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## Inter Office Memo

DATE: February 1, 2011

TO: Board of Supervisors

FROM: Alan Weaver, Director *Alan Weaver*  
Department of Public Works and Planning

SUBJECT: General Plan Amendment No. 511 (Friant Community Plan Update, Friant Ranch Specific Plan), Amendment to Text Application No. 363, and Amendment Application No. 3751 and Associated Draft and Final Environmental Impact Reports.

RECOMMENDED ACTION:

1. **Certify the Environmental Impact Report prepared for the project and adopt the Statement of Fact, Findings and Overriding Considerations and the Mitigation Monitoring and Reporting Plan; and**
2. **Approve the Friant Community Plan Update by expanding the boundary by adding the 942.2-acre Friant Ranch Specific Plan Area proposing to designate the Specific Plan Area (Alternative No. 3) for a variety of residential, commercial, and open space uses including the alternative wastewater treatment plant location (General Plan Amendment No. 511) as the first amendment of the Fresno County General Plan of 2011; and**
3. **Approve adoption of the Friant Ranch Specific Plan (Alternative No. 3) containing goals, policies, implementation measures and development standards for the Specific Plan Area (General Plan Amendment No. 511); and**
4. **Adopt Ordinance approving Amendment to Text Application No. 363 - Friant Ranch Zoning Regulations, containing specific zoning districts for the Friant Ranch Specific Plan; and**
5. **Adopt Ordinance approving Amendment Application No. 3751 to rezone the project site to the various proposed zone districts, rezone the 7.19-acre "Depot Parcel" from Single-Family Residential Agricultural District (R-A) to General Commercial (C-6), rezone two parcels totaling 6.6 acres from R-A and C-6 to Open Space (OS), and rezone a 106-acre parcel from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to OS.**
6. **Include a Condition requiring that the Applicant shall enter into an agreement indemnifying the County for legal costs associated with approval of the project.**

The Friant Community Plan Update ("Update") proposes to increase the existing Community Plan Area boundary by adding the 942.2-acre Friant Ranch Specific Plan Area and designate the Specific Plan Area for a variety of residential, commercial, and open space uses. The Specific Plan is proposed as a predominately active adult (ages 55+) community. The Community Plan Update proposes revision to existing policies and inclusion of new policies to include provisions consistent with the policies of the 2000 General Plan Update.

The community of Friant is located in and adjacent to the unincorporated community of Friant approximately nine miles north of the cities of Fresno and Clovis and adjacent on the west to the San Joaquin River which forms the boundary between Fresno and Madera Counties. (SUP. DIST. 5)

**BACKGROUND/DISCUSSION:**

This item comes before your Board because the proposed General Plan Amendment (GPA), Amendment to Text (AT) and Amendment (Rezone) Applications are legislative actions requiring final approval by your Board. Consequently, final action by your Board is also required on the environmental documents prepared for the project, including certification of the Final Environmental Impact Report (EIR) and adoption of the Statement of Fact, Findings, and Overriding Considerations and the Mitigation Monitoring Program (MMP). Approval of the GPA and rezone would become effective 30 days after the Board's approval.

The Planning Commission considered this item at its public hearings of October 7, 2010 and October 21, 2010. Upon consideration of the project information and the public testimony, the Planning Commission voted seven to one to recommend to the Board of Supervisors certification of the Final EIR and adoption of the MMP and recommend to the Board of Supervisors approval of GPA No. 511 updating the Friant Community Plan and approval of the Friant Ranch Specific Plan (Alternative No. 3) and the Alternative Wastewater Treatment Plant location, recommend approval of AT Application No. 363 and Amendment Application (AA) No. 3751 and directed the Secretary to prepare a Resolution documenting the Commission's action.

On December 7, 2010, your Board conducted a hearing on this item hearing testimony from County staff, County consultants, the Applicant and those in favor of the project and those in opposition. Upon consideration of the public testimony and correspondence received prior to and during the hearing, your Board requested further clarification from staff and voted unanimously to continue the item to February 1, 2011, while leaving the public testimony portion of the hearing open to receive rebuttal and sur-rebuttal. Specifically, your Board requested clarification regarding the following items:

- Size comparison data (population, dwelling units, land area, growth rate) of the Friant proposal to small cities and other unincorporated Fresno County communities (specifically noted were Kerman, Mendota, Auberry, Biola, Caruthers, Easton, Riverdale, Squaw Valley and the Millerton Specific Plan); and
- Citing criteria for the Wastewater Treatment Plant (WWTP) in comparison to other WWTP (specifically Millerton Specific Plan – size and distance); and
- Benchmarks/thresholds for growth (specific comparison with the City of Kingsburg); and
- Discussion of the cumulative impacts analysis considering the Millerton Specific Plan; and
- Clarification of project vehicle trips; and
- Clarification regarding the assertion that wastewater will be dumped into the river; and
- Clarification regarding source of water for project (ground water vs. surface water); and
- Analysis of the five policy points raised in the letter submitted by Friends of Lost Lake.

In addition, your Board also directed staff to review and provide clarification regarding the comments provided in the written correspondence presented at the hearing, as well as the oral testimony. The responses to those issues are attached to this memo as Exhibit 1.

Below are the responses to the items for clarification raised by your Board:

*Size Comparison Data:*

Below is a table which includes information regarding the land area, population, number of dwelling units, population density, and growth rate. It should be noted, as discussed in the Agenda Item and during the December 7, 2010 hearing, the project as originally proposed encompasses a 942-acre plan area including 2,996 units of varying density, which accommodate primarily active adult (ages 55+) residents along with village center commercial uses, a recreation center and large undisturbed open space area of approximately 250 acres as well as parks and a trail system. However, during the EIR process and the required analysis of alternatives, aside from the no project alternative, Alternative No. 3 has been determined to be the most environmentally superior while still allowing development to occur. Alternative No. 3 accommodates 2,500 units (almost 500 less units than originally proposed). It should be noted that although the Friant Ranch Specific Plan Area encompasses 942 acres, under Alternative No. 3, 460 of those acres will be devoted to undisturbed open space, and 22 acres to re-vegetate open space slopes, thus resulting in only 460 acres of actual urban development. As a point of reference, the current size of the Friant community is 862 acres, approximately 300 acres of which is occupied by Lost Lake Park and the San Joaquin River zone open space.

Selected Unincorporated Communities	Acres	No. Dwelling Units (Census 2000)	2000 Census Population	2007 LAFCO MSR Pop. Data	Population Density/Acre	Annual Growth Rate
Friant (Existing)	862	226	778	***	.90	***
Friant (Additional – Alt 3)	942	N/A (*2,500)	N/A (*4,842)	***	***	***
Auberry	**	791	2,053	***	***	***
Biola	242	241	1,037	1,100	4.54	0.85%
Caruthers	361	602	2,103	2,331	6.45	0.14%
Easton	701	648	1,966	1,966	2.8	0%
Laton (Existing)	479	373	1,500	***	3.13	***
Laton (Pending Addition)	106	N/A	N/A (*3,150)	***	***	***
Riverdale	424	773	2,416	2,416	5.69	0%
Squaw Valley	**	1,160	2,691	***	***	***
*Millerton Specific Plan	1,420	N/A (*3,499)	N/A (*8,000 to 10,000)	***	***	***

Selected Cities	Acres	No. Dwelling Units (2010 Dept. of Finance)	2010 Dept. of Finance Population Estimate	2007 LAFCO MSR Pop. Data	Population Density/Acre	Annual Growth Rate (2000-10)
Kerman, City of	2,061	4,038	14,381	***	6.97	6.8%
Mendota, City of	2,096	2,310	9,966	***	4.75	2.6%

Source: State of California Department of Finance

Source: United States Bureau of the Census

\* Total Build-Out

\*\* No Established Boundary

\*\*\* No Data Available

Based on the table above, while the land area for the existing Friant and proposed Friant Plans total 1,804 acres, again almost 800 acres is designated as park, open space, slopes, etc. While the figures presented above for the other communities include parks and open space as well, staff does not have that specific data to present at this time. However, given the urban area proposed and the population projections, while the size of Friant would appear larger than some of the other communities noted above, there is not a General Plan Policy specifying that communities should be similar in size. Staff notes that aside from current land use designations, the General Plan does not designate any particular community for growth; rather, the General Plan assumes some growth will occur in the unincorporated communities and directs growth to those existing communities.

*Citing criteria for the WWTP (specifically Millerton Specific Plan – size and distance):*

The plant approved to serve the Millerton Specific Plan plant is designed to serve the Millerton Plan Area and Brighton Crest Subdivision and at maximum could serve approximately 40 percent of what would be necessary to serve the community of Friant (existing community and Friant Ranch). Due to space constraints on the Millerton plant, effluent storage and effluent disposal, it would not be feasible to expand the plant beyond its current design. Construction of a pipeline between the two plants is infeasible due to elevation, terrain and environmental constraints.

Specifically, the design on the Millerton Specific Plan plant presents operational constraints which are summarized below:

- The Millerton plant is an enclosed plant design and includes an emergency open pond for raw sewage in case of a plant malfunction. The plant is permitted for maximum 1.07 million gallons per day (MGD) which represents slightly over one-half the size needed for just Friant Ranch and the Friant community.
- Potential treatment level is “tertiary”, however, the Phase 1 plant (0.20 MGD) does not make use of tertiary filters. The plant is not on-line for treatment due to lack of development.
- Current disposal is by an evaporation pond at the plant site and no land disposal is currently permitted due to non-use of tertiary filters and lack of a recycled water distribution system.
- The distance from the Millerton WWTP to the Beck property is 3.7 miles (not taking into consideration terrain and existing road alignments), which is a significant distance, given that much of the land between the two sites is impacted by vernal pools, protected species and California Tiger Salamander habitat and as such any pipeline between the two facilities would raise additional environmental concerns.
- A raw sewage pipeline would have to cross the Friant-Kern Canal, raising additional environmental concerns due to the need for a pressurized pipeline under the canal.
- The Millerton WWTP elevation is 600 feet. The elevation difference between the two facilities is nearly 300 feet. Connection between the two facilities would require extensive pumping to move water from west to east.

Based on the above design factors, the Millerton Specific Plan WWTP would not be physically or financially feasible to be utilized to also serve any area of Friant and would likely increase the environmental impacts to the resources of the area.

The proposed Land Use Plan provides a location for a new Friant Wastewater Treatment Plant. As originally proposed wastewater would be collected and treated at a new facility constructed on the site of the existing wastewater treatment plant located on the northern boundary of the Village Center (the existing plant serves only the Millerton Village Mobile Home Park. The Plan proposes that the existing wastewater treatment plant in Friant be replaced with an expanded plant to accommodate specific plan development). However, as noted in the Board packet and during the December 7<sup>th</sup> hearing, during the environmental/project evaluation process it was determined that an alternative WWTP location is environmentally superior to the proposed project WWTP location and is best accommodated on a parcel located adjacent to Lost Lake Park referred to as the Beck Property.

Specifically, effluent disposal on the Beck Property provides use of a former 150-acre CEMEX gravel extraction site southeast of Lost Lake Park which was in operation as a gravel extraction operation since the 1920's and was recognized, approved and modified through a number of Conditional Use Permit Applications with an approved Reclamation Plan requiring the site to be returned to an agricultural use. As the WWTP location, a pipeline from Friant Ranch to the site would be constructed adjacent to existing roads. The effluent will be treated to Title 22 requirements for unrestricted use of recycled water. The positive attributes of the alternative WWTP are noted below:

- The plant will be enclosed, automated and designed to fully contain potential noise and odors, reduce visual impact to that of an architecturally-enhanced building. Treatment capacity will be adequate for Friant Ranch at build-out, plus the Friant community at currently-planned build-out. Treatment level is "tertiary," with effluent meeting Title 22 requirements for unrestricted reuse, allowing the planned land disposal.
- Effluent storage available at the Beck property is adequate for Friant Ranch plus the Friant Community at currently-planned build-out. No additional storage space will be needed.
- Effluent disposal will be by land application, both to crops at the Beck property and to landscape within Friant Ranch. Disposal space will be adequate to fully dispose all recycled water at full build-out without need for additional disposal space or river discharge (it should be noted that the California Regional Water Quality Control Board [RWQCB] discourages discharge to the San Joaquin River when land is available for reuse of the treated wastewater).
- The site is downhill from the community of Friant and Friant Ranch and will allow a gravity flow system.
- Locating the WWTP on the Beck property is consistent with the Reclamation Plan approved in conjunction with the former gravel extraction site to restore the site to agricultural use.
- The Beck Ranch location is privately funded on private land, with no public or County cost issues that may occur at an alternative WWTP location.

If the alternative WWTP location is approved, the lands comprising the currently proposed WWTP location would be developed as additional landscaping to enhance the Village Center. No additional commercial square footage or parking would be proposed under this Alternative. Therefore, given the location, elevation and current technology available, there are a number of positive attributes to the location, including the fact that at this location, treated effluent will not be discharged to the river due to the on-site availability of storage and irrigation capacity.

As noted during the December 7<sup>th</sup> hearing, prior to development of the WWTP, a separate land use permit (Unclassified Conditional Use Permit) must be approved which is subject to an environmental review and publicly noticed hearing. Issues related to specific design and layout will be evaluated in detail during that process. Based on the above information, it is recommended that the alternative WWTP location be approved as opposed to the original site proposed.

*Benchmarks/Thresholds for growth (specific comparison with the City of Kingsburg):*

The City of Kingsburg has had a General Plan policy regarding growth rate since 1988 which stipulated an average three percent (3%) growth rate for a five-year period. In November 2004, the residents of Kingsburg voted to formalize a maximum three percent (3%) growth rate which was implemented in June 2005.

In general, a maximum annual growth rate is established by jurisdictions in which the community has determined that additional growth beyond a certain level is not desirable based on perceived impacts to the character of the community, provision of services to residents, and impact to overall growth boundaries. In most cases, such a community has sufficient infrastructure and does not deem the fees and revenue received from development as necessary beyond the established growth rate. In the case of the proposed Friant Ranch project, staff has not observed, nor is aware that the current residents of the Friant community view the project with concern regarding the proposed growth as it relates to the character of the community, provision of services, and impact to overall growth. In addition, in order for the development to occur and be able to finance the costs of capital investment and construction, development must occur at a rate which can achieve an economy of a scale to sufficiently fund the development, proposed/required public improvements and address mitigation requirements. Therefore, the proposed Specific Plan does not include a maximum growth rate/benchmark as the project will be providing improvements for the entire community.

*Discussion of the cumulative impacts analysis considering Millerton Specific Plan:*

The EIR contains an assessment of the Project's cumulative impacts in accordance with California Environmental Quality Act (CEQA) requirements, including a consideration of impacts of past, present and reasonably foreseeable future projects. This analysis is contained on Pages 5-1 – 5-23 of the Draft EIR. The analysis includes a list of all projects in the vicinity that could have a presumed interaction resulting in a cumulative effect. Seventeen projects are identified in Fresno and Madera Counties including the Millerton Specific Plan, Brighton Crest, the area casinos, and the Rio Mesa projects in Madera County. The analysis covers all required CEQA topics as Chapter 3 of the Draft EIR from Aesthetics to Utilities and the recently required Greenhouse Gas analysis. As required by CEQA, the EIR examined the reasonable options for mitigating or avoiding any significant cumulative effects of the proposed project and details whether impacts, would be cumulatively considerable or less than cumulatively considerable.

*Clarification of project vehicle trips:*

Appendix D of the Draft EIR includes the comprehensive Traffic Impact Study (TIS) report prepared for this project. The Friant Depot planned land use per TIS Table 9.6 results in 3,157 daily trips. The Friant Ranch project, per TIS Tables 9.3, 9.4 and 9.5, provide the analysis for the original proposed Project. The Alternative No. 3 project proposed for approval with a

reduced housing unit count will result in an even lower amount of daily trips. Accounting for trip-capture reduction the same way as the three Table's reference above, the resulting revised calculation is approximately 15,814 daily trips. The resulting combined total of the Friant Ranch Specific Plan (with Alternative No. 3) and the Depot Parcel is 18,971 daily trips.

*Clarification regarding the assertion that wastewater will be dumped into the San Joaquin River:*

The Specific Plan originally proposed that the existing WWTP in Friant be replaced with a new tertiary plant in the immediate vicinity of the existing WWTP plant to accommodate Specific Plan development. As originally proposed, this expansion would have occurred within the Community Plan boundary. The original proposal included a component that the new WWTP discharge treated effluent into the river during winter months. It should be noted that the quality of treated effluent allows unrestricted application of this water on all landscaping. In addition, special/specific Water Quality Studies were conducted to study the potential for discharge to the river, which concluded that discharge would have no significant impact on aquatic life in the river (including potential salmon populations) or to the river itself. However, as discussed in the Staff Report and during the December 7, 2010 hearing, during the environmental/project evaluation process it was determined that an environmentally superior WWTP location would be on a parcel located adjacent to Lost Lake Park referred to as the Beck Property. This site is located further from the river, downhill from the Project and the community (i.e. utilizing a gravity feed system for the Specific Plan Area and with the potential for gravity collection from the remaining Project Area), and contains approximately 120 acres on-site that will be used both for winter storage of effluent and as a spray field to dispose of the effluent, therefore not requiring/proposing any discharge into the river. As previously mentioned, the RWQCB discourages discharge to the San Joaquin River when land is available for reuse of the treated wastewater. Under the alternative WWTP location, as proposed by the Applicant and recommended by the Planning Commission, there will be no discharge to the river.

*Clarification regarding source of water for project (ground water vs. surface water):*

As explained in response to Comment 19.1 in the Final EIR, the source of water for the project is surface water stored behind Friant Dam, which the Lower Tule River Irrigation District (LTRID) is transferring to Water Works District 18 (WWD 18) for use within the project. As explained in responses to Comments 19.134 and 19.136, the proposed transfer will not result in any negative impacts to LTRID growers or their underlying groundwater basins. Rather, the LTRID proceeds from the transfer will be used to operate additional water distribution systems and additional groundwater recharge facilities, as well as to purchase short-term water from other Friant Division contractors on a year-to-year basis when needed. These additional facilities and potential short-term water purchases allow the District to take in more surface water in big water years and at flood times for groundwater recharge.

*Analysis of the five policy points raised in the letter submitted by Friends of Lost Lake:*

Prior to the December 7, 2010 hearing, staff received the proposed policy modifications and new proposed policy and met with the Friends of Lost Lake to discuss their proposed modifications/additions. As presented at the December 7<sup>th</sup> hearing, staff has reviewed the proposal and has concluded that the edits proposed for the four Policies noted by the Friends of Lost Lake are minor in nature and can be accommodated. Specifically (in the order presented in the letter to your Board [with proposed edits noted]):

Policy 1.6 -

*"Create pedestrian linkages across Friant Road that will allow ~~uninterrupted~~ pedestrian trail connections between Lost Lake Recreational Area/San Joaquin River Parkway and new development east of Friant Road".*

Staff has reviewed the proposed modifications and has concluded that the proposed edit is a refinement and can be administered, if adopted. Therefore, staff does not have concerns with the proposed modification.

Policy 2.4 -

*"Emphasize protecting and restoring sensitive habitats and wildlife corridors along the banks of the San Joaquin River and facilitate this area to be used as a wildlife corridor".*

Staff has reviewed the proposed modifications and has concluded that the proposed edit is a refinement and can be administered, if adopted. Therefore, staff does not have concerns with the proposed modification.

Policy 1.3 -

*"Enhance the Community of Friant's position as a recreation area of regional significance through ~~coordination and marketing of the Lost Lake Recreational Area and Millerton Lake~~ the development of new recreational opportunities".*

Staff has reviewed the proposed modifications and has concluded that the proposed edit is a refinement and can be administered, if adopted. Therefore, staff does not have concerns with the proposed modification.

Policy 5.4 –

*"Support, ~~when feasible, the establishment of additional public recreational opportunities at Lost Lake Recreational Area~~ that are consistent with the Parkway master Plan and planning for Lost Lake Park".*

Staff has reviewed the proposed modifications and has concluded that the proposed edit is a refinement and can be administered, if adopted. Therefore, staff does not have concerns with the proposed modification.

Proposed Policy 10.2 –

*"Support the San Joaquin River Parkway Master Plan and recreational uses within parklands west of Friant Road that are consistent with the natural, cultural and aesthetic resources of the San Joaquin River".*

The proposed policy, as written, does not present a conflict with the proposed Community Plan Update. Staff does note that Policies LU-C.2 and LU-C.3 of the existing General Plan Policies related to the San Joaquin River Overlay provide for a range of uses including some commercial and mining activities. It should also be noted that the General Plan OS-H.11 states that the County shall support the policies of the San Joaquin River Parkway Master Plan as habitat,



recreational amenity, aesthetic resource and water source. The proposed policy appears similar to and/or supplemental to the existing General Plan Policy. Regardless, the proposed Community Plan Update is consistent with the intent of the General Plan Policies. Therefore, staff does not have concerns with the proposed policy.

ADDITIONAL BACKGROUND INFORMATION:

The Draft EIR includes a project description and information regarding the environmental setting, a discussion of potential environmental impacts, and an examination of project alternatives. The Draft EIR analyzed potentially significant environmental impacts in the following areas: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services and Recreation, Transportation/Traffic, Utilities and Service Systems, and Greenhouse Gases/Global Climate Change. While most of the identified impacts can be mitigated to a level that is less than significant through Mitigation Measures included in the Draft EIR, the following impacts are considered significant and unavoidable:

- Agricultural Resources - The proposed re-designation of 900 acres of grazing land within the Friant Ranch Specific Plan Area currently zoned for agriculture is a significant and unavoidable impact. The proposed conversion of approximately 482 acres, including roads and trails (under Alternative No. 3) will conflict with the existing agricultural zoning.
- Air Quality - Emissions during Phases 1 and 2 of the Friant Ranch Specific Plan will exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. At build-out of the Friant Ranch Specific Plan and Community Plan Update, the primary source of emissions will be from vehicles. Impacts will be lessened by policies of the Specific Plan and Community Plan that promote alternative transportation, air quality mitigation for new development, and strategies to minimize vehicle trips. However, there are no known additional feasible Mitigation Measures that will reduce the impact to a less than significant level.
- Traffic – Multiple road segments and intersections will be impacted by the proposed development resulting in a Level of Service (LOS) below the adopted standards.
- Noise – The project will result in significant and unavoidable off-site traffic related noise impacts to existing homes.
- Aesthetics – The project will have a cumulatively considerable contribution to the overall aesthetic impact of past, present and foreseeable development in the surrounding area.

As previously noted, GPA, AT and AA applications are legislative actions requiring final approval by your Board on these applications including the associated environmental documents.

If your Board determines that the EIR prepared for the project is complete and complies with the requirements of CEQA, your Board should make a motion to certify the Final EIR, adopt the Statement of Facts, Findings and Overriding Considerations and the Mitigation Monitoring Program. If your Board determines that the proposed GPA, AT and AA to update/rezone the Friant Community Plan and Friant Specific Plan are consistent with the General Plan, a motion to approve General Plan Amendment No. 511 (as the first amendment of the Fresno County General Plan of 2011), Amendment to Text Application No. 363 and Amendment Application No. 3751 would be appropriate. If your Board determines that General Plan Amendment No.

511, Amendment to Text Application No. 363 and Amendment Application No. 3751 are not consistent with the General Plan, denial of the applications would then be appropriate citing the reasons for denial and the proposal's inconsistency with the Fresno County General Plan.

OTHER REVIEWING AGENCIES:

As indicated in the packet for the December 7, 2010 hearing, on October 3, 2007, the County distributed to public agencies and interested citizens a Notice of Preparation (NOP) of an EIR for the project. The NOP Scoping Meeting was held on October 17, 2007, at the Friant Elementary School. The notice of the Scoping Meeting was sent to residents of Friant and surrounding property owners. A Scoping Meeting, as recommended in Section 15083 of the California Environmental Quality Act (CEQA) Guidelines, was advertised in the Mountain Press. The purpose of the meeting was to receive input from the agencies and community residents on issues that should be addressed in the EIR, the Community Plan and the Specific Plan.

Fresno County, as the Lead Agency, circulated the Draft EIR for the project from October 30, 2009 through December 15, 2009. The Notice of Availability (NOA) for the Draft EIR was published in the Fresno Bee and posted at the Fresno County Clerk's Office on October 30, 2009. Pursuant to public notice, a Community Meeting was held on December 9, 2009 at the Friant Elementary School to receive input from the community residents on the Draft EIR, Specific and Community Plans.

REVERENCE MATERIAL:

Advanced Agenda Material, August 24, 2010

BAI #14, December 7, 2010

**EXHIBIT 1**

Written Comments	Oral Testimony in opposition (BOS 12/7/10)
<b>Letter 1</b> – Sharon Weaver, San Joaquin River Parkway and Conservation Trust	<ul style="list-style-type: none"> <li>• Dave Koehler</li> <li>• Sharon Weaver</li> <li>• Mary Savala</li> <li>• Radley Reep</li> <li>• Chris Acree</li> <li>• Claire Craiger</li> <li>• Sarah Sharp</li> <li>• Chip Ashley</li> <li>• Robert Merrell</li> </ul>
<b>Letter 2</b> – Chris Acree, Revive the San Joaquin	
<b>Letter 3</b> – Mary Savala, Friends of Lost Lake Park	
<b>Letter 4</b> – Dave Koehler, San Joaquin River Parkway and Conservation Trust	
<b>Letter 5</b> – City of Fresno	
<b>Letter 6</b> – Radley Reep, Friends of Lost Lake Park	

**WRITTEN COMMENT LETTERS**

**Board of Supervisors Comment Letter 1**

Sharon Weaver  
 San Joaquin River Parkway and Conservation Trust  
 11605 Old Friant Road  
 Fresno, CA 93730

**Comment 1-1:** *The San Joaquin River Parkway and Conservation Trust (Trust) has reviewed the Final Environmental Impact Report for the Friant Ranch Community Plan Update, Friant Ranch Specific Plan and associated General Plan amendments and zoning changes. We have two significant concerns about the project.*

**Response 1-1:** General introductory comment. See Responses to Comments 1-2 through 1-4 below.

**Comment 1-2:** *First, we strongly object to the alternative location (the applicant's preferred location) of the wastewater treatment plant on the Beck property, west of Friant Road. Although the alternative location places the treatment plant slightly farther away from the San Joaquin River when measured in feet, the topography and open space character of the land will be significantly blighted by the intrusion of the large treatment plant. The San Joaquin River Parkway is a major regional attraction – it seems inappropriate to set the precedent for wastewater treatment in the river bottom adjacent to Lost Lake County Park. We request that any project approvals be contingent upon the use of the original Wastewater Treatment Plant location as analyzed in Appendix G of the DEIR.*

**Response 1-2:** Section 4.7 of the EIR determined that the alternative wastewater treatment location at the Beck Property was environmentally superior to the original location. The commenter suggests that the treatment plant would be an “intrusion” that would blight the “major regional attraction” of the San Joaquin River Parkway. However, there is no evidence in the record to suggest that the alternative treatment plant location would cause blight. Rather, considerable testimony in the record has focused on the fact that the proposed design, similar to the new City of Clovis plant, includes an architectural design

appropriate for the area and consistent with the proposed themes of the Specific Plan area. The alternative location is not a part of the San Joaquin River Parkway or Lost Lake Park. Further, considerable testimony in the record has explained that the physical characteristics and topography of the alternative treatment plant location are such that a large berm will create a visual barrier between the plant and Lost Lake Park. Contrary to the commenter's assertion, there is no evidence in the record to suggest that locating the Project's wastewater treatment plant west of Friant Road will result in future proposals to locate wastewater treatment facilities next to the park or the river.

As explained within section 4.7 of the DEIR, the proposed alternative wastewater treatment location is already highly disturbed as a former gravel quarry, and the wastewater facility will occupy only a few acres of the large Beck property, reach a height lower than the berm to the west and north of the proposed site location, and be screened by landscape. As discussed in the EIR and evidenced by visual images displayed by the applicant at the hearings, the landscaping and existing 12-foot berm will minimize any visual impact of the treatment building. The letter offers no evidence that would contradict the County's evidence and EIR findings of no significant impact from locating the wastewater treatment plant on the Beck property. Further, the letter offers no evidence that would contradict the County's evidence and EIR findings that locating the plant on the Beck Property will be better for the environment than locating it on the project site.

**Comment 1-3:** *Second, the project will receive a direct real property benefit from Lost Lake Park and the San Joaquin River Parkway, The project's main entrance drive is immediately opposite the entrance to Lost Lake Park, and the project will include many trail connections to Lost Lake Park. Accordingly, the County should require a fair-share contribution to Lost Lake Park operations and maintenance from Friant Ranch, since the residents will be significant users and reap the property value benefits associated with their close proximity to the park. We request that any project approvals be contingent upon the inclusion of a fair-share contribution to Lost Lake Park operations and maintenance.*

**Response 1-3:** The County-owned portion of Lost Lake Park (190 acres) is part of a large, regional facility. There is no evidence in the record to suggest that Lost Lake Park is used at or near its capacity, nor that it will be with the Project. Rather, as discussed in Response to Comment 19-90 of the FEIR, the current County-owned improved parkland (Lost Lake Park) exceeds the County's population ratio within the Friant Community (after full build out under the Friant Community Plan Update and Friant Ranch Specific Plan), and the Project-specific parkland dedication for the Friant Ranch Specific Plan exceeds the Quimby Act ratio of 3 acres to 1,000 residents. Chapter 3.12 of the EIR found that the Project does not have the potential to result in significant impacts to parks and concluded that the Project is consistent with the San Joaquin River Parkway Master Plan. (See also FEIR, Response to Comment 16.1.) The EIR did not identify any adverse impacts to Lost Lake Park from use by Friant Ranch residents. As a matter of standard County policy, every residential unit within the Project will have to pay a fair share fee for impacts to County facilities as a requirement of the County Ordinance Code Chapter 17.90 – Public Facilities Impact Fees, which was adopted to ensure that new development pays its fair share toward the costs of public facilities needed to serve the population resulting from the new development (it should be noted that in October 2010 your Board voted to suspend the requirement for the fee for two years). The current fee schedule is \$4,399 per single-family unit, with \$65 included for parks, and \$3,232 per multi-family unit, with \$48 included for parks. In light of the EIR findings and the compliance with existing County standards for acceptable park to population ratios, there would be no basis for requiring any additional type of fee specific to Friant Ranch. Friant Ranch residents will also contribute to the upkeep of the park through their property taxes, along with the other residents of the County.

**Comment 1-4:** *Thank you for your consideration of these comments. We will appreciate the opportunity to make additional comments on the project at the December 7, 2010 meeting. If you have any questions or need additional information, please contact me at 559-248-8480 extension 105, or sweaver@rivcrparkway.org.*

**Response 1-4:** Closing comments warranting no response.

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### **Board of Supervisors Comment Letter 2**

Chris Acree  
Revive the San Joaquin

**Comment 2-1:** *Revive the San Joaquin is submitting this list of suggested mitigation measures to be considered at the approval hearing for the Friant Ranch Project. In order for the project to comply with CEQA and meet a minimum standard for compliance with the General Plan, we request that these mitigation measures be considered and incorporated into your final approvals for the project.*

**Response 2-1:** Contrary to commenter's general assertions, the DEIR/FEIR satisfy CEQA requirements. As discussed in responses to comments 18.3, 19.16, 19.17, 19.21, 19.134, and 19.136 of the FEIR, the Project is consistent with the Fresno County General Plan. As such, no further mitigation is required. See also responses to comments 2-2 through 2-5 below.

**Comment 2-2:** *Wastewater and Stormwater. Ensure wastewater and stormwater do not enter the river directly without adequate treatment to protect fish and wildlife, especially those species covered under the Endangered Species Act (ESA). Construct off-stream infiltration basins or engineered wetlands, implement advanced treatment of wastewater using reverse osmosis as identified in the EIR, identify lands capable of accepting recycled water applications and assess impacts, and for downsize project so that application of recycled water consistent with potential irrigable acreage.*

**Response 2-2:** A number of the proposed "mitigation" measures for wastewater and stormwater impacts are already otherwise provided for in the proposed Project, with the incorporation of Alternative 3. Each topic raised by Comment 2-2 is addressed in turn below.

2-2a. Wastewater. The applicant proposes no discharge of treated wastewater to the San Joaquin River. Further, discharge of treated wastewater is subject to the regulatory authority of the Central Valley Regional Water Quality Control Board (RWQCB). Prior to use of the proposed wastewater treatment plant, the applicant must secure RWQCB approval. As such, the RWQCB is a responsible agency for the EIR. As explained in the RWQCB comment letter on the EIR (see FEIR, Appendix P – Letter 25 & FEIR Responses to Comments in Letter 25), RWQCB prefers and strongly encourages reclaimed use as is being proposed with the reclamation of the Beck property for agricultural uses from gravel mining. RWQCB discourages discharge to the San Joaquin River when land is available for reuse of the treated wastewater. Consistent with RWQCB policy and specific directive for this Project, the applicant proposes to use all treated wastewater for irrigation of the Beck Property, and for landscaped public open spaces (excluding the undisturbed open space area conserved under conservation easement) and streetscapes within the Specific Plan area. The Project Engineers and Geologist at Provost & Pritchard conducted a water balance analysis on the Beck Property and proposed reclamation lands within the Specific Plan area to ensure that the identified lands have sufficient capacity to use all of the treated wastewater for irrigation. As such, downsizing the Project or identifying additional lands is not necessary. Notably, however, the

environmentally superior Alternative 3 already “downsized” the Project by nearly 500 units and reduced the proposed development area by approximately 200 acres.

The applicant’s original project proposal had included the possibility of limited discharge of winter effluent to the river. As such, the project description within the EIR included land disposal and river discharge as possible discharge scenarios. The EIR includes technical expert analysis of those impacts, including both a dilution study prepared by Larry Walker & Associates (DEIR Appendix L), and a study of potential impacts of such discharge on potential salmonid populations in the river prepared by RBI, Inc (DEIR Appendix G). Although the use of the Beck Property eliminates the need for winter river discharge, both studies found that the original proposal would have had no significant adverse impact on the river or potential salmonid populations. As such, no additional mitigation would have been necessary.

The commenter mentions treatment of wastewater by “reverse osmosis as identified in the EIR.” The EIR does not call for reverse osmosis treatment of wastewater. Rather, it calls for treatment of wastewater to Title 22 standards for unrestricted reuse, often referred to as “tertiary” treatment. Reverse osmosis treatment is not required by any Federal or State regulation in order to secure a permit for unrestricted reuse of effluent, which the recommended alternative proposes. Further, the process is not utilized at municipal wastewater treatment plants because the expense of reverse osmosis is not feasible for such facilities.

2-2b. Stormwater. Stormwater will be detained on site and treated using best management practices in accordance with US EPA and applicable State Water Resource Control Board requirements. Storm water will be partially disposed on site by retention and percolation in bioretention facilities. This proposal is fully described in the Specific Plan and Infrastructure Master Plan (DEIR Appendix N), and is discussed in the EIR. Storm water flows will be managed with environmentally superior Low Impact Development facilities, detained on site and, to the extent necessary, released to existing drainages at pre-development flow rates, just as existing storm flows from the site are now, so as to not increase storm flow impacts downstream.

The commenter requests construction of off-stream wetlands or infiltration basins, --the suggested basins are exactly what the Project proposes with its LID facilities. No wetlands will be constructed because they are not practical for the particular location and unnecessary because bio-retention facilities will provide infiltration to the extent practical.

**Comment 2-3:** *Loss of Agricultural Lands. Facilitate 1:1 offset for lost agricultural lands through farmland conservation easement.*

**Response 2-3:** The Project substantially exceeds the commenter’s proposed mitigation of agricultural lands. As discussed in Response to Comment 18-3 in the FEIR, the proposed Specific Plan development, with the incorporation of the Alternative 3, involves the conversion of approximately 443 acres of agriculturally zoned rangeland to non-agricultural use. Approximately 482 acres of existing rangeland on the subject property will be preserved in perpetuity, along with over 1,000 acres of offsite rangeland for a total preservation of more than 1,500 acres of rangeland open space. The DEIR includes mitigation measures that will ensure more than the requested 1:1 offset for lost rangelands through conservation easement. For example, Mitigation Measure 3.4.1d states as follows:

Prior to issuance of a grading permit for all or any portion of the project site, the project applicant will preserve grassland habitats suitable for CTS aestivation under conservation easement at a

minimum ratio of two acres of habitat preservation for every acre of such habitat directly or permanently disturbed by project grading and construction....

The applicant currently owns specific rangeland properties available for mitigation purposes, which are identified in the EIR at Tables 3.4-2 and 3.4-3 and further illustrated in Figure 3.4-7. Pursuant to the non-jeopardy Biological Opinion issued to the applicant by FWS for the subject Project, the applicant must transfer conservation easements in each of the subject conservation properties to a FWS-approved land trust and manage the rangelands through active cattle grazing in accordance with a FWS-approved grazing management plan. The total amount of the FWS-required mitigation property is over 1,500 acres of rangeland, which will provide greater than a 3:1 offset for rangeland converted to non-agricultural uses. The applicant is in negotiations with the Sierra Foothill Conservancy to hold the proposed easements. As such, the Project substantially exceeds the commenter's proposed mitigation of agricultural lands.

**Comment 2-4:** *Air Quality and Transportation. Downsize project or implement enforceable Transportation Control Measures (TCMs) and Congestion Management Strategies that reduce the impacts to a less than significant level. Purchase emission reduction credits for offsite emission reductions.*

**Response 2-4:** As noted in the DEIR under section 3.3.1, p. 3-29, and Response to Comment 32.25 in the FEIR, p. 3-268, the Project is subject to and will comply with the San Joaquin Valley Air Pollution Control District's (the District) Rule 9510 (Indirect Source Review, or ISR) requirements, including payment of off-site emission reduction fees for any required construction or operational emissions not reduced on site. ISR requires development projects to mitigate emissions from project construction and operation. (San Joaquin Valley Air Pollution Control District, Rule 9510, §§ 1.0, 6.0.) ISR also requires payment of off-site emission reduction fees for any required construction or operational emissions not reduced on site. (*Id.* at Rule 9510, § 7.0.) Additionally, as noted in Response to Comment 32.24 in the FIER, p. 3.268, the Applicant will discuss with the District the use of a Voluntary Emission Reduction Agreement (VERA) to mitigate air impacts of the Project.

**Comment 2-5:** *Cumulative Impact Assessments. Conduct a cumulative impact assessment for regional wastewater, transportation, and air quality impacts similar in scope to that needed to implement a regional or area plan for growth in the unincorporated areas of the County near Friant.*

**Response 2-5:** The EIR contains an assessment of the Project's cumulative impacts in accordance with CEQA requirements, including a consideration of impacts of past, present and reasonably foreseeable future projects. (See DEIR, pp. 5-1 – 5-23.) The Project does not include a "regional or area" plan for all growth near Friant. CEQA does not require that the Project EIR speculate as to potential impacts of future regional or area planning processes for growth in the Project vicinity.

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### Board of Supervisors Comment Letter 3

Friends of Lost Lake Park  
c/o Mary Savala  
7490 N. Toletachi Rd.  
Fresno, CA 93711

**Comment 3-1:** *The Friends of Lost Lake Park is a coalition of individuals and organizations who support the goals of the San Joaquin River Conservancy and the San Joaquin River Parkway and Conservation Trust.*

**Response 3-1:** The comment is introductory in nature and is noted. No response warranted.

**Comment 3-2:** *We are writing this letter to encourage the Board of Supervisors to assist the Parkway and the plan for Lost Lake Park by modifying four policies proposed for the Friant Community Plan Update and by including an additional policy in support of the Parkway Master Plan. These modifications are explained in detail on the accompanying page.*

**Response 3-2:** The proposed policy language changes are minor in nature and without environmental consequence and can be accommodated. Please see Responses 6-7 through 6-11 below.

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#### **Board of Supervisors Comment Letter 4**

Dave Koehler  
San Joaquin River Parkway and Conservation Trust  
11605 Old Friant Road  
Fresno, CA 93730

**Comment 4-1:** *On behalf of the San Joaquin River Parkway and Conservation Trust, I am writing to provide additional information regarding our concerns related to Friant Ranch project impacts to existing parks and recreation facilities.*

**Response 4-1:** General introductory comment. No response warranted.

**Comment 4-2:** *The Final EIR for Friant Ranch does not evaluate the increased demand for use of existing parks and recreation facilities immediately adjacent to the site, which include Lost Lake Park, the San Joaquin River Parkway, and Millerton State Recreation Area. The FEIR, under discussion of impact #3.12.4-Increased Demand on Parks and Recreation, inappropriately relies solely on the internal parks and recreation facilities that are part of the new project.*

**Response 4-2:** See Response to Comment 1-3 above. There is no evidence to contradict the findings within Chapter 3.12 of the EIR that the Project will not result in significant impacts to Lost Lake Park, the San Joaquin River Parkway, and Millerton State Recreation Area.

**Comment 4-3:** *The FEIR unreasonably concludes that there is no impact to existing park facilities from a project that will place 2,500 new dwelling units at a site that is surrounded by the County's richest area of easily accessible public lands.*

**Response 4-3:** See Response to Comment 1-3 above.

**Comment 4-4:** *For these reasons, we respectfully request that Fresno County add the following mitigation measure and condition of approval to the project:*

- 1) *Add the following Mitigation Measure: Prior to issuing a building permit, a study shall be conducted to determine an adequate impact fee to mitigate the project's pro rata share of increased demand of parks and recreation facilities on Lost Lake Park, the San Joaquin River*



- Parkway, and Millerton State Recreation Area; and a fee payment shall be made to Fresno County.*
- 2) *Add the following Condition of Approval: Prior to issuing a building permit, the applicant shall work with the County of Fresno to establish a Benefit Assessment District that provides for the project's pro rata share of annual maintenance and improvement costs for Lost Lake Park, the San Joaquin River Parkway, and Millerton State Recreation Area.*

**Response 4-4:** See Response to Comment 1-3 above. There is no evidence to suggest any potentially significant impacts to Lost Lake Park, the San Joaquin River Parkway, or Millerton Lake State Recreation Area resulting from the Project. As such, conducting a fair share study or creating a new benefit assessment district is not appropriate or necessary.

**Comment 4-5:** *In summary, we believe the FEIR has not adequately evaluated the impacts of the project resulting from increased demand on existing public parks and recreation lands in the proximity of Friant. The County of Fresno has the ability to mitigate for these impacts and we request these measures are implemented.*

**Response 4-5:** See Response to Comments 4-2 through 4-4 immediately above.

**Response to Attachments:** Commenter provided materials identifying the public parks in the Project vicinity as well as information about fee assessments. Nothing within the attachments provides any evidence of significant impacts to parks or public recreation areas resulting from the Project. No response warranted.

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#### **Board of Supervisors Comment Letter 5**

City of Fresno  
James C. Sanchez  
2600 Fresno St.  
Fresno, CA 93721

**Comment 5-1:** *The City of Fresno ("City") thanks the County of Fresno for the opportunity to comment on the County's proposed approval of the Friant Community Plan Update and Friant Ranch Specific Plan Project ("Project" or "Friant Ranch Project"). The City previously submitted a letter, dated December 15, 2009, in which the City commented on the Draft Environmental Impact Report ("DEIR") for the Project. The purpose of this correspondence is to again express the City's strong concerns about the Project. As the City previously stated in its comments on the DEIR, this Project represents a huge expansion of urban growth in an area of the County that does not have the infrastructure or public facilities to support it. If this Project is approved, it will do the following:*

- 1. Expand the Friant Community Plan Area from its current size of 585 acres to 1,505, nearly tripling its size;*
- 2. Rezone over 900 acres of agricultural land to urban residential and commercial uses;*
- 3. Significantly increase the number of housing units from 236 to 3,000; and*
- 4. Substantially increase the population from approximately 519 to 6,000.*

**Response 5-1:** Commenter states that the “Project represents a huge expansion of urban growth in an area of the County that does not have the infrastructure or public facilities to support it.” These allegations are inconsistent with evidence in the record to the contrary. (See FEIR, Response to Comment 32.12.)

Contrary to the assertions made within item 1 of Comment 5-1 and according to County records, the Existing Friant Community Plan Area comprises approximately 862 acres (not 585 acres). Though the total land area within the Community Plan Area would increase to include the entire 942-acre Specific Plan Area, approximately 482 acres of the Specific Plan Area will be conserved in permanent open space.

Contrary to the assertions made within item 2 of Comment 5-1, the Project will rezone approximately 460 acres (not 900 acres) to urban residential and commercial uses and approximately 482 acres to open space (for continued use as grazing land pursuant to conservation easement).

**Comment 5-2:** *Though this has been described as a "senior" or "retirement" housing project, it does not fit that definition. The proposed age restrictions would apply to only 80% of the units and the age restrictions would require that only one person 55 years of age or older live in the age restricted units. The other residents of the age restricted units could be of any age. Furthermore, according to a recent study of 10,000 U.S. worker's investment accounts reported on by the USA Today on December 3, 2010, that because of the recession, employees will have to continue to work at least two years longer, or until 73, in order to retire comfortably. Based upon this new data, the Friant Ranch Project has the potential to be another housing development for individuals working in the cities of Clovis and Fresno, as there are no significant employment opportunities in Friant, nor are any planned as part of this Project.*

**Response 5-2:** Federal law mandates that active adult communities may only limit occupant ages for 80% or fewer of units. (See DEIR, 2-9 – 2-12; see also FEIR, Response to Comment 19.11, pp. 3-21 – 3-22.) The ITE codes cited by the Traffic Impact Study analyze similar communities that adhere to the same federal law. As such, the Project fits the ITE 251 and 252 definitions for such communities. (See FEIR, Response to Comment 9.11.)

Furthermore, whether residents of the Friant Ranch community must work on average an additional two years prior to retirement makes little or no difference to the impact analysis. As explained by the County traffic engineers at the Planning Commission hearing on the Project, the ITE Codes (Codes 251 and 252 applying to active adult housing) used for calculating transportation impacts were updated in 2008 without any considerable change, well into the economic recession that has resulted in delayed retirements. In fact, ITE Codes 251 and 252 recognize that some residents of active adult communities will continue to commute to employment.

The comment mischaracterizes the potential employment opportunities created by the Project. The construction of the Friant Ranch Specific Plan is expected to create employment for approximately 660 workers annually over the 10-year buildout period earning a total of \$264 million in employee income or an average of \$40,000 annually per worker. (Economic & Planning Systems, Inc., Friant Ranch Economic Impact Analysis (June 11, 2010), p. 4.) The Friant Ranch Specific Plan development will also generate additional capital income of approximately \$139 million including proprietary income, interest payments, rent, royalties from contracts, dividends, and corporate profits. (*Id.*) The additional output stimulated from household spending of residents within the Friant Ranch Specific Plan Area would support approximately 760 new jobs (part-time and full-time) in the County earning \$23 million in employee income annually, an average of \$31,000 annual income per worker. (*Id.* at 6.)

**Comment 5-3:** *Furthermore, this Project is being proposed in an area that currently does not have any of the infrastructure or public improvements to support such a major development. As detailed in the 103-page Friant Ranch Infrastructure Master Plan, this Project will require construction of enough infrastructure and public facilities to supply a small city. And although the Project applicant will be required to initially construct these improvements, it is unclear who will be responsible for the long term maintenance of these facilities, especially if the development doesn't work out as planned. The City has learned the hard way that the property tax generated by residential development doesn't come close to covering the costs and expenses associated with providing services (including police and fire services) to those developments.*

**Response 5-3:** The comments about construction and long-term maintenance of “infrastructure and public facilities” do not provide any information relevant to environmental impacts from the Project and, as such, do not warrant further response. As explained in Chapter 2 of the DEIR, however, the applicant will enter into a utility service agreement with Water Works District 18 that will address the construction and long-term operation of the Project infrastructure.

The Project does not rely solely on standard property taxes to pay anticipated operation & maintenance expenses for the necessary water and sewer infrastructure. Water Works District 18 will bill residents of the Project with water and sewer charges commensurate with those operating and maintenance expenses, as is typical in other jurisdictions. Since the water and wastewater facilities will be built in multiple phases, the cost burden for the initial users will not be out of proportion to the number of benefited users. Costs can be expected to increase generally in proportion to the number of completed and occupied units.

As noted on pp. 3-266 – 3-267 of the DEIR and in FEIR, Responses to Comments 19.85 and 19.88, prior to issuance of building permits, the Project will establish a CFD to provide the funding necessary to maintain adequate staffing and facilities to serve the Project with fire protection services and will pay fees in accordance with Mitigation Measure 3.12.2 to provide additional law enforcement services required as the proposed project develops. (See DEIR pp. 3-266-3-267; FEIR, Responses to Comments 19.85 and 19.88.) As discussed in the EIR and at the Planning Commission hearings for the Project, the mitigation payment amounts are based on established local government standards applied to determine the appropriate service level needed.

**Comment 5-4:** *As such, contrary to the statements in the Staff Report to the County Board of Supervisors, this Project does not represent the implementation of "smart growth" principles. It reflects the exact opposite: Implementation of planning principles characterized by greenfield, leapfrog and otherwise unsustainable development. In short, this Project runs contrary to at least two key principles of "smart growth;" (1) Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas; and (2) Strengthen and Direct Development Towards Existing Communities. This Project fails on both accounts.*

**Response 5-4:** The Project embraces and promotes important San Joaquin Valley Blueprint or “smart growth” principles. Contrary to the assertions within Comment 5-4, the Project proposes to conserve approximately 482 acres of rangeland open space within the Specific Plan Area (in addition to offsite open space areas) and is intended to revive the immediately adjacent existing unincorporated community, a majority of which falls within the County’s only redevelopment area.

Further, the Project embraces the “smart growth” concept of clustering development to preserve open space and protect natural resources, directs development toward existing communities, creates walkable

and bikable neighborhoods, fosters distinctive, attractive communities with a strong sense of place, and supports actions that encourage environmental resource management. The Project implements these principles by providing nearly 13 miles of pedestrian/bicycle facilities, neighborhood trails and local retail linkages and linkage to regional trails as well as a community technology focus for telecommuting and intranet connectivity. (See also DEIR, p. 3-387.)

**Comment 5-5:** *As identified in the section of this letter identifying procedural violations in the County's hearing of this Project, this Board is barred by law from approving the Project at its December 7, 2010 hearing for improperly failing to notice that hearing after the County Planning Commission reviewed the Project. Before the Board again considers approving the Project, the City respectfully requests that the County revise its environmental review consistent with the City's comments (in both this letter and the City's letter commenting on the DEIR). The City hopes the Board will ultimately decided [sic] to deny, or, at the very least, fully mitigate the environmental impacts of this Project.*

**Response 5-5:** General introductory comment not raising any substantive environmental issues. No response warranted. See Response to Comment 5-31 below pertaining to hearing notices.

**Comment 5-6:** *The Friant Ranch Project Is Inconsistent With The Fresno County General Plan ("CGP"): In section 3.9.1 of the Draft Environmental Impact Report ("DEIR"), entitled -"Regulatory Setting, related to Land Use and Planning," the County acknowledges that State law requires that all land use actions be consistent with the locally adopted general plans and that such land use actions include the adoption of specific plans, approval of rezoning applications, subdivision maps and other discretionary actions such as conditional use permits. For a project to be legally consistent with an operative general plan it will further the objectives and policies of the general plan and not obstruct their attainment considering all its aspects. (See Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County (1998) 62 Cal.App.4th 1332, 1336.) Furthermore, the question is not whether there is a direct conflict between some mandatory provision of a general plan and some aspect of a project, but whether the project is compatible with, and does not frustrate, the general plan's goals and policies. (Napa Citizens for Honest Government v. County of Napa (2001) 91 Cal.App.4th 342, 378.) In determining whether there is substantial evidence to support the finding that the project is consistent with the General Plan, a court will reverse a local governing body's determination of consistency with a general plan if the court concludes that a reasonable person examining the same evidence that was before the local governing body could not have reached the same conclusion, (See No Oil, Inc. v. City of Los Angeles (1987) 196 Cal.App.3d 223, 243.)*

*With regard to compliance with the California Environmental Quality Act, the DEIR acknowledges that a project causes a significant impact on the environment when it:*

*Conflicts with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*

*For the reasons set forth below, the evidence before the Fresno County Board of Supervisors does not support a conclusion that this Project is consistent with the County's General Plan. As such, this Project cannot be approved unless the County's General Plan is amended to accommodate this type of project. Furthermore, this Project's fundamental inconsistency with the County's General Plan results in a fatally flawed Final ER for this Project.*

**Response 5-6:** The comment states, without any rationale or evidentiary support, that the Project is inconsistent with the County General Plan. Instead of providing any factual basis for this assertion, the

comment recites legal authority regarding policy consistency to support its assertion. Consistent with the legal authority cited within Comment 5-6, substantial factual evidence before the County and within the EIR supports the finding that the Project “is consistent with the overall intent of the General Plan and other applicable planning documents.” (See DEIR, p. 3-234; see also, e.g., FEIR, Responses to Comments 18.3, 19.16, 19.17, 19.150, 32.9, 32.10, 32.11, and 32.12.) In sum, the EIR unequivocally determines that the Project is consistent with County goals and policies relating to the timing and location of growth, preservation of agricultural resources, recreational uses, and public facilities and services.

The legal authority pertaining to General Plan consistency provides considerable deference to the County in interpreting its own General Plan. Courts defer to an agency’s decision on consistency with its own plans unless, based on the evidence before the decision making body, a “reasonable person” could not have found the project to be consistent. (See *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 242 (consistency of zoning ordinance with general plan).) “The specific plan must comport with the general plan but that requirement does not modify the standard of review.” (*Mitchell v. County of Orange* (1985) 165 Cal.App.3d 1185, 1191-1192.) The judgment decision rests with the Board and will not be set aside unless the Board acted arbitrarily, capriciously or without any evidentiary basis. (*Id.*) Strict consistency with all aspects of a plan is not usually required. For example, a proposed project is consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. (Office of Planning and Research, State of California General Plan Guidelines, p. 258 (2003).) Generally, given that land use plans reflect a range of competing interests, a project must be consistent with the plan overall. (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4<sup>th</sup> 807, 815 (upholding overall consistency finding even though project deviated from some particular planning provisions).) Under the Subdivision Map Act (Gov. Code §§ 66410 – 66469.37), subdivisions need be only in overall agreement or harmony with the local general plan. (*Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 406.)

**Comment 5-7:** *The Project Is Not Consistent With The County General Plan's Fundamental Policy Directive For Urban Development Patterns: The County's General Plan in Chapter 2, Section F (p. 2-55) states, "The fundamental policy directive of this General Plan is to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available." The County has acknowledged that this fundamental policy directive, which is repeated in CGP Policy LU-A.1, applies to this Project when it states, in its response to the City's Comment 19.16 (FEIR, p. 3-72.), "Consistent with Policy LU-A.1, the Friant Ranch Specific Plan proposes growth immediately adjacent to the unincorporated community of Friant where public facilities and infrastructure are available." However, as set forth below, this conclusion that public infrastructure and facilities are available to accommodate this Project is contrary to the substantial evidence contained in the FEIR, including the DEIR, for this Project. The City makes specific reference to the Appendix N to the DEIR, entitled "Friant Ranch Infrastructure Master Plan," which sets forth the significant amount of off-site infrastructure improvements that will be required to accommodate this Project.*

*As detailed in the DEIR, the unincorporated community of Friant does not have the necessary transportation, public utility, public safety, water or sewer infrastructure currently available for this Project. Furthermore, Friant does not have the other public services necessary to support such a large scale development. For instance, the nearest hospitals are in the City of Fresno, the nearest significant shopping facilities are in the Cities of Fresno and Clovis and the businesses that provide the services required by such a population are all located within the Cities of Clovis and Fresno. All of this infrastructure will have to be constructed or provided to support this exponential population growth in Friant. As such, this Project is completely inconsistent with the General Plans fundamental policy directive to direct intensive development areas where public facilities and infrastructure are available, and therefore, is inconsistent with the CGP itself.*

**Response 5-7:** The Fresno County General Plan provides that “the fundamental policy directive ... is to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available.” (General Plan, p. 2-33, emphasis added.) The intent of the cited General Plan policy directing new development to areas with existing infrastructure is to avoid a situation where new development is not adequately served by infrastructure. Nothing in the policy prohibits development like Friant Ranch that provides sufficient infrastructure to meet Project needs. As discussed in the EIR, the Friant Ranch Specific Plan development will provide sufficient public services and infrastructure – including water, wastewater, roads, parks, etc.—to fully meet community needs. As such, the development is consistent with the General Plan’s policy directive.

Moreover, Friant Ranch is immediately adjacent to the unincorporated community of Friant with portions of the proposed Project within the 1983 Community Plan Area. The Friant Community is one of the oldest communities in Fresno County and has long been considered a legitimate growth area by the County, as evidenced by the objectives of the existing Friant Community Plan and the Friant Redevelopment Plan as well as the General Plan. There is no General Plan policy to limit growth in the Friant Community Plan Area.

The entire Specific Plan area will be within the Friant Community Plan Area boundary pursuant to the plan update proposed as part of the Project. The County has acknowledged potential growth in the Friant area since the adoption of the Friant Community Plan in 1964. The existing Friant Community Plan, Section 3.01a, provides:

The plan assumes growth, but any significant change will be contingent upon the provision of additional urban services and the presence of one or more of the following conditions:

1. A large increase in area employment opportunities;
2. Successful promotion of the community as a desirable place in which to live for retirees or commuters; and
3. A large increase in the use of recreational facilities in the Friant area.

Consistent with this policy, Friant Ranch will provide for necessary public services in connection with the expansion of the Friant Community Plan. (See e.g., DEIR p. 3-256.) Friant Ranch will also bring employment opportunities, promotion of the community as a desirable place for retirees, and enhanced connectivity of the recreational opportunities within Friant area.

Moreover, as the DEIR notes on p. 1-1, the Project will further implementation of the Friant Redevelopment Plan, adopted by the County in 1992. Approximately 80 acres of the Friant Ranch property is currently included within the boundaries of the Friant Redevelopment Plan. (See DEIR, Figure 2-5, p. 2-7.) Friant Ranch has proposed the development of the Village Center on this property, which contains a regional shopping center and mixed use housing.

The objectives of the 1992 Friant Redevelopment Plan are set forth as follows:

1. Eliminate or mitigate conditions which impede economic development.
2. Eliminate or mitigate blighting conditions through redevelopment.
3. Create jobs, increase business opportunities, and promote economic development.

4. Raise the County's sales and property tax base, and offset property tax increment invested in redevelopment activities with increases in sales tax revenue.
5. Revitalize the commercial core and improve its image to better serve Friant residents and the traveling public all seasons of the year.
6. Create a village atmosphere in the commercial core on a pedestrian scale reflective of a small town, an inviting, pleasant, friendly, relaxing place.
7. Build on the natural amenities of the river, parks, and lakes by requiring landscaping that links the commercial core with the natural surroundings, connects parking areas and buildings, and creates shade for pedestrians and vehicles.
8. Provide for commercial development which balances the needs of the residents and the recreational public.
9. Enhance Friant's potential as a commercial and service center for recreational activities.
10. Fully utilize undeveloped or underdeveloped resources such as the railroad right-of-way and federal land to improve the community.
11. Provide for sufficient diversified housing to meet the needs of all socioeconomic segments of the community.
12. Provide funding sources for public and private projects to eliminate slums and blighted areas.
13. Allow and provide for equestrian, biking and hiking trails within the community, linking residential, service, commercial, and recreation areas.
14. Enhance the community by the construction of an efficient trail system within the community which provides a link to the County's multipurpose trails and recreation centers.
15. Develop a system of local roads which will allow vehicle and nonmotorized circulation without undue conflict with the function of Friant Road as a carrier of through traffic.
16. Promote safe and convenient access within the residential portions of the community.
17. Develop safe and convenient access to commercial development along Friant Road without undue conflict with the function of Friant Road as a carrier of through traffic.

Friant Ranch furthers the implementation of each of these objectives. With the Friant area's numerous recreational attributes and physical beauty, growth in Friant would have occurred long ago but for the lack of water and the lack of a community sewage system. Friant Ranch addresses both of these constraints by providing necessary public services in connection with the expansion of the Friant Community Plan and creates a community that will be a very desirable place for the proposed active adult (55+) community to live.

**Comment 5-8:** *The County Has Proceeded With Pursuing The Approval Of This Project Without Complying With LU-H.9: CGP Policy LU-H.9 states, "The County shall coordinate with cities and adjacent counties to address regional planning and growth issues."*

*In this case, the County is considering approval of a project that will facilitate significant urbanized growth in Friant, resulting in expansion of the Friant Community Plan Area by twofold, and the potential to increase the number of dwelling units within the Friant Community Plan Area by 10 times and to conservatively increase the residential population within the Plan Area from approximately 500*

*residents to in excess of 6,000 residents. As set forth in the DEIR, this proposed massive population expansion will have significant impacts on numerous City of Fresno streets and intersections, in addition to other impacts to its infrastructure. Yet, the County has failed to make any efforts to consult or coordinate with the City of Fresno to address the growth issues associated with this significant expansion in the Friant Community Plan Area. This is in direct conflict with the mandates of this policy.*

**Response 5-8:** Policy LU-H.9 refers to regional planning issues. Nothing in CGP Policy LU-H.9 requires Fresno County to coordinate with cities and adjacent counties on project-specific approvals. Further, a failure to coordinate with cities and adjacent counties according to CGP Policy LU-H.9 does not preclude independent planning efforts, and does not demonstrate inconsistency between the Project and the General Plan.

Nonetheless, Fresno County has consulted with the cities and adjacent counties on the Project. During the CEQA process, the City of Fresno has been noticed as follows:

- a. October 3, 2007 – County distributed a Notice of Preparation (NOP) for public review and comment. The City submitted a comment letter requesting consideration of various intersections and roadway segments.
- b. October 30, 2009 – Notice of Availability of the Draft EIR was published and the 45-day public review comment period ended on December 15, 2009. The City of Fresno submitted a comment letter on December 15, 2009.
- c. On or about August 24, 2010 copies of the Final EIR were duly sent by mail to the commenting public agencies. The City of Fresno submitted a comment letter in response, and the County responded to that letter in the FEIR.
- d. Prior to the Planning Commission meeting on October 7, 2010, the County provided the City with notices of the proposed Planning Commission and Board of Supervisors hearing dates. The City of Fresno submitted comment letters on October 6, 2010 and December 7, 2010, and the City Manager testified at the December 7, 2010 hearing.

The City has also been asked to attend and/or involved with various meetings with the County staff and/or the applicant during the CEQA process showing participation by/coordination with the City.

**Comment 5-9:** *This Project Is Inconsistent With CGP Policy LU-A.1: CGP Policy LU-A.1 states, "The County shall: (1) maintain agriculturally-designated areas for agriculture use; and (2) shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available."*

*In this case, this Project proposes to change the land use designation of approximately 670 acres, currently designated for agriculture use and currently used as grazing land, to urban residential and commercial uses. Furthermore, despite the County's claims to the contrary, the land to be redesignated has proven to be valuable grazing land. In fact, in its comment letter, the State Department of Conservation stated, "If property is being used for agricultural purposes (grazing), then it still has agricultural value." (FEIR, Comment 18.3, p. 3-63) As such, this Project is inconsistent with both parts of this mandatory policy.*



*In the County's responses to comments, it contends that the use of the term "valuable agricultural lands" implies "productive or potential productive agricultural lands" as that term is defined in Appendix B of the CGP. However, had the drafters of the CGP meant "valuable agricultural lands" was limited to "productive or potentially productive agricultural lands" they would certainly have just referred to those terms in CGP Policy LU-A.1. However, that was not done. As such, the term "valuable agricultural lands" was intended to have a meaning broader than just "productive or potentially productive agricultural lands" that would include the grazing land the Project will be converting to urban uses.*

*Furthermore, in concluding that the agricultural land this Project will convert to urbanized uses does not qualify as "Productive (Prime) Agricultural Land," the County relies strictly on the statement within the definition of that term, "Soils which are suitable for the production of most climatically adapted irrigated crops." The County then, in summary fashion, concludes that the converted land does not meet that standard. However, the County ignores the rest of the definition which states that "Such land includes the following soils . . . (2) Land which qualifies for rating with a Storie index rating of 80 through 100." When confronted by the City of Fresno with its failure to use the Storie index rating (FEIR, Comment No. 19.17), the County responded by stating, "Further, even if the County applied alternative threshold, such as use of the Static index, the soils of the subject property are not of sufficient quality to warrant special consideration." (FEIR, Response to Comment No. 19.17.) This response indicates that the County failed to comply with its CGP by failing to calculate the Storie index rating for this property before determining that it did not qualify as either "Productive (Prime) Agricultural Land" or "Potentially Productive Agricultural Land." It is easy to present a post-hoc rationalization for failing to comply with the CGP. However, it does not change the fact that the CGP was not complied with when evaluating the agricultural land the Project will convert to urban uses.*

**Response 5-9:** Comment 5-9 challenges the County's use of the General Plan definitions, suggesting that the County should interpret its General Plan contrary to its stated definitions in light of a comment received by the State Department of Conservation. The County properly used its own General Plan definitions in interpreting its General Plan.

Comment 5-9 further suggests that the County General Plan requires the County to calculate the Storie index of each property subject to a development proposal in order to confirm General Plan consistency. Nothing in the County General Plan suggests such a requirement. Thus, the fact that the County relied on prior determinations that the Project property did not constitute prime agricultural land (without first calculating the property's Storie index rating) does not, contrary to commenter's suggestion, indicate the County failed to comply with its General Plan. In fact, the County General Plan itself identifies the Project site as non-productive agricultural land in County General Plan Policy LU-H.8 and Figure LU-5.

The EIR provides extensive additional evidence and analysis explaining why the County does not consider the Project site to be valuable or productive agricultural land within the intent and meaning of the General Plan policies and justifying its determination that the Project is consistent with Policy LU-A.1. (See FEIR Responses to Comments 18.3, 19.16, 19.17, 19.73, 19.150; see also Draft Friant Ranch Specific Plan (May 2010), pp. 113-114.) The General Plan policies directed toward maintenance of valuable agricultural lands do not preclude the County from ever approving development on land previously designated for agricultural use. Moreover, contrary to assertions within Comment 5-9, the Project (with the incorporation of Alternative 3) will only convert approximately 460 acres of rangeland to residential or commercial uses. As required by DEIR mitigation and the USFWS Biological Opinion for the Project, the Project will conserve over three times that amount of similarly situated rangeland through permanent conservation easements. As such, the Project will maintain agriculturally designated areas for agricultural use within the intent of the General Plan.

**Comment 5-10:** *This Project Is Inconsistent With CGP Policy LU-A.19: COP Policy LU-A.19 states, "The County shall adopt and support policies and programs that seek to protect and enhance, surface water and groundwater resources critical to agriculture." However, the County's promotion of this Project runs contrary to this mandatory policy. This Project, to be viable, requires an agreement with the Lower Tule River Irrigation District that, if approved by the necessary agencies, would indefinitely divert up to 2,000 acre-feet of its Central Valley Project water allocation, on an annual basis, to supply what is essentially a residential/commercial urban development. As such, if the County approves this Project and the agreement with the LTRID goes into effect, the County will have effectively supported a policy that indefinitely takes from agricultural use a significant amount of surface water resources. It should be noted that on its website, the LTRID states, "As one of the largest irrigation districts in the State of California, the lower Tule River Irrigation District (LTRID) supplies supplemental water for district-wide crop irrigation to 104,000 acres in the Valley – 30,000 being permanent plantings." Nowhere, on its website does the LTRID state it currently provides any water to support urban residential or commercial development.*

**Response 5-10:** The commenter's assertion that the Project's water supply agreement with LTRID conflicts with Policy LU-A.19 misconstrues that policy, and ignores the substantial evidence described in the EIR which supports the conclusion that the proposed water supply agreement is consistent with the County General Plan.

General Plan Policy LU-A.19 merely directs the County to "support policies and programs that seek to protect and enhance surface water and groundwater resources critical to agriculture." That policy says nothing about approving specific plans that will utilize surface water for municipal use. Further, aside from its unsupported assertion that somehow approving the Project contradicts Policy LU-A.19, the commenter offers no evidence whatever that the Project will negatively impact "surface water and groundwater resources critical to agriculture." As explained in Responses to Comments 19.134 and 19.136, the proposed transfer will not result in any negative impacts to LTRID growers or their underlying groundwater basins. Rather, LTRID's participation in the water transfer agreement for the Project is part of its larger strategy to increase overall water supply reliability for its growers. Proceeds from the water transfer agreement will be used to operate additional water distribution systems and additional groundwater recharge facilities, as well as to possibly purchase short-term water from other Friant Division contractors on a year-to-year basis (at significantly lower per acre-foot prices). These additional facilities and potential short-term water purchase opportunities allow the District to take in more surface water in big water years and at flood times for groundwater recharge. The Water Supply Assessment prepared for the EIR extensively analyzed this issue and determined that the "overall result is that the sale of LTRID's water for municipal use does not reduce but in fact enhances the water supplies available to LTRID's agricultural users." (FEIR, Response to Comment 19.134, p 3-161.)

**Comment 5-11:** *In summary, this Project is not consistent with key directives, goals and policies set forth in the CGP. A project is consistent with the general plan if; considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 378.) In this case, the adoption of the amendment to the Friant Community Plan and the adoption of the Friant Ranch Specific Plan will obstruct the fundamental policy directive of the CGP to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available, not to mention the other numerous CGP policies with which these plans will conflict. The County acknowledges that this Project has inconsistencies with the applicable land use plans, policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, and noted that*

*such inconsistencies are potentially significant. (DEIR, p. 3-234). However, the County then concludes, without explanation, "[H]owever, the impact will be reduced to a less than significant level if the Project is approved. It is unclear how the approval of a project that is inconsistent with the CGP and other regulatory plans, when proposed, will somehow be transformed into one that is consistent with the CGP once adopted. This approach to analysis is inconsistent with State planning law CEQA and the jurisprudence interpreting these provisions. (Ibid., at 378, Corona-Norco Unified School Dist. v. City of Corona (1993) 17 Cal.App.4th 985, 994.) The County is legally required to approve only projects that are consistent with its CGP. As such, it is legally compelled to deny this Project because of its inconsistency with its CGP.*

**Response 5-11:** See Responses to Comments 6 through 10 above. The reference to page 2-324 mischaracterizes the DEIR statement. Page 3-234 of the DEIR explains that the Project is inconsistent with the existing General Plan designations within the Project Area and, for that reason, included with the Project is the General Plan Amendment to redesignate certain lands consistent with the proposed Project land uses. The DEIR does not find policy inconsistencies as suggested by the comment.

**Comment 5-12:** *The City also continues to have serious concerns about the validity of the traffic impact analysis in the EIR.*

*The City's traffic experts, Scott Mozier and Bryan Jones, have carefully reviewed the DEIR and FEIR for this Project. Mr. Mozier serves as City Engineer and Assistant Public Works Director for the City of Fresno, Mr. Mozier is licensed in the State of California as a civil engineer and traffic engineer, with over 17 years of experience in transportation project design, management and planning for numerous jurisdictions throughout the State including Caltrans, the County of Los Angeles, the City of Los Angeles, the County of Fresno, the City of Clovis, the City of Fresno, the Valley Transportation Authority of Santa Clara County, the City of Fremont and the City of San Jose. Mr. Mozier has overseen the City of Fresno's development impact fee programs for the past five years and has reviewed numerous traffic impact studies for new development as well as traffic operation studies for capital improvement projects. Bryan Jones is the City Traffic Engineer and Traffic Engineering Division Manager for the City of Fresno. His many responsibilities include overseeing the roadways, signs, traffic signals, roundabouts, traffic circles, street lights, transportation planning, traffic control plan review, street design plan checks, special permits, service requests, bicycle/pedestrian transportation, safe route to schools program, and the Intelligent Transportation System (ITS signal synchronization). Bryan has extensive experience in both public and private engineering and planning. He is a graduate of the University of California, Davis in Civil Engineering with an emphasis in Transportation and a minor in Communications. Bryan is currently the President of the Institute of Transportation Engineers (ITE) Central Valley Section, the Staff Director for the Bicycle and Pedestrian Advisory Committee (BPAC), and holds a professional engineering license in Traffic Engineering (TB), a Professional Transportation Planning (PTP) certificate, and American Institute of Certified Planners (AICP) membership. Both possess expert knowledge, both of traffic impact analysis under CEQA and of traffic and roadway conditions in the City of Fresno.*

**Response 5-12:** Discussion of City's traffic personnel's credentials is noted but warrants no response.

Notably, the Traffic Impact Study utilized in the EIR was prepared by Peters Engineering Group. John Rowland served as Project Manager and David Peters was the Principal Engineer providing oversight.

Mr. Rowland is licensed in the State of California as a Civil Engineer and as a Traffic Engineer. He is a member of the Institute of Transportation Engineers and the American Society of Civil Engineers. He has 20 years of experience and has performed hundreds of traffic impact studies in numerous jurisdictions

throughout California, including many traffic impact studies in the City of Fresno. Mr. Rowland currently manages the traffic engineering department of Peters Engineering Group.

Mr. Peters is licensed in the State of California as a Civil Engineer and as a Traffic Engineer, and he is recognized by the Institute of Transportation Engineers as a Professional Traffic Operations Engineer (PTOE). Mr. Peters is a member of the Institute of Transportation Engineers and the American Society of Civil Engineers. Mr. Peters has over 20 years of experience in the transportation engineering field throughout California, including vast experience and the design and operation of roadways, intersections, traffic signals, roundabouts, and interchanges. Mr. Peters' skills have been utilized as an expert witness in legal disputes. Mr. Peters has served for 10 years as the Kingsburg City Engineer and has substantial knowledge of the oversight of roadways, capital improvement programs, plan checking, traffic handling, permitting, safe routes to school, and intelligent transportation systems.

Peters Engineering Group has performed a substantial number of traffic impact studies for projects that have been approved in the City of Fresno and possesses the technical expertise to analyze traffic conditions and to develop technical opinions pertaining to traffic engineering.

**Comment 5-13:** *These City traffic experts strongly disagree with the EIR's characterization of existing conditions on the City streets that will be most used by Project traffic, The Project is expected to generate 22,343 Average Daily Trips, some 80% of which will use City streets. As the EIR recognizes, the Project would exacerbate traffic levels on City streets. Yet the EIR grossly understates the Project's impacts based on a baseline description that inaccurately characterizes Friant Road, Herndon Avenue, and Willow Avenue as operating at LOS A or B, when in fact most, if not all, of those roads are operating at LOS F (unacceptable) based upon the basic definition of LOS F in the Highway Capacity Manual and field observation by City's Traffic Engineer, Bryan Jones. The reason the analysis in the TIS for this Project related to these intersections is defective is that it focused on traffic being served by the intersection not the actual traffic demand at the intersection. When it takes 7-12 minutes of stop and go traffic to drive on Friant from Shepherd to SR41 in the AM peak hour the intersections and roadway are not operating at LOS A and B.*

**Response 5-13:** The commenter states that the baseline conditions within the City of Fresno are understated on Friant Road, Herndon Avenue, and Willow Avenue. The commenter asserts that the study focused only on traffic being served by the intersections but did not consider unmet demand. This consideration would be valid only at locations where the queue at an intersection did not eventually clear during the peak hour, and only if a substantial amount of additional vehicles remained uncounted at the completion of the peak hour counts. At a majority of the study locations this is not the case, and the comment does not apply. Commenter incorrectly states the trip counts expected with the Project. The commenter failed to account for the trip-capture reduction as shown in Table 9.5 and for the fact that Alternative 3 is proposed for approval with a reduced housing unit count. Additionally, the commenter overstated the percentage of trips using City of Fresno streets by using an incorrect distribution amount; the correct distribution at 2030 is 69% per Figure 13 of the TIS. The commenter's combined misrepresentation overstates the 2030 Project (under Alternative 3) trips using City of Fresno streets by approximately 6,963 trips or 64%.

The comment fails to acknowledge that the locations at which this comment does apply were discussed in detail in the Response to Comment 19.98 of the FEIR. The FEIR updated the description of the existing conditions at the intersection of Herndon and Blackstone Avenues (FEIR, Response 19.98 – Item 7). The FEIR also presented a thorough discussion of the existing conditions along Friant Road, including a description that the delays on Friant Road during the a.m. peak hour occur primarily in the Number 3

lane, originate at the State Route 41 metered on ramps, and are not a result of congestion or gridlock at specific intersections (FEIR, Response 19.98). The intersections on Friant Road are capable of handling the demand, but the queue at the on ramp meters extends through the intersections in the right lane, causing the “7-12 minutes of stop and go traffic” mentioned in the comment (FEIR, Response 19.98 – Items 4 & 5). As mentioned in the FEIR, a motorist in the Number 1 and Number 2 lanes of Friant Road will not experience this type of delay, as the “stop and go” conditions are a direct result of the on ramp metering and do not cause gridlock in other lanes of the intersections.

The allegations set forth in Comment 5-13 are without effect to the environmental analysis for the Project as the Traffic Impact Study concluded that the Project resulted in significant impacts to the identified roadways and the County proposes to adopt mitigation measures (M.M.) at the following Friant Road, Herndon Avenue, and Willow Avenue locations:

- Friant Road / Shepherd Avenue intersection (M.M. 3.13-6a)
- Friant Road / Audubon Drive intersection (M.M. 3.13-6b)
- Friant Road / SR 41 NB off ramp intersection (M.M. 3.13-3d)
- Friant Road / SR 41 SB off ramp intersection (M.M. 3.13-3e)
- Friant Road segment Shepherd Avenue to Audubon Drive (M.M. 3.13-6f)
- Friant Road segment Audubon Drive to Fresno Street (M.M. 3.13-6f)
- Friant Road segment Fresno Street to SR 41 (M.M. 3.13-6f)
- Willow Avenue / Nees Avenue intersection (M.M. 3.13-7a)
- Willow Avenue / Herndon Avenue intersection (M.M. 3.13-7b)
- Willow Avenue / Sierra Avenue intersection (M.M. 3.13-7c)
- Willow Avenue / Bullard Avenue intersection (M.M. 3.13-7d)
- Willow Avenue / Barstow Avenue intersection (M.M. 3.13-7e)
- Willow Avenue segment Alluvial Avenue to Herndon Avenue (M.M. 3.13-7f)
- Willow Avenue segment Herndon Avenue to Sierra Avenue (M.M. 3.13-7f)
- Willow Avenue segment Sierra Avenue to Bullard Avenue (M.M. 3.13-7f)
- Willow Avenue segment Bullard Avenue to Barstow Avenue (M.M. 3.13-7f)

In each case fair share percentages were considered and in others where no feasible mitigation was available, the EIR discloses significant and unavoidable traffic impacts, despite the required mitigation.

**Comment 5-14:** *In addition, the trip generation assumptions used in the EIR's traffic analysis are not reasonable or supported with adequate evidence. The EIR assumes that peak hour trip generation for Project residences would only be approximately 25% of a typical single family home. The EIR bases this assumption on the Institute of Transportation Engineers Trip Generation Manual Code, which recommends a lower trip/dwelling unit assumption for "senior adult housing" than for more standard residential uses. However, this assumption is not reasonably applied to this Project. While the Friant Ranch Specific Plan indicates that the Project is primarily intended to house persons aged 55 or older, it further indicates that only 80% of occupied units will be required to house persons of that age, and even those units need contain only one person aged 55 or older. The City's opinion is that it is foreseeable that a considerable portion of the future population of the Project will be persons younger than 55, perhaps residing with an elderly relative. Such households would foreseeably include commuters (particularly in light of the Project's remoteness from places of employment) and parents with school-age children: In addition, as previously noted in this letter, persons older than 55 increasingly remain part of the workforce, In light of these Considerations, it is unreasonable for the EIR to assume the low trip/dwelling unit number than is used in the EIR's traffic analysis.*

**Response 5-14:** See Response to Comment 5-2 above. The DEIR and FEIR both contain exhaustive substantiation of the applicability of the trip generation data utilized in the analysis (DEIR Appendix D – Traffic Impact Study, Section 9.1 – Project Trip Generation); FEIR Responses to Comments 9.6, 9.11, 19.91, 19.92, 19.93, 28.1, 28.2, 28.3, and 28.4). The traffic analysis accounted for apartments without age restrictions and for a substantial amount of traffic that will be generated by the age-restricted portions of the project. It is standard practice to compare the description of the Project to the descriptions of the data in the Institute of Transportation Engineers (ITE) *Trip Generation* and to utilize the ITE data set with the description that most closely resembles the proposed Project, and this is the procedure that was used in the DEIR. Additional substantiation was provided in the Traffic Impact Study (Appendix D of the DEIR) by means of a verification count of the nearest similar facility (Traffic Impact Study – Appendix E, letter dated April 6, 2007 by Fehr & Peers Transportation Consultants) . It was found that the nearest similar facility (Sun City, Roseville) generates even fewer trips per unit (3.29 daily trips compared to 3.71 daily trips for ITE Code 251) than that studied in the DEIR, thereby providing additional substantiation that the ITE data utilized is applicable. It is not standard practice to speculate that the proposed Project will have trip generation characteristics similar to different ITE data sets not matching the Project description when such supporting data exists.

**Comment 5-15:** *The EIR's overly optimistic baseline description and assumptions about Project trip generation result in a gross understatement of the Project's impacts to traffic congestion in the City, and also understate the contribution of the Project to air quality impacts from vehicle emissions. Due to the remote location of this Project from jobs, schools and commercial retain, this Project will have more vehicle miles traveled (VMT) per trip than is assumed in the Fresno COG model. The increase in VMT has a direct correlation with poor air quality in the San Joaquin Valley Air Pollution Control District Central Valley who currently has the fifth worst non-attainment status in the nation. Standard modeling assumptions and procedures do not adequately reflect the air quality impacts of this project due to its remote location.*

**Response 5-15:** See Response to Comment 5-14 immediately above regarding trip generation assumptions. The EIR has analyzed vehicle emissions in both DEIR Impact 3.3.2 – Operational Emissions and Section 3.15.3 —Estimated Emissions of Greenhouse Gases from the Project. The letter does not offer any evidence that would contradict the County's evidence and EIR analysis of the Project's impact to air quality from vehicle emissions. As discussed in Response to Comment 19.128 in the FEIR, "Overall vehicle miles traveled (VMT) per person may actually be less given the reduced non-discretionary trips due to the active-adult component of the Project." Also, per Response to Comment 28.2 of the FEIR, several factors are noted that would reduce the potential VMT by residents of an active adult community:

- a. In active adult communities, far fewer school-aged children are expected, thereby reducing trips (and miles) due to number of drivers and vehicles in the household, children's activities, and other parenting obligations.
- b. It is expected and reasonably intuitive that active adult residents living in the Friant Ranch community will consolidate trips to the "City."
- c. For those who will be working, the logistics of the longer commute at times will necessitate consolidation of trips.

As such, the EIR's analysis of emission impacts was based on reasonable assumptions.

**Comment 5-16:** *Furthermore, even aside from the problems with its basic assumptions, the EIR's traffic analysis does not properly take into account all types of movement on affected roadways in the City. The EIR's analysis of impacts to intersections along Friant Road and Willow Avenue is flawed, in that it only accounts for the traffic volumes served by the intersections during the peak hour and does not account for the demand, freeway ramp metering, associated queues or lane utilization that will have a negative impact on intersection operations. The southbound loop on-ramp to SR 41 only allows for 1,200-1,500 vehicles per hour, so the two southbound lanes on Friant that serve the on-ramp movement cannot accommodate the 1,900 passenger cars per lane per hour assumption in the Synchro analysis. The EIR assumes these on-ramps will be able to accommodate 1,900 passenger cars per hour per lane of southbound Friant Road traffic. Traffic from this Project will displace existing traffic onto Nees Avenue, which will make an eastbound right-turn onto Friant to access SR 41. Furthermore, the existing southbound SR 41 loop on-ramp does not have adequate acceleration and merge area to allow merging of SR 41 southbound through traffic with the adjacent downstream SR 41 slip ramp on-ramp traffic. Both ramps are metered, which causes queues northbound and southbound on Friant. Those queues can cause gridlock on Friant Road intersections. Currently, queues on Friant are often backed up to the intersection with Shepherd Avenue; with this Project, the queues could back up past Shepherd.*

**Response 5-16:** See Response to Comment 5-13. The FEIR contained a discussion of the conditions mentioned (FEIR, Response to Comment 19.98), including the freeway ramp metering, queues, and lane utilization. The cumulative conditions analyzed and the Fresno County travel model utilized in the analyses contain such extensive congestion on Friant Road that displacement of traffic to Nees Avenue has already been considered based on utilization of the Fresno County travel model, which contains feedback loops to balance traffic volumes in congested areas. Therefore, the issues raised in this comment have already been disclosed and discussed in the DEIR and FEIR (See FEIR, Response to Comment 19.102).

**Comment 5-17:** *In the opinion of the City's traffic experts, the EIR consultant team needs to perform travel time runs along the Friant corridor during the peak hours and measure queues at intersections. This consultant should also perform lane utilization calculations, ramp metering calculations, and saturation flow rate analysis for each lane on Friant Road during the peak hours. This consultant should also measure the number of vehicles that make it through an intersection versus those that want to get through the intersection but cannot due to downstream congestion and queues. Without such supplemental study, and without revisions to the EIR's erroneous baseline description and assumptions, the traffic analysis in the EIR is hopelessly flawed in violation of CEQA.*

**Response 5-17:** The additional analyses suggested by commenter is unnecessary. Travel time runs were discussed in detail in the Response to Comment 19.98 of the FEIR. The City of Fresno General Plan indicates, and the EIR acknowledges, that the City of Fresno has accepted LOS F on Friant Road between Nees Avenue and Shepherd Avenue. The Fresno General Plan indicates that Friant Road would need to be widened to as many as 12 lanes in order to operate at an acceptable LOS in the year 2025. The EIR discloses that the Project will create significant traffic impacts that will remain significant and unavoidable at these locations.

**Comment 5-18:** *Furthermore, the City believes that many of the mitigation measures for the Project's significant impacts to City streets are inadequate under CEQA. In particular, as discussed below, the City feels that the County should require payment of the Project's fair share contribution to needed improvements to City streets to go directly to the City's existing capital improvement programs.*

**Response 5-18:** General introductory comment. See Responses to Comments 5-19 - 5-22 below.

**Comment 5-19:** *The EIR Improperly Fails To Require Mitigation For Impacts 3.13-7a, 3.13-7b, And 3.13-7d: The EIR improperly concludes that there is no feasible mitigation for the Project's significant traffic impacts to the intersections of Willow Avenue and Nees Avenue (Impact 3.137a), Willow Avenue and Herndon Avenue (Impact 3,13-7b), and Willow Avenue and Bullard Avenue (Impact 3.13-7d). On the basis of this finding of mitigation infeasibility, the EIR declines to require the applicant to provide any contribution to reducing or avoiding the Project's significant impacts to these intersections. This failure violates CEQA.*

*CEQA requires feasible mitigation of all significant impacts, including significant cumulative impacts. Feasible mitigation measures for a project's impacts to intersections or roadways that are outside the jurisdiction of the lead agency may include a fair share payment to the agency with jurisdiction over the affected intersections/roadways, provided that the agency with jurisdiction over those intersections/roadways has in place an enforceable plan to make the needed improvements and is committed to implementing the plan. (See City of Marina v. Board of Trustees (2006) 39 Cal.App.4th 341.) The City of Fresno has established a Traffic Signal Mitigation Impact Fee ("TSMI") program and a Fresno Major Street Impact ("FMSI") fee program, each of which require projects with adverse impacts on City roadways to contribute their fair share toward implementing needed infrastructure improvements to reduce or avoid those impacts. As is acknowledged in the Traffic Impact Study ("TIS") for the Project, the City's TSMI program provides for developers to pay fair share fees to improve the Willow/Nees, Willow/Herndon, and Willow/Bullard intersections. ("Traffic Impact Study, Proposed Friant Ranch Project, prepared for Quad Knopf, Inc., dated October 28, 2009, page 23.) Thus, under City of Marina, a fair share payment to the City of Fresno's TSMI program is a feasible mitigation measure that the County must impose upon the Project, to mitigate its significant impacts to the Willow/Nees, Willow/Herndon, and Willow/Bullard intersections. Failure to impose such mitigation would violate CEQA.*

**Response 5-19:** The County's traffic experts have concluded that there is no feasible mitigation to improve the expected unacceptable 2030 conditions at these intersections. Commenter references the City of Fresno Traffic Signal Impact Fee ("TSMI") program and the Fresno Major Street Impact ("FMSI") fee program as potential mitigation. Both of these programs have been reviewed and analyzed along with other funding programs (see DEIR, pages 3-305 to 3-311). Under these funding programs, certain improvements are reasonably foreseeable to be constructed by 2025 and included in the 2030 No Project and 2030 With Project analysis. As explained in the EIR, it is reasonably foreseeable that those improvements would be in place prior to the addition of the Project's traffic to such 2030 condition. However, the County's traffic experts have concluded that the Project will contribute to cumulative impacts that contribute to unacceptable conditions on these roadways after completion of the proposed City of Fresno 2025 improvements. Nothing in the comment suggests otherwise as no additional improvements have been identified to mitigate the condition. As explained in Response to Comment 19.115 of the FEIR, no additional mitigation is available for any significant impacts resulting at intersections already planned to be constructed to the largest reasonable configuration, hence the "none feasible" mitigation determination and statement that the impact is *significant and unavoidable*.

**Comment 5-20:** *The EIR Improperly Fails To Require Fair Share Mitigation For Impacts 3.13-6a, 3,13-6d And 3.13-6e To Be Paid Directly To The City: The EIR also provides inadequate mitigation for the Project's significant impacts to the intersections of Friant Road and Shepherd Avenue (Impact 3.13-6a) and Nees Avenue and Audubon Drive (Impact 3.13-6d), and to the segment of Friant Road between Champlain Avenue and Ft. Washington Road (Impact 3,13-6e). The EIR requires the Project applicant to pay a fair share of needed improvements to those intersections and that road segment. However, the EIR provides for mitigation funds to be paid to the County, and for the City to receive reimbursement only*



upon presentation of receipts for construction of the needed improvements. This arrangement is contrary to CEQA.

*The City's TSMI program provides for collection of fees to construct improvements to the Friant/Shepherd and Nees/Audubon intersections. (See "City-Wide Traffic Signal Mitigation Impact Fee Nexus Analysis for Proposed Fee Update," prepared by City of Fresno, Public Works Department, dated August 29, 2008: Attachment A to this letter.) The City's FMSI program likewise provides for collection of fees to construct improvements to the segment of Friant Road between Champlain Avenue and Ft. Washington Road. (See "Draft Final Report, Major Street Impact Fee Program Nexus Study," prepared for the City of Fresno by Economic & Planning Systems, Inc., dated March 15, 2007, Appendix A: Attachment B to this letter.) Because the City has existing programs to which the Project applicant can directly contribute its fair share of funding needed improvements to those intersections and that road segment, the EIR's requirement that the Project applicant pay fair share mitigation to the County, rather than directly to the City, is inconsistent with City of Marina. That case held that CEQA may require a project proponent to enter into an agreement with the agency having jurisdiction over significantly affected roadways outside the lead agency's jurisdiction, if the affected agency has in place a capital improvement program and has committed to make the needed roadway improvements. Although City of Marina concerned a project undertaken by a public entity, the court noted that both public and private project applicants may be required to pay fair share mitigation directly to the agency with jurisdiction over impacted roadways. (See City of Marina, supra, 39 Cal.4<sup>th</sup> at 364, n. 15.)*

*Furthermore, the Anderson First case holds that a measure that requires fair share funding for roadway improvements may be inadequate if the measure does not "make [payment of the] fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue." (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4<sup>th</sup> 1173.) The County, unlike the City, has no enforceable plan to improve roadways in the City's jurisdiction. The EIR's mitigation measures which require payment into a County holding fund rather than directly to the City, therefore, do not satisfy the requirement that mitigation payments go into an enforceable "plan or program" sufficiently tied to needed roadway improvements. The EIR should therefore replace its mitigation measures for Impacts 3.13-6d and 3.13-6e with measures requiring the applicant to enter into an agreement to pay its fair share contribution directly into the City's enforceable program to actually implement the needed improvements.*

*Additionally, Anderson First held inadequate mitigation that failed to require the project applicant to pay both an initial, lump-sum fair share payment for the first phase of construction, and also supplemental payments based on the ultimate cost of the finished improvements. (Anderson First, supra, 130 Cal.App.4<sup>th</sup> at 1189.) The EIR's mitigation measures for Impacts 3.13-6d and 3.13-6e would withhold from the City all of the Project's entire fair share contribution until after the City completes the needed improvements. The mitigation measures at issue should therefore be revised to provide the City with the Project applicant's fair share of needed "start-up" funding to implement the needed improvements.*

**Response 5-20:** As acknowledged by commenter, there is currently no program or agreement in place to provide the County assurance that the applicant will be able to mitigate its impacts to City of Fresno roadways. As such, the mitigation measure does not preclude a future agreement between the applicant and City of Fresno, but imposes reasonable mitigation to ensure that the applicant pays its fair share of the needed improvements. Further, nothing in the mitigation measure precludes the City of Fresno from collecting the mandated fair share fees from the County prior to final completion of the ultimate improvement. (See FEIR Errata to DEIR, p. 3-326.) The EIR acknowledges that the County cannot ensure the improvement will actually be built because the improvement is not within the County's

jurisdiction. As such, the EIR properly imposes fair share mitigation and concludes the impact will remain significant and unavoidable until the City of Fresno improvements are built.

**Comment 5-21:** *The EIR Should Require Fair Share Mitigation For Impacts 3.13-7c, 3.13-7e, And 3.13-7f To Be Paid Directly To The City: The EIR also identifies significant impacts to the intersections of Willow Avenue and Sierra Avenue (Impact 3.13-7e), and Willow Avenue and Barstow Avenue (Impact 3,13-7e), and to Willow Avenue between Alluvial and Barstow Avenues (Impact 3,13-7f). The EIR declares mitigation to these intersections and road segments to be infeasible, even though the EIR recognizes that needed improvements have been planned or identified as needed by the City. The City does not currently have in place fee programs to fund the needed improvements at these locations, although it certainly could have so arranged had the County properly consulted with the City in preparing this EIR. The City is nevertheless willing to extend its capital improvement programs to cover these improvements, and requests the County to require the applicant to enter into an agreement with the City to provide its fair share of funding these improvements.*

**Response 5-21:** The County's traffic experts have concluded that there is no feasible mitigation to improve the conditions at these intersections. Nothing in the comment suggests otherwise as no improvements have been identified to mitigate the condition. There is no evidence to suggest that the requested mitigation of fair share fees paid to a yet to be established City of Fresno capital improvement fund for these intersections will actually reduce the impact. As such, the EIR properly concluded that the impacts to these intersections are significant and unavoidable.

**Comment 5-22:** *The EIR Fails To Adequately Support Its Conclusion That Mitigation For Impacts 3.13-6b, 3.13-6e, And 3.13-6f Is Infeasible: The EIR fails to provide adequate evidence to support its conclusion that no mitigation is feasible for significant impacts to the Friant Road and Audubon Drive intersection (Impact 3.13-6b), the Friant Road and Fresno Street intersection (Impact 3.13-6c) and the segment of Friant Road between Shepherd Avenue and SR 41 (Impact 3.13-6f). The EIR merely concludes that these intersections and segment have been constructed to the largest reasonable configuration and that no further improvements are feasible. These statements are not correct. The City has recently imposed mitigation measures on development projects to fund additional traffic lanes at both the Friant/Audubon and Friant/Fresno intersections [See Mitigation Measures Imposed on "Fresno 40" Project Attachment C to this letter]. The City's General Plan identifies the need for a third westbound left turn lane and a third southbound through lane — although the EIR for the Friant Ranch now indicates that a second northbound right turn lane also needs to be constructed. Thus, the City has in place plans to improve the Friant/Audubon and Friant/Fresno intersections, and the segment of Friant Road between Shepherd Avenue and SR 41. The segment of Friant Road between Shepherd Avenue and SR 41 is also covered by the City's FMSI Program. (See "Draft Final Report, Major Street Impact Fee Program Nexus Study," prepared for the City of Fresno by Economic & Planning Systems, Inc., dated March 15, 2007, Appendix A.) The City requests the County to require the applicant to enter into an agreement with the City to provide its fair share of funding these improvements.*

**Response 5-22:** The commenter references mitigation measures required of the recently approved "Fresno 40" project to suggest that additional improvements to these intersections are possible. The lane additions required of the "Fresno 40" project at the intersection of Audubon Drive and Friant Road (MM Trans-2d of the "Fresno 40" EIR, widening of the northbound approach to two left turn lanes, three through lanes, and one right-turn lane) are already in place. Though Fresno 40 was required to add a fourth northbound turn lane as a "driveway" to the Fresno 40 project (MM Trans-3a of the "Fresno 40"), it does not appear that the "Fresno 40" was required to modify the number of lanes approaching and passing through the intersection of Friant Road and Fresno Street.

Intersections with approaches having more than two left-turn lanes, three through lanes, and one right-turn lane should be avoided because the required pedestrian walk times become so large that the operation of the intersection is negatively affected. Published authority presents analyses indicating that the effectiveness of additional lanes at intersections decreases as the size of the intersection increases. (Mucsi, Kornel and Khan, Ata A., "Effectiveness of Additional Lanes at Signalized Intersections," ITE Journal January 2003: 26-30 (copies available with the County).) Therefore, widening certain intersections along Friant Road and Willow Avenue that the County's traffic experts have identified as already being developed to the maximum feasible configuration was not recommended as a mitigation measure. As such, impacts resulting in intersections/roadway segments already planned to be constructed to the largest reasonable configuration are correct in making the "none feasible" mitigation determination and stating that the impact is *significant and unavoidable*.

**Comment 5-23:** *The EIR's Mitigation Measures For Impacts To Roadways Under The Jurisdiction Of The County, The County Of Madera, And Caltrans Are Inadequate Under CEQA: The EIR's mitigation measures requiring fair share payments to mitigate the Project's traffic impacts to roadways under the jurisdiction of the County of Fresno, the County of Madera, and Caltrans are inadequate under City of Marina, Anderson First and Tracy First v. City of Tracy (2009) 177 Ca1.App.4<sup>th</sup> 912. Under those cases, mitigation requiring fair share payments for roadway improvements is not adequate unless it requires payment into a reasonable program which the applicable agency commits itself to implementing.*

*The EIR provides no evidence that the improvements it identifies as needed for Project impacts to roadways under the jurisdiction of the County, the County of Madera, or Caltrans will be improved under a reasonable program which the applicable agencies have committed themselves to implement. The EIR fails to show that the County has established any capital improvement program for funding or implementing the improvements which the EIR identifies as needed for roadways in the County. Although Caltrans collects a per trip fee to fund improvements to the interchange of SR 41 and Friant Road, the EIR fails to show that Caltrans has developed a plan to implement those improvements. And while the County of Madera has established a Road Impact Fee for improvements along SR 41 and at the intersection of Road 145 and Road 206, the EIR fails to show an existing capital improvement plan to fund and implement those improvements. Because these jurisdictions have not included the improvements identified as needed in the EIR in a capital improvement plan which they have committed to implementing, the EIR's requirement of fair share payments to these jurisdictions is inadequate as mitigation under CEQA.*

**Response 5-23:** The County recognizes that the collection of fair share payments from the applicant for roadway improvements under the jurisdiction of Fresno County, Caltrans or Madera County cannot guarantee actual construction of the designated improvements prior to the completion of Project construction, particularly not for roadways beyond the jurisdiction of Fresno County. For that reason, the DEIR identifies significant and unavoidable impacts to roadways under the jurisdiction of Fresno County, Caltrans and Madera County. Despite the inability to ensure no significant impacts to these roadways and in accordance with CEQA, the County still requires payment of fair share fees as mitigation. (See e.g., DEIR pp. 3-315, 3-316-317, 3-323.) The County will ensure that the Project's fair share fees are made available to these agencies.

**Comment 5-24:** *Mitigation Measure 3.14.1 Fails To Provide Adequate Assurance Of Available Water Supply: The FEIR's response to City comment 19.132 mischaracterizes Mitigation Measure 3.14.1 and its effect to preclude development until an adequate water transfer agreement is executed and approved by WW18, LTRID, and the U.S. Bureau of Reclamation. Contrary to the statement in Response 19.32, the text of Mitigation Measure 3.14.1 does not require an approved agreement prior to approval of any tentative Map. Instead, that measure does not require that the agreement be in place until prior to recordation of the final subdivision map. Although language has been added to Mitigation Measure 3.14.1 in the Mitigation*

*Monitoring and Reporting Program to state, "[a]pproval and execution of the water transfer agreement for the full project water amount shall be required prior to approval of any land use entitlements," the time for implementation is indicated as "[p]rior to recordation of a final subdivision map."*

*Therefore, before it approves the water transfer agreement, the County could approve tentative maps, including vesting tentative maps, and could also enter into a development agreement, that might afford the developer entitlement to development approvals. Mitigation Measure 3.14.1 therefore fails to ensure that no project entitlements will be granted until a final and fully approved water transfer agreement is in place.*

*Such a mitigation measure fails to meet the requirements of Vineyard Area Citizens for Responsible Growth, et al., v. City of Rancho Cordova (2007) 40 Cal.4<sup>th</sup> 412, which holds that the local agency be able to provide "firm assurances" of supply at the tentative subdivision map stage for a project with more than 500 residential units and be able to curtail development if sufficient water is not available for each phase of a project. Government Code Section 66473.7 provides a further basis for the requirement to identify sufficient water for the Project.*

**Response 5-24:** Comment 5-24 suggests that FEIR Response to Comment 19.132 has confused the timing of when Mitigation Measure 3.14.1 applies. The County will implement Mitigation Measure 3.14.1 by making execution and approval of the water transfer agreement a condition of approval of any tentative map such that no final subdivision map will be provided unless and until the water transfer agreement is in effect. In this way, Response to Comment 19.132 correctly states that "Mitigation Measure 3.14.1 insures that the Specific Plan development cannot proceed until final approval of the Water Supply Agreement by WWD 18, LTRID, and the U.S. Bureau of Reclamation." As noted by commenter, WWD 18 will also have to verify the water supply reliability for the Project, pursuant to Government Code section 66473.7, prior to issuance of a tentative map for the Project.

**Comment 5-25:** *The EIR's Discussion Of The Water Transfer Agreement And Expansion Of WW18 Is Inadequate. In order to support adequate assessment of the likelihood of approval of the transfer agreement and availability of the additional CVP water for Project-specific water supply, the EIR must provide additional evaluation of U.S. Bureau of Reclamation (USBR) regulations and contractual requirements for approval of the proposed out-of-district water transfer by LTRID, and facts to establish whether the proposed transfer of CVP water meets those requirements.*

*As part of any approval of a future water transfer agreement by the USBR, the LTRID contract with USBR requires environmental evaluation of the proposed water transfer, including, "...as appropriate, an analysis of groundwater impacts and economic and social effects, including environmental justice, of the proposed water transfer on both transferor and transferee." (See DEIR Appendix B, Water Supply Assessment, Appendix C, p. 33.) The EIR suggests that the future environmental review of a WW18 and LTRID water transfer agreement will rely on the EIR for this Project. The EIR is inadequate to support such review, however, as it fails to provide adequate groundwater analysis and is devoid of analysis of economic and social impacts of the water transfer and/or the Project.*

*LAFCO approval will also be required for the large expansion of the boundaries of WW18. To facilitate LAFCO's review, the EIR should provide a discussion of LAFCO standards and how the Project conforms or does not conform with them, to permit LAFCO to assess the likelihood of the proposed water supply program being implemented.*

*Because the EIR claims to be sufficiently detailed to preclude the need for further project-specific environmental study for development within the Specific Plan Area and consistent with the Specific Plan, CEQA and the principles enunciated in Vineyard require more certainty that a sufficient water supply is available to serve all development envisioned in the Friant Ranch Specific Plan.*

**Response 5-25:** As acknowledged by commenter, the EIR and Water Supply Assessment outlined the steps needed prior to the proposed Water Transfer Agreement taking place. The comments about future LAFCO and USBR processes are noted. Extensive discussion of federal regulations is not warranted in a CEQA document for broad land use entitlements such as those at issue. Further, as discussed in Response to Comment 5-24 immediately above, if the requisite LAFCO and USBR approvals related to the proposed water supply and water supply purveyor (WWD 18) for the Project are not secured pursuant to their regulations, then no development will occur as set forth in Mitigation Measure 3.14.1.

**Comment 5-26:** *The FEIR's Responses To City Comments 19.138, 19.139, And 19.1.62 – 164 Are Inadequate: The DEIR relies on LTRID's pre-1914 water rights for water from the Tule River as a supplemental water source in critical dry and multiple dry years. The City noted in its comment 19.139 on the DEIR that California Department of Water Resources (CDWR) water use surveys had not yet obtained the detailed surface water user data now required to be reported pursuant to SB7X8, to verify the legitimacy of LTRID's pre-1914 water rights. The response to Comment 19.138 notes that the pre-1914 water rights were recognized and quantified in a 1916 court case, Poplar v. Howard. However in a much more recent case, Pleasant Valley Canal Co. v. Borrer (1998) 61 Cal.App.4th 742, the court noted that the intended scope of Poplar was obscure and difficult to determine. Thus, the assertion in the County's response that the Poplar decision is determinative is not accurate and leaves unchanged the need for further quantification based on current users. Because current Tule River users include those possessing riparian and/or appropriative rights, the rights can and have changed over time, depending on how use has changed. Thus, the Poplar decision is not conclusive as to LTRID's rights. The EIR must be revised to disclose additional information regarding CDWR's review and confirmation of those rights.*

*The fact that "No Tule River water supplies will be used within the Project Area [because] [t]he Project will receive CVP Friant Division Class 1 supplies stored in Millerton Lake in all years" (Response to City's Comment 19.139) does not mean that the Project's use of Tule River water to offset CVP Class 1 water contracted to other users is irrelevant, because Tule River water is needed to meet the South Valley commitments that would normally be met with the CVP Class 1 supplies transferred to WW18 for the Project. CDWR's confirmation of the continuing right to the pre-1914 water is essential to evaluation of alternative supply for Friant Ranch under Vineyard.*

*The response to Comment 19.139 also fails to adequately discuss recent water reform legislation, particularly SB7X 7, which requires a 20% state-wide reduction in urban per capita water use by the year 2020, with the interim goal of a 10% reduction by 2015. The response merely states that "the measure would affect the infrastructure and building details of the Project, not the interagency water agreement." Provisions of the LTRID contract with USBR require that in order to renew its USBR contract for CVP water beyond February, 2026, LTRID must have prepared and implemented a water conservation plan which meets federal criteria. (See DEIR, Appendix B, Water Supply Assessment, Appendix C, §2(b)(2).) Compliance with SB7X 7 is certainly relevant to this determination. The FEIR should more fully explain how its infrastructure and building details affect the amount of water required from WW18 and LTRID, in order to support its conclusion that an adequate water conservation program is in place and renewal of the LTRID contract for CVP Water is warranted.*

*With respect to SB7X 8, the response to Comment 19.139 correctly notes that the legislation imposes heightened reporting requirements on diverters. What the response does not do is analyze what current reporting requirements are and how those might change under the new legislation. In addition, SB7X 1 does more than just create the Delta Stewardship Council as noted in the response. The response states that the Project is not covered by this legislation because the Tule River is not a tributary to the Sacramento/San Joaquin Delta system. But the Tule River is only part of the water supply source for the Project; the San Joaquin River is part of the CVP, so the response needs to address whether the CVP Friant Division is impacted by SB7X 1.*

*In responding to the City's Comments 19.162 — 164, the FEIR should have provided more detailed discussion of the untitled environmental document which the EIR apparently relies on to support its conclusion that LTRID's increased extraction of water from the Tule River would not cause significant cumulative impacts. (See DEIR, p. 5-17.) Vineyard restates and reinforces existing CEQA law which requires an EIR to clearly identify any outside sources the EIR relies upon as evidence, and to discuss the analysis and conclusions in those sources in a way that makes clear to the public and to decision makers what portions of the sources are used, and why they are important to the EIR's conclusions. The EIR's vague discussion of the unnamed document cited on DEIR page 5-17 does not satisfy these requirements. Particularly, given LRTID's policy of requiring use of groundwater to supplement the needs of its customers during dry years, the FEIR should have provided additional discussion of whether the District's supply of water to the Project may cause significant impacts on the District's groundwater basin.*

**Response 5-26:** Comment 5-26 alleges that the County's responses to comments 19.138, 19.139, 19.162, 19.163, and 19.164 concerning Lower Tule River Irrigation District's water rights are inadequate. Each paragraph of Comment 5-26 is addressed in turn below.

Response to Paragraphs 1 and 2 of Comment 5-26: Comment 5-26 requests that the County revise the EIR to "disclose additional information regarding California Department of Water Resources' (DWR) review and confirmation" of LTRID's rights. CEQA and CEQA case law do not require that the Project obtain DWR "confirmation" of pre-1914 rights that a willing seller may use to meet other non-Project commitments in future critically dry users. There is no evidence to suggest that such "confirmation" is within the authority of DWR. Further, there is no evidence to suggest that DWR objects to such diversions nor have they ever found such diversions to be illegal.

As explained in Response to Comment 19.138 of the FEIR, the Tule River Water Master annually files a report of diversions for the diversions under his jurisdiction with the State Water Resources Control Board (SWRCB) for the major recognized diverters of water on the Tule River. A report is also prepared for the Tule River Association, an association of historic diverters and recognized owners of rights to the Tule River. The diversion history of Lower Tule River Irrigation District is well documented within these documents and has been for many years. Although the SWRCB and DWR have no jurisdiction over pre-1914 appropriative rights, the SWRCB is regularly notified of these diversions, amounts and locations, including the diversions of LTRID. Additionally, the similarly prepared report of diversions prepared for the Tule River Association annually describes the diversions of users of Tule River water along with annual activities of the Tule River Authority in protection of the diversion rights of the Tule River Authority and its members. The diversions of LTRID's water claimed under their pre-1914 appropriative rights are documented here and the records made available to other known users of Tule River water supplies. Thus, the conclusiveness of LTRID's pre-1914 appropriative rights is justified and supported by a long, documented history of continuous use.

The FEIR, in response to the City's earlier question regarding LTRID's pre-1914 water rights (FEIR page 3-162, Response to Comment 19.139), details the 95-year history of LTRID's Tule River rights, which were established prior to State Water Resources Control Board jurisdiction and were affirmed by the Court in the cited *Poplar* decision. As noted in the FEIR, the level of analysis requested by the City rises well above the CEQA requirement.

While new state reporting requirements on diversion of pre-1914 water are in place (SB 7X 8), the legislation does not provide for any reallocation of already-appropriated supplies, and does not affect pre-1914 water rights, over which SWRCB has no jurisdiction. Any assumption by the commenter that such a reallocation is forthcoming is speculative and cannot be evaluated in the EIR.

*Response to Paragraph 3 of Comment 5-26:* With regard to contract renewal, in late 2010, LTRID completed conversion of its USBR supply contract to a 9d repayment contract, which removes the need for contract renewal in 2026 and makes LTRID's right to available CVP Class 1 supplies perpetual so long as LTRID does not breach the agreement. While LTRID already has in place a water conservation plan for its agricultural users, it is not subject to urban water conservation requirements as a result of the proposed agreement. Any requirement to implement an urban water conservation plan (or Urban Water Master Plan) will fall upon WWD 18 when it becomes large enough to be subject to the law. This is fully discussed in the Water Supply Assessment. In any case, an increased level of urban water conservation will only have the effect of reducing water required to meet Project demands and increasing the factor of safety already provided by the contemplated supply.

To explain further, the consumptive demands considered in the Water Supply Assessment for Friant Ranch, based upon the land plan in the recommended Specific Plan, are very conservative. Being based upon historic use in local cities like Clovis, these demands do not fully reflect the impact of water conserving plumbing, small yards, or other contemporary water saving measures contemplated by the Specific Plan. In fact, the intent in using the larger demand numbers was to assure that the water supply secured is safely large enough to meet planned demands. Both the WSA and the EIR note that the water supply is adequate even discounting use of the Project's recycled water for landscape irrigation of public open spaces and streetscapes, which will be necessary to implement the Project's wastewater disposal plan. Implementation of current and future water saving regulations within the development will only reduce the demand below planned quantities, again making it easier for LTRID to meet its contractual obligations.

*Response to Paragraph 4 of Comment 5-26:* The commenter asks for analysis of how reporting requirements will change under SB 7X. There is nothing in the SB 7X 8 reporting requirement that affects supplies or allocations; it is a monitoring and reporting requirement only. This issue is an operational question for LTRID, involving possible installation of metering equipment. It is not an environmental issue and needs no further discussion. An earlier version of the legislation (not the final version passed) contemplated SWRCB review of rights once updated reporting data becomes available, but that possibility was removed from the final legislation and would have to be separately enacted. No such requirements are pending.

Each of the SB 7X components' impacts is discussed in the FEIR (Response to Comment 19.139). The SB 7X 7 call for a 20% reduction in urban water use by 2020 may affect future building and development regulations. The Project has been evaluated for environmental impact based upon the regulations currently in place. Should new water use regulations be implemented during build-out, the portion of the Project yet unbuilt could be subject to those rules. The same would be true for every other project

considered in the cumulative scenario. However, since the impact would be to reduce urban water consumption, the environmental impact of such regulations would be positive.

The commenter further requests speculation of how SB7X 1 will impact the CVP Friant Division. As discussed in FEIR Response to Comment 19.139, SB 7X 1 mandates the formation of the Delta Stewardship Council and adoption of a comprehensive management plan for the Delta by the end of 2011. It would be pure speculation for the EIR to analyze the affect of implementing such statutory mandate on the CVP Friant Division since at this time there is no such management plan in place and the County does not know what the future requirements may be.

*Response to Paragraph 5 of Comment 5-26:* No additional groundwater pumping is expected as a result of the Project. As explained in Response to Comment 19.1 in the FEIR, the source of water for the Project is surface water stored behind Friant Dam, which LTRID is transferring to WWD 18 for use within the Project. As explained in Responses to Comments 19.134 and 19.136, the proposed transfer will not result in any negative impacts to LTRID growers or their underlying groundwater basins. Rather, the LTRID proceeds from the transfer will be used to operate additional water distribution systems and additional groundwater recharge facilities, as well as to purchase short-term water from other Friant Division contractors on a year-to-year basis when needed. These additional facilities and potential short-term water purchases allow the District to take in more surface water in big water years and at flood times for groundwater recharge. The EIR does not rely on LTRID's past environmental documentation to support its findings about impacts from the Water Transfer Agreement; rather the DEIR explains that the construction of facilities within LTRID that may be used to offset the water transferred to WWD 18 for the Project is a separate action of LTRID that was previously analyzed under CEQA.

**Comment 5-27:** *CEQA requires that an EIR discuss feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. (Guidelines 15126.4(a).) The DEIR and FEIR conclude that the project will have significant environmental impacts from rezoning over 900 acres of Agricultural land to urban uses, but contains no mitigation measures or any discussion of possible mitigation measures. Instead, the document simply concludes with no explanation that "no mitigation measures are available." In its December 15, 2009 comment letter, the City described several feasible mitigation measures that are commonly used to mitigate reduction and conversion of agricultural lands (conservation easements and/or Williamson Act contracts to protect lands currently used for agriculture). (Dec. 15, 2009 letter from Andrew Souza, City Manager, City of Fresno, p. 3.) If feasible mitigation measures are available, CEQA requires the lead agency to consider and implement them to reduce or eliminate significant environmental impacts. (Guidelines 15126.4(a).)*

*The County's response to this comment suggests that over 1,000 acres of agricultural lands (actually grazing lands) will be preserved via a conservation easement through implementation of Mitigation Measure Nos. 3.4.1d, 3.4.1e, 3.4.3a(1), 3.4.3a(2)(a) and 3.4.5. However, these mitigation measures do not in fact preserve a single acre of agricultural lands. These mitigation measures are mitigating impacts to biological resources, As such they are designed to minimize or avoid impacts on species protected under the state and/or federal Endangered Species Acts and require acres of vernal pool, wetland and other habitat for the California tiger salamander and the western spadefoot be protected from development. These acres are not agricultural land to be used for agricultural purposes or even agricultural land to be used for grazing. It is wholly disingenuous for the County to suggest that these mitigation measures in any way mitigate the impacts on the significant loss of agriculturally zoned land because they do not.*



**Response 5-27:** The commenter suggests that agricultural lands be conserved through conservation easement to offset the agriculturally zoned lands rezoned to inconsistent uses by the Project. As discussed in Response to Comment 18.3 of the FEIR, pursuant to Mitigation Measures 3.4.1b through 3.4.1e, and 3.4.3a(1), 3.4.3a(2)(a) and 3.4.5 and the USFWS Biological Opinion for the Project, the applicant must conserve through a permanent conservation easement (and pursuant to approved grazing management plans) the on- and off-site rangeland properties identified in Tables 3.4.2 and 3.4.3 and Figure 3.4-7 of the EIR. Approximately 482 acres of such conservation property is located within the Specific Plan Area and approximately 208 acres is located immediately east of the Specific Plan site. As such, these 482 acres of agricultural grazing lands (which will be rezoned to open space uses) are immediately adjacent to the approximately 443 acres of agriculturally zoned lands that will be rezoned to residential and commercial uses under Alternative 3. The uses mandated by the USFWS Biological Opinion (which will be memorialized in the conservation easements and grazing management plans) for these 690 acres in the immediate Project vicinity will be consistent with agricultural uses since ongoing grazing is required to manage the properties. Moreover, pursuant to Mitigation Measures 3.4.1b through 3.4.1e, and 3.4.3a(1), 3.4.3a(2)(a) and 3.4.5 and the USFWS Biological Opinion, the applicant must also preserve through permanent conservation easements and subject to grazing management plans approximately 830 acres of lands west of the Project Area. As such, the mitigation proposed by commenter is unnecessary duplication.

However, contrary to commenter's assertion and as indicated at page 3-24 and 4-29 of the DEIR, the County has determined that conservation of over 1,500 acres of similarly-situated grazing land does not mitigate to less than significant the inconsistency with existing zoning on the approximately 443 acres (pursuant to Alternative 3) that are currently zoned for agriculture but will be put to residential and commercial uses.

**Comment 5-28:** *The City also commented in its December 15, 2009 letter that the County ignored the significance of grazing land as farmland worthy of conservation. The City explained in detail the significant economic value of this land to the County and the Central Valley as a whole, which indisputably establishes that grazing land is "Farmland of Local Importance." The County improperly split the City's comments on grazing into individual statements to enable it to dismiss several comments (such as the economic value of grazing to the area) summarily by concluding that they did not address environmental issues. The County is wrong. Collectively, these comments present a significant environmental concern – the DEIR and FEIR fail to address the significant impacts on a grazing lands in the project area, which are Farmlands of Local Importance. CEQA requires the County to analyze these impacts. The County's failure to do so renders the document inadequate under CEQA.*

*In its December 15, 2009 comment letter, the City stated:*

*"The EIR incorrectly concludes that the Project's conversion of agricultural land is consistent with the County General Plan. However, this agricultural land conversion violates central goals and policies of the General Plan to protect agricultural land, including Goal LU-A (promote long term conservation of productive and potentially productive agricultural land) and Policy LU-A.1 (County shall maintain agriculturally designated land for agricultural use and direct urban growth away from this land). The inconsistency with these policies is a significant environmental impact which requires mitigation."*

*The County's response to this comment ignores the letter and spirit of the General Plan which repeatedly reinforces the importance of agriculture to the County's future. The General Plan does not simply seek to minimize the loss of agricultural land, it seeks to improve and increase agricultural lands. For example, the General Plan requires the County to implement General Plan land use policies and programs to*

*conserve agricultural land and to promote improved soil productivity. (General Plan ED-A.14.) It also calls for the County to maintain agriculturally-designated areas for agriculture use and to promote the long-term conservation of potentially productive agricultural land, which is land that is not currently useful for agricultural production but could be if the soil were improved or it was otherwise rehabilitated. (General Plan, LU-A.1, LU-A.) The General Plan also recognizes the County's goals to create jobs and regional prosperity by focusing on growing and improving its primary industry, agriculture. (General Plan, Chapter 2, Goals and Policies for Economic Development.) The courts have repeatedly acknowledged that the general plan is the "constitution for all future developments" and decisions affecting land use must be consistent with the general plan. (See California Native Plant Society v. City of Rancho Cordova, 172 Cal.App.4<sup>th</sup> 603, 636.)*

*The City's original comment is correct – the proposed project is inconsistent with the General Plan. This inconsistency must be accurately presented and analyzed in the document, and mitigation measures must be implemented, to bring the EIR into compliance with CEQA on this issue.*

**Response 5-28:** As explained at page 3-15 of the DEIR, “Farmland of Local Importance” is defined by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) as follows: “important to the local agricultural economy *as determined by the county.*” (Emphasis added.) Figure 3.2-2 of the DEIR identifies the lands so designated by the County. Commenter’s attempt to justify its own designation of certain lands as valuable to the economy does not override the County’s determinations of Farmland of Local Importance on a Countywide basis. See Response to Comment 5-9 above related to consistency with the County’s agricultural General Plan policies.

**Comment 5-29:** *Furthermore, the goals and policies in the General Plan which seek to increase the influence and importance of the County in the agricultural industry require the County to do more than the minimum of checking the designation of a particular area on the statewide farming maps to determine if the lands at issue have agricultural significance or potential value. As discussed in the City's December 15, 2009 comment letter, soils evaluation criteria such as the Stogie index should have been utilized to evaluate the significance of impacts on agricultural lands. The County's response did not adequately address this issue. It concludes that the project area includes hilly terrain and sandy soils which generally receive low scores under the Stogie index; therefore, use of such tools would have simply reinforced the conclusion that the site contains only unproductive agricultural lands. A conclusory statement which assumes the outcome of an analysis that was never undertaken is not sufficient under CEQA, which requires conclusions to be supported by substantial evidence in the record. (Guidelines 15093.)*

**Response 5-29:** See Responses to Comments 5-9 and 5-28 above.

**Comment 5-30:** *The County Provided Inadequate Time For Public Review Of The DEIR: The County appears to have provided an inadequate public review period for the DEIR. According to the Notice of Preparation dated October 3, 2007, the period of public review period began on October 3, 2007 and ended on November 1, 2007. This was a period of 29 days. CEQA requires public review for a minimum of 30 days. (CEQA Guidelines Section 15082). The County's improperly short public review period appears to have violated CEQA.*

**Response 5-30:** The Notice of Preparation for the DEIR provided for public comment on the scope of the proposed EIR. Section 15082 of the CEQA Guidelines does not define the term of any public comment period nor require the County to accept public comments on the scope. Rather, the purpose of the Notice of Preparation is to solicit guidance from other agencies on the scope and content of the environmental

information to be included in the EIR. The County voluntarily allowed public comment on the Notice of Preparation. Though the Notice of Preparation stated that comments on the proposed scope of the DEIR were due prior to November 1, 2007, the County has continued to accept comments throughout the CEQA process. As noted in Response to Comment 5-8 immediately above, the City of Fresno has submitted several comments on the EIR throughout the CEQA process for the Project.

**Comment 5-31:** *Noticing Defects Preclude Approval Of The Project On December 7, 2010: In Environmental Defense Project of Sierra County v. County of Sierra (2008) 158 Cal.App.4th 877, the court held that rezoning actions heard by a Planning Commission or other recommending body must be separately noticed for subsequent action by the deciding body because Government Code §65094 requires as part of the necessary notice contents, "a general explanation of the matter to be heard." The court said this explanation must include the Planning Commission's recommendation, and that cannot be done until after the Planning Commission recommendation is made.*

*In this case, the County noticed the Planning Commission hearing on this Project (for October 7, 2010) and the Board of Supervisors hearing (for December 7, 2010) in a single notice. (Notice of Public Hearing, Attachment D to this letter.) The City, in inquiries to the County Department of Public Works and Planning, has ascertained that the County failed to separately notice the Board of Supervisors hearing, with an explanation of the Planning Commission's recommendation, after the Planning Commission took action on the Project. Therefore, the Board may not grant final approval to the Project at its December 7, 2010 hearing.*

**Response 5-31:** Comment noted. As evidenced by their ongoing participation in the CEQA and land use process for the Project, City of Fresno has had adequate notice of all the hearings concerning the Project. No action was taken at the December 7, 2010 hearing. Regardless, the County has provided a separate public hearing notice for the February 1, 2011 Board of Supervisors hearing.

**Comment 5-32:** *The Proposed Resolution Purporting To Approve The Two Zoning Amendments Violates State Law: The draft resolution purporting to amend the zoning map (Application 3751) and the Zoning Ordinance text (Application 363) clearly states that both amendments are "approved" by the resolution. A separate draft ordinance adopting the zoning map changes (Application 3751) is included in the packet, but it does not include Application 363, which adds 8 subsections of detailed zoning regulations to the Ordinance Code of the County of Fresno. This attempt to amend a zoning ordinance by resolution would violate the procedural requirements for zoning amendments set out in Government Code Sections 65853-65856. Without the required ordinance for Application 363, the proposed rezoning is invalid.*

**Response 5-32:** Comment noted. This comment raises no environmental concerns related to CEQA. No response warranted. It should be noted that a separate Ordinance regarding Amendment to Text has been prepared and is included in the Board packet.

**Comment 5-33:** *In light of these procedural failings, the defects in the EIR identified in this letter and the City's comments on the DEIR, and the glaring inconsistency of this Project with the most fundamental directive of the County's own General Plan, the City respectfully requests this Board to deny this unwise Project.*

**Response 5-33:** This comment merely summarizes prior comments and warrants no response. See Responses to Comments 5-1 – 5-32 immediately above.

**Board of Supervisors Comment Letter 6**

Radley Reep  
557 W. Escalon  
Clovis, CA 93611

**Comment 6-1:** *My name is Radley Reep. I reside at 557 W. Escalon in Clovis. I am speaking to you today as a member of citizen group calling itself "Friends of Lost Lake Park." We are requesting minor modification of the policies within the proposed Friant Community Plan Update.*

**Response 6-1:** The comment is introductory in nature and is noted. No response warranted.

**Comment 6-2:** *Ten years ago when the County adopted its current General Plan, a statement was placed in the Land Use Element that a regional plan was anticipated for the Friant area. At that time, the County identified 8 issues (labeled "a" through "h") related to future growth in that area. The issues were cataloged in the General Plan, and here is that list.*

**Response 6-2:** The comment is introductory in nature and is noted. No response warranted.

**Comment 6-3:** *As you can see, the issues identified were these: expansion of activities in the Friant area, natural resources projection, implementation of the Parkway Master Plan, groundwater and surface water availability, wastewater disposal limitations and options, development of affordable housing for a new recreational workforce, the suitability of the area for future long term urbanization and options for how this might occur, such as specific plans, city annexation, or city incorporation, and lastly, provision for adequate transportation systems.*

**Response 6-3:** The comment is introductory in nature and is noted. No response warranted.

**Comment 6-4:** *We know that the preferred and proper way to proceed with planning is from the general to the specific – starting with county-wide planning, followed by regional planning and ending with specific planning. It would have been beneficial had these 8 issues been addressed and resolved prior to either updating the Friant Community Plan or adopting a new specific plan, but that has not happened. And although the County is currently engaged in updating the policy section of its General Plan, that revision will not be completed until around June of next year. Regrettably, that makes the projects before you today 6 months premature.*

**Response 6-4:** The comment does not raise any environmental issues. No response warranted.

**Comment 6-5:** *The third item on the list of eight issues identifies the need to implement appropriate policies from the San Joaquin River Parkway Master Plan. Parkway policies per se were not addressed in the Friant Community Plan Update. Creating confusion is the fact that at the present time, parklands within the Friant Community Plan are being assessed under 5 separate planning efforts: the Friant Ranch Specific Plan, the Friant Community Plan Update, the Parkway Master Plan, the Lost Lake Park Master Plan and the Update of the County's General Plan.*

**Response 6-5:** Project consistency with the San Joaquin River Parkway Master Plan and policies was discussed in the Draft EIR on pages 3-226 and 3-234. The Project was determined to be consistent with the Parkway Master Plan and the impact is less than significant.

**Comment 6-6:** *This, in itself, is a serious fault, but what caught our attention specifically were 5 policies relating to the development of parklands that were not to be in sync with other plans. And what made the situation worse was that the Friant Community Plan Update mischaracterized the San Joaquin River Parkway, claiming it to be a trail. We hope everyone here knows that is not so. The Parkway is a dynamic 22-mile greenway and wildlife corridor of several thousand acres that incorporates recreational and educational features within a system of interconnected trails. Unfortunately, the only full endorsement of the Parkway Master Plan occurs in the transportation section of the Community Plan, where again, the Parkway is perceived to be a trail. To remedy these shortcomings, we are recommending 5 policy modifications.*

**Response 6-6:** The edits proposed for the four policies noted are minor in nature, are without adverse environmental consequences, and can be accommodated. Please see Responses 6-7 through 6-11 below.

**Comment 6-7:** *Specifically, we recommend removing from Policy 1.6 the word "uninterrupted" from the phrase "uninterrupted pedestrian trail connections" because to some it may suggest unrestricted access, and as you know, for purposes of security, it may be necessary to restrict access during certain times of the day or night. If, however, the project proponents interpret the word "uninterrupted" to mean "seamless," then we would gladly accept that word in its place. If not, we recommend this wording:*

1.6 *Create pedestrian linkages across Friant Road that will allow pedestrian trail connections between Lost Lake Recreation Area/San Joaquin River Parkway and new development east of Friant Road.*

**Response 6-7:** The proposed modifications are refinements with no adverse environmental consequences and can be administered, if adopted.

**Comment 6-8:** *With respect to Policy 2.4, we recommend eliminating reference to the "banks" of the river as the location for the wildlife corridor. With regard to Lost Lake Park, this Board has told park planners to retain the intensive uses along the banks of the river within the park, so the Parkway wildlife corridor will need to be elsewhere. Removing the reference to the banks of the river will eliminate an incongruity between the Friant Community Plan and the Parkway Master Plan. The modified policy would simply read...*

2.4 *Emphasize protecting and restoring sensitive habitats and wildlife corridors along the San Joaquin River.*

**Response 6-8:** The proposed modifications are refinements with no adverse environmental consequences and can be administered, if adopted.

**Comment 6-9:** *We also recommend modifying the language of Policies 1.3 and 5.4, which together call for the establishment of new recreational uses at Lost Lake Park that are to be marketed by some unknown entity — presumably the project proponents. Because plans for Lost Lake Park are still being shaped, these two policies are troubling. Our modifications would broaden the first of the two policies and require consistency with future park plans for the second. The modifications would read:*

1.3 *Enhance the Community of Friant's position as a recreation area of regional significance through the development of new recreational opportunities.*

5.4 *Support additional recreational opportunities at the Lost Lake Recreation Area that are consistent with the Parkway Master Plan and planning for Lost Lake Park.*

**Response 6-9:** The proposed modifications are refinements with no adverse environmental consequences and can be administered, if adopted.

**Comment 6-10:** *And lastly, we are requesting an additional policy, one that supports the vision of the Parkway Master Plan by requiring that uses in parklands associated with the river are consistent with a river setting. The policy would read...*

*10.2 Support the San Joaquin River Parkway Master Plan and recreational uses within parklands west of Friant Road that are consistent with the natural, cultural and aesthetic resources of the San Joaquin River.*

**Response 6-10:** The proposed modifications are refinements with no adverse environmental consequences and can be administered, if adopted.

**Comment 6-11:** *These recommended modifications are the result of careful comparison of policies from several planning documents all related to the development of parklands located within the Friant Community Plan. These policy modifications create harmony within planning documents, and they are wholly consistent with the policies of the San Joaquin River Parkway Master Plan.*

**Response 6-11:** The proposed policy language changes are minor in nature and without environmental consequences and can be accommodated. Please see Responses 6-7 through 6-10 above.

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## ORAL TESTIMONY

Fresno County Board of Supervisors - December 7, 2010  
Summary of Oral Comments in Opposition

**Oral Comment 1: David Koehler:** Executive Director, San Joaquin River Parkway and Conservation Trust attending with Sharon Weaver. He thinks they have worked well with the applicant on the project design. The organizations have two specific areas of conflict with the project. The project includes 942 acres and 2,500 dwellings. There is a large emphasis on its connection to public lands: Millerton State Recreation Area, Lost Lake Park, and the San Joaquin River Parkway. The Project relies so much on public lands that it was noted in previous documents as “critical to the project.” The public lands present clear benefits to the current and future homeowners in the project. In the Final EIR, discussion Mitigation Measure# 3.1.4, it inappropriately and unreasonably concludes that there aren’t any impacts to the San Joaquin Parkway, Lost Lake, or Millerton Park, so that no mitigation is required. Two Mitigation Measures that could be included:

1. Prior to issuing a building permit, a study shall be conducted to determine an adequate impact fee to mitigate the project’s pro rate share of increased demand of the parks and recreation facilities on Lost Lake Park, the San Joaquin River Parkway, and Millerton State Recreation Area; and a fee payment shall be made to Fresno County.
2. County should consider a Mitigation Measure for applicant to work with the County to establish a Benefit Assessment District that provides for the project’s pro rata share of annual maintenance and improvement costs for Lost Lake Park, the San Joaquin River Parkway, and Millerton State Recreation Area.

He will leave a copy of the letter for the Board to consider. He also mentioned a similar project in another County with similar mitigation measures. These issues have not been considered in the Final EIR to date.

**Response to Oral Comment 1:** The oral comments by Mr. Koehler are similar in nature and content to the written letter he submitted (Comment Letter 4) above. There is no substantial new information in Mr. Koehler's oral testimony that is not already included in the written comment letter. Therefore, please refer to responses to Board of Supervisors Comment Letter 4 above.

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**Oral Comment 2: Sharon Weaver:** As conservationist, she's not usually excited about the conversion of undeveloped land, but does recognize the efforts made on this project, especially the use of bioswales to direct stormwater.

She raised the issue of the location of WWTP. She realizes that Friant is in need of a new WWTP, and appreciate that they are willing to provide this. It is a huge benefit to the community. States that the original location proposed for the WWTP is in the community of Friant. Proponent wants to place the WWTP on the Beck property, which is adjacent to Lost Lake Park. Questions if that is really what we want next to our County Park. The County is working to make improvements to Lost Lake Park for increased future use. Asks that the WWTP be placed in the location as originally proposed.

**Response to Oral Comment 2:** The oral comments by Ms. Weaver are similar in nature and content to the written letter she submitted (Board of Supervisors Comment Letter 1) above. There is no substantial new information in Ms. Weaver's oral testimony that is not already included in the written comment letter. Therefore, please refer to responses to Board of Supervisors Comment Letter 1 above.

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**Oral Comment 3: Mary Savala:** League of Women Voters in Fresno, and is one of the founding members of the San Joaquin River Parkway. League of Women Voters realizes that this land use planning project has taken a long time to come to the Board. It includes the public policies at Lost Lake. It has been a confusing process because the County has taken a back seat to planning for this rural area. It has turned planning responsibilities over to private interests. Planning will affect Lost Lake Park, even though Lost Lake Park is a part of the San Joaquin Parkway Master Plan, and even though the operation and protections of the park falls under federal, state, and regional agencies and the implementation of the San Joaquin Parkway restoration project is just beginning. League has come to the conclusion that the impacts of a large development on the County, the region, and the protection of the San Joaquin River Parkway resources are substantial. The Project is in violation of the County policies to direct growth to existing cities, and it conflicts with Blueprint policies. County will grow less sustainability.

Also there is no mitigation for loss of grazing that this development creates. The County has the ability to require mitigation (conservation easements).

The league is particularly troubled by plans to put the WWTP in the flood zone of the San Joaquin River. Although the potential for it to fail are low, the results of failure would be catastrophic for the San Joaquin River. Who is going to monitor this facility? Will this be a new responsibility for the County? Given the housing prospects of this community, will Friant really enjoy the benefits of a new WWTP?

In hopes of at least modifying the Friant Community Plan, we are supporting the modification of four policies and the addition of one policy that will support the San Joaquin River Parkway Master Plan, and will protect the resources of the Parkway.

**Response to Oral Comment 3:** General comments regarding the planning process and impacts from large developments are noted but are not specific to the Project or Project impacts and therefore there is no response warranted. Other comments are addressed by category as follows:

Consistency with County Policies: The Fresno County General Plan provides that “the fundamental policy directive ... is to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available.” (General Plan, p. 2-33, emphasis added.) Friant Ranch is immediately adjacent to the unincorporated community of Friant with portions of the proposed Project within the 1983 Community Plan Area. The Friant Community is one of the oldest communities in Fresno County and has long been considered a legitimate growth area by the County, as evidenced by the objectives of the existing Friant Community Plan and the Friant Redevelopment Plan as well as the General Plan. There is no General Plan policy to limit growth in the Friant Community Plan Area. Please also refer to Responses 5-6 through 5-11 above for further discussion regarding General Plan consistency.

Consistency with Blueprint Policies: The Project embraces and promotes important San Joaquin Valley Blueprint or “smart growth” principles. Contrary to the assertions within the comment, the Project proposes to conserve approximately 482 acres of rangeland open space within the Specific Plan Area (in addition to offsite open space areas) and is intended to revive an existing unincorporated community a majority of which falls within the County’s only redevelopment area.

Further, the Project embraces the “smart growth” concept of clustering development to preserve open space and protect natural resources; directs development toward existing communities, creates walkable and bikable neighborhoods, fosters distinctive, attractive communities with a strong sense of place, and supports actions that encourage environmental resource management. The Project implements these principles by providing nearly 13 miles of pedestrian/bicycle facilities, neighborhood trails and local retail linkages and linkage to regional trails as well as a community technology focus for telecommuting and intranet connectivity. (See also DEIR, p. 3-387.)

Mitigation for Loss of Grazing Land: As discussed in Response to Comment 18-3 in the FEIR, the proposed Specific Plan development, with the incorporation of the Alternative 3, involves the conversion of approximately 443 acres of agriculturally zoned rangeland to non-agricultural use. Approximately 482 acres of existing rangeland on the subject property will be preserved in perpetuity, along with over 1,000 acres of offsite rangeland for a total preservation of over 1,500 of rangeland open space. The DEIR includes mitigation measures that will ensure more than a 1:1 offset for lost rangelands through conservation easement. For example, Mitigation Measure 3.4.1d states as follows:

Prior to issuance of a grading permit for all or any portion of the project site, the project applicant will preserve grassland habitats suitable for CTS aestivation under conservation easement at a minimum ratio of two acres of habitat preservation for every acre of such habitat directly or permanently disturbed by project grading and construction....

The applicant currently owns specific rangeland properties available for mitigation purposes, which are identified in the EIR at Tables 3.4-2 and 3.4-3 and further illustrated in Figure 3.4-7. Pursuant to the non-jeopardy Biological Opinion issued to the applicant by FWS for the subject Project, the applicant must



transfer conservation easements in each of the subject conservation properties to a FWS-approved land trust and manage the rangelands through active cattle grazing in accordance with a FWS-approved grazing management plan. The total amount of the FWS-required mitigation property is over 1,500 acres of rangeland, which will provide greater than a 3:1 offset for rangeland converted to non-agricultural uses. The applicant is in negotiations with the Sierra Foothill Conservancy to hold the proposed easements.

WWTP in flood zone: Commenter incorrectly states that the WWTP as proposed to be located at the Beck Property would be within the flood zone. Posted for public review on Comment on the County website for the Lost Lake Park Plan (<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=5120>) is a copy of the Existing Conditions Final Report. Figure 7 – Hydrology at page 30 of the proposed Lost Lake Park Master Plan, Existing Conditions report dated September 16, 2008 for the Fresno County Parks, Department of Public Works and Planning clearly shows that the main portion of the Beck property (and the portion in which the WWTP is proposed) is entirely out of both the 100-yr and the 250-yr flood zones.

Responsibility for WWTP: As set forth in Mitigation Measure #3.14.3a (DEIR, p. 3-369), the intent is for Waterworks District No. 18 and not the County to be responsible for the operation of the facility. The proposed WWTP facility would be monitored (regardless of ownership) by the Regional Water Quality Control Board and other agencies per regulations and requirements similar to all other treatment facilities in the State of California. Initially a portion of the existing Community (Millerton Lake Village Mobile Home Park) will immediately benefit from the new tertiary WWTP replacing their outdated and out-of-compliance secondary WWTP. As explained in the DEIR, Specific Plan and Infrastructure Master Plan, the remaining Community will not receive a benefit until a sewer collection system is built.

San Joaquin River Parkway Master Plan: The proposed policy language changes are minor in nature and without environmental consequence and can be accommodated, if adopted.

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**Oral Comment 4: Radley Reep:** Friends of Lost Lake Park. Mr. Reep read his December 7, 2010 letter to the Board verbatim. Final comments: We sat down with Melinda Marks of the San Joaquin River Conservancy and she has endorsed these policies.

**Response to Oral Comment 4:** Mr. Reep read his December 7, 2010 letter to the Board verbatim (Comment Letter 6). Therefore, please refer to responses to Board of Supervisors Comment Letter 6 above.

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**Oral Comment 5: Chris Acree:** Executive Director: Revive the San Joaquin. We think our concerns have not been addressed in the CEQA document. The Fresno County General Plan and Blueprint encourage development in urban areas and SOIs, areas where infrastructure already exists. This is a core principal. If we give up this principal, we give up our ability to control air quality and other impacts on resources. His question to the Board today is whether the applicant has provided mitigation for this leap frog growth that is so contrary to our General Plan. Friant Ranch is proposed not to meet growth needs of the community of Friant, but to meet the needs to outgrowth from existing cities and in migrating retirees from other areas. The project will increase the population of the community 10 fold, without assurances to meet the infrastructure needs of the community. Friant is 20 miles from other urban areas, doesn't have the infrastructure in place for this growth. There are 23,000 acres available for growth within the SOIs of Fresno and Madera that could be considered.

There are also some environmental issues that have not been covered in this hearing. Wastewater, because of the shallow bedrock underlying the site, would be discharged directly or indirectly into the (San Joaquin) River or to the shallow groundwater that feeds the River (up to 800,000 gallons/day approved in EIR). It does not address other projects across the river that intend to do the same thing – dump wastewater into the river. If all these projects are approved, it is up to 15 million gallons of treated sewage a day where we are trying to address endangered species in the River. The wastewater contains toxic contaminants and chemicals which effect salmon and other species.

The loss of farmland can be mitigated through enforceable mitigation measures in the form of conservation easements.

Air quality will be affected, and are not mitigated by any other means than supplying brochures to the community.

He references the four measures that are included in his letter (but does not address them specifically). All these issues are required under CEQA.

Where did data come from for wastewater and traffic?

**Response to Oral Comment 5:** The oral comments by Mr. Acree are similar in nature and content to the written letter he submitted (Board of Supervisors Comment Letter 2) above. Other than the general question of where did the data for wastewater and traffic come from, there is no substantial new information in Mr. Acree's oral testimony that is not already included in the written comment letter. Therefore, please refer to responses to Board of Supervisors Comment Letter 2 above. The inquiry regarding data for wastewater and traffic is general in nature and a specific response is not possible. However, both the Draft and Final EIR (which have been provided to Mr. Acree) provide substantial background information and assumptions related to wastewater and traffic.

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**Oral Comment 6: Claire Craiger:** One of the founding members of the Parkway. She had not intended to speak today. She hopes that the Friant Community Plan will not interfere with the plans for Lost Lake. It is also important to consider that there is a restoration plan ongoing for the San Joaquin Parkway which will increase the amount of water that flows in the river on a regular basis. She supports the changes proposed by the Friends of Lost Lake. She has a real concern about the WWTP location, and how that will impact the increased flow in the San Joaquin. This could affect the aquifer that Fresno City, Fresno County, and City of Madera use on a regular basis.

**Response to Oral Comment 6:** The comments are similar to issues previously raised in written comments in Board of Supervisors Letter 1, Board of Supervisors Letter 3, and Board of Supervisors Letter 4 above. Please refer to written responses 1-2 (location of WWTP), 3-2 (changes proposed by Friends of Lost Lake Park), and 4-2 (plans for Lost Lake Park and the San Joaquin River Parkway) above.

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**Oral Comment 7: Sarah Sharp:** Environmental Health Director for Fresno Veterans Ministry. Here to speak mostly on air quality. She quoted statistics on health (asthma) and the \$29 million fine assessed last month, to note that air quality is a serious issue financially, health-wise, and for a number of other reasons. Air pollution seemed to be an afterthought (in the CEQA document) and in the presentation made by the project proponents. Proposed mitigation measures – many are not enforceable,

and many are not significant enough to mitigate for the amount of air pollution that will be caused by this project, especially vehicle miles traveled daily. It is in conflict with the General Plan policy of encouraging growth in urbanized areas. Mitigation for both construction and operations phases is inadequate. Additionally, the EIR does not mention SB 375 or do enough to reduce VMT.

**Response to Oral Comment 7:** The Draft EIR analyzed construction emissions, operational emissions, vehicle emissions and greenhouse gas emissions in Sections 3.3 and 3.15 of the Draft EIR. The testimony does not offer any evidence that would contradict the County's evidence and EIR analysis of the Project's impact to air quality. Mitigation measures set forth in the Draft EIR set forth common control measures designed to reduce operational air quality emissions of the Project. However, the Draft EIR recognizes that these measures are not sufficient to reduce the operational impact of the Project to less than significant. The mitigation measures further recognize that as subsequent Project-level discretionary approvals are sought for proposed development within the Project area, applicants will have to consult with the San Joaquin Valley Air Pollution Control District and comply with applicable requirements.

As noted in the DEIR under section 3.3.1, p. 3-29, and Response to Comment 32.25 in the FEIR, p. 3-268, the Project is subject to and will comply with the San Joaquin Valley Air Pollution Control District's (the District) Rule 9510 (Indirect Source Review, or ISR) requirements, including payment of off-site emission reduction fees for any required construction or operational emissions not reduced on site. ISR requires development projects to mitigate emissions from project construction and operation. (San Joaquin Valley Air Pollution Control District, Rule 9510, §§ 1.0, 6.0.) ISR also requires payment of off-site emission reduction fees for any required construction or operational emissions not reduced on site. (Id. at Rule 9510, § 7.0.)

Additionally, as noted in Response to Comment 32.24 in the FEIR, p. 3.268, the Applicant will discuss with the District the use of a Voluntary Emission Reduction Agreement (VERA) to mitigate air impacts of the Project, notwithstanding that a VERA is nonbinding and therefore not an adequate mitigation measure under CEQA.

Regarding SB 375, Section Four of the Final EIR contains a discussion of SB 375 on page 3-381 (errata section). The statement regarding not doing enough to reduce vehicle miles travelled is general in nature and a specific response is not possible.

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**Oral Comment 8: Chip Ashley:** Local landowner and also on Sierra Club Executive Committee and local committee. He cannot support the project. He endorses the issues of the previous speakers. Water issue: thinks we're talking primarily about paper water, and wonders what the Westlands Water District would say about so much water being dedicated to this project.

Air quality is his primary concern. Primary users of the community still work, and need to drive. According to American Lung Association, approximately 18,000 people a year die in the San Joaquin Valley due to bad air, which destroys their lungs. This pattern of growth is unsustainable, and we cannot continue to do this.

**Response to Oral Comment 8:** Mr. Ashley's comments are general in nature and do not warrant specific responses. He endorses the issues of the previous speakers, therefore please refer to responses to oral comments 1-7 above.

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**Oral Comment 9: Robert Merrell:** Emeritus professor of geology and has lived in the area for nearly 40 years. The County has not made updates to its General Plans, Specific Plans, and other plans, so that when a development is proposed it is made to fit what we, the residents of Fresno County, expect. That is a major problem that has existed for many years. It needs to be resolved so as not to let leap frog development continue and should be addressed by elected officials. It is impossible to have continued growth on a finite resource (land and water in this valley). General Plan policies conflict with this development. Mr. Merrell quotes a recent article that states that the economy of the Valley is weighted down by significant overbuilding. There are also developments east of the canal that were approved by this Board and which have not been built out.

He addresses the 55 year age restrictions in the plan. Many of those persons are still working, and cannot retire soon. They will be commuting to Fresno, contributing to air pollution.

Water issue. While the development proposes to get its annual potable water, of up to 2,000 acre feet from an exchange agreement with the Tulare Irrigation District, that agreement will mean that the Irrigation District will increase its groundwater pumping, further impacting water resources. This will further impact the agricultural water in the San Joaquin Valley, and the agricultural interests have already complained mightily about the water crisis. Groundwater in the Valley is declining except where it is fed artificially. The greatest threat to San Joaquin Valley agriculture is urban expansion.

**Response to Oral Comment 9:** Comments pertaining to updates of County plans are general in nature and do not warrant a specific response.

General Plan Consistency: Please refer to Responses to Comments 5-6 through 5-11 above for further discussion regarding General Plan consistency.

Age restrictions: As discussed in the Draft EIR and Final EIR (FEIR Responses to Comments 9.6, 9.11 and 19.91), the assumptions included in the ITE Code for active adult communities do not require that the residents be retired. The descriptions and assumptions used in the traffic and air quality analysis in the Draft EIR acknowledge that residents may be employed.

Water issue: The commenter stated that the Project will negatively impact local groundwater resources, including the aquifer that supplies the cities of Fresno and Clovis. That is not correct, as the Project does not propose to use any groundwater at all. The entire water supply for the Project, and for the community of Friant served by Waterworks District No. 18, is sourced from the San Joaquin River under contracts with the US Bureau of Reclamation. This subject is discussed in detail in Section 3.8 of the DEIR and in the Water Supply Assessment (DEIR Appendix B). As concluded in Impact Analysis 3.8.2 of the DEIR, the Project will have no impact to local groundwater depletion or recharge, and no mitigation will be required. Contrary to the commenter's suggestion, the Project does not include an exchange agreement with Tulare Irrigation District.



# Agenda Item

DATE: February 1, 2011

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 12218 – General Plan Amendment No. 511 (Friant Community Plan Update, Friant Ranch Specific Plan), Amendment to Text Application No. 363 and Amendment Application No. 3751 and Associated Draft and Final Environmental Impact Reports.

APPLICANT: Bigelow Silkwood Friant Ranch LP

- PROPOSAL:
- Update the Friant Community Plan and expand the boundary by adding the 942.2-acre Friant Ranch Specific Plan Area and designate the Specific Plan Area for a variety of residential, commercial, and open space uses (General Plan Amendment No. 511);
  - Adopt the Friant Ranch Specific Plan containing goals, policies, implementation measures and development standards for the Specific Plan Area (General Plan Amendment No. 511);
  - Adopt Amendment to Text Application No. 363 - Friant Ranch Zoning Regulations, containing specific zoning districts for the Friant Ranch Specific Plan Area;
  - Adopt Amendment Application No. 3751 to rezone the project site to the various proposed zone districts, rezone the 7.19-acre "Depot Parcel" from Single-Family Residential Agricultural District (R-A) to General Commercial (C-6), rezone two parcels totaling 6.6 acres from R-A and C-6 to Open Space (OS), and rezone a 106-acre parcel from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to OS.

ADMINISTRATIVE OFFICE REVIEW Brandi Orth Page 53 of 744  
 BOARD ACTION: DATE February 1, 2011 APPROVED AS RECOMMENDED \_\_\_\_\_ OTHER \_\_\_\_\_

**SEE PAGE FOUR OF AGENDA ITEM FOR BOARD ACTION**



UNANIMOUS \_\_\_\_\_ ANDERSON \_\_\_\_\_ CASE \_\_\_\_\_ LARSON \_\_\_\_\_ PEREA \_\_\_\_\_ POOCHIGIAN \_\_\_\_\_

**LOCATION:** The project area is located in and adjacent to the unincorporated community of Friant approximately nine miles north of the cities of Fresno and Clovis and adjacent on the west to the San Joaquin River which forms the boundary between Fresno and Madera Counties. (SUP. DIST. 5)

**PLANNING COMMISSION ACTION:**

On October 7, 2010, the Fresno County Planning Commission, at a public hearing, considered the proposed Community Plan Update (Update), associated land use applications and environmental documents. Following presentation by County staff and the consultant, and the resulting discussion (summarized in Exhibit "A"), the public testimony portion of the hearing was closed at 11:55 a.m. so as to vacate the hearing chambers, as it was only available until 12:00 p.m.

A motion was made by Commissioner Ferguson and seconded by Commissioner Niswander to continue the item to the Commission hearing of October 21, 2010 and to allow the Applicant additional time to continue with and complete their presentation.

This motion passed on the following vote:

**VOTING:**      Yes:            Commissioners Ferguson, Niswander, Borba, Gill, Mendes, Rocca, Woolf, Goodman  
                  No:            None  
                  Absent:       Commissioner Abrahamian  
                  Abstain:      None

On October 21, 2010, the Fresno County Planning Commission, at a public hearing, considered the proposed Community Plan Update (Update), associated land use applications and associated environmental documents. Following presentation by County staff and the consultant, and the resulting discussion (summarized in Exhibit "B"), the Planning Commission took the following actions:

A motion was made by Commissioner Ferguson and seconded by Commissioner Borba to recommend the following to the Board of Supervisors:

- Certification of the Final Environmental Impact Report;
- Adoption of the Mitigation Monitoring Program (MMP);
- Approval of General Plan Amendment No. 511 updating the Friant Community Plan and authorizing the Friant Ranch Specific Plan (Alternative 3) and the Alternative Wastewater Treatment Plant location;
- Approval of Amendment to Text Application No. 363;
- Approval of Amendment Application No. 3751; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.



**APPROVED RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR GENERAL PLAN AMENDMENT PLAN APPLICATION NO. 511 PROPOSING THE FRIANT COMMUNITY PLAN UPDATE, FRIANT RANCH SPECIFIC PLAN, AMENDMENT TO TEXT APPLICATION NO. 363 AND AMENDMENT APPLICATION NO. 3751, INCLUDING:**

- **ADOPTION OF THE CEQA FINDINGS, MITIGATION MEASURES, THE MITIGATION MONITORING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND**
- **APPROVAL OF THE FRIANT COMMUNITY PLAN UPDATE INCLUDING THE ALTERNATIVE WASTE WATER TREATMENT PLANT LOCATION, AND ACCEPT THE PROPOSED POLICY REVISIONS FROM THE FRIENDS OF LOST LAKE TO COMMUNITY PLAN POLICIES 1.3, 1.6 AND 2.4 WHILE NOT ACCEPTING THE PROPOSED MODIFICATION TO POLICY 5.4 AND NOT ACCEPTING THE NEW PROPOSED POLICY 10.2 WHICH IS TO BE TABLED FOR A LATER BOARD OF SUPERVISORS DISCUSSION; AND**
- **APPROVE THE FRIANT RANCH SPECIFIC PLAN AS ANALYZED THROUGH ALTERNATIVE 3 AND DIRECTED STAFF TO REVISE THE SPECIFIC PLAN DOCUMENT TO CLARIFY THAT THERE WILL BE NO WASTE WATER DISCHARGE, TREATED OR OTHERWISE, TO THE RIVER.**

**AS THE FIRST AMENDMENT CYCLE IN 2011.**

**ADOPTED ORDINANCE APPROVING AMENDMENT TO TEXT APPLICATION NO. 363 - FRIANT RANCH ZONING REGULATIONS, CONTAINING SPECIFIC ZONING DISTRICTS FOR THE FRIANT RANCH SPECIFIC PLAN; AND**

**ADOPTED ORDINANCE APPROVING AMENDMENT APPLICATION NO. 3751 TO REZONE THE PROJECT SITE TO THE VARIOUS PROPOSED ZONE DISTRICTS, REZONE THE 7.19-ACRE "DEPOT PARCEL" FROM SINGLE-FAMILY RESIDENTIAL AGRICULTURAL DISTRICT (R-A) TO GENERAL COMMERCIAL (C-6), REZONE TWO PARCELS TOTALING 6.6 ACRES FROM R-A AND C-6 TO OPEN SPACE (OS), AND REZONE A 106-ACRE PARCEL FROM AE-20 (EXCLUSIVE AGRICULTURAL, 20-ACRE MINIMUM PARCEL SIZE) ZONE DISTRICT TO OS.**

**THE BOARD INCLUDED A CONDITION REQUIRING THAT THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR LEGAL COSTS ASSOCIATED WITH APPROVAL OF THE PROJECT.**

Motion by: Perea  
Ayes: Perea, Poochigian, Larson  
Abstentions: None

Second by: Poochigian  
Noes: Anderson  
Absentees: Case



EXHIBIT "A"

General Plan Amendment Application No. 511  
Amendment to Text Application No. 363  
Amendment Application No. 3751  
Associated Environmental Impact Report  
(State Clearing House No. 2007101016)

Staff:

The Fresno County Planning Commission considered the Staff Report dated October 7, 2010, and heard a summary presentation by staff and the County-retained consultants. Staff described the Update process, the proposed Community Plan provisions, and the Environmental Impact Report (EIR) prepared for the Community Plan Update and Specific Plan. The Applicant's representative concurred with the staff recommendation and offered the following information.

- The process started seven years ago with Board of Supervisors authorization to proceed with the EIR obtained five years ago.
- The project site for the Specific Plan has been owned by the same family for the last 90 years and there is no prime agricultural land. The land is primarily used for grazing.
- The project is designed to be green and sustainable and senior citizen focused as the project represents the first age-qualified community in the County, and should revitalize the community of Friant.
- The Plan includes biking/walking trails, a community center and an 18-acre village core. Of the 2,500 units proposed in Alternative 3, 2,270 units are age-qualified. The design is in conformance with smart growth principles.
- We have been in the process for several years and have worked very hard with the local, State and Federal agencies under a concurrent process to address concerns. The project has been modified in response to many of the issues raised.
- We are endorsing Alternative 3 as identified in the EIR. This Alternative will result in reduced units and more open space and is consistent with the biological opinion issued by the US Department of the Interior Fish and Wildlife service. There will be 1,060 acres of off-site preservation/ mitigation operated by a conservation trust.
- Regarding cultural resources, we met with two Native American tribes and the resource agencies. Two identified resource sites will be contained in open space and the third site will be closely monitored.

- The entire community will be designed with low-impact design storm water filtration system, the design of which is endorsed by the Environmental Protection Agency (EPA) and State Water Resource Board.
- While the community center facility will be funded by the residents of Friant Ranch, it will be made available for anyone within the community of Friant who wishes to host an event. There will also be fitness and aquatic facilities.
- The Specific Plan contains four main architectural styles for construction.
- We ask that the Commission consider the benefits of the project.

Others: Due to the shortened hearing schedule, no additional speakers in favor or in opposition spoke.

Correspondence: Thirteen letters were presented to the Planning Commission in favor of the proposal including one letter from the Applicant, and one letter of opposition from the City of Fresno opposing the proposal and requesting a continuance to allow the City to further consider the project.

EXHIBIT "B"

General Plan Amendment Application No. 511  
Amendment to Text Application No. 363  
Amendment Application No. 3751  
Associated Environmental Impact Report  
(State Clearing House No. 2007101016)

Staff:

The Fresno County Planning Commission considered the Staff Report dated October 21, 2010, and reopened the hearing to receive additional testimony from County staff including staff from the Design Division regarding traffic impacts. The Applicant's representative team concurred with staff recommendations and offered the following information.

- This project serves the local senior community, creates a green and sustainable development and will revitalize the community of Friant.
- The gross acreage of Friant Ranch is 942 acres. This is a conservation community with 1,520 acres of on-site and off-site conservation to remain as permanent rangeland.
- The proposal includes 12.6 miles of walking trails, a 15-acre community center, a village core to provide necessary services, 2,270 age-qualified units, 180 multi-family units, and 50 live/work units in the village core.
- The proposed zone districts and related development standards are designed to accommodate the various stages of active adult life.
- We have been working concurrently with regulatory agencies, particularly with regard to biological resources and open space preservation. The on and off-site open space areas have already been purchased.
- We consulted with two native American tribes. There are three cultural resource sites; two will be in open space areas, the third will be addressed through an Memorandum of Understanding (MOU) with the tribes for consultation.
- We propose an eco-friendly approach to drainage using bio-filtration swales. This approach is endorsed by the Environmental Protection Agency (EPA) and State Water Resources Board.
- The development is designed to preserve the view of the horizon.
- The Specific Plan includes the architectural design for development including four main residential development styles. The Plan includes concepts of connectivity with the proposed transportation modal to connect the development with the region.

- The Friant Ranch development is planned using the local smart growth principles as we consulted the “Landscape of Choice” and the “San Joaquin Valley Blueprint” documents. The development is pedestrian oriented, mixed use and created a higher quality of life.
- At build-out there will be 900-acre feet of tertiary treated Title 22 water that can be used for public landscaping, the water feature and irrigation of the Beck property.
- Alternative 3 is the project as presented. This is a product of the evolution of the project which occurred as we coordinated with the responsible agencies during the seven years of study.
- This project is designed on the “Live-in Place” concept where the active seniors do not move away to a resort town in other counties or states like Palm Springs or Las Vegas, but stay in the area where they originally lived, but can downsize their residence to a manageable size.
- Age restriction is permitted through Federal and State law related to housing of seniors and includes criteria in which to qualify. There are exceptions for underage occupants in cases where permitted (care taker, caregivers, surviving spouse, disabled person, etc.). There are many examples of this type of age restricted development. These requirements are enforced by the Homeowners Association.
- Reports have been prepared documenting the jobs created by the development during the 10-year construction period and after build-out. There will be a positive fiscal impact to the Fresno County budget from this project.
- Consistent with the Regional Jobs Initiative, jobs will be created in construction, water technology, tourism and healthcare clusters.
- Friant is in a redevelopment area but there has been no growth due to the lack of water and sewer service. Friant Ranch can provide these services to the community. The Redevelopment Plan is proposed through the County to be extended for 20 years.
- The community of Friant is water short today. Friant receives 150-acre feet currently which is enough but not a surplus in dry years. This project will bring 2,000-acre feet via contract to Water Works District No. 18 which will be available to Friant Ranch. This water is guaranteed any year no matter the water conditions.
- The 2,000-acre feet purchased from the Lower Tule River Irrigation District will far exceed the 1,420-acre feet anticipated which includes a 20% contingency. This is in excess of what will be needed not counting the Title 22 water used for public landscape irrigation.
- The water contract is for Class I municipal/industrial water. The Plan Area is within the appropriate “Place of Use”.

- The Agreement with the Lower Tule River Irrigation District stipulates that they cannot enter into additional contract obligations for firm Class I that will compromise reliability.
- The new wastewater treatment plant will be a fully enclosed (no open ponds) fully mechanized plant similar to the City of Clovis plant in the Clovis East Development Area. The plant will be contained in an architecturally enhanced building to not appear as a wastewater plant.
- The original proposal cited the plant by the commercial area to replace the failing plant that serves the mobile home park. The new plant will be sized to serve the existing community and Friant Ranch.
- The waste water effluent will be Title 22 and is classified for unrestricted re-use use which can be used for landscaping (parks and schools and most agricultural applications).
- Early during the project proposal, the wastewater proposal plant included the concept of releasing effluent water to the river during the winter months. The studies prepared did not indicate an impact but as the project evolved another plant site became available.
- The alternative wastewater treatment site is to be located the plant on the Beck property, a former gravel mine being reclaimed to agriculture. The site is further from the river than the original site, it is not uphill from the community like the original site, and provides adjacent agricultural land for irrigation. The groundwater flow from the Beck site will not impact the river – there is no hydraulic slope to the river. The alternative Beck site plant location is the preferred alternative. The Beck site has already been purchased by the Applicant.
- The reclaimed water is not proposed to be used on private landscape/yard areas. We have not yet decided regarding the use of dual meters. We may consider irrigating the front yards with reclaimed water.
- The chances of a pipeline failure/rupture related to the pipe carrying the sewage to the Beck site wastewater treatment plant is very remote given the fact that it is a gravity flow line under limited pressure.
- The active adult community is estimated to produce 74% less trips at the peak hour as identified in the Transportation Engineers Handbook. This is based on the Institute of Traffic Engineers (ITE) Code 251 which identifies 3.71 trips per dwelling with a .26 pm trip rate. The traditional residence is indicated at over nine trips per day with at least 1 pm trip. We studied the similar Sun City Roseville community which revealed at build-out only 3.29 trips per dwelling and .19 pm trips, which is less traffic than what is estimated here.
- The traffic analysis prepared for the project is probably the most comprehensive study prepared in Fresno County. Impacts were studied in not only in Fresno County, but Madera County, the Cities of Fresno and Clovis, and Caltrans on-ramps to Highway 41. A total of

81 intersections and segments were included for analysis. If approved, Mitigation Fees are to be paid to all five of the agencies.

- During the planning process, we were able to develop community guidelines to address air quality impacts related to traffic. Compact development areas, adjacent commercial area, electric cart paths and parking areas, and walking trails all help reduce air quality impacts.
- The construction process, equipment and materials will meet the latest requirements to minimize impacts.
- The ITE manual contains data that is based on counts taken from existing facilities - actual observations. It is identified that many of the active adult community residents still work.
- There are significant and unavoidable impacts related to traffic, some which are significant until the road improvements are constructed and impacts some that are significant with or without the project.

Others:

Two other individuals presented testimony in favor of the proposal indicating that the project serves a unique demographic, is well planned, contains features desirable to the existing community and provides for the redevelopment of Friant.

Three people spoke in opposition to the proposal expressing concerns regarding the need for the project in the area given the neighboring Millerton developments approved years ago with no lots yet sold, cumulative impacts regarding neighboring development including the Rio Mesa project, concerns regarding general adequacy of the EIR, project impacts to the river, biological resources on the project site, air quality impacts, conflicts with General Plan policies regarding direction of growth to cities, lack of regional planning in the area, and lack of consistency with the existing Friant Community Plan regarding adequate infrastructure. Additional concerns were cited regarding the alternative wastewater treatment plant (WWTP) location next to Lost Lake Park, and adequacy of the EIR analysis regarding the WWTP alternative as well as potential pipeline breaks which may impact the river, concerns that waste water from the project will be applied to Lost Lake Park, that Lost Lake planning efforts should be included in this land use process and that approval of this proposal will result in additional large scale development.

Correspondence:

One letter was presented to the Planning Commission in favor of the proposal and two letters in opposition.

EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Environmental Impact Report (State Clearing House No. 2007101016)  
General Plan Amendment Application No. 511  
Amendment to Text Application No. 363  
Amendment Application No. 3751

Listed below is the allocated budget for preparing the EIR and the Community Plan Update.

Environmental Impact Report	\$429,824.79
General Plan Amendment Application	\$ 53,657.00
Amendment to Text Application	\$ 7,326.00
Amendment Application	\$ 5,832.50
Health Department Review	\$ 838.00
Total	<u>\$497,478.29</u>



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 October 21, 2010

**SUBJECT:** Environmental Impact Report (State Clearinghouse No. 2007101016), General Plan Amendment No. 511, Amendment to Text Application No. 363, and Amendment Application No. 3751 for the Friant Community Plan Update and Friant Ranch Specific Plan

The proposal includes the following:

1. Update the Friant Community Plan and expand the boundary by adding the 942.2-acre Friant Ranch Specific Plan Area and designate the Specific Plan Area for a variety of residential, commercial, and open space uses (General Plan Amendment No. 511);
2. Adopt the Friant Ranch Specific Plan containing goals, policies, implementation measures and development standards for the Specific Plan Area (General Plan Amendment No. 511);
3. Adopt Amendment to Text Application No. 363 - Friant Ranch Zoning Regulations, containing specific zoning districts for the Friant Ranch Specific Plan Area;
4. Adopt Amendment Application No. 3751 to rezone the project site to the various proposed zone districts, rezone the 7.19-acre "Depot Parcel" from Single-Family Residential Agricultural District (R-A) to General Commercial (C-6), rezone two parcels totaling 6.6 acres from R-A and C-6 to Open Space (OS), and rezone a 106-acre parcel from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to OS.

**LOCATION:** The project area is located in and adjacent to the unincorporated Community of Friant approximately nine miles north of the cities of Fresno and Clovis and adjacent on the west to the San Joaquin River which forms the boundary between Fresno and Madera Counties. (SUP. DIST. 5)

**APPLICANT:** Bigelow Silkwood Friant Ranch LP  
Owners: Bigelow - Silkwood

**STAFF CONTACTS:** Chris Motta, Senior Planner

DEVELOPMENT SERVICES DIVISION



(559) 262-4241

**Theresa Acosta-Mena, Senior Planner**  
(559) 262-4377

**Will Kettler, Principal Planner**  
(559) 262-4497

**RECOMMENDATION:**

- Recommend that the Board of Supervisors make necessary Findings and certify the Final Environmental Impact Report (EIR) prepared for the Friant Community Plan Update and Friant Ranch Specific Plan; and
- Recommend approval of the General Plan Amendment updating the Friant Community Plan to the Board of Supervisors, including the Friant Ranch Specific Plan Area; and
- Recommend approval of the proposed Friant Ranch Specific Plan (Alternative 3) to the Board of Supervisors; and
- Recommend approval of Amendment to Text (AT) Application No. 363 adopting the Friant Ranch Zoning Regulations to the Board of Supervisors; and
- Recommend approval of Amendment Application No. 3751 to the Board of Supervisors rezoning the Friant Ranch Specific Plan Area to the proposed zoning districts associated with AT Application No. 363; rezoning of the "Depot Site"; and rezoning the San Joaquin River Conservancy sites; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action to be forwarded as a recommendation to the Board of Supervisors.

**IMPACTS ON JOB CREATION:**

Approval of the Friant Community Plan Update, Friant Ranch Specific Plan and associated applications will not themselves have an effect on job creation. At full buildout of the Friant Ranch Specific Plan Area, it is estimated that the population will be approximately 5,000 and that an additional 500 permanent jobs will have been created within the expanded Community Plan boundaries.

**EXHIBITS:**

1. Regional Location (EIR Figure 2-1)
2. Vicinity Map (EIR Figure 2-2)
3. Aerial View of Project Area (EIR Figure 2-3)
4. Existing Friant Community Plan Area (EIR Figure 2-4)
5. Proposed Friant Community Plan Area (EIR Figure 2-7)
6. Proposed Friant Community Plan Area – Alternative 3 (CP Figure 5)
7. Proposed Specific Plan Land Use Map (EIR Figure 2-8)
8. Proposed Specific Plan Land Use Map – Alternative 3 (SP Figure 5)

9. Friant Ranch Phasing (EIR Figure 2-9)
10. Friant Redevelopment Plan Area (Figure 2-5)
11. Treated Effluent Disposal Sites (Figure 2-6)
12. Boundary of Water Works District No. 18 (Figure 2-10)
13. Boundary of Lower Tule River Irrigation District (Figure 2-11)
14. Alternative Wastewater Treatment Plant Location (Figure 4-4)
15. Proposed Zoning Regulations (AT No. 363) with Friant Ranch Zone Map
16. Existing Zone Map
17. Public Correspondence

Previously Distributed (Advance Agenda Item) on August 26, 2010:

- Draft Friant Community Plan Update (provided to the Commission on digital compact disc);
- Draft Friant Ranch Specific Plan (provided to the Commission on digital compact disc);
- Amendment to Text No. 363 - Friant Ranch Zoning Regulations;
- Draft and Final EIR for the Friant Community Plan Update and Friant Ranch Specific Plan, including Appendices – (provided to the Commission on digital compact disc), including the Mitigation Measures and Monitoring Program; and
- Final EIR for the Friant Community Plan Update and Friant Ranch Specific Plan.

**PROCEDURAL CONSIDERATIONS:**

A General Plan Amendment (GPA) Application, Amendment (Rezone) Application, and an Amendment to Text Application (AT) to the Zoning Ordinance are legislative acts requiring Board of Supervisors' action. A decision by the Planning Commission in support of a GPA, rezoning and AT request are advisory actions and require an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny the subject applications, however, is final unless appealed to the Board of Supervisors.

**BACKGROUND AND SETTING:**

Friant is an unincorporated community located north of the Cities of Fresno and Clovis and just south of Friant Dam and the Millerton Reservoir. The community has been in existence since the 1800s and is surrounded by grazing land to the east and south and the San Joaquin River to the west. Friant and Millerton Roads connect the community to cities and communities in Fresno County, while North Fork Road/Road 206 provides access to Madera County. Exhibit 1 shows the regional location of the project area. Exhibit 2 shows a vicinity map for the project which lies on the eastern side of the San Joaquin Valley. Exhibit 3 is an aerial view of the project area.

Development in the community is guided by policies of the Fresno County 2000 General Plan, the Friant Community Plan, and the County Zoning Ordinance. Most public services for the Community of Friant are provided by Fresno County. Water Works District No. 18 provides domestic water to the majority of the Friant Community. Wastewater services limited to the

Millerton Lake Village Mobile Home Park are provided by an existing wastewater treatment plant operated by County Service Area No. 44.

Population growth in Friant has been modest for many years. In 2000, Friant's population was 519 and total housing units were 236. Although the area is noted for its rural identity and extensive rangeland, approved large residential and mixed-use developments both in Fresno and Madera Counties will spur population growth that will ultimately influence Friant's economy and resources.

## **PROJECT DESCRIPTION:**

### **Fresno County General Plan Amendment**

A General Plan Amendment (GPA), required for the proposed update of the Friant Community Plan, will have the following effects:

- Increase the size of the Community Plan from approximately 862 acres to approximately 1,804 acres by adding the Friant Ranch Specific Plan Area.
- Change the land use designations for the Friant Ranch Specific Plan Area from Agriculture, Medium Density Residential, and Highway Commercial to Medium Density Residential, Medium-High Density Residential, Community Commercial, Open Space, and Public Facilities.
- Change the land use designation for the "Depot Parcel" from Low Density Residential to Highway Commercial. The 7.19-acre "Depot Parcel" is located on the east side of Friant Road between Road 206 and Bugg Street and is described in subsequent text.

Exhibit 4 identifies properties currently included within the Friant Community Plan. Exhibit 5 shows the expanded boundaries of the proposed Friant Community Plan Update.

### **Friant Community Plan Update**

The Friant Community Plan was first adopted on September 1, 1964, and subsequently amended in 1976, 1978 and 1983. The Community Plan Area is bounded by the San Joaquin River and Madera County to the west, Friant Dam and Millerton Lake to the north, open space to the south, and the Friant-Kern Canal to the east. The most significant component of the Plan Update is the addition of the Friant Ranch Specific Plan Area which will accommodate the proposed Friant Ranch Specific Plan, an active adult community with 2,996 residential units as proposed and subsequently analyzed/reduced to 2,500 residential units and associated uses (please see discussion on Pages 6 through 8) as proposed in the Environmentally Superior Alternative (Alternative 3). Exhibit 5 illustrates the proposed Friant Community Plan Update and Exhibit 6 illustrates the proposed Community Plan Update utilizing Alternative 3.

The Community Plan Update designates appropriate areas for agricultural, residential (Low Density, Medium Density and Medium-High Density), commercial (Highway, Special and Community), recreational, public facilities and open space uses. The Community Plan Update also recommends road and other infrastructure (water, sewer and storm drainage) improvements. In addition, the Community Plan Update identifies the goals and policies designed to guide land use planning, expand the community's tourism resources, expand community services and provide a guiding framework for future development, while conserving environmental resources and natural habitat.

The Community Plan Update includes goals, policies, implementation programs, and the following five Elements:

- Land Use Element – designates the type, intensity and general distribution of land uses notably, the only land use changes proposed are: 1) the changed land use designations for the Friant Ranch Specific Plan Area, and 2) the change of designation for the “Depot Parcel” from residential to commercial uses.
- Economic Development Element – addresses revitalization, redevelopment, attracting tourism, creating a small-town image, and employment growth for Friant.
- Transportation Element – identifies the general location and extent of existing major thoroughfares, transportation routes, and other local public transportation facilities. This Chapter also addresses roadways, regional transportation, alternative transportation methods, road abandonments, parking facilities, trails, and scenic roadways.
- Public Facilities and Services Element – addresses public facilities and services in Friant, including sewer, water, storm drainage, utilities, police and fire, and solid waste. This Element also addresses public health and safety including flood hazards, seismic and geological hazards, hazardous materials and noise.
- Environmental Resources Management Element – addresses natural resources, including scenic resources, agricultural resources, watershed management, water conservation, and protection measures for wildlife species, habitat, and the night sky.

Many of the policies within the Plan Update readopt those set forth in the 1983 Friant Community Plan; however, policies in the Plan Update are more comprehensive with a greater emphasis on residential design and open space preservation.

**Friant Ranch Specific Plan**

As proposed, the Friant Ranch Specific Plan would permit 2,996 residential units, associated commercial, parks, and recreation centers, and approximately 275 acres of conservation open space areas (including 245 acres of undisturbed open space). The Table below identifies the project land uses and acreages as proposed (in its largest configuration).

**Table 1  
Friant Ranch Specific Plan Land Uses**

Land Use	Description	Acres	Density Range (du/ac)	Dwelling Units	Maximum Square Feet
<b>Commercial</b>					
Community Commercial	Village Center	31.8	---	50.0	250,000 <sup>1</sup>
<b>Residential</b>					
Medium Density	Single-family One	63.7	2.0 - 5.0	293	---
Med High Density	Single-family Two	271.0	5.0 - 8.0	1,295	---
Med High Density	Single-family Three	178.0	8.0 - 12.0	1,095	---
Med High Density	Multi-family	6.0	12.0 - 18.0	83	--
<b>Active Adult Total</b>		<b>518.7</b>	<b>---</b>	<b>2,766</b>	
Med High	Non-age	14.6	12.0 - 18.0	180	--

Land Use	Description	Acres	Density Range (du/ac)	Dwelling Units	Maximum Square Feet
Density	Qualified				
Med High Density	Active Adult Rec Center	20.8	--	--	50,000
<b>Public Facilities</b>					
Public Facilities	Wastewater Treatment System	4			--
<b>Open Space</b>					
Open Space	Undisturbed Open Space	245.4	---	---	---
Open Space	Revegetated Slopes	30.0	---	---	---
<b>Roads</b>					
N/A	Roads	76.9	---	---	---
	<b>Totals</b>	<b>942.2</b>	<b>---</b>	<b>2,996</b>	<b>300,000</b>

1. Total retail square feet; does not include square footage for village center residential units.

During the EIR preparation process and the required consideration of Alternatives, three Alternatives were identified in addition to a "No Project Alternative", these are: 1) The North Development Configuration; 2) The East Development Configuration; and 3) The Northeast Development Configuration. With the exception of the "No Project Alternative", the Northeast Development Configuration (Alternative 3) has been identified to be the Environmentally Superior Alternative because it would result in the fewest adverse physical impacts to the environment with regard to biological resources. Therefore, Alternative 3 was identified as the Environmentally Superior Alternative to accommodate the project. While the project has not formally been revised, the Applicant is endorsing the Alternative recommended in the EIR (Alternative 3). As detailed in the *Draft and Final EIR for the Friant Community Plan Update and Friant Ranch Specific Plan*, extensive discussions with the U.S. Fish and Wildlife Service concerning mitigation for threatened plant and animal species lead to the development of Alternative 3: the Northeast Development Configuration. This Alternative preserves more open space in the southern section of the site, increasing undisturbed open space from 245 to 460 acres. The development footprint is reduced as are the number of proposed residential units from 2,996 to 2,500.

With the Environmentally Superior Alternative, which the Applicant is now endorsing, the Friant Ranch Specific Plan would serve as a regulatory document for the development of a mixed use community with 2,500 units including 2,104 single-family age-restricted units, 166 multiple-family age-restricted units, 180 non-age-restricted multi-family units, and 250,000 square feet of commercial within a Village Core that also provides for up to 50 residential units. The Specific Plan would also include a recreation center, approximately 15 miles of trails and parkways, approximately 20 acres of parks, and approximately 460 acres of undisturbed open space.

The Specific Plan Area is bounded by single-family homes to the north, Friant Road to the west, and open space to the south and east. Nearby developments include but are not limited to Millerton New Town (although some areas have been graded, significant portions of the proposed development are not yet entitled or under construction), Brighton Crest (with approximately 80 of the 420 approved lots built at this time) and Table Mountain Casino.

Exhibits 5 and 6 show the 942.2-acre Friant Ranch Specific Plan Area. Portions of the Specific Plan Area are already within the existing Community Plan Area identified in Exhibit 4.

The majority of the Specific Plan Area is currently designated Agriculture on the Fresno County General Plan, with the exception of approximately 47 acres designated Medium Density Residential (the northernmost tip of the Specific Plan Area) and Highway Commercial (along Friant Road). The current zoning classifications for the Specific Plan Area are AE-20 and AE-40 (Exclusive Agriculture, 20-acre or 40-acre minimum parcel size) Districts; approximately 35 acres are zoned T-P or T-P(c) (Trailer Park, conditional) Districts; approximately four acres are zoned C-6 (General Commercial) District; and approximately 2.5 acres are zoned R-A (Single-Family Residential-Agricultural) District or and R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size) District.

Friant Ranch is planned as an active adult community and will qualify for the exemption as a community for age 55 and older persons based on the Fair Housing Amendments Act of 1988, and the Housing for Older Persons Act of 1995: Final Rule (Department of Housing and Urban Development: 24 CFR Part 100) and California Government Code Section 65008(a)(1)(B). The Applicant has provided information and a legal opinion to show that age-restricted units within the Friant Ranch Specific Plan are exempt from the general ban on discrimination in housing based upon familial status.

The age restrictions for the project are enforceable as covenants and deed restrictions that run with the land. The Covenants, Conditions, and Restrictions (CC & Rs), by-laws, and policy each will reflect that the age restriction is intended to run with the land. The age restriction relates to the land because it governs the residency of the community and membership in the Homeowners Association (HOA).

Under Alternative 3, since 2,270 (approximately 91%) of the maximum 2,500 dwelling units will be age-restricted units (55 years and over), it is anticipated that some of the potential environmental impacts associated with the Project may be different than with a typical multi-generational residential subdivision. This is because active adult (55+) communities have, on average, a lower per household population than non-restricted communities. For example, the 2001 American Housing Survey conducted by the U.S. Census Bureau determined that the 55 - 64 and 65 - 74 age categories average 1.9 persons per dwelling unit. Additionally, active adults (55+) often have characteristics that differentiate their lifestyles from multi-generational communities.

The proposed Specific Plan Land Use Plan is shown in Exhibits 7 and 8. The following land uses in Table 2 are proposed for the Specific Plan with the reduced project as analyzed in the EIR as Alternative 3.

**Table 2  
Friant Ranch Specific Plan Land Uses (Alternative 3)**

Land Use	Description	Acres	Density Range (du/ac)	Dwelling Units	Maximum Square Feet
<b>Commercial</b>					
Community Commercial	Village Center	36.6	---	50	250,000 <sup>1</sup>
<b>Residential</b>					
Medium Density	Single-family One	69.4	2.0 - 5.0	290	---
Med High Density	Single-family Two	131.5	5.0 - 8.0	745	---
Med High Density	Single-family Three	130.9	8.0 - 12.0	1,069	---
Med High Density	Multi-family	13.3	12.0 - 18.0	166	---
<b>Active Adult Total</b>		<b>345.1</b>	<b>---</b>	<b>2,270</b>	
Med High Density	Non-age qualified Apartments	14.3	12.0 - 18.0	180	---
Med High Density	Active Adult Rec Center	16.1	---	---	42,000
<b>Open Space</b>					
Open Space	Undisturbed Open Space	460.0	---	---	---
Med/Med High Density	Revegetated Slopes	22.4	---	---	---
<b>Roads</b>					
N/A	Roads	47.7	---	---	---
<b>Totals</b>		<b>942.2</b>	<b>---</b>	<b>2,500</b>	<b>292,000</b>

1. Total retail square feet; does not include square footage for village center residential units.

The following land uses are also permitted by the Specific Plan:

- Fifty dwelling units are permitted within the Village Center, as either freestanding multi-family housing or vertical mixed use development with commercial/office on the first floor and residential units on the upper floors.
- Up to four acres of the Village Center may be used for the proposed wastewater treatment facility and would be located adjacent to an existing secondary treatment facility located outside of project boundary.
- Residential and commercial acreages include lands to be used for accessory, parks, parkways, and landscaped slopes.

**Medium Density and Medium-High Density Residential.** Three single-family designations and one multi-family residential category are proposed for Friant Ranch. Residential development will be arranged in clusters around small pocket parks to create identifiable neighborhoods.

- **Single-Family Density One (SFD-1)** - 2.0 du/ac to 5.0 du/ ac. - 290 units. A variety of lot sizes will be permitted with a minimum lot size of 6,000 square feet. This category corresponds to the Medium Density Residential designation in the Friant Community Plan.

- **Single-Family Density Two (SFD-2)** - 5.0 du/ac to 8.0 du/ac. - 745 units. A variety of lot sizes will be permitted including 5,000 square-foot lots and larger; 4,500, 4,000 and 3,500 square-foot lots; and single-family alley-loaded homes. This category corresponds to the Medium-High Density Residential designation in the Friant Community Plan.
- **Single-Family Density Three (SFD-3)** - 8.0 du/ac to 12.0 du/ac. - 1,069 units. A variety of lot sizes will be permitted including single-family detached homes, cluster homes, courtyard homes, duplex alley-loaded units, and townhomes. This category corresponds to the Medium-High Density Residential designation in the Friant Community Plan.
- **Multi-Family Density (MFD)** - 12.0 to 18.0 du/ac. - 346 units (both age-qualified and non-age-qualified). There are three MFD designated areas – one in the northernmost portion of the property near Friant Road, and two located adjacent to the Village Center. The northern MFD site will include approximately 180 non-age-qualified rental units. The other two MFD sites will include rental apartments and attached homes for active adults.

**Active Adult Recreation Centers.** The Specific Plan allocates approximately 16.1 acres for one active adult recreation center.

**Community Commercial.** Friant Ranch will include a Village Center on 36.6 acres to contain a mix of retail, office, medical and social gathering places. The Village Center would include 50 multi-family dwelling units and 250,000 square feet of retail, office, and community uses. The timing of the Village Center will be driven by the rate of residential development within Friant Ranch and surrounding areas.

**Open Space.** The Specific Plan proposes approximately 460 acres of undisturbed open space and 22.4 acres of revegetated open space slopes for habitat conservation. The undisturbed open space will be dedicated via easement to a Conservation Trust with an endowment for management. Setbacks will be provided around environmentally sensitive areas located within the habitat conservation areas.

In addition to undisturbed open space, the Specific Plan provides developed open space in the form of parks, trails, greenbelts and landscaped slopes, as follows:

- Residential development within Medium Density and Medium-High Density Residential areas shall include parks at a rate of five to eight acres per 1,000 dwelling units;
- The Village Core shall include five acres of parks, parkways, and town greens.

Parks, trails, and greenbelts will be maintained and operated by a Homeowners Association. The Specific Plan includes a series of smaller neighborhood-serving parks and pocket parks scattered throughout the project. These parks will be passive facilities ranging in size from approximately 0.25 acres to more than an acre.

**Public Facilities: Wastewater Treatment Plant.** The Land Use Plan also provides a location for a new Friant Wastewater Treatment Plant. Wastewater will be collected and treated at a new facility constructed on the site of the existing wastewater treatment plant located on the



northern boundary of the Village Center. The existing plant serves only the Millerton Village Mobile Home Park. The new facility, to be developed in three phases, will utilize tertiary treatment and have the capacity to serve the Friant Ranch Specific Plan Area as well as the existing Friant Community Plan with a maximum treatment capacity of 800,000 gallons per day. However, no collection system exists or is proposed by the project to serve areas other than the existing Millerton Village Mobile Home Park and the Specific Plan development. A portion of the treated effluent from the wastewater treatment system will be used for landscape irrigation.

The Specific Plan divides the proposed development into four phases, as shown in Table 3 and Exhibit 9, Page 2 (for Alternative 3). Phasing is conceptual only; the actual phasing may vary from that identified in this Section. The Specific Plan phases provide that new development will commence from the area abutting the existing community of Friant and the planned Village Center. The Friant Ranch Specific Plan development is estimated at a 10-year build-out.

**Table 3  
Friant Ranch Phasing**

Phase	Acres	Dwelling Units	Village Center		Active Adult Recreation Centers (ac)
			Dwelling Units	Retail S.F.	
Phase 1	108.3 <sup>1</sup>	614	---	---	16.1
Phase 2	117.7	618	---	50,000	---
Phase 3	98.9	778	25	100,000	---
Phase 4	87.2	490	25	100,000	---
<b>Total</b>	<b>412.1<sup>2</sup></b>	<b>2,500</b>	<b>50</b>	<b>250,000</b>	<b>16.1</b>

1. Includes 50 dwelling units allocated to the Village Center
2. Active adult recreation center acreage included in the total acres

**Phase 1.** 614 residential units located near the northern boundary of the Specific Plan Area and the active adult recreation center. Initiating the project from this area ensures that growth will start adjacent to existing development and that completion of residential infrastructure and amenities occurs prior to residential occupancy.

**Phase 2.** 618 residential units located near the western boundary of the Specific Plan Area. Development will include pocket parks and up to 50,000 square feet of retail within the Village Center.

**Phase 3.** 778 residential units located in the center of the Specific Plan Area. Development will include pocket parks and up to 100,000 square feet of retail in the Village Center.

**Phase 4.** 490 residential units located in the eastern portion of the Specific Plan Area with park land and completion of retail and associated uses in the Village Center.

## Zoning Ordinance Changes

The County will consider the following zoning change applications pertaining to the project:

**Amendment to Text Application No. 363.** Section 840.B. is proposed to be added to the Fresno County Zoning Ordinance to create new zone districts for the Friant Ranch Specific Plan Area. The zoning standards contained in Zoning Amendment to Text No. 363 - Friant Ranch Zoning Regulations, are created to facilitate development of the Friant Ranch Specific Plan and the regulations and development standards would apply only to development within the Friant Ranch Specific Plan Area.

The Friant Ranch Zoning Regulations contain the following Zoning Districts. The Table also shows the consistent land use designations for the Friant Ranch Specific Plan:

**Table 4  
Friant Ranch Zoning Regulations and Consistent Land Use Designations**

SECTION	SYMBOL	DISTRICT NAME	FRIANT RANCH SPECIFIC PLAN COMPATIBLE LAND USE DESIGNATION
841.B	FR-R-1	Friant Ranch Single-Family Residential District	Medium Density (2.0-5.0 du/ac)
842.B	FR-R-2	Friant Ranch Two-Family Residential District	Medium-High Density (8.0-12.0 du/ac)
843.B	FR-S-L	Friant Ranch Small-Lot Residential District	Medium-High Density (8.0-12.0 du/ac)
844.B	FR-R-C	Friant Ranch Cluster Residential District	Medium-High Density (8.0-12.0 du/ac)
845.B	FR-R-3	Friant Ranch Medium Density Multiple-Family Residential District	Medium-High Density (12.0-18.0 du/ac)
846.B	FR-V-C	Friant Ranch Mixed-Use Village Center District	Community Commercial
847.B	FR-O-S	Friant Ranch Open Space District	Open Space

The proposed zoning provisions are attached as Exhibit 16. The provisions proposed are intended to accommodate the lifestyle of active adults by modifying the typical residential development standards to allow a wide variety of land uses, lot sizes and certain reduced physical development standards (setbacks, parking, etc.) as compared to the standard County residential Zoning requirements.

**Amendment Application No. 3751.** In addition to rezoning the Friant Ranch project site from AE-20 to the various proposed Zone Districts as depicted in Exhibit 15, a Plan Amendment and rezoning are proposed for the "Depot Parcel" owned by an affiliate of the project Applicant and located on the east side of Friant Road between Road 206 and Bugg Street (Exhibit 5). The parcel is located within the existing Community Plan area. The 7.19-acre site would be

changed from Low Density Residential to Highway Commercial and zoning would be changed from R-A (Single-Family Residential-Agricultural) District to C-6 (General Commercial) District.

The "Depot Parcel" is a portion of Assessor Parcel Nos. 300-200-20s and 300-200-02 which encompasses 11.85 acres. The northern 1.72 acres is designated Highway Commercial, zoned C-6 (General Commercial), and developed with a gas station/mini mart. The southern 2.30 acres is vacant but also designated Highway Commercial and zoned C-6 and is within the Friant Ranch Specific Plan Area. An additional 0.54 acres of the parcel is in access roadways. The total "Depot Parcel" - the middle section of Assessor's Parcel No. (APN) 300-200-20S (6.82 acres) and APN 300-200-02 (0.37 acres), will create a total of 7.19 acres.

Also proposed to be rezoned are two parcels totaling 6.6 acres located west of the intersection of North Fork and Millerton Roads from R-A and C-6 to Open Space (OS), and rezone a 106-acre parcel located west of Friant Road between Bluff View Avenue and the entrance to Lost Lake Park from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to OS.

## **ASSOCIATED FRESNO COUNTY APPROVALS**

### *Friant Redevelopment Plan Amendment*

The County proposes, through the Fresno County Redevelopment Agency, to amend the 1992 Friant Redevelopment Plan (Exhibit 10). The Plan covers 597 acres and includes a portion of the Specific Plan Area. The 2005 - 2009 Implementation Plan contains as a primary program, "the design and construction of a sewage treatment and collection system for the commercial strip along Friant Road and for new and existing residential development within the Community of Friant." These improvements have not been implemented due to lack of funding. Although the project Applicant proposes to construct a new wastewater treatment plant with capacity for the existing Friant Community as well as Friant Ranch, construction of a collection system for the existing community is not part of the project.

Wastewater collection infrastructure for the existing community will require financing from redevelopment or other sources. To maximize benefits from redevelopment, the County is proposing to extend the term of the Redevelopment Plan from 2012 to 2032. The amendment also proposes to delete commercial standards in the Redevelopment Plan. Amendments to the Redevelopment Plan will be considered by Fresno County in a separate public hearing process.

### *Development Agreement*

If approved, the County will process a Development Agreement for the project in accordance with the Fresno County Development Agreement guidelines and the California Government Code Sections 65864 - 65869.5.

### *Subsequent Actions*

If approved, development of the Specific Plan will include processing of Tentative Maps, Parcel Maps, Site Plans, Grading Permits, and Building Permits. The County will also consider Conditional Use Permits for: 1) the wastewater treatment plant and related use of treated wastewater for irrigation; 2) the active adult recreation centers; and 3) potential conditional uses within various zone districts.

## **ASSOCIATED LOCAL AND STATE ENTITLEMENTS AND APPROVALS**

### ***Water Works District No. 18***

If approved, anticipated actions of Fresno County Water Works District No. 18 (WWD #18) for water and wastewater services are:

- Request annexation of the Friant Ranch Specific Plan Area into WWD #18's service area by the Fresno Local Agency Formation Commission (LAFCO) (see Item No. 3, below). Exhibit 10 identifies the proposed annexation area for water supply and wastewater service; and
- Designate a Separate Zone of Benefit for the Friant Ranch Specific Plan Area; and
- Approve a Water Transfer Agreement with the Lower Tule River Irrigation District; and
- Approve a Utility Service Agreement for the Friant Ranch Specific Plan Area; and
- Issue a Will-Serve Letter for the Friant Ranch Specific Plan Area.

### ***Lower Tule River Irrigation District***

The Lower Tule River Irrigation District (LTRID) has provided a Notice of Intent to enter into a long-term water transfer with WWD #18 for up to 2,000 acre-feet of water annually to serve the Friant Ranch Specific Plan (see Exhibits 12 and 13 for District boundaries). The proposed transfer is for LTRID's U.S. Bureau of Reclamation (USBR) contract water supply and the volume of transferred water is less than one percent of LTRID's annual contract entitlement.

Renewal of LTRID's contract with USBR is required in accordance with federal law and additional renewals of said contract are anticipated. The WWD #18 transfer is anticipated to be renewed consistent with renewals of LTRID's contract. The transferred water will be delivered from Millerton Lake at existing diversion points for delivery to treatment facilities owned by WWD #18 for subsequent delivery to Friant Ranch.

### ***Fresno Local Agency Formation Commission***

LAFCO will process the appropriate reorganization necessary to annex lands into the WWD #18 service area. LAFCO will conduct a Municipal Service Review and likely require the following actions to approve the proposal:

- Take action to add wastewater services to the active powers of WWD #18;
- Take action, including expansion of the Sphere of Influence and annexation, to include the Friant Ranch Specific Plan Area into WWD #18;
- To the extent deemed appropriate by County Service Area No. 44 (CSA 44) and LAFCO, take appropriate action to expand the lighting service area of CSA 44 to include the Friant Ranch Specific Plan Area.

#### **County Service Area No. 44**

The following actions of CSA 44 may be required to facilitate service to the project:

- Take appropriate action to transfer Friant Community wastewater service and wastewater infrastructure to WWD #18; and
- Take appropriate action to provide lighting service to the Friant Ranch Specific Plan Area.

#### **California Department of Public Health**

The following actions of the California Department of Public Health will be required for the proposed wastewater disposal and water treatment for the project:

- Approve engineering report for the water treatment plant; and
- Issue Report of Wastewater Reclamation; and
- Amend WWD #18 permit to serve Friant Ranch Specific Plan Area.

#### **Central Valley Regional Water Quality Control Board and State Water Resources Control Board**

The following actions of the Central Valley Regional Water Quality Control Board (RWQCB) and/or the State Water Resources Control Board will be required for the project:

- Adopt Waste Discharge Requirements for Land Disposal of Treated Effluent; and
- Adopt a National Pollutant Discharge Elimination Permit for any discharge of treated effluent to the San Joaquin River; and
- Issue Clean Water Act Section 401 Certification; and
- Action a Notice of Intent to dredge and fill isolated wetlands.

#### **California Department of Fish and Game**

The following actions of the California Department of Fish and Game (CDFG) will be required for the project:

- Fish and Game Code Section 1602 Streambed Alteration Permit; and
- California Endangered Species Act Incidental Take Permit(s) (or Federal Incidental Take Coverage Sufficiency Finding Under Fish and Game Code Section 2080.1); and
- Incidental take coverage pursuant to Fish and Game Code 2080 or 2080.1 may be required for take of *Pseudobahia bahiifolia* and the California Tiger Salamander; and
- Agreement for the Use of Existing Infrastructure Facilities at Friant Dam.

#### **San Joaquin Valley Air Pollution Control District**

The following actions of the San Joaquin Valley Air Pollution Control District may be required for development of the project:

- Process Air Permit Application for Wastewater Treatment Plant;
- Process Air Impact Assessment and take appropriate action to ensure Rule 9510 compliance for Friant Ranch development; and
- Issuance of Dust Control Permit.

## **RELATED FEDERAL ACTIONS**

Pursuant to the California Environmental Quality Act (CEQA), the County has consulted with federal agencies to ensure appropriate coordination of the state and federal review processes. Federal actions include:

### ***U.S. Department of the Interior, Bureau of Reclamation***

The Central Valley Project (CVP) Friant Division is operated by the U.S. Department of the Interior, Bureau of Reclamation (BOR) which has authority over water transfers between CVP contractors within the Friant Division. The proposed water supply from WWD #18 to the Friant Ranch Specific Plan requires the following approvals from the BOR:

- Approval of water transfer between LTRID and WWD #18;
- WWD #18 Service Area change approval; and
- Authorization of a Use of Existing Infrastructure Agreement for WWD #18's use of existing infrastructure facilities at Friant Dam.

### ***U.S. Army Corps of Engineers/U.S. Environmental Protection Agency***

The U.S. Army Corps of Engineers (Corps) administers the wetlands permitting program under Section 404 of the Federal Clean Water Act. The Friant area includes various wetland features which will fall under Corps jurisdiction. The U.S. Environmental Protection Agency (EPA) has authority under the Federal Clean Water Act which generally enforces Section 404 of the Clean Water Act.

### ***U.S. Fish and Wildlife Service***

On April 7, 2010, the U.S. Fish and Wildlife Service issued "Biological Opinion of the Proposed Friant Ranch Project, Fresno County California (U.S. Army Corps of Engineers File No. SPK-2004-966)" formally concluding the consultation process required by Section 7 (a) (2) of the Endangered Species Act. The Biological Opinion includes mitigation for several threatened and endangered species and is based on a land use configuration consistent with Alternative 3 analyzed in the Draft EIR. Alternative 3 involves the smallest project footprint, the most open space preserved, the least impact to wetlands and drainages, and the least impact to vernal pools. As a result, Alternative 3 as shown on Exhibit 8, is the recommended land use configuration for the Friant Ranch Specific Plan should the Plan be approved by Fresno County.

## **ANALYSIS/DISCUSSION**

If approved, the Friant Ranch Specific Plan would represent the first active adult community in Fresno County. A summary of the benefits, policy considerations and environmental impacts are discussed below. Staff notes that although there are a number of project level benefits associated with the proposal, there are aspects of the proposal which raise issues that should be considered pursuant to historical General Plan Land Use Policies including those directing urban growth of substantial size to cities prior to evaluating the consistency of the request with the various project-level development policies contained in the General Plan. In addition, there are significant and unavoidable environmental impacts which will be detailed in the following pages of this report.

## **GENERAL PLAN ANALYSIS/DISCUSSION**

### **General Plan Consistency**

There are a series of relevant Fresno County General Plan policies pertaining to the Friant Community Plan Update and the proposed Friant Ranch Specific Plan. By way of history, the Fresno County General Plan Update was adopted in 2000 while the Friant Community Plan was originally adopted in 1964 and last updated in 1983. Because there are inherent conflicts with adopted County policy to date, both the Community and Specific Plan propose amendments to the Fresno County General Plan and Zoning Ordinance in order to accommodate intended uses within the Friant Ranch Specific Plan Area and to ensure consistency between the adopted Plans.

As proposed, the Friant Community Plan would be updated to ensure consistency with the 2000 General Plan Update to accommodate the proposed Friant Ranch Specific Plan. The only new growth areas proposed in the proposed Friant Community Plan Update are 862 acres included as part of the Friant Ranch Specific Plan. In addition, the Community Plan Update proposes re-designation of the "Depot Parcel" from Low Density Residential to Highway Commercial and re-designation of lands owned by the San Joaquin River Conservancy from Highway Commercial, Flood Plain and Agriculture designations to Open Space recognizing the existing parkway public access habitat conservation sites.

The following discussion on the next several pages will focus on analysis of the existing General Plan principles and staff's recommendation. The report will also detail the urban centered policies.

### **General Plan Vision Statement:**

The County's General Plan is built on a foundation of protecting the County's productive agricultural land by directing new urban growth to cities and existing unincorporated communities where public facilities and infrastructure are or planned to be available. This is born out of key components of in the County's General Plan Vision Statement including:

#### *Agricultural Land Protection*

*The plan seeks to protect its productive agricultural land as the county's most valuable natural resource and the historical basis of its economy through directing new urban growth to cities and existing unincorporated communities and by limiting the encroachment of incompatible development upon agricultural areas.*

#### *Urban-Centered Growth*

*The plan promotes compact growth by directing most new urban development to incorporated cities and existing urban communities that already have the infrastructure to accommodate such growth. This plan assumes over 93 percent of new population growth and new job growth will occur within incorporated city Spheres of Influence and seven percent would occur in unincorporated areas.*

### **General Plan Goals and Policies:**

In addition to components of the General Plan's Vision Statement there are several key Goals and Policies which reflect the need to preserve the County's agricultural resources and direct intensive urban developed to cities and unincorporated communities served by adequate infrastructure. These include:

*Goal LU-A To promote the long-term conservation of productive and potentially-productive agricultural lands, and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals.*

*Goal LU-G To direct urban development within city spheres of influence to existing incorporated cities and to ensure that all development in city fringe areas is well planned and adequately served by necessary public facilities and infrastructure and furthers countywide economic development goals.*

*Policy LU-A.1 The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities and other areas planned for such development where public facilities and infrastructure are available.*

*Policy LU-A.12 In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.*

### **Friant Community Plan Policies:**

Several of the objectives and policies of the Friant Community Plan mirror policies brought forward in the 2000 General Plan Update involving preservation of agricultural land, concentration of urban growth and development phasing.

*Objective 2.01.b – Concentrate urban development in existing communities.*

*Objective 2.01.e – Accommodate urban population increases through infill of existing urban areas prior to development of planned expansion areas.*

*Objective 2.02.e – Agricultural and open space lands should be protected by limiting urban development.*

*Objective 2.02.f – Development should be postponed until adequate services can be provided.*

Section 3.01.a of the Plan predicates community growth contingent on a large increase in area employment opportunities, the successful promotion of the community as a desirable place in which to live for retirees or commuters, and a large increase in the use of recreational facilities in the Friant area.

The project site is not located in an area that is classified as productive agricultural land. The site has traditionally been used for grazing purposes and the soils on the site are classified as Grazing Land on the Fresno County Important Farmland Map. As such, the land would also not be considered potentially-productive agricultural land. The portion of the project related to the Community Plan Update proposes modifications to land and policy that pertains to land located



within the existing community of Friant. Therefore, the proposal does not conflict with the General Plan Policies related to agricultural land.

Regarding urban centered growth, the Friant Ranch Specific Plan proposes development located adjacent to the existing community of Friant. The development proposal will provide infrastructure to accommodate the proposed growth and will require that said improvements be approved and constructed prior to construction/occupancy of any units within the Plan area. As noted below in the discussion of the Public Facilities Policies, the proposed Plan and subsequent development projects will be conditioned to require the requisite infrastructure prior to development/occupancy.

#### Friant-Millerton Regional Plan - Policy LU-H.8

Consideration of the proposed Friant Community Plan Update and Friant Ranch Specific Plan should also be reviewed within the context of policies related to a proposed Friant-Millerton Regional Plan as noted in Policy LU-H.8 of the Fresno County General Plan. The project site is located in an area identified as a Preliminary Study Area Boundary for the Friant/Millerton Regional Plan. Specifically, Policy LU-H.8 states:

*The County shall prepare a regional plan for the Friant-Millerton area. The preliminary study area boundaries for the new regional plan depicted in Figure LU-5 are designed to encompass the area's major recreation facilities and open space resources, include the area's existing and potential residential growth areas, but exclude most productive agricultural land. In the near-to-mid-term, planning and development in the area should focus on expanding and enhancing the area's recreational activities and resources. In the long-term, the area may be suitable for urban development as the unincorporated county's largest remaining area without productive agricultural soils near the Fresno-Clovis Metropolitan Area and recreational and scenic resources.*

*The new regional plan shall at a minimum address the following key issues:*

- a. Expansion and enhancement of recreation activities and facilities centered on Millerton Lake and the San Joaquin River.*
- b. Open space and natural resource protection.*
- c. Implementation of appropriate policies of the San Joaquin River Parkway Master Plan.*
- d. Groundwater and surface water availability.*
- e. Wastewater disposal limitations and options.*
- f. Development of affordable housing, particularly for workers at recreational and related tourist facilities in the area.*
- g. Suitability of the area for future long term urbanization and options for how this might occur (e.g., County specific plan, city annexation, or city incorporation).*
- h. Provision of an adequate circulation/transportation systems, including mass transit.*

As it relates to the Friant-Millerton Regional Plan, the County has yet to prepare and adopt a Plan as called for within Policy LU-H.8, due to staff and budget constraints. A key consideration in adopting the Friant-Millerton Regional Plan is the timing of recreational and residential development. As noted above, the General Plan identifies that development within the Friant-Millerton Region should encompass the area's major recreation facilities and open space resources, and include the area's existing and potential residential growth areas. In the near-to-mid-term, planning and development in the area should focus on expanding and enhancing the

area's recreational activities and resources. The project proposes Elements that are complimentary to this policy in that the project area is within the area depicted in General Plan Exhibit LU-5 as part of the area's potential residential growth area and outside the area's productive agricultural land. The project proposes to expand and enhance the area's recreational activities and resources through the addition of a trail network to link the community with these recreational amenities as well as the inclusion of parks, parkways, and active adult (55+) recreational facilities. Consistent with Policy LU-H.8, the proposed Community Plan Update and Specific Plan emphasize open space and natural resource protection, water availability, wastewater disposal, affordable housing for workers at recreational and related tourist facilities in the area (i.e., the non-age restricted multi-family housing contemplated within the Friant Ranch Specific Plan), and provision of adequate circulation and transportation through trails and alternative transportation for the Friant community. Staff notes the potential concern with development of this area without a full analysis or completion of a Regional Plan that would indicate the appropriate location of infrastructure (regional sewer, water, transportation corridors, etc.) necessary to implement urban development within the areas and that serving the region including the metropolitan area. Staff also notes that the proposed Specific Plan represents the most comprehensive planning effort to date and lacking adequate funding to prepare a true Regional Plan, independent planning efforts should not be prevented.

#### Relevant Economic Development and Open Space and Conservation Policies

*Policy ED-B.13 The County shall promote the development of the Friant-Millerton area as a major recreational corridor that includes camping, water sports, hiking, golf, conference/hotel facilities, and historic attractions. Facilities should include moderately-priced multifamily employee housing.*

*Policy OS-H.9 The County shall plan for the further development of the Friant-Millerton area as a recreation corridor.*

It is anticipated that the development of the proposed project will further the recreational opportunities of the Friant-Millerton area by providing recreational amenities within the project area itself as well as providing a consumer base for usage of the recreational facilities within the region.

#### Urban-Centered Policies

##### Pedestrian and Transit-Oriented Development

*Policy LU-F.1 The County shall encourage mixed-use development that locates residences near compatible jobs and services.*

*Policy LU-F.2 The County shall encourage the combination of residential, commercial, and office uses in mixed use configurations on the same site.*

*Policy LU-F.8 The County shall adopt transit- and pedestrian-oriented design guidelines and incorporate them into community plans and specific plans. The County shall review development proposals for compliance with its adopted transit- and pedestrian-oriented design guidelines to identify design changes that can improve transit, bicycle, and pedestrian access.*

##### Urban Residential Development

*Policy LU-F-14 - The County may permit land designated Medium Density Residential to develop with less than six thousand (6,000) square foot lots and reduced development standards, subject to a discretionary permit. This increase in density and flexibility is intended to lower development costs and accommodate smaller homes than normally built in this designation. The following requirements shall apply:*

- a. Minimum lot sizes shall not be less than four thousand five hundred (4,500) square feet if developed as part of a conventional subdivision. The development shall be compatible with existing and planned uses on adjacent properties.*
- b. Small lot single family residential subdivisions require more attention to planning details related to siting units, exterior and interior design, parking, outdoor space, and privacy. Criteria to be considered include:
  - 1. A minimum of thirty (30) percent of each lot's net area shall be designed for usable yard areas and setbacks for garage openings facing the access street and shall not be less than twenty (20) feet. If roll-up garage doors are provided, the required setback for garage openings facing the access street may be reduced to eighteen (18) feet for projects located within the City of Fresno's Sphere of Influence.*
  - 2. Front yard setbacks should be staggered with varied roofline treatment and housing styles. The street pattern should utilize curving streets, cul-de-sacs, and parking bays to improve the appearance of the neighborhood.*
  - 3. A minimum of two (2) parking spaces in addition to the required covered parking should be required on each lot to compensate for reduce street frontages.**
- c. Maximum density shall not exceed one (1) dwelling unit per four thousand five hundred (4,500) square feet for Planned Residential Developments.*

*Policy LU-F.19 - The County shall require residential project design to consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors. As a result, the maximum density specified by General Plan designations or zoning for a given parcel of land may not be realized.*

Urban Commercial Development:

*Policy LU-F.24 The County shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.*

*Policy LU-F.25 The County shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas rather than being designed primarily to serve vehicular circulation.*

### Discussion/Conclusions:

The project is planned for active adults (55+), and it is anticipated that a percentage of residents will be employed. An estimated 500 permanent jobs will result from development of the project, or a jobs/housing balance of about one job per five dwellings. Most of these jobs will be in service industries related to retail uses in the Village Center. The location of the project away from employment centers will necessitate commuting to jobs primarily in the Fresno-Clovis metropolitan area.

The project proposes a mixed-use Village Center on 36.6 acres to include retail, office, open space, and residential uses. Mixed uses, both horizontal (in the same structure) and vertical are proposed and facilitated by the Friant Ranch zoning regulations. While the County has not adopted transit and pedestrian-oriented design guidelines, the project incorporates such guidelines within the Specific Plan.

The proposed Friant Ranch zoning regulations and Specific Plan maintain density requirements and development standards for lands designated Medium Density Residential consistent with Policy LU-F.14. To implement proposed development within the Specific Plan, detailed zoning and development standards are established through the "Friant Ranch Zoning Regulations". The specific zoning designations allow for a departure from standard property development standards and incorporate design features and amenities proposed for Friant Ranch. The proposed zoning districts provide for increased flexibility in building design, creative use of permanent open space, and the preservation of significant natural features. Further, the project ensures that vacant lands within the existing community of Friant designated Medium Density Residential are developed in a manner consistent with Policy LU-F.14 as existing zoning designations for these lands ensure such consistency.

In regards to Policy LU-F.19, the project is consistent as the proposed Specific Plan is designed to conserve the natural foothill character of the property with preserve central canyons and view corridors with an open space commitment of over one-half of the Specific Plan site. The Land Use Plan is designed with buffers and setbacks around significant habitat areas of endangered species and species of special concern to preserve the majority of these species.

The project is consistent with Policies LU-F.24 and LU-F.25 in that the Friant Ranch Specific Plan will provide pedestrian-oriented commercial uses to meet the needs of adjacent residential uses. Policy 5.4.3 of the Specific Plan encourages pedestrian circulation throughout the Village Center linking parking areas, courtyards and plazas, sidewalks, buildings and adjacent residential properties. Policy 5.47 of the Specific Plan states that off-street parking will be designed and located to minimize conflicts with pedestrians and minimize the physical and visual impact to the traditional streetscape.

Regarding the Friant Community Plan Update, should the Friant Ranch Specific Plan be approved, the Friant Community Plan has been updated concurrently with preparation of the Friant Ranch Specific Plan so that both Plans are consistent with each other. Development within the community of Friant is governed by the Friant Community Plan, including land outside of the proposed Friant Ranch Specific Plan Area. The Community Plan includes goals and policies that directly address issues and features in the Specific Plan. The Community Plan includes land uses that are in the Specific Plan as well. In accordance with State law, as proposed both the Community Plan and Specific Plan are consistent with the General Plan.

## Public Facilities, Services and Infrastructure

*Goal PF-A To ensure the timely development of public facilities and to maintain an adequate level of service to meet the needs of existing and future development.*

*Policy PF-A.1 The County shall ensure through the development review process that public facilities and services will be developed, operational, and available to serve new development. The County shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).*

*Policy PF-A.3 The County shall require new urban commercial and urban-density residential development to be served by community sewer, stormwater, and water systems.*

*Policy PF-C.12 The County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.*

*Policy PF-D.4 The County shall limit the expansion of unincorporated, urban density communities to areas where community wastewater treatment facilities can be provided.*

The proposed Specific Plan requires the financing, construction and maintenance of all infrastructure facilities. The Plan also requires that all necessary infrastructure be provided prior to occupancy of any residence. There is no specific mapping or development project proposed at this time which would be approved at this time if the Specific Plan or Community Plan Update is approved. Therefore, prior to approval of any mapping applications, project specific Conditions will be imposed to specify the review and timing of required improvements. All Improvement Plan location and design will be reviewed as part of the mandated final map process.

### **Additional Policy Considerations:**

The proposed development of a significant urbanized area adjacent to an established community poses challenges to some key General Plan goals and policies which are worthy of note during your Commissions consideration of this project. Review of the existing General Plan and Community Plan policies raises potential issues between the current project with respect to size and scale and County policies addressing logically timed development, urban-centered growth, regional planning and the logistics involved in delivering long-term community-wide services. Ultimately, if developed, the project would provide for the addition of 2,500 housing units which would represent an expansion of the community of Friant similar in size to the cities of Fowler and/or San Joaquin, with an anticipated total population at full build-out of approximately 6,000 to 7,000. This would occur in light of the fact that the County's General Plan identifies that all of the projected unincorporated population can be accommodated within existing unincorporated communities and unincorporated planning areas.

A related issue for consideration is the fact that the current project proposes the placement of additional residences in a region already approved for approximately 5,000 to 6,000 residential units (Millerton Specific Plan, Brighton Crest, Ventana Hills, Mira Bella developments) with limited planned employment opportunities. This excludes substantial additional "New Town" development efforts on the Madera County side of the San Joaquin River to the west. In

addition, the development timeline for supporting commercial uses could be quite lengthy, furthering conflicts with the General Plan and general land use planning principles of providing an adequate supply of job opportunities for residents in a given area. Consideration should also be given to the fact that many of the positive amenities and fiscal benefits to Fresno County described in the Specific Plan proposal could logically and similarly be accomplished within the Fresno/Clovis metropolitan area where existing and planned population, infrastructure, services, and administration could be more logically and readily provided. A review of the Spheres of Influence of the cities of Clovis and Fresno indicates that approximately 23,000 acres of land are currently undeveloped.

As it relates to the Friant Community Plan, although the project would bring retiree housing opportunities to the region with project-specific areas designated for recreational uses, staff notes that it may be difficult to achieve the scale of employment opportunities or regional recreational benefit even with full project build-out as originally anticipated in the Community Plan. Thus, community-wide benefits of promotion and desirability may not be equally shared with Friant at-large, even if there are clear benefits achieved for those areas developed within the boundaries of the Specific Plan. While this is worthy of consideration, the project as proposed contains the benefit of potential employment within the project itself and positive impacts to the community of Friant.

As discussed above in the discussion of Policy LU-H.8, staff notes some concern with development of the project area given that a full analysis (i.e. Regional Plan) of the area has not been completed. However, the current effort is likely the most comprehensive planning effort that can be produced at this time and will likely benefit the existing community and the region.

#### Transportation and Circulation

The EIR identifies various road segments and intersections for which potential impacts are identified as "Significant" and "Unavoidable". Although the project is recommended for approval, traffic trips generated by the Friant Ranch project will result in impacts to road segments and intersections in the counties of Fresno and Madera and the cities of Fresno and Clovis.

The Fresno County General Plan states that, "The Transportation and Circulation Element provides the framework for Fresno County decisions concerning the countywide transportation system, which includes various transportation modes and related facilities."

The Circulation Element is a street and highway plan designed to provide for the safe and efficient movement of people and goods to and within the County and to ensure safe and continuous access to land.

The goal is "To plan and provide a unified, coordinated, cost-efficient countywide street and highway system that ensures the safe, orderly, and efficient movement of people and goods."

The Policies in the General Plan that are applicable to the project's impact to the Transportation and Circulation Element are:

*Policy TR-A.2 The County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county.*

Roadway improvements to increase capacity and maintain LOS standards should be planned and programmed based on consideration of the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing system.

The County may, in programming capacity-increasing projects, allow exceptions to the level of service standards in this policy where it finds that the improvements or other measures required to achieve the LOS policy are unacceptable based on established criteria. In addition to consideration of the total overall needs of the roadway system, the County shall consider the following factors:

- a. The right-of-way needs and the physical impacts on surrounding properties;
- b. Construction and right-of-way acquisition costs;
- c. The number of hours that the roadway would operate at conditions below the standard;
- d. The ability of the required improvement to significantly reduce delay and improve traffic operations; and
- e. Environmental impacts upon which the County may base findings to allow an exceedance of the standards.

In no case should the County plan for worse than LOS D on rural County roadways, worse than LOS E on urban roadways within the spheres of influence of the cities of Fresno and Clovis, or in cooperation with Caltrans and the Council of Fresno county Governments, plan for worse than LOS E on State highways in the county.

▪ **SIGNIFICANT AND UNAVOIDABLE IMPACTS THAT WILL BE REDUCED TO LESS THAN SIGNIFICANT IMPACTS IF IMPROVEMENTS ARE CONSTRUCTED**

Impacts to the intersection or roadways listed below, in the form of delays and unacceptable levels of service, would be significant and unavoidable until the improvements are constructed. Trips generated from this project along with traffic projected in the future would result in the LOS falling below thresholds described in Policy TR-A.2. Though the Applicant will pay its fair share or per trip fees for improvements, the County cannot ensure that the improvements the project will help fund, will be fully funded or constructed prior to completion of the project.

Intersections:

State Route (SR) 41 and Road 145  
SR 41 and Avenue 12  
SR 41 and Avenue 15  
SR 41 and Friant Road Northbound Off Ramp  
SR 41 and Friant Road Southbound Off Ramp  
Road 145 and Road 206 (Madera County)  
Friant Road and Willow Avenue  
Millerton Road and Winchell Cove Road  
Millerton Road and Brighton Crest Drive  
Millerton Road and Sky Harbour Road  
Millerton Road and Table Mountain Road  
Millerton Road and Auberry Road  
Copper Avenue and Auberry Road

Willow Avenue and Copper Avenue  
Friant Road and Shepherd Avenue  
Nees Avenue and Audubon Avenue  
Willow Avenue and Barstow Avenue

Roadway Segments:

North Fork Road (Road 206) – Friant Road to Madera County Line and Madera County Line to Road 145  
Willow Avenue - Friant Road to Copper Avenue  
Millerton Road - North Fork Road (Road 206) to Auberry Road  
Friant Road - Champlain Avenue to Ft. Washington Road

▪ **SIGNIFICANT AND UNAVOIDABLE IMPACTS FOR WHICH IMPROVEMENTS ARE CONSIDERED INFEASIBLE**

Improvements needed to achieve acceptable Levels of Service described in Policy TR-A.2 at the following intersections and roadway segments are considered infeasible due to physical or design constraints. The addition of Friant Ranch traffic will further incrementally degrade the LOS, and therefore impacts are considered to remain significant and unavoidable.

Intersections:

Friant Road and Audubon Drive  
Friant Road and Fresno Street  
Willow Avenue and Nees Avenue  
Willow Avenue and Herndon Avenue  
Willow Avenue and Sierra Avenue  
Willow Avenue and Bullard Avenue

A Traffic Signal could mitigate the impacts due to the delay for vehicles on the side streets on Parker, Granite and Root Avenues; however traffic signal warrants are not met at those locations. Traffic signal warrants must be met before a signal is constructed. The other intersections listed above are built out and additional lane capacity needed to reduce the impact to a less than significant level is considered infeasible.

Roadway Segments:

Friant Road - Shepherd Avenue to SR 41  
Willow Avenue - Alluvial to Barstow Avenue

Both road segments are expected to operate below an acceptable LOS with and without the project. Both road segments are also built out to their ultimate right-of-way widths and capacity improvements are considered infeasible due to right-of-way constraints.

▪ **SIGNIFICANT AND UNAVOIDABLE IMPACTS THAT WILL REMAIN SIGNIFICANT AS THE IMPROVEMENT DOES NOT MEET WARRANTS, HOWEVER THE IMPACT IS CONSIDERED TO BE ADVERSE.**

Intersections:



Friant Road and Parker Avenue  
Friant Road and Granite Avenue  
Friant Road and Root Avenue

A Traffic Signal could mitigate the impacts due to the delay for vehicles on the side streets on Parker, Granite and Root Avenues; however, traffic signal warrants are not met at those locations. Traffic signal warrants must be met before a signal is constructed. The condition is considered Adverse as the amount of traffic on the side streets is considered to be relatively low.

▪ **SIGNIFICANT AND UNAVOIDABLE IMPACTS THAT ARE NOT AND MAY NOT BE CONSISTENT WITH THE POLICES OF THE GENERAL PLAN**

Trips generated by the project will cause the following road segments to fall below an acceptable level, in which case would not occur without the project.

Friant Road – North Fork Road to Lost Lake Road  
Friant Road - Champlain Avenue to Ft Washington Road  
Willow Avenue - Copper Avenue to Silaxo Road

The segment of Friant Road between North Fork (Road 206) and Lost Lake Roads requires six lanes to achieve acceptable levels by 2030, according to the Traffic Impact Analysis in the EIR. However, according to the Roadway Functional Classification System of the Transportation and Circulation Element of the General Plan, *“Rural arterials may be developed as two (2)-lane undivided or four (4)-lane divided roadways”, and such widening would be prohibited based on the policy.*

Since the mitigation would be inconsistent with the General Plan policy, the roadway will operate at LOS D, which may conflict with Policy TR-A.2 that states that, *“The County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county.”* However, the policy also states that *“In no case should the County plan for worse than LOS D on rural County roadways...”*, which is consistent with the General Plan policy.

The LOS for Friant Road between Champlain Avenue and Ft, Washington Road, which lies within the City of Fresno's Sphere of Influence is expected to fall to LOS F with the project and LOS D without the project in 2030. This impact is inconsistent with General Plan Policy TR-A.2 which states that *“In no case should the County plan for worse than LOS E on urban roadways within the spheres of influence of the cities of Fresno and Clovis....”*.

Willow Avenue from Copper Avenue to Silaxo Road is expected to operate at LOS D without the project and LOS E with the project in 2030. The impact is mitigated with construction of a four-lane facility, which meets the four-lane rural arterial allowed under the General Plan, but the impact is inconsistent with the Policy TR-A.2 of *“In no case should the County plan for worse than LOS D on rural County roadways...”*.

Water Works District #18

If approved, the project will be served by Water Works District #18. Existing services to the community of Friant are of a small scale, managed by entities with limited experience with large-

scale development. Both infrastructure and the service entities must be significantly expanded to accommodate the project, and with few exceptions, small communities/cities within the County generally experience difficulties providing services while maintaining adequate budget reserves.

Regarding water supply, the Lower Tule River Irrigation District (LTRID) has provided a Notice of Intent to enter into a long-term water transfer with WWD #18 for up to 2,000 acre-feet of water annually to serve the Friant Ranch Specific Plan. The WWD #18 transfer is anticipated to be renewed consistent with renewals of LTRID's Contract.

### CONCLUSION

Upon consideration of the above information, while the project presents some issues in light of certain policies and issues, overall the project remains largely consistent with the General Plan vision and goals and would be beneficial to the Friant community.

### ***Friant Community Plan Update***

The Community Plan is proposed to be updated concurrently with preparation of the Specific Plan so that both Plans are consistent with each other. Development within the community of Friant is governed by the Friant Community Plan, including outside the Friant Ranch Specific Plan Area. The Community Plan includes goals and policies that directly address issues and features in the Specific Plan. The Community Plan includes land uses that are in the Specific Plan as well. In accordance with State law, both the Community Plan and Specific Plan are consistent with the General Plan.

### ***Zoning Ordinance Consistency***

The Ordinance Code of Fresno County was adopted in 1960 and covers all unincorporated County areas, such as the Friant community. The Zoning Ordinance clearly indicates the extent and type of development that can occur in the unincorporated areas. It also determines what type of permit would be necessary for a specific land use, and what standards would apply to development. According to Section 801, Intent and Purpose, the purpose of the Zoning Ordinance is to classify and regulate the highest and best use of buildings, structures, and land located in the unincorporated area of the County of Fresno in a manner consistent with the Fresno County General Plan. The Zoning Ordinance establishes specific zoning designations for the parcels within the project area.

### **PUBLIC COMMENTS:**

Letters received from individuals and agencies during the Draft EIR review period may be found in the Final EIR, along with responses to the comments.

## **ENVIRONMENTAL ANALYSIS:**

Electronic copies of the Draft and Final Friant Community Plan Update and Friant Ranch Specific Plan EIR were provided to the Commission on compact disc with an Advance Agenda Item.

### **A. Process**

Fresno County, as Lead Agency under the California Environmental Quality Act (CEQA), prepared a Draft and Final EIR for the Friant Community Plan Update and Friant Ranch Specific Plan. The EIR was prepared under contract with Quad Knopf of Visalia, California. The Draft EIR was prepared as a "Program EIR" with exception of project-level impacts discussed for the "Depot Parcel." The EIR serves two primary purposes. First, it evaluates potential impacts of the Community Plan Update and Specific Plan and proposes Mitigation Measures that reduce impacts to a less than significant level where possible. Second, the EIR is intended to streamline environmental review of new development projects consistent with the EIR. Where projects are consistent, further environmental review may be eliminated or streamlined. Projects found inconsistent may require additional environmental review. The most common types of subsequent projects include Parcel Maps, Tentative Subdivision Maps, Conditional Use Permits, Variances, and infrastructure improvements.

Public agencies other than the County, including Responsible and Trustee Agencies may use the EIR during their review of projects which implement the Community Plan Update and Specific Plan.

On October 3, 2007, the County distributed a Notice of Preparation (NOP) stating the County's intent to prepare a Draft EIR. The 30-day review period for the NOP started on October 3, 2007 and ended on November 1, 2007. A Notice of Availability of the Draft EIR (SCH# 2007101016) was published on October 30, 2009 and the 45-day public review period ended on December 15, 2009. In addition, a public meeting was held on December 9, 2009 at the Friant Elementary School to receive comments on the document.

CEQA requires that a Final EIR be prepared, certified and independently considered by the Board of Supervisors prior to taking action on the project. The Final EIR responds to comments on the Draft EIR and incorporates any changes necessary to clarify information contained in the Draft EIR. The Final EIR consists of: 1) the Draft EIR and its Appendices; 2) a summary of the Draft EIR; 3) a list of commenters on the Draft EIR; 4) comments received; and 5) responses to comments.

### **B. Significant Impacts**

Potential environmental impacts are summarized in the Executive Summary of the EIR. Implementation of the Friant Community Plan Update and Friant Ranch Specific Plan could result in significant impacts in the areas of agricultural resources; air quality and greenhouse gas/global climate change; biological resources; cultural resources; geology/soils/mineral resources; hazards/hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; transportation/traffic; and utilities/service systems. With exception of the loss of farmland, degradation of air quality and traffic, potentially significant impacts could be reduced to a less than significant level through implementation of Mitigation Measures.

### **C. Significant Environmental Effects That Cannot Be Avoided**

Although the proposed Project contains policies that mitigate certain impacts, no Mitigation Measures have been identified to reduce the impacts listed below to a less than significant level. These impacts would remain as significant unavoidable impacts. Therefore, a Statement of Overriding Considerations must be adopted pursuant to the required Findings to specify which benefits of the project outweigh the significant environmental effects of the project.

**Agricultural Resources - Conflict with Agricultural Zoning:** The proposed re-designation of 900 acres of grazing land within the Friant Ranch Specific Plan Area currently zoned for agriculture is a significant and unavoidable impact. Proposed development on/conversion of approximately 700 acres, including roads and trails (482 acres with Alternative 3) of those lands will conflict with the existing agricultural zoning.

**Air Quality – Construction and Operational Impacts:** Emissions during Phases 1 and 2 of the Friant Ranch Specific Plan will exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. At build-out of the Friant Ranch Specific Plan and Community Plan Update, the primary source of emissions will be from vehicles. Impacts will be lessened by policies of the Specific Plan and Community Plan that promote alternative transportation, air quality mitigation for new development, and strategies to minimize vehicle trips. However, there are no known additional feasible Mitigation Measures that will reduce the impact to a less than significant level.

#### **Traffic and Circulation:**

**Intersections:** The project is expected to worsen delays and contribute to a cumulative LOS that will fall below acceptable levels at the following intersections:

- Friant Road and Audubon
- Friant Road and Fresno Street
- Willow Avenue and Nees Avenue
- Willow Avenue and Herndon Avenue
- Willow Avenue and Sierra Avenue
- Willow Avenue and Bullard Avenue

These intersections are or will be constructed to their ultimate configurations and no additional mitigation is feasible.

**Segments:** The Project will contribute to an unacceptable LOS and worsen a cumulative LOS that will fall below the minimum acceptable LOS at the following road segments:

#### Fresno County segments of Friant Road

- Between North Fork Road (Road 206) and Parker Avenue
- Between Parker and Granite Avenues
- Between Granite and Root Avenues
- Between Root Avenue and Lost Lake Road

Friant Road between North Fork (Road 206) and Lost Lake Roads requires six lanes to achieve an acceptable LOS C. Widening this segment of Friant Road to six lanes is not feasible due to physical constraints of adjacent land uses and Fresno County General Plan policy that prohibits

six lane rural roadways.

City of Fresno segments of Friant Road

- Between Shepherd Avenue and Audubon Drive
- Between Audubon Drive and Fresno Street
- Between Fresno Street and SR 41

The City of Fresno General Plan identifies the need for 12 lanes on Friant Road between SR 41 and Shepherd Avenue and accepts LOS F with six lanes since additional widening is not feasible due to physical constraints associated with adjacent land uses.

Willow Avenue at the following locations:

- Between Alluvial and Herndon Avenues
- Between Herndon and Sierra Avenues
- Between Sierra and Bullard Avenues
- Between Bullard and Barstow Avenues

The City of Fresno General Plan identifies the need for six lanes on Willow Avenue between Alluvial and Barstow Avenues and accepts LOS E. The City of Clovis requires LOS D. A width of six lanes is typically considered the maximum width for roadways in Fresno even when additional lanes are warranted.

**D. Statement of Overriding Considerations**

Where the decision of the public agency allows the occurrence of significant effects that cannot be mitigated to an insignificant level, the agency must state in writing the specific reasons to support its action. The "Statement of Overriding Considerations" for significant unavoidable impacts resulting from project implementation must be adopted by the Board of Supervisors.

**E. Alternatives**

Four Alternatives to the Friant Community Plan Update are evaluated in the EIR.

**No Project Alternative**

The *Fresno County General Plan and Friant Community Plan* would continue to guide future development. The Friant Ranch Specific Plan Area would have limited potential for urban use and would remain primarily grazing land. Under current zoning, the Specific Plan property could be developed with one unit for each 40 acres, or 23 units on the 942-acre site. Typically, rural residential development results in disturbance of one to three acres per residential unit, or about 60 acres of disturbance under current zoning. Build-out under existing zoning and the General Plan could result in significant impacts to biological and cultural resources.

The No Project Alternative is environmentally superior to the project in many respects, including fewer impacts to air quality and traffic. This Alternative, however, would not meet any of the project objectives. The project offers a number of environmental benefits that would not be realized with No Project, including permanent preservation of open space and sensitive biological resources.

### **Alternative No. 1: North Development Configuration**

The North Development Configuration Alternative would reduce impacts to biological resources and require less road construction and infrastructure. The Friant Community Plan Area would not change from the proposed project with Alternative 1; for Friant Ranch, however, this Alternative would concentrate development on approximately 496 acres in the western, northern, and eastern areas of the project area. Residential density would be reduced from 2,996 units to 2,200. Approximately 446 acres of dedicated on-site open space would be maintained under conservation easement. The North Development Configuration Alternative is environmentally superior to the project in all respects with the exception of cultural resources, which is unchanged. This Alternative would meet most of the Project objectives.

### **Alternative No. 2: East Development Configuration**

The East Development Configuration Alternative would reduce impacts on biological resources, require less road construction and infrastructure than the project and result in more area in open space. The Friant Community Plan Area would not change from the proposed project with Alternative 2; for Friant Ranch, however, Alternative 2 would concentrate development on approximately 493 acres, including approximately 2,100 residential units located in the northern and eastern areas of Friant Ranch. The East Development Configuration Alternative is environmentally superior to the project in all respects with the exception of cultural resources which is unchanged. This Alternative would meet most of the project objectives.

### **Alternative No. 3: Northeast Development Configuration**

The Northeast Development Configuration Alternative would reduce impacts to important biological resources, especially vernal pool fairy shrimp, California tiger salamander, western spadefoot toad, and jurisdictional wetlands. Alternative 3 also provides higher density development on fewer acres and a reduced unit count from the proposed project. For Friant Ranch, Alternative 3 would concentrate development on approximately 482 acres including approximately 2,500 residential units located in the western, northern, and eastern areas of the project site. Approximately 460 acres of dedicated on-site undisturbed open space would be maintained. The Northeast Development Configuration Alternative is environmentally superior to the project in all respects with the exception of cultural resources which is unchanged. This Alternative would meet most of the project objectives.

***Environmentally Superior Alternative.*** The CEQA Guidelines require that an Environmentally Superior Alternative be designated, and that if No Project is environmentally superior, the EIR shall identify an Environmentally Superior Alternative among the other Alternatives. The No Project Alternative would result in the fewest impacts. Apart from the No Project Alternative, the Northeast Development Configuration (Alternative 3) would be the Environmentally Superior Alternative because it would result in the fewest adverse physical impacts to the environment with regard to biological resources.

Alternative 3 involves the smallest project footprint, the most open space preserved, the least impact to wetlands and drainages, and the least impact to vernal pools. Though Alternative 3 has more units than other Alternatives analyzed, its higher density design disturbs the least amount of area and thus preserves the most acreage as undisturbed open space. Moreover, this Alternative is consistent with the "Biological Opinion of the Proposed Friant Ranch Project, Fresno County California (U.S. Army Corps of Engineers File No. SPK-2004-966)" Issued by the U.S. Fish and Wildlife Service on April 7, 2010.

As a result of these factors, Alternative 3 is the recommended land use configuration for the Friant Ranch Specific Plan should the project be approved by Fresno County.

### **Alternative Wastewater Treatment Plant Location**

The Friant Ranch Specific Plan proposes that the existing wastewater treatment plant in Friant be replaced with an expanded plant to accommodate specific plan development. Effluent disposal would be at the Beck Property, a former 150-acre CEMEX gravel extraction site southeast of Lost Lake Park. It consists of highly disturbed agricultural lands and an aggregate mining quarry of 25 acres. Exhibit 9 shows the Beck property and the general arrangement of a possible wastewater treatment plant (WWTP) near the northeasterly corner of the property. A pipeline from Friant Ranch to the Alternative WWTP location would be constructed adjacent to existing roads. The effluent will be treated to Title 22 requirements for unrestricted use of recycled water. Consistent with the proposed project, the mining pit will be used as an effluent storage pond for seasonal irrigation of the remaining lands on the Beck property and the remainder of the Beck property will be used for reclamation of the treated effluent. Recycled water from the WWTP will be applied to agricultural fields with additional water pumped back to the Specific Plan Area for landscape irrigation.

The WWTP would be fully enclosed, set back from Friant Road and screened by landscaping from public view. Access could be provided from Friant Road through the existing drive at the north end of the property, or from the drive near the center of the property. No changes would be required to Friant Road at this location. Lands comprising the currently proposed WWTP location would be developed as additional landscaping to enhance the Village Center. No additional commercial square footage or parking would be proposed under this Alternative.

The Alternative WWTP location is environmentally superior to the proposed project WWTP location. As a result of these factors, the alternative WWTP location is recommended for the Friant Ranch Specific Plan should the project be approved by Fresno County. Exhibits 11 and 14 illustrate the alternative site.

## **PLANNING COMMISSION ACTION**

### **Recommended Motion**

#### **A. CEQA Determination**

Staff recommends that the Planning Commission review the following Findings:

1. That a Draft and Final EIR have been prepared for the Friant Community Plan Update and Friant Ranch Specific Plan in compliance with CEQA; and
2. That the Draft and Final EIR have been reviewed and considered by the Commission; and
3. That based on the evidence before the Commission, the EIR identified potentially significant impacts related to: biological resources; cultural resources; geology/soils/mineral resources; hazards/hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; and utilities/service systems. These impacts will be mitigated to a level of

- insignificant with the implementation of the Mitigation Measures identified in the EIR; and
4. That the Commission has considered the Mitigation Monitoring Program included in the EIR to reduce the potential impacts associated with the project to the maximum extent feasible; and
  5. That the loss of farmland, increase in air pollution, and traffic impacts remain significant and unavoidable; and
  6. That the Commission has considered the Alternatives to the proposed project discussed in the EIR and believes that Alternative 3 is environmentally superior and meets all of the project objectives.

Should the Planning Commission make these Findings, the following motion is recommended.

**Motion:** The Planning Commission makes the environmental Findings and recommends that the Board of Supervisors certify the Final EIR for the Friant Community Plan Update and Friant Ranch Specific Plan.

#### **B. Project Determination**

Staff recommends that the Planning Commission review the following Findings:

1. That the Friant Ranch Specific Plan (Alternative 3) is consistent with goals and policies of the Fresno County General Plan and should be recommended for approval; and
2. That with approval of the Friant Ranch Specific Plan, the Friant Ranch Zoning Ordinance Amendment Application No. 363 is necessary and should be approved; and
3. That the Friant Community Plan Update, including the Friant Ranch Specific Plan Area, involves a comprehensive revision to the existing Friant Community Plan adopted originally on February 18, 1976, and that the updated Community Plan proposes a full range of urban land uses and policies for future growth of the community; and
4. That the Friant Community Plan Update, including the Friant Ranch Specific Plan Area, also identifies public services, facilities, and infrastructure necessary to accommodate the development envisioned by the Plan; and
5. That the Friant Community Plan Update, including the Friant Ranch Specific Plan Area, is consistent with the overall Fresno County General Plan and constitutes an implementation action of the General Plan to update existing Community Plans; and
6. That the Friant Community Plan Update, including the Friant Ranch Specific Plan Area, is consistent with the provisions of the Fresno County Zoning Ordinance; and
7. That Amendment Application No. 3751 rezoning the Friant Ranch project site, the "Depot Site", the two parcels totaling 6.6 acres and the 106-acre parcel are in the best interest of development of the Friant community and should be approved.

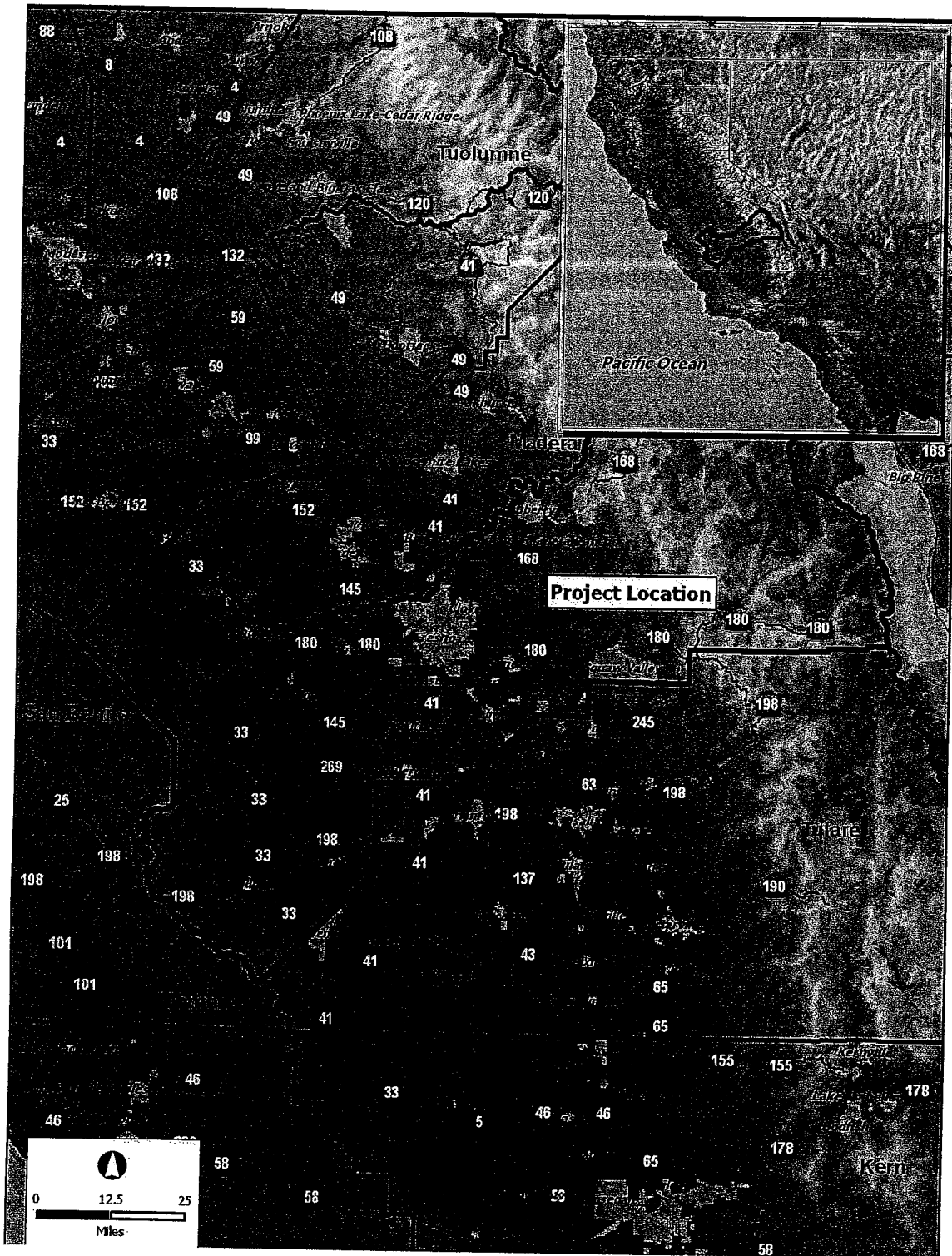
Should the Planning Commission make these Findings, the following motion is recommended.



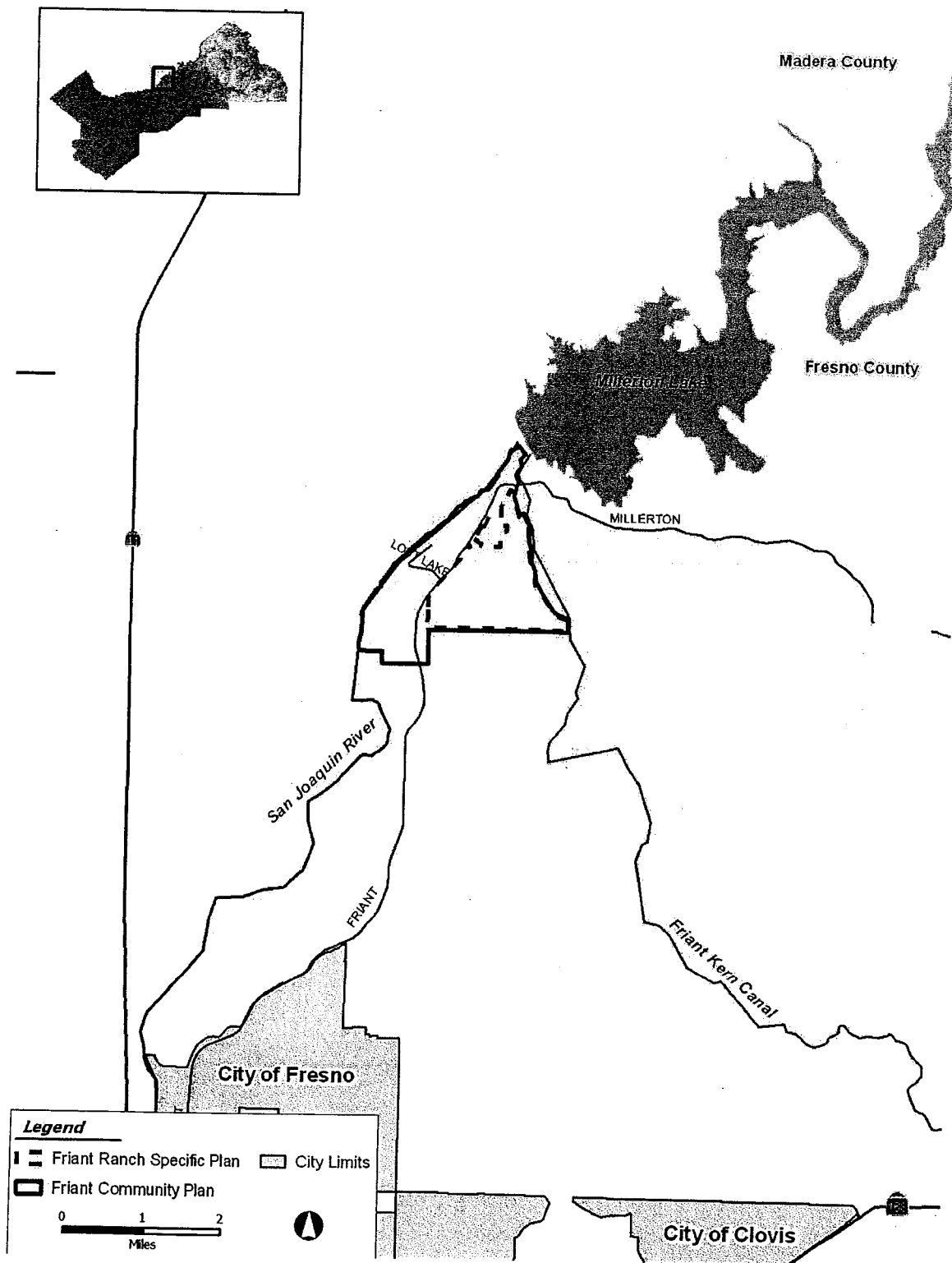
**Motion:** The Planning Commission recommends that the Board of Supervisors approve General Plan Amendment No. 511 authorizing Friant Ranch Specific Plan (Alternative 3) and Friant Ranch Zoning Ordinance Amendment Application No. 363, adopt A mendment Application No. 3751 rezoning the Friant Ranch site, "Depot Site", the two parcels totaling 6.6 acres and the 106-acre parcel sites, adopt the Friant Community Plan Update, an amendment of the Fresno County General Plan, including the Friant Ranch Specific Plan Area, and directs the Secretary to prepare a Resolution documenting the Commission's action.

CWM:WK:CWM:mac  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\GPA\GPA 511 Friant Ranch\10-21-2010 PC Hearing\FR PC 10-21-10 SR corr 11-2-10.doc

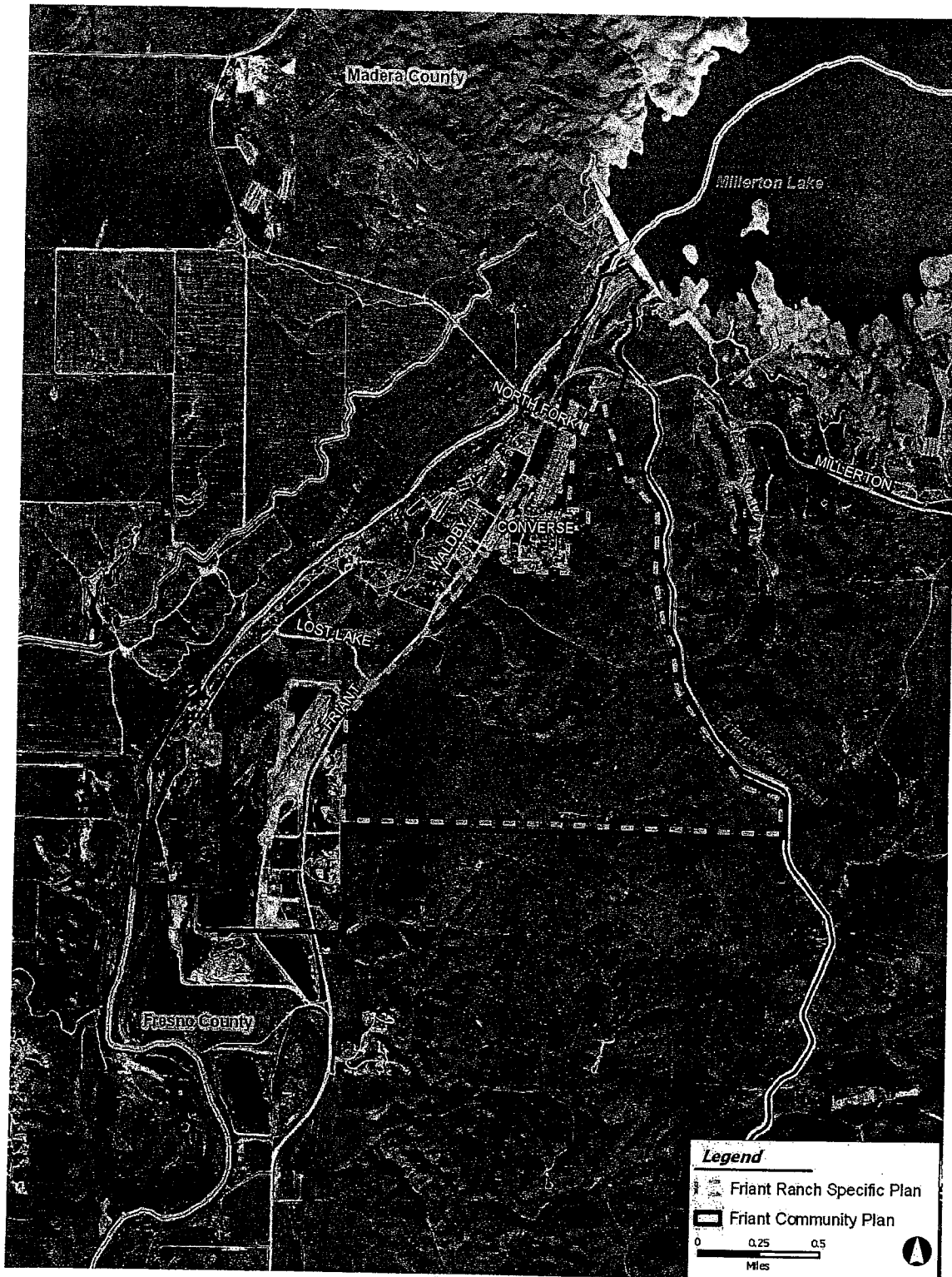
# EXHIBIT 1



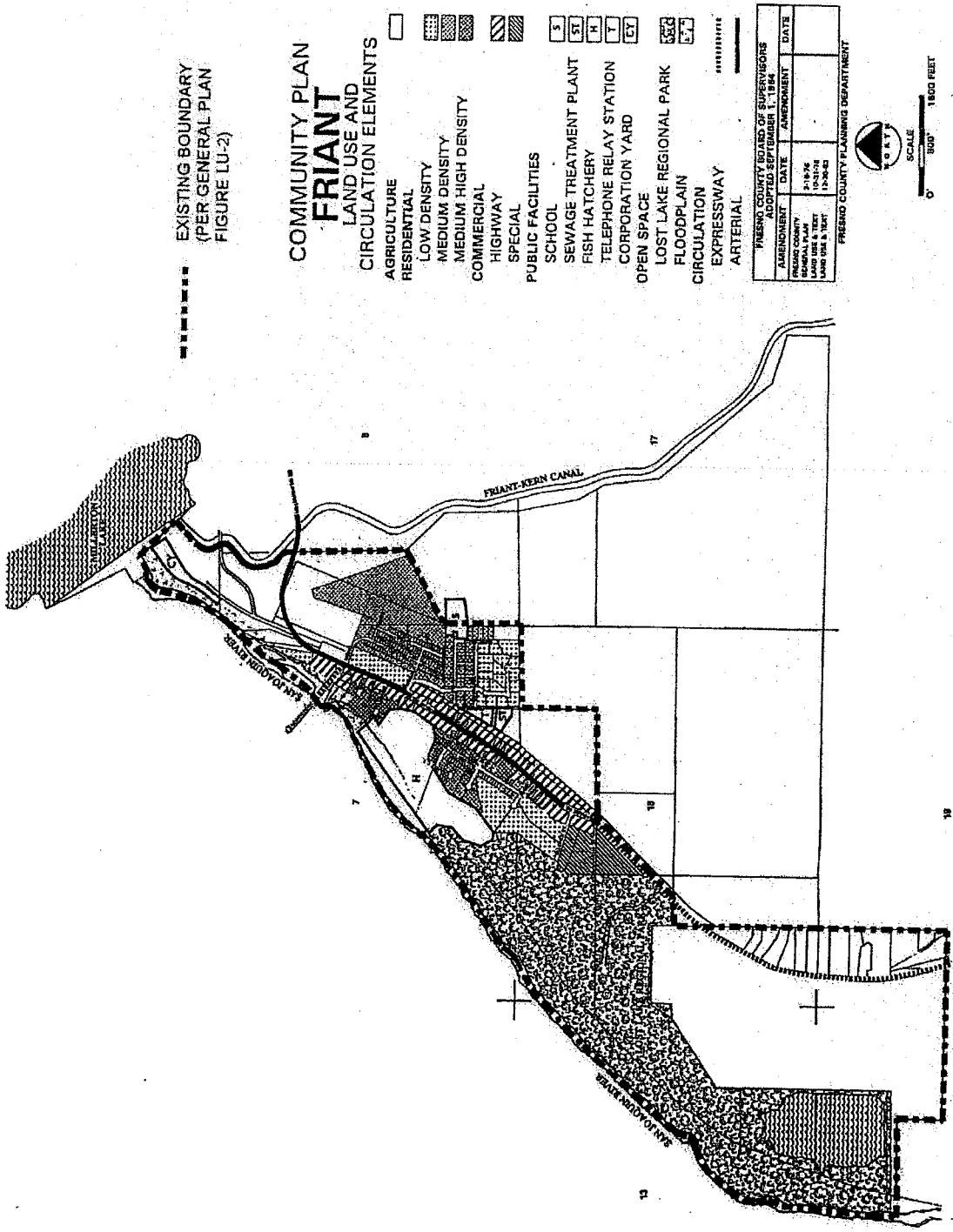
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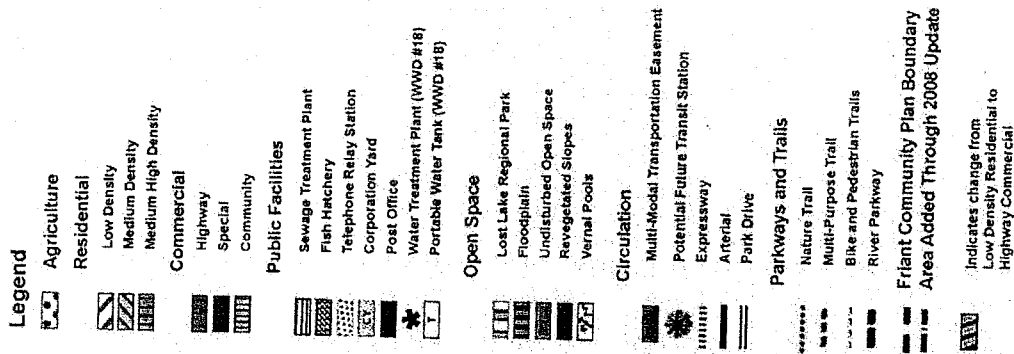
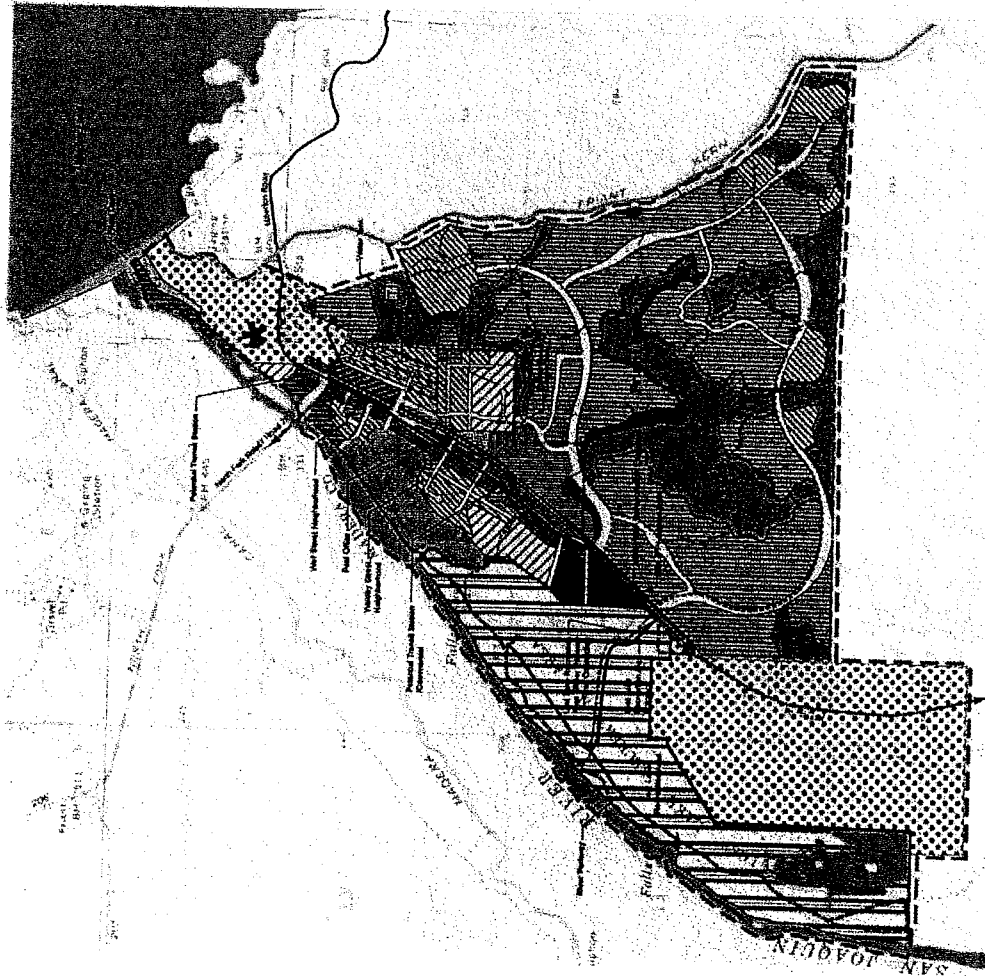
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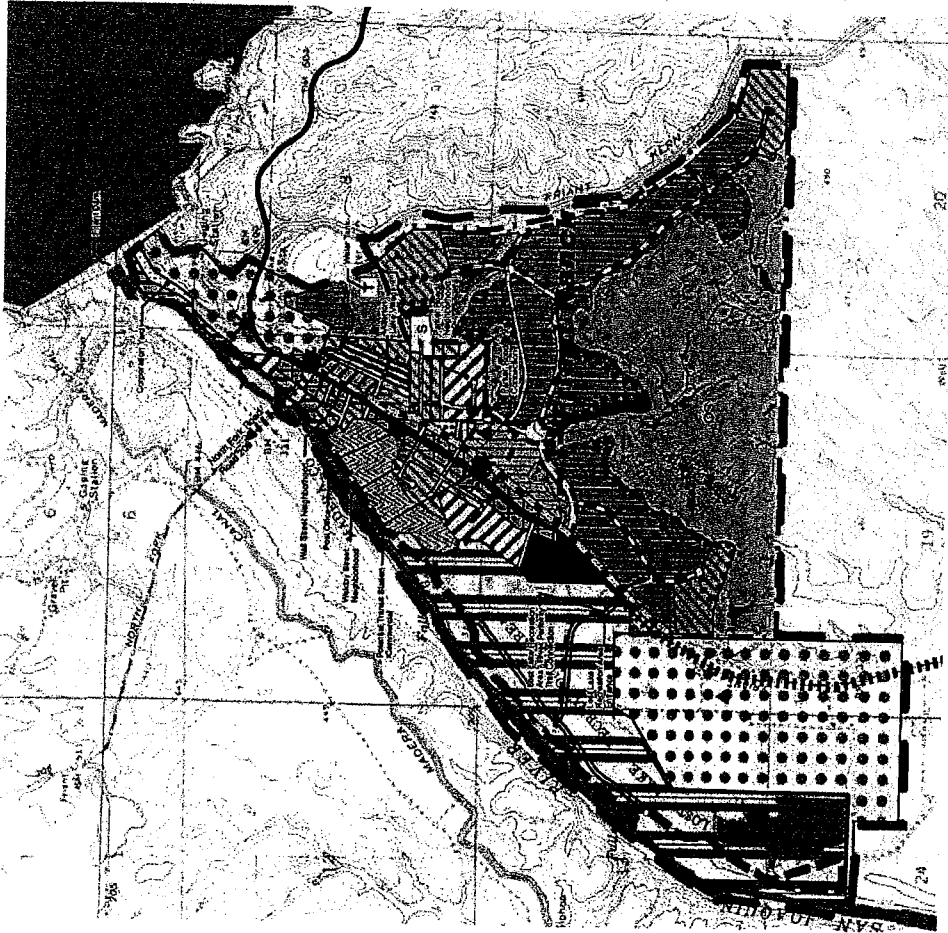
# EXHIBIT 4



# EXHIBIT 5



# EXHIBIT 6



## Legend

- Agriculture
- Residential
  - Low Density
  - Medium Density
  - Medium High
- Commercial
  - Highway
  - Special
  - Community
- Public Facilities**
  - Sewage Treatment Plant
  - Fish Hatchery
  - Telephone Relay Station
  - Corporate Yard
  - School
  - Post Office
  - Water Treatment Plant (WWD #16)
  - Potable Water Tank (WWD #18)
  - Proposed Sewage Treatment Plant
    - \* Two potential locations proposed
- Open Space**
  - Lost Lake Regional Park
  - Floodplain
  - Undisturbed Open Space
  - Revegetated Slopes
  - Vernal Pools
- Circulation**
  - Multi-Modal Transportation Easement
  - Potential Future Transit Station
  - Expressway
  - Park Drive
  - Arterial
- Trails**
  - Nature Trail
  - Bike and Pedestrian Trail
  - Multi-Purpose Trail
  - River Parkway Trail
- Friant Community Plan Boundary**
- Area Added Through 2010 Update**
  - Indicates change from Low Density Residential to Highway Commercial


September 2010


UCP 4-21

Friant Community Plan

# EXHIBIT 7


## Legend

 Friant Ranch Specific Plan Boundary


 Proposed Roads


## Land Use Designations

### Commercial


 Community Commercial

### Residential

 Medium Density Residential

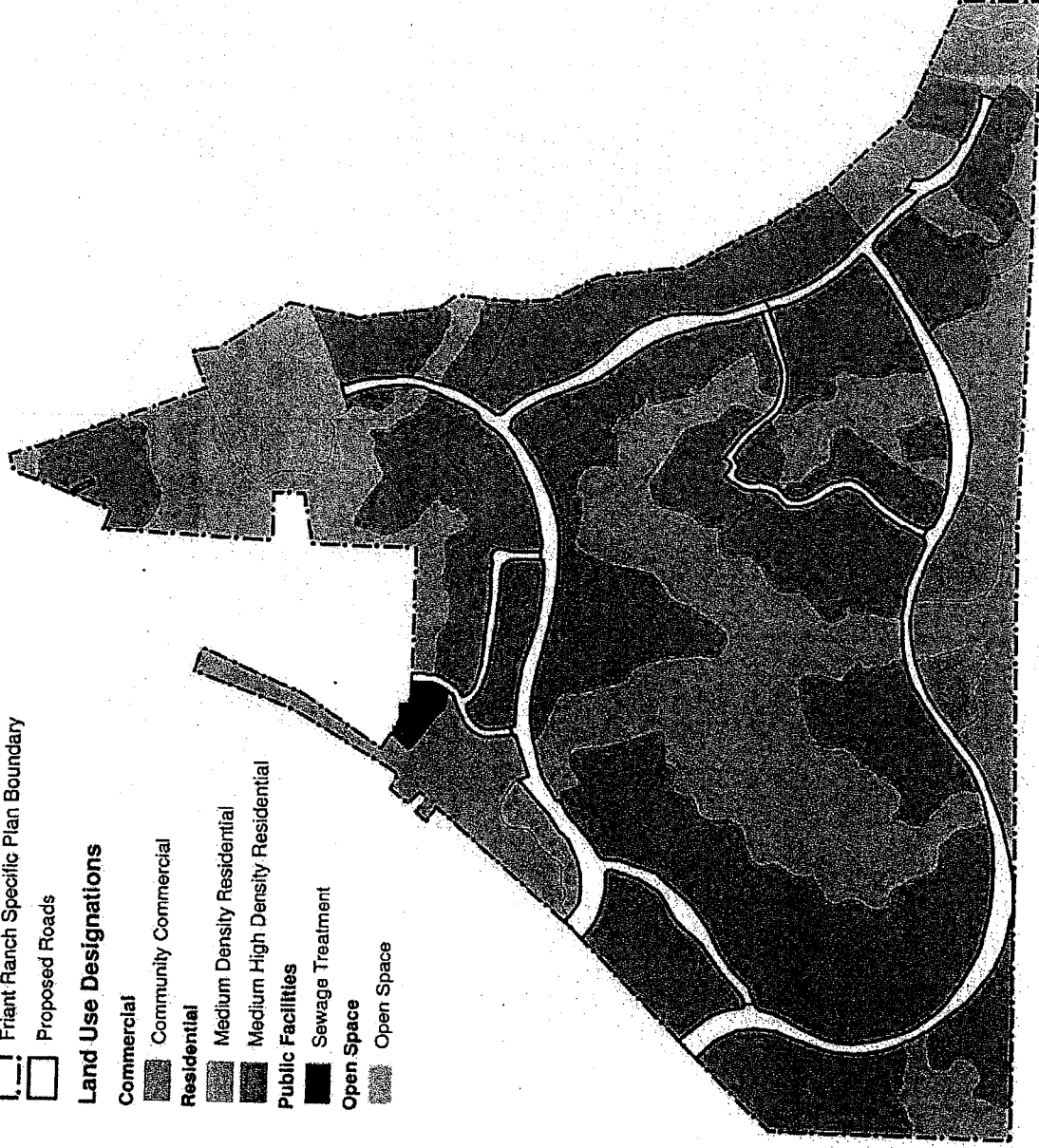
 Medium High Density Residential

### Public Facilities

 Sewage Treatment

### Open Space


 Open Space






# EXHIBIT 8


## Legend

 Friant Ranch Specific Plan Boundary

 Proposed Roads


## Land Use Designations


 Commercial


 Community Commercial

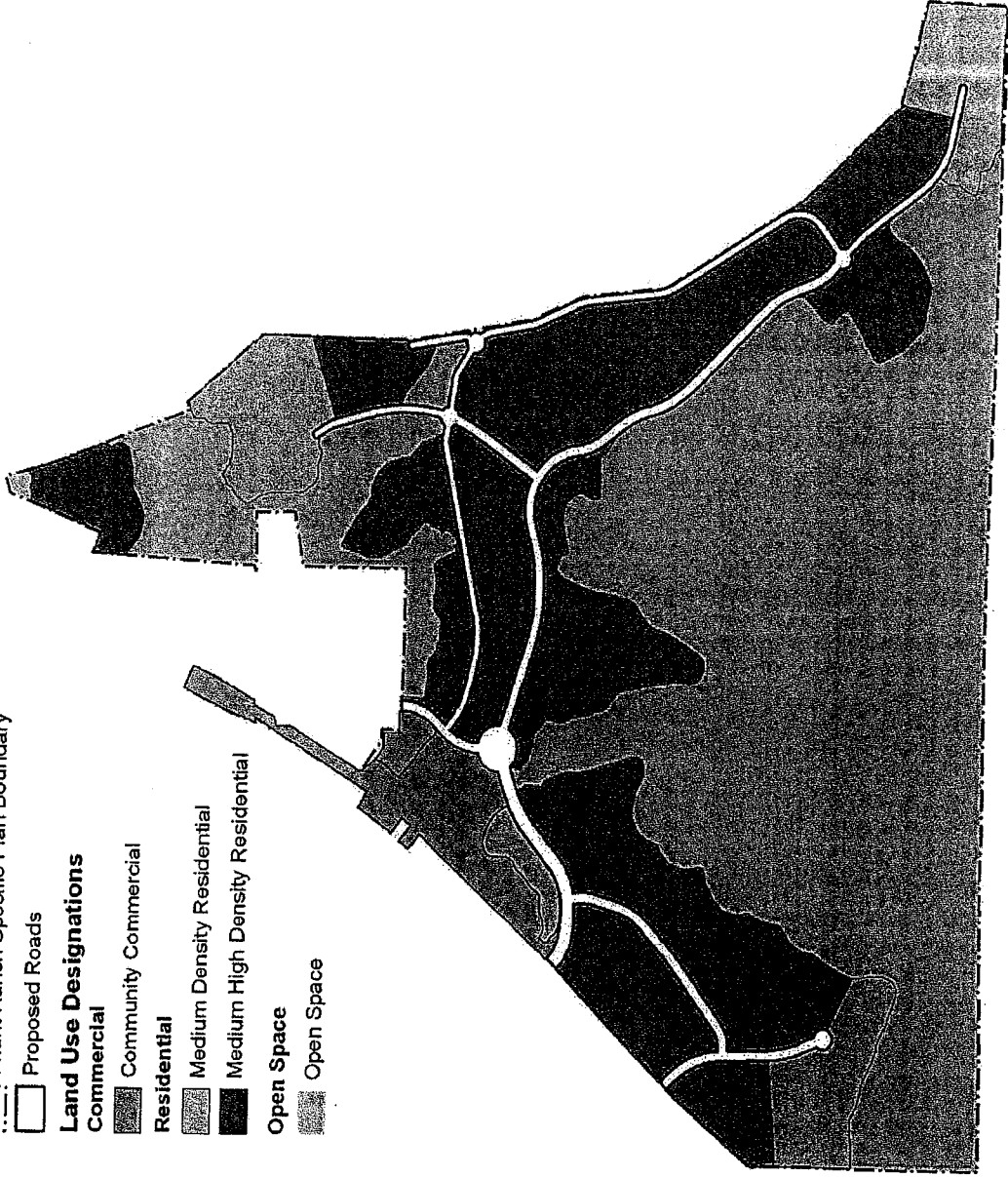
 Residential

 Medium Density Residential

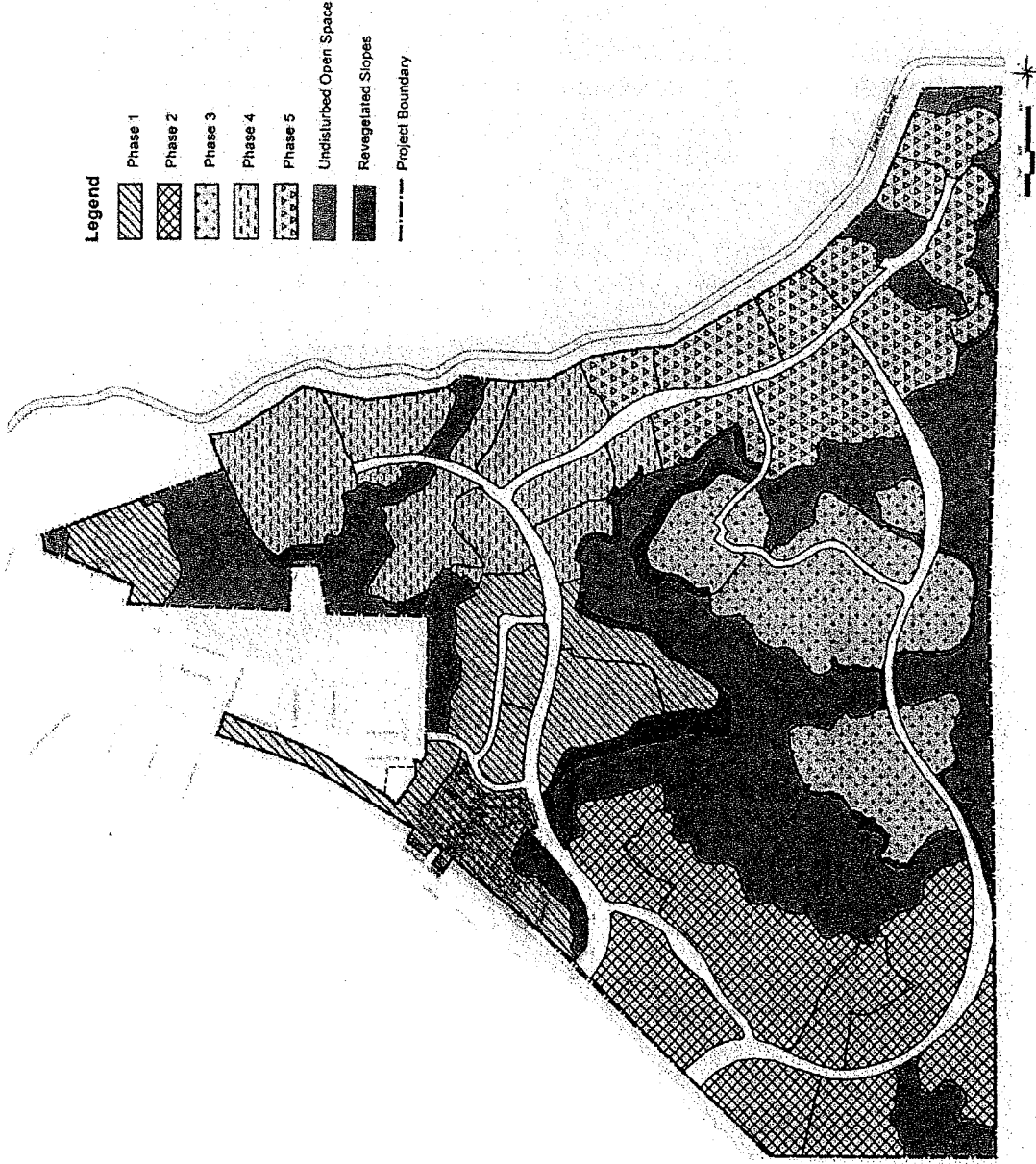
 Medium High Density Residential

 Open Space

 Open Space



# EXHIBIT 9



# EXHIBIT 9

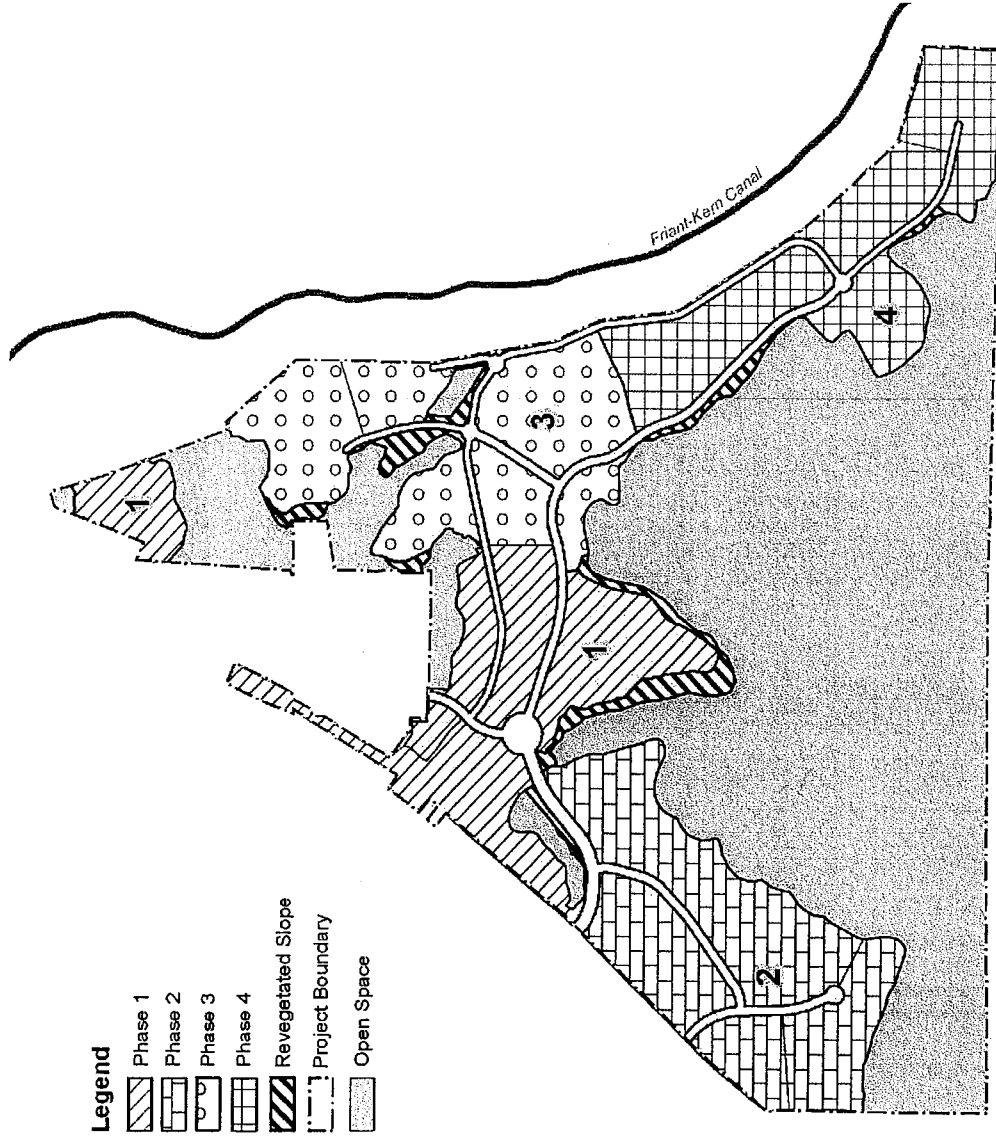








Figure 31: Phasing Plan

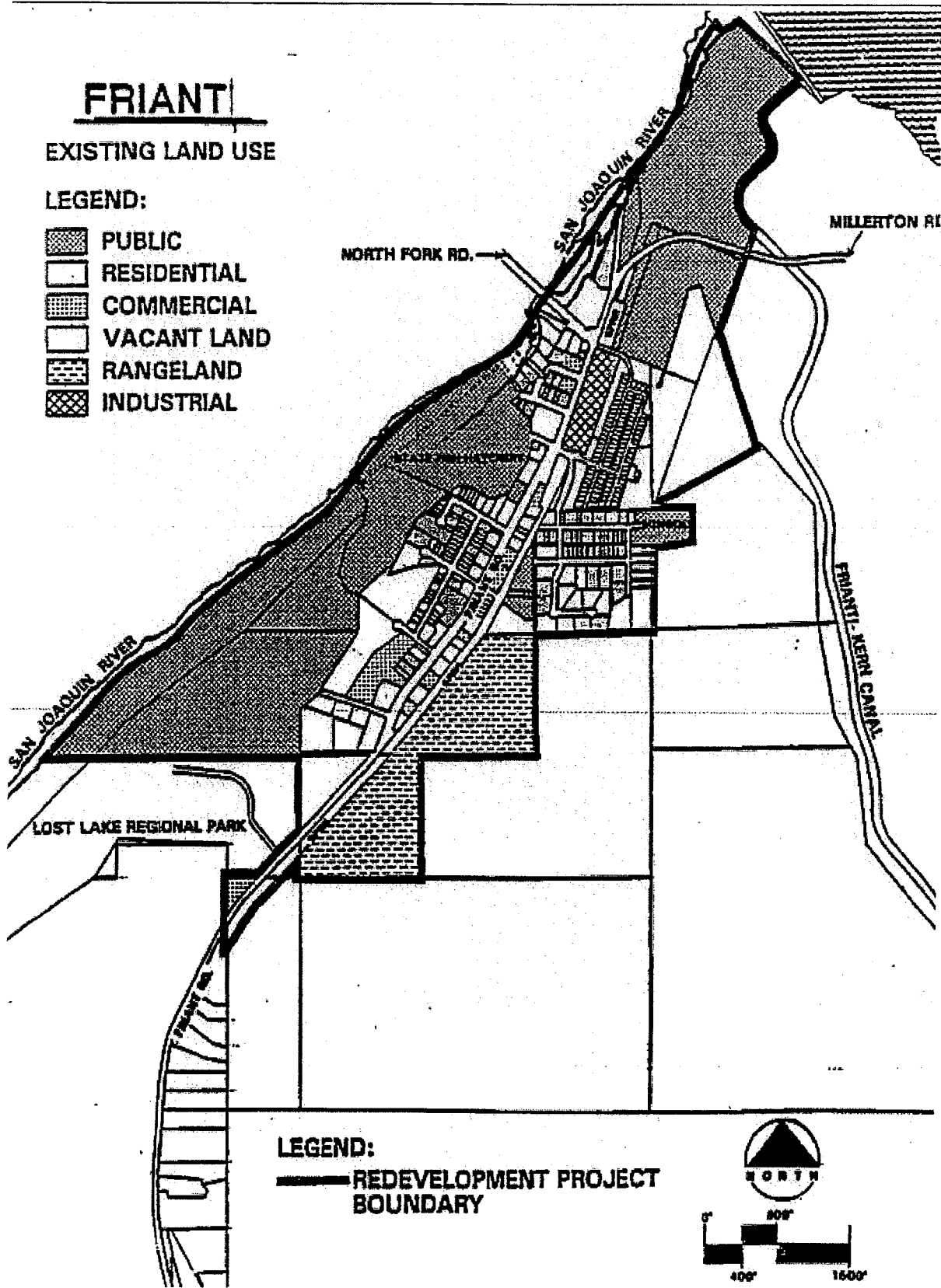
# EXHIBIT 10

## FRIANT

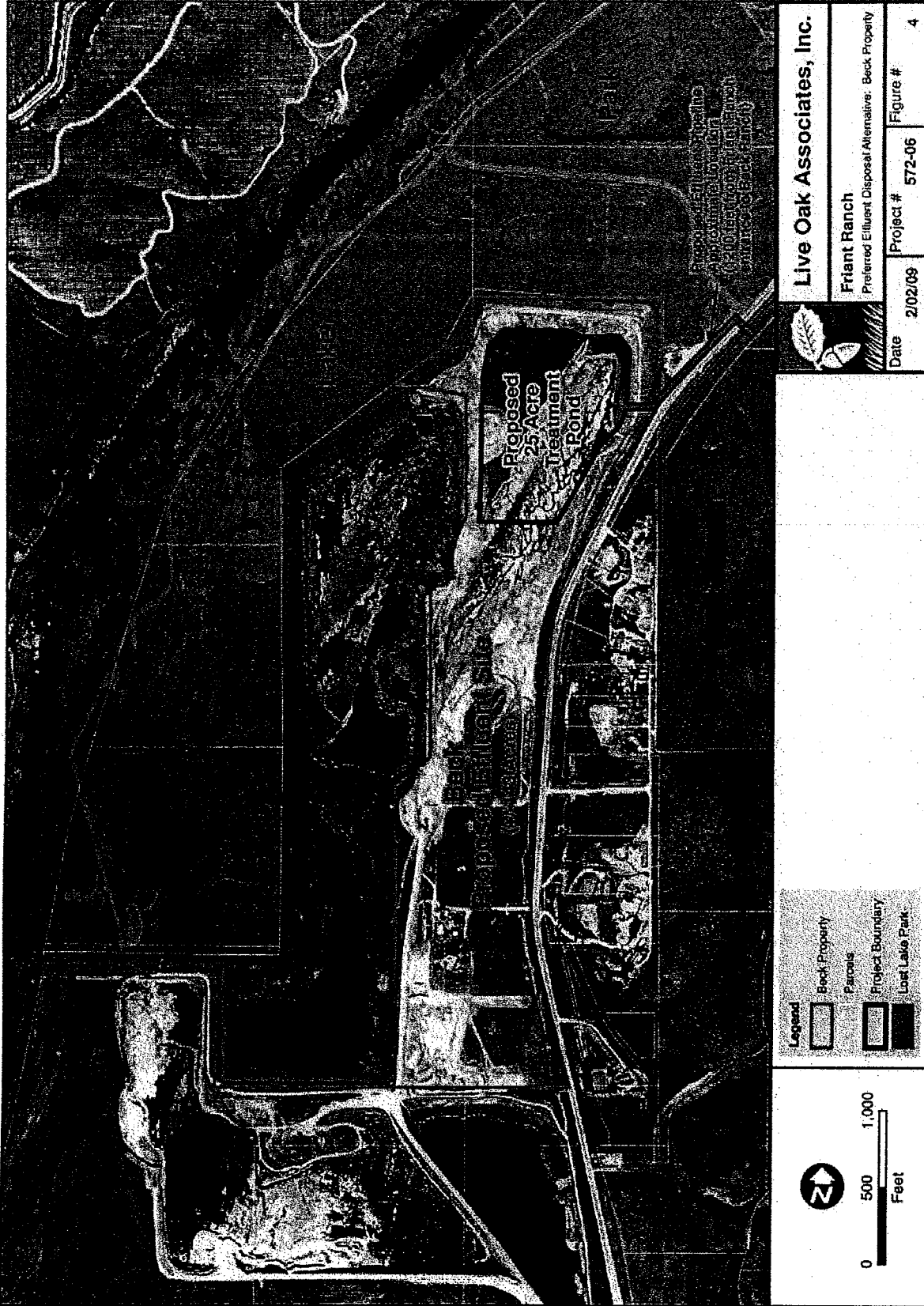
EXISTING LAND USE

LEGEND:

-  PUBLIC
-  RESIDENTIAL
-  COMMERCIAL
-  VACANT LAND
-  RANGELAND
-  INDUSTRIAL



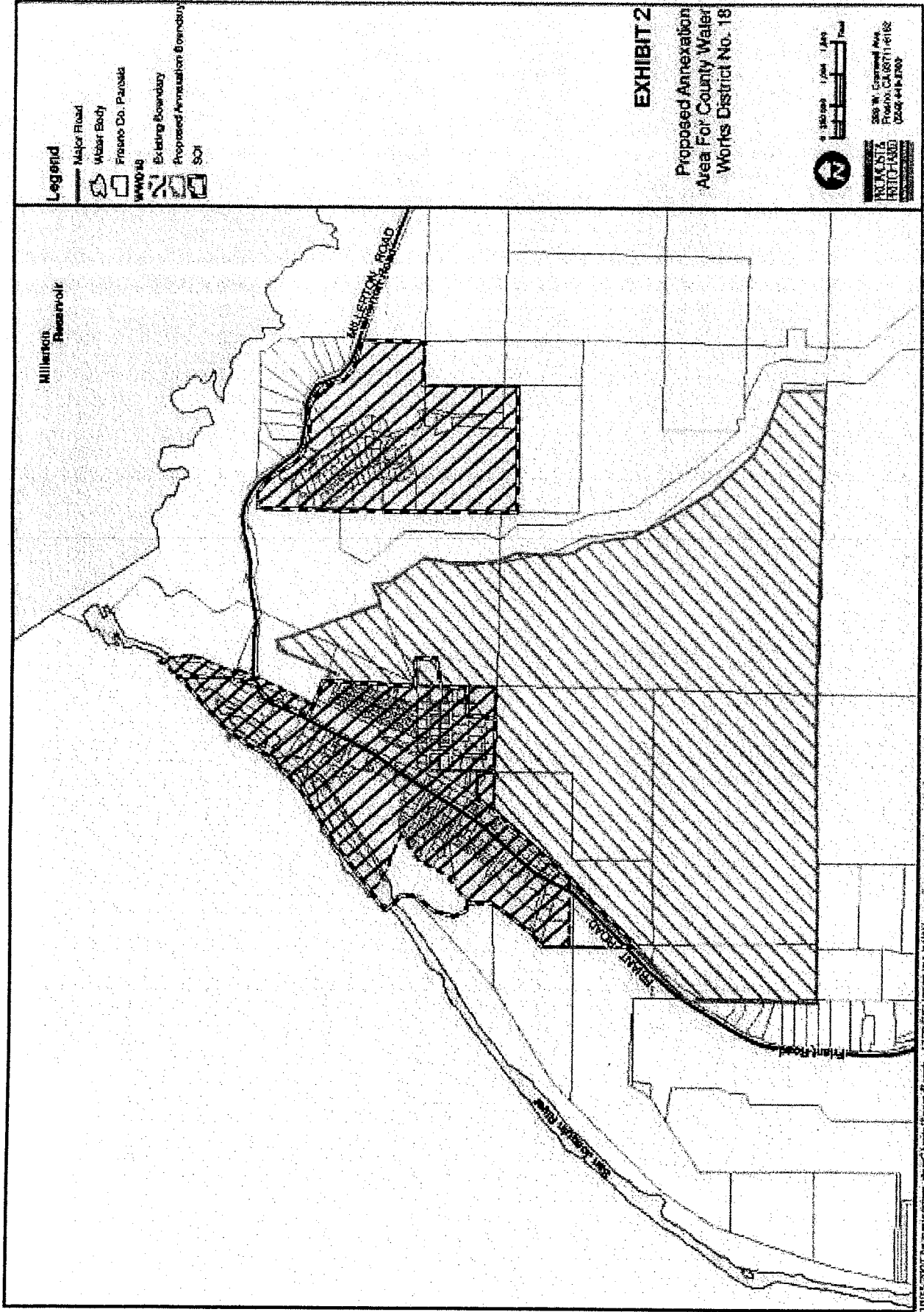
# EXHIBIT 11



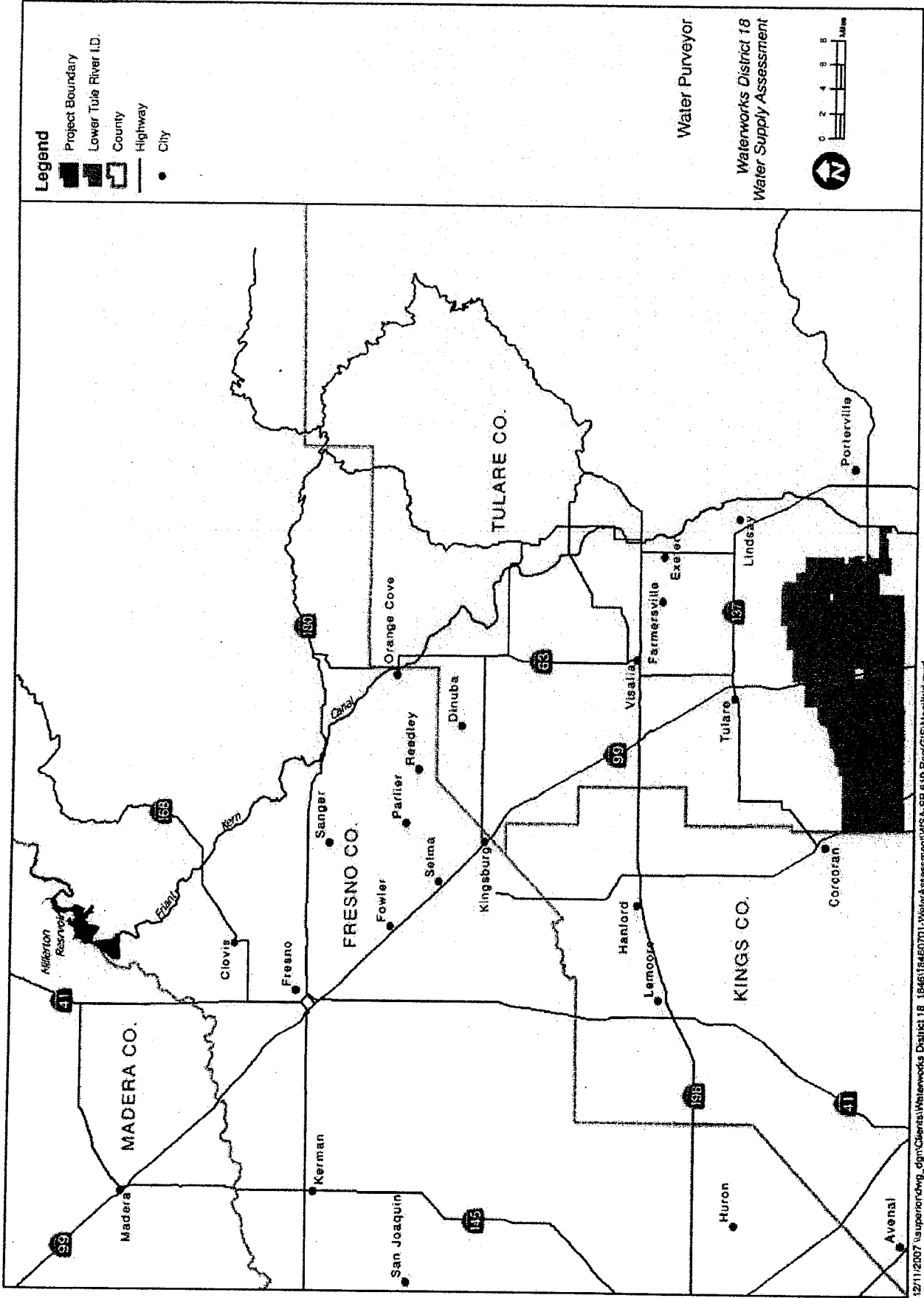
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Aerial Imagery: AirPhotoUSA, 2007  
Figure Prepared By: Provost and Pritchard

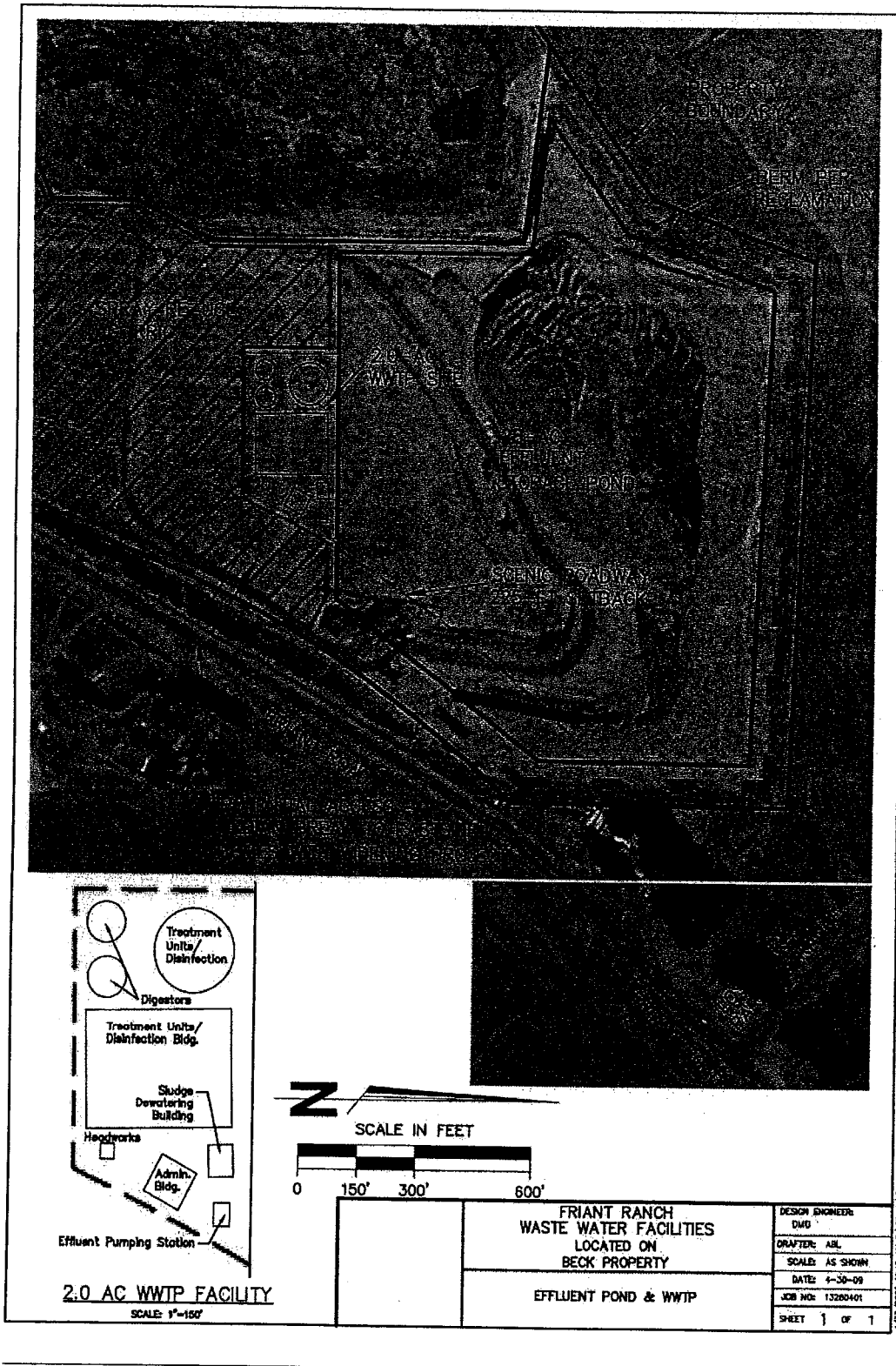
# EXHIBIT 12



# EXHIBIT 13



# EXHIBIT 14





**EXHIBIT 15**

**Proposed Zoning Regulations for Friant  
Ranch**

**Amendment to Text No. 363**

**September 2010**

## SECTION 840.B

### FRIANT RANCH ZONING REGULATIONS

#### Section 840.B1 - INTENT AND PURPOSE

The purpose and intent of the Friant Ranch Zoning Regulations are to classify and regulate the highest and best use of buildings, structures and land located in the adopted Friant Ranch Specific Plan Area of the County of Fresno in a manner consistent with the Friant Ranch Specific Plan and the Fresno County General Plan and all applicable state and federal laws, including but not limited to the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., Housing for Older Persons Act, 42 U.S.C. § 3607(b), Americans With Disabilities Act, 42 U.S.C. §§ 12202 et seq., Fair Employment and Housing Act, Government Code § 12900 et seq., and the Unruh Civil Rights Act, Civil Code, § 51. The Friant Ranch Zoning Standards are created to facilitate the development of a master planned active adult (ages 55 plus age restriction) community consistent with the Friant Ranch Specific Plan and all provisions of the aforementioned state and federal laws. The land use regulations and development standards contained in these Regulations shall apply only to development within the adopted Friant Ranch Specific Plan Area. Where this document is silent, then the standards and provisions contained in the Division VI, of the Fresno County Zoning Ordinance shall apply.

#### SECTION 840.B2 - ESTABLISHMENT OF THE FRIANT RANCH ZONING DISTRICTS AND REGULATIONS APPLICABLE THEREIN

For the purpose related to the orderly development of the Friant Ranch Specific Plan Area in the County of Fresno and in order to carry out the provisions of this Division, the Friant Ranch Specific Plan area is hereby divided into the following zoning districts.

<u>SECTION</u>	<u>SYMBOL</u>	<u>DISTRICT NAME</u>
841.B	"FR-R-1"	Friant Ranch Single-Family Residential District
842.B	"FR-R-2"	Friant Ranch Two-Family Residential District
843.B	"FR-S-L"	Friant Ranch Small-Lot Residential District
844.B	"FR-R-C"	Friant Ranch Cluster Residential District
845.B	"FR-R-3"	Friant Ranch Medium-Density Multiple-Family Residential District
846.B	"FR-V-C"	Friant Ranch Mixed-Use Village Center District
847.B	"FR-O-S"	Friant Ranch Open Space District

## SECTION 840.B3 – DEFINITIONS

For the purpose of carrying out the intent of the Friant Ranch Specific Plan the construction and definitions of words, phrases, and terms used in the Friant Ranch Zoning Regulations shall be deemed to have the meaning ascribed to them as described in Section 803 of the Division VI, of the Fresno County Zoning Ordinance and the additional definitions as described below. If a word is not defined in this Section, or in other provisions of the Zoning Ordinance of the County of Fresno, the Director shall determine the appropriate meaning of words, phrases, and terms used in the Friant Ranch Zoning Regulations.

Director. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno Zoning Ordinance.

Life Work Residential Unit shall mean a building, part of a building, or structure designed and used for joint residential occupancy and commercial uses including retail and office uses, but not including hotels, motels, boarding or lodging houses, or trailers.

Mixed-Use shall mean a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial retail, retail service, office, residential, civic and institutional. The uses may be located vertically in the same building or horizontally in separate buildings.

Paseo shall mean a public or private open space area between buildings, designed with a pedestrian walkway.

Pocket Parks shall mean small passive landscaped areas oriented to the neighborhood surrounding them as an image element or character defining feature.

## SECTION 841.B

### "FR-R-1" – FRIANT RANCH SINGLE-FAMILY RESIDENTIAL DISTRICT

The "FR-R-1" District is intended to provide for the development of single family residential homes within the Friant Ranch Specific Plan Area at urban standards on lots not less than six thousand (6,000) square feet in area, with not more than one (1) primary dwelling unit permitted on any lot. Second dwelling units, not more than one per lot, are also permitted subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance as described below in Section 841B.2, of the Friant Ranch Zoning Regulations. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

#### Section 841.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-R-1" District. All uses shall be subject to the Property Development Standards in Section 891.5.

- A. One family dwelling unit, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garages and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 866-N of the Fresno County Zoning Ordinance.
- E. Signs, subject to the provisions of Section 891.5-K of the Friant Ranch Zoning Regulations.
- F. Low and moderate intensity parks, pocket parks and playgrounds including but not limited to; gardens, picnic facilities, paved trails and drives, private or public parks, pocket parks, open spaces and paseos, playground equipment, game playing areas, and park administration and service buildings and yards, restrooms facilities as defined in Section 855-n.21 of the Fresno County Zoning Ordinance.
- G. Private recreation buildings and facilities, pools, spas, club-houses, meeting rooms, craft rooms, and rental offices.
- H. Private roads and drives.
- I. Temporary tract offices and model homes, in the tract being developed.
- J. Until a change of use and development occurs consistent with the Friant Ranch Specific Plan, temporary agricultural uses such as grazing and crop farming
- K. Irrigation use/disposal with reclaimed water, treated effluent, water harvested from precipitation, and/or grey water within common landscaping areas, parks and parkways and agricultural lands within the Friant Ranch area is a permitted use consistent with Title 22 of the California Code of

Regulations, the Regional Water Quality Control Board, and the County of Fresno Water Efficient Landscape Standards, Title 13, Chapter 12 of the Fresno County Ordinance.

Section 841.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance.

- A. Home Occupations, Class II, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N of the Division VI, Zoning Division of the Ordinance Code of the County of Fresno.
- B. Microwave relay structures.
- C. Second dwelling units, not more than one per lot, subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.
- D. Temporary construction materials storage yards in the tract being developed.
- G. Yard setback reductions for energy conservation purposes on single lots, subject to the provisions of Section 855-N of the Division VI, Zoning Division of the Ordinance Code of the County of Fresno.
- E. Water pump stations.
- F. Rest home or day care for the elderly with only limited medical care not involving a physician residing on the premises of the home and no surgery of other similar activities are provided such as are customarily provided in hospitals.

Population Density – The population density standards of the district in which such a rest home facility is proposed shall apply. For this purpose the residential family and six (6) persons residing in such a facility shall be counted as one (1) family in determining the required lot area. The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

Section 841.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873 of the Division VI, of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members.
- C. Electric distribution substations.
- D. Higher intensity private or public parks and recreation facilities with outdoor night lighting, general stores for use only by park users, marinas, and sauna/bath houses provided such uses are for recreation.
- E. Off-site subdivision signs, subject to the conditions of Section 841B.5-K of the Friant Ranch Zoning Regulations.

- F. Reduced property development standards for affordable housing subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.

Section 841.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the “FR-R-1” District.

- A. Commercial uses.
- B. Industrial uses.
- C. Multi-family uses except secondary uses as permitted by Section 841.B2 above.
- D. Agricultural uses not specifically listed as permitted above in Section 841.B1 of the Friant Ranch Zoning Regulations.
- E. Poultry and rabbit raising.
- F. Mobile home parks.
- G. Advertising structures.
- H. Recreational Vehicle Storage

The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

SECTION 841.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all lands and structures in the “SF-R-1” District.

A. LOT AREA

Each lot shall have a minimum net area of six thousand (6,000) square feet.

B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards and lots now existing may not be reduced below these standards. Each dimension is a minimum only. One or both may be increased to attain the minimum lot area required.

1. Width

- a. Interior lots shall have a minimum width of fifty (50) feet.
- b. Corner lots shall have a minimum width of fifty-five (55) feet.

- c. Reversed corner lots shall have a minimum width of fifty-five (55) feet.
- d. Curve lots and cul-de-sac lots shall have a minimum street frontage width of thirty-five (35) feet.

2. Depth

- a. Lots facing on public or private streets shall have a minimum depth of ninety (90) feet.

B. POPULATION DENSITY

None except as provided above in Section 841.B5 Lot Area.

D. BUILDING HEIGHT

- 1. No main building or structure erected in this District shall have a height exceeding twenty-eight (28) feet.
- 2. No accessory building erected in this District shall have a height exceeding twenty-eight (28) feet.

E. YARDS

1. General Yard Requirements

- a. All required yards shall be extended the full width or depth of the lot and shall be open from the ground to the sky, except as hereinafter provided.
- b. Aggregate area of accessory buildings permitted in the required yards on any one lot shall not exceed eight hundred (800) square feet except that additional area may be approved subject to Director Review and Approval Procedure of Section 872.

c. Swimming Pools

- i) Swimming pools shall not be located in any required front yard or side yard abutting a street.
  - ii) Swimming pools, outdoor hot-tub, jacuzzi, or wading pools may be located in any required rear or interior side yard; provided that a space of not less than four (4) feet is maintained from the side and rear property lines to the edge of the pool or hot-tub for pedestrian access around the pool or tub.
- d. Garages or carports shall be located not less than twenty (20) feet from any street frontage where the garage door or carport opening faces the street. Garages or carports may be located not less than four (4) feet from any alley provided the door or carport opening faces the alley and the combined alley width and setback width provides a minimum twenty-four (24) feet clear back-up space for auto access.

2. Front Yard

- a. Each lot shall have a front yard of not less than twenty (20) feet in depth, measured from the front property line, extending across the full width of the lot.

3. Side Yard

- a. Each lot shall have a side yard on each side of not less than five (5) feet except for special conditions treated below.

b. Corner Lots

On corner lots, unless otherwise specified in this District, the side yard abutting the street shall be not less than ten (10) feet in width.

c. Reversed Corner Lots

On reversed corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

d. Accessory Buildings in Side Yard

- (1) Any accessory building located less than sixty (60) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
- (2) An accessory building may be located on a side property line when said building is located sixty (60) feet or more from the front property line, except that no structure shall be permitted in a required yard that abuts a street.
- (3) An accessory building having an opening on an alley shall be located not less than twenty-four (24) feet from the opposite side of the alley; provided, however, that no such accessory building shall be located less than four (4) feet from the property line abutting the alley.

4. Rear Yard

- a. Each lot shall have a rear yard of not less than fifteen (15) feet.

b. Accessory Buildings

Non-residential accessory buildings may be permitted in a required rear yard, except that portion which is an extension of a required street side yard, in accordance with Section 855-N of the County of Fresno Zoning Ordinance and as follows:

- (1) Any accessory building may be located on the rear property line when said building is not abutting an alley, except that the required setback for accessory structures on reversed corner lots shall be not less than the required side yard for the District.



- (2) An accessory having a garage door opening on an alley shall be located not less than twenty-four (24) feet from the opposite side of the alley, or not less than four (4) feet from the property line.
- (3) Any accessory building permitted on a rear or side property line shall have provisions for all roof drainage to be taken care of on the subject lot.

5. Exceptions: Permitted Projections into Required Yards

- a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than thirty (30) inches.
- b. Uncovered, unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side yard not more than thirty (30) inches. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed the requirements of the Building Code.
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.
- d. Uncovered, unenclosed porches, decks, platforms or landing places which do not extend above the level of the first floor of the building may extend into any rear yard provided the platform, deck, or landing maintains a five (5) foot setback from the rear property line. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed the requirements of the Building Code.

F. SPACE BETWEEN BUILDINGS

The minimum distance between buildings shall be as follows:

1. Accessory buildings shall be a minimum of ten (10) feet from the main building. Accessory buildings connected to the main building by a breezeway roof shall maintain a minimum six (6) foot separation.
2. Where an accessory building is used for garage purposes and where said garage is located within the area defined by the projection of the side lines of any main building, and where vehicular access to said garage faces any main building and falls entirely or in part, within said area, the garage shall be not less than twenty-five (25) feet from the main building.

G. LOT COVERAGE

Maximum lot coverage by buildings and structures shall not exceed fifty (50) percent of the total lot area.

## H. FENCES, HEDGES AND WALLS

This section is intended to provide for the regulation of the height and location of fences, hedges and walls for the purpose of providing for light, air and privacy, and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

### 1. Required Fences and Walls

#### a. Screen Fences and Walls

Where a commercial district abuts a residential district, a solid screen wall or fence shall be constructed along rear and side property lines of not more than six (6) feet in height within a landscape planter to serve as a screen with pedestrian access maintained between the districts through walkways, roads, and open space corridors consistent with the Friant Ranch Specific Plan and provided in Section 986.0-H.

#### b. Swimming Pools

Swimming pools shall be entirely enclosed by fences or walls, in accordance with the specification and standards of the Fresno County Ordinance Code, Title 15, Buildings and Construction, except as hereinafter provided.

(1) Swimming pool enclosures shall not be required when there exists a natural barrier restricting physical access to the swimming pool that is essentially equivalent in effect to the required enclosures as determined by the Director.

(2) The required enclosure shall be in place and approved by the Building Official before water is run into the pool.

### 2. Corner Cut-off Area

The following regulations shall apply to all intersections of streets, alleys, and private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cut-off areas established herein.

a. There shall be a corner cut-off area at all intersecting and intercepting streets within Friant Ranch area. The cut-off line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of ten (10) feet from the intersection of such lines at the corner of a street within Friant Ranch area.

b. There shall be a corner cut-off on each side of any private driveway intersecting a street or alley. The cut-off lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property lines, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

c. There shall be a corner cut-off on each side of any alley intersecting a street or alley. The cut-off lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property lines, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

- d. Where, due to an irregular lot shape, slope or change of grade, a line at a forty-five (45) degree angle does not provide for intersection visibility, said corner cut-off shall be reviewed and approved by the Director as part of the final map review process.

### 3. Permitted Fences, Hedges and Walls

- a. Fences and hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.
- b. No fence, wall or hedge over three (3) feet in height shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot.
- c. Fences or structures over six (6) feet in height to enclose tennis courts, or other game areas shall be permitted to the rear of required front yard subject to the Director Review and Approval.
- d. Special fence or wall structures over six (6) feet in height, such as but not limited to entry gateways, arbors, trellis, or screen landscaping may be permitted subject to the review and approval of the Director.

### I. OFF-STREET PARKING

#### 1. For Residential Uses

There shall be at least one (1) parking space in a garage or carport for every dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.

#### 2. Guest Parking

There shall be no requirement for guest parking for single family homes in the FR-R-1 District. Guest parking may be provided on street, in guest parking lots of the street, or on the driveways on the same lot as the residential units in the front of a garage provided in a tandem parking space entirely in the front and or side yard space.

#### 3. For Non-residential Uses and Uses Permitted by Conditional Use Permit

The provisions of the General Conditions, Section 855-I of the Fresno County Zoning Ordinance, shall apply for off-street parking requirements.

### J. ACCESS

1. Vehicular access shall be provided from a dedicated and improved street, recognized private road, alley or driveway with a mutual access agreement to off-street parking facilities on the property requiring off-street parking.
2. Pedestrian access may be provided from a dedicated and improved street or recognized private road, alley, common open space or paseo to property used for residential purposes.

K. OUTDOOR ADVERTISING

1. The provisions of the "R-1-A" District, Section 822.5-K.1, 2, 3, 4, 5, and 6 of the Fresno County Zoning Ordinance, shall apply.
2. Off site Identification signs for Residential Dwellings in a subdivision or tract shall be permitted subject to the following conditions:
  - a. Two (2) freestanding or face-mounted signs will be allowed for each subdivision or tract for purposes of identification of the residential area or neighborhood name.
  - b. The sign(s) shall contain only the name and/or address of the subdivision, tract or neighborhood for which the sign represents.
  - c. Not more than two (2) such identification signs per subdivision or tract shall be permitted in any subdivision less than forty (40) acres in size. In any subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.
  - d. Each sign shall be a maximum of sixteen (16) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Director Review and Approval as set forth in Section 872 of the Fresno County Zoning Ordinance.
  - e. The sign face shall not be internally illuminated but may be flood-lit.

## SECTION 842.B

### "FR-R-2" – FRIANT RANCH TWO-FAMILY RESIDENTIAL DISTRICT

The "FR-R-2" District of the Friant Ranch Zoning Regulations are intended to provide for the development of two family residential structures where such buildings are located on the same lot and designed to provide for light, privacy, air, safety and insulation against transmission of sound, on a single lot of not less than five thousand (5,000) square feet in area. Two-family residential structures include building designs with individual units adjacent to one another or designed as stacked flats.

#### SECTION 842.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-R-2" District subject to the Property Development Standards in Section 842.B5 of the Friant Ranch Zoning Regulations and those in Section 855 of the Division VI, of the Fresno County Zoning Ordinance.

- A. Those uses listed in Section 841B.1 of the "FR-R-1" District of the Friant Ranch Zoning Regulations shall be permitted.
- B. Multiple family dwellings when no more than two (2) units are placed on a lot, either adjacent to one another or in stacked flats.

#### SECTION 842.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 842.B of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-1 of the Fresno County Zoning Ordinance.

- A. Identification signs for multiple-family dwellings subject to the criteria set forth in the Property Development Standards of Section 842.B5-K of the Friant Ranch Zoning Regulations.
- B. Microwave relay structures.
- C. Off-site directional signs for major recreational uses subject to the provisions of Section 855-K of the Fresno County Zoning Ordinance.
- D. Temporary construction materials storage yards in the tract being developed.
- E. Water pump stations.
- F. Home Occupations, Class II, in conjunctions with a residential unit, subject to the provisions of Section 866-N of the Fresno County Zoning Ordinance.
- G. Rest home or day care for the elderly with only limited medical care not involving a physician residing on the premises of the home and no surgery of other similar activities are provided such as are customarily provided in hospitals.

Population Density – The population density standards of the district in which such a rest home facility is proposed shall apply. For this purpose the residential family and six (6) persons residing in such a facility shall be counted as one (1) family in determining the required lot area. The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

- H. Development standards reductions including yard setback reductions, lot dimensions modifications, for energy conservation purposes on single or multiple lots in conformance with Section 855-N.12 of the Fresno County Zoning Ordinance.

#### SECTION 842B.3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873 of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members
- C. Electric distribution substations.
- D. Higher intensity private or public parks and recreation facilities with outdoor night lighting.
- E. Off-site subdivision signs, subject to the conditions of Section 842.B5-K of the Friant Ranch Zoning Regulations.
- F. Reduced property development standards for affordable housing subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.

#### SECTION 842.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the "FR-R-2" District.

- A. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motel or other buildings wherein housing facilities are furnished to transient boarders and roomers.
- B. Industrial uses.
- C. Agricultural uses not specifically listed as permitted above in Section 842.B1 of the Friant Ranch Zoning Regulations.
- D. Advertising structures.
- G. Mobile home parks
- H. The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

## SECTION 842.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all lands and structures in the "FR-R-2" District.

### A. LOT AREA

Each lot shall have a minimum net area of five thousand (5,000) square feet in the "FR-R-2" District.

### B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards, and lots now existing may not be reduced below these standards. Each dimension is minimum only. One or both lot dimensions shall be increased to attain the minimum lot area required.

#### 1. Width

- a. Interior lots shall have a minimum width of fifty (50) feet in the "FR-R-2" District.
- b. Corner lots shall have a minimum width of fifty-five (55) feet in the "FR-R-2" District.
- c. Reversed corner lots shall have a minimum width of fifty-five (55) feet in the "FR-R-2" District.
- d. Curve lots and cul-de-sac lots shall have a minimum street frontage width of thirty-five (35) feet.

#### 2. Depth

- a. Lots facing on local streets shall have a minimum depth of seventy (70) feet in the "FR-R-2" District.

### C. POPULATION DENSITY

There shall be a minimum of two-thousand five-hundred (2,500) square feet of lot area for each dwelling unit for all lots in the FR-R-2 District.

### D. BUILDING HEIGHT

1. No main building or structure shall have a height greater than two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet in the "FR-R-2" District.
2. No accessory building erected in either the "FR-R-2" District shall have a height greater than two (2) story, not to exceed twenty-five (25) feet.

### E. YARDS

#### 1. General Yard Requirements

The provisions of the "FR-R-1" District, Section 841B.5-E of the Friant Ranch Zoning Regulations shall apply.

## 2. Front Yard

- a. Each lot shall have a front yard of not less than ten (10) feet deep, extending across the full width of the lot.

## 3. Side Yard

- a. Each lot shall have a side yard on each side of not less than five (5) feet except for units sharing a common wall or party wall and for the special conditions for encroachments treated below.

### b. Corner Lots

On corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

### c. Reversed Corner Lots

On reversed corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

### d. Side Yard Driveways

When a side yard is used for a driveway access to serve parking facilities:

- (1) The minimum side yard space shall be twelve (12) feet wide allowing for a ten (10) foot wide driveway and a minimum two (2) foot planter space.
- (2) If pedestrian access is required to a rear dwelling, or dwellings, and said access is to be by means of a driveway, then said space shall be increased to fifteen (15) feet, three (3) feet of which shall be a paved walk for the pedestrian access.

## 4. Rear Yard

- a. Each lot shall have a rear yard of not less than fifteen feet (15) feet in depth.
- b. The rear yard setback requirements may be reduced to a minimum of four (4) feet if the lot is accessible by an alley; and, a minimum eighty (80) square foot private, outdoor open space is provided for each unit in the form of a ground floor patio, porch, or upper floor deck accessible from the living space of the unit being served.

## 5. Exceptions: Permitted Projections into Required Yards

- a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than thirty (30) inches.
- b. Uncovered, unenclosed porches, deck, platforms or landing places that do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than three (3) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side yard not more than thirty (30) inches. An open work railing may be installed or constructed on any such porch, deck, platform or landing place provided it does not exceed the height requirements of the building code.



- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

#### F. SPACE BETWEEN BUILDINGS

1. The minimum distance between buildings shall be as follows:
  - a. There shall be a minimum of ten (10) feet between buildings. Accessory buildings connected to the main building by a breezeway roof shall maintain a minimum six (6) foot separation.
  - b. Where an accessory building is used for garage purposes and where said garage is located within the area defined by the projection of the side lines of any main building, and where vehicular access to said garage faces any main building and falls entirely or in part within said area, the garage shall be not less than twenty-five (25) feet from the main building to allow for backup space.
2. Minimum Space Between Exterior Walls of Main Buildings and Accessory Buildings on the Same Lot
  - a. All structures shall be located not less than ten (10) feet from one another unless such structure is attached to the main building with a common wall or party wall.
  - b. Where main structures or accessory structures are attached by a breezeway roof, the structures shall be located not less than (6) feet from one another.
  - c. Where a garage is located within the area defined by the projections of the side lines of any main building, and where said garage faces and is detached from any main building and the vehicular access to said garage falls entirely or in part within said area, the garage shall be not less than twenty-five (25) feet from the main building or buildings.
  - d. The minimum distance between accessory buildings shall be not less than ten (10) feet unless said buildings have a common or party wall which is defined as a partition erected on a property boundary, partly on the land of one owner and partly on the land of another, to provide common support to the structures on both sides of the boundary.

#### G. LOT COVERAGE

Maximum lot coverage by buildings and structures shall not exceed seventy (70) percent of the total lot area.

#### H. FENCES, HEDGES AND WALLS

1. For residential uses, the provisions of the "FR-R-1" District, Section 891.5-H. shall apply.
2. For non-residential uses, the provisions in the General Conditions, Section 855-I.3 of the Fresno County Zoning Ordinance, shall apply.

#### I. OFF-STREET PARKING

The following provisions shall apply, subject to the General Conditions, Section 855-I of the Fresno County Zoning Ordinance.

1. There shall be at least one (1) parking space in a garage or carport for every dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.
2. Guest parking shall be required for two family dwelling units at a rate of no less than one half (1/2) of a guest parking space for each unit on a two-family residential lot. Street Parking on public and private streets and guest parking lots off the street may be counted toward the guest parking requirements. Required guest parking may be provided on the driveways on same lot as the residential units or driveways in front of a garage may also meet the requirements for quest parking.
3. For non-residential uses, the off-street parking provisions in the General Conditions, Section 855-I of the Fresno County Zoning Ordinance, shall apply.

#### J. ACCESS

1. There shall be vehicular access from a dedicated and improved street, recognized private road, alley, or drive way with a mutual access agreement to off-street parking facilities on the property requiring off-street parking.
2. Lots in the Friant Ranch FR-R-2 District may be located on a public or private street or alley, or accessible from a private driveway with a recognized access easement.
3. There shall be pedestrian access from a dedicated and improved street or recognized private road, alley, parking court, common open space, courtyard or paseo to property used for residential purposes.
4. If vehicle access is by way of a driveway parallel with a side lot line, there shall be an access way of ten (10) feet from the street or alley to the building site, said way to be for both pedestrian and vehicular access.

#### K. OUTDOOR ADVERTISING

The provisions of the "R-1-A" District, Section 822.5-K.1, 2, 3, 4, 5, 6, and 7 of the Fresno County Zoning Ordinance, shall apply.

1. Identification signs for Two Family Dwellings in a subdivision or tract shall be permitted subject to the following conditions:
