17



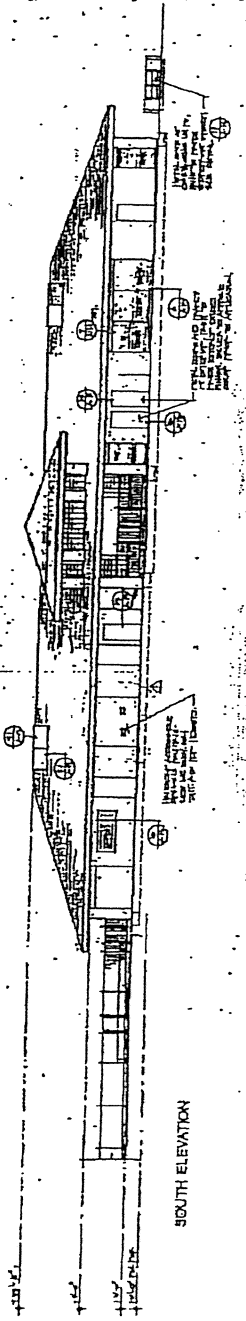
NORTH ELEVATION

EXTERIOR MATERIALS  
 1. Brick  
 2. Concrete  
 3. Glass  
 4. Metal  
 5. Stone  
 6. Wood



WEST ELEVATION

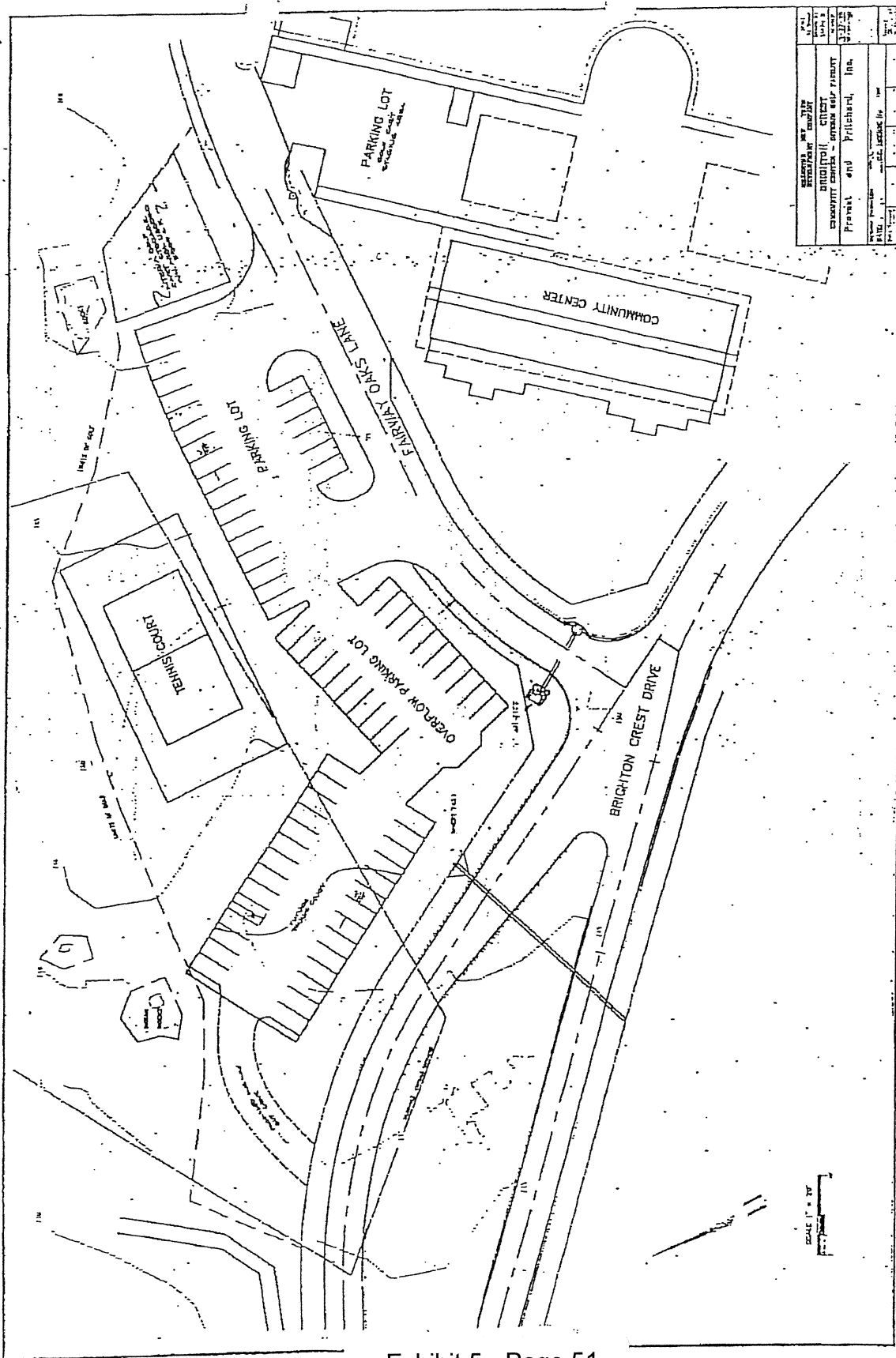
EXTERIOR MATERIALS  
 1. Brick  
 2. Concrete  
 3. Glass  
 4. Metal  
 5. Stone  
 6. Wood



SOUTH ELEVATION

EXTERIOR MATERIALS  
 1. Brick  
 2. Concrete  
 3. Glass  
 4. Metal  
 5. Stone  
 6. Wood

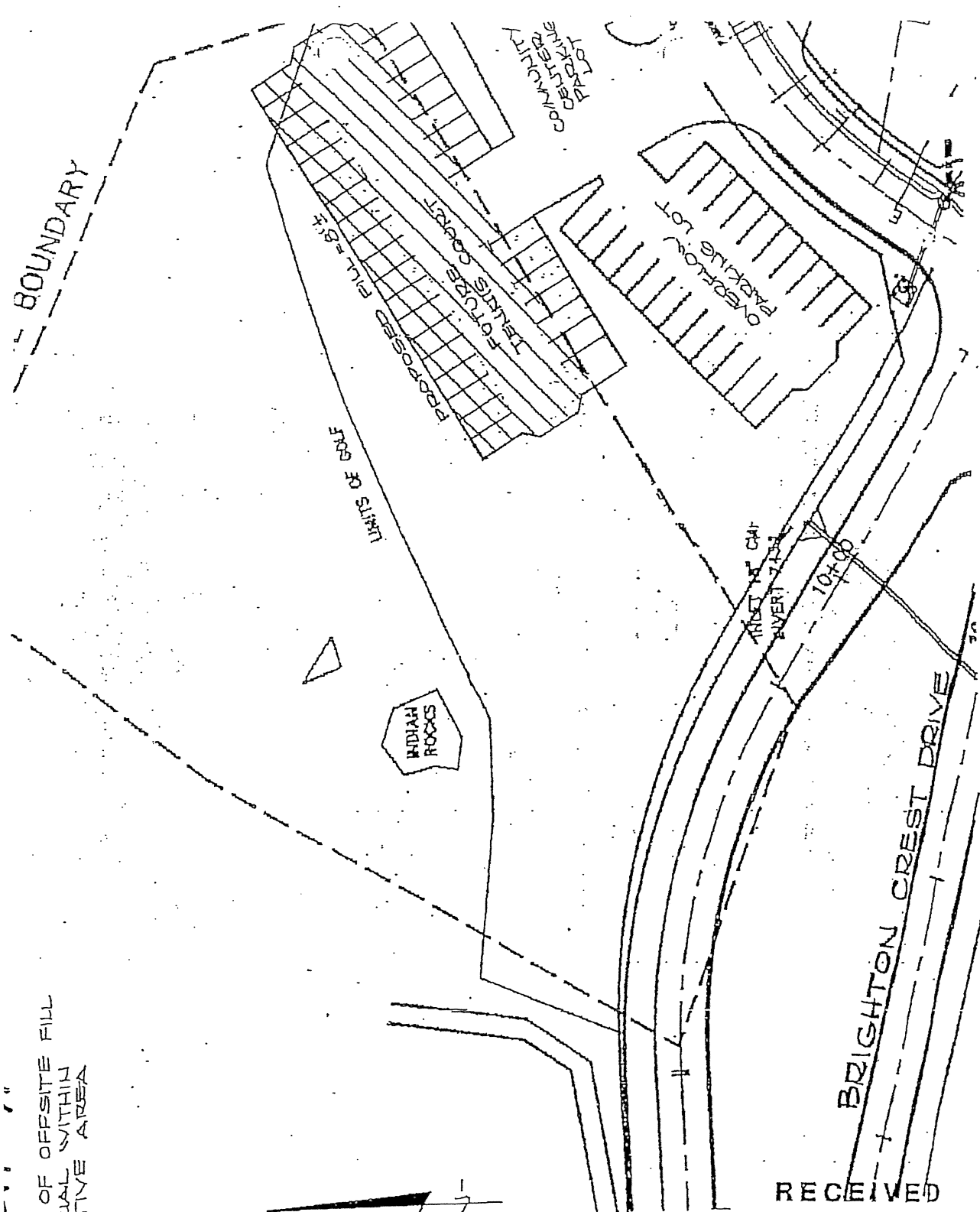
EXTERIOR ELEVATIONS



PROJECT NO.	100-1000000000
DATE	10/1/00
BY	J. J. JONES
CHECKED BY	J. J. JONES
SCALE	AS SHOWN
TITLE	COMMUNITY CENTER - BRIGHTON CREST
PROJECT NO.	100-1000000000
DATE	10/1/00
BY	J. J. JONES
CHECKED BY	J. J. JONES
SCALE	AS SHOWN
TITLE	COMMUNITY CENTER - BRIGHTON CREST
PROJECT NO.	100-1000000000
DATE	10/1/00
BY	J. J. JONES
CHECKED BY	J. J. JONES
SCALE	AS SHOWN
TITLE	COMMUNITY CENTER - BRIGHTON CREST

Exhibit 5 - Page 51





LIMITS OF OFFSITE FILL MATERIAL WITHIN SENSITIVE AREA

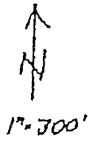


RECEIVED

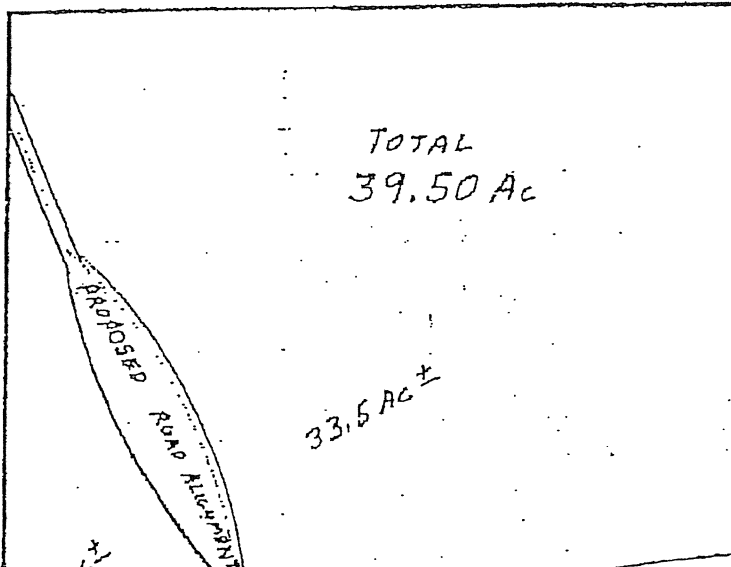
NOV 14 1990

COUNTY OF FRESNO  
PUBLIC WORKS & DEPT. SERVICES DEPT.





TRACT  
4048



AUBERRY ROAD

SEC. 14 T11N, R21E

## EXHIBIT 6

### WANGER JONES HELSLEY PC ATTORNEYS

OLIVER W. WANGER  
TIMOTHY JONES\*  
MICHAEL S. HELSLEY  
PATRICK D. TOOLE  
SCOTT D. LAIRD  
JOHN P. KINSEY  
KURT F. VOTE  
TROY T. EWELL  
PETER M. JONES\*\*  
JAY A. CHRISTOFFERSON\*\*  
MARISA L. BALCH  
JENA M. HARLOS\*\*\*  
JOSIAH M. PRENDERGAST  
MICAELA L. NEAL  
CAMERON M. PEYTON  
DYLAN J. CROSBY  
LAURA E. BROWN  
ERIN T. HUNTINGTON

265 E. RIVER PARK CIRCLE, SUITE 310  
FRESNO, CALIFORNIA 93720

MAILING ADDRESS  
POST OFFICE BOX 28340  
FRESNO, CALIFORNIA 93729

TELEPHONE  
(559) 233-4800

FAX  
(559) 233-9330



OFFICE ADMINISTRATOR  
LYNN M. HOFFMAN

Writer's E-Mail Address:  
teowell@wjhattorneys.com

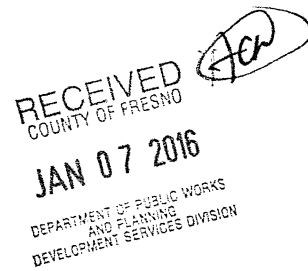
Website:  
www.wjhattorneys.com

\* Also admitted in Washington  
\*\* Of Counsel  
\*\*\* Also admitted in Wisconsin

January 7, 2016

#### VIA HAND DELIVERY

DEVELOPMENT SERVICES DIVISION  
Fresno County Department of Public Works and Planning  
2220 Tulare Street, 6th floor  
Fresno, CA 93721



Re: Extension of Fresno County Tentative Tract Map 4048 R-2

Dear County Staff:

This firm represents Table Mountain Rancheria, the current owner of Tentative Tract Map 4048 R-2 (the "Tentative Map"). This letter is to serve as our request to seek a two-year discretionary time extension for the Tentative Map pursuant to AB 1303 that added Section 66452.25 to the Subdivision Map Act (the "Statute"). The Tentative Map is consistent with the applicable zoning and General Plan requirements in effect at this time.

The Tentative Map is presently set to expire on January 10, 2016. Under the Statute, the filing of this application will act to extend the expiration date for 60 days (March 10, 2016) or until the Planning Commission acts on this application, whichever occurs last.

While we interpret the Statute to allow for a two-year time extension despite the fact that the Tentative Map expires within ninety (90) days, we filed for a discretionary one-year time extension of the Tentative Map on or about December 8, 2015. Assuming that this application is granted, at the time this application is heard by the Planning Commission, the expiration date of the Tentative Map will be outside of the 90-day window referenced in the Statute.

The current market environment for residential housing in this area dictates that we seek this extension in an effort to make this residential housing project viable.

**WANGER JONES HELSLEY PC**

January 7, 2016

Page 2

Enclosed please find a check for \$1,381.50, as payment for processing the time extension. Please contact our office immediately if you need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Troy T. Ewell". The signature is fluid and cursive, with the first name "Troy" being more prominent and the last name "Ewell" following in a similar style.

Troy T. Ewell

Enclosure

cc Dan Casas (dcasas@tmcasino.com)  
Angela Karst (akarst@tmr.org)  
Timothy Jones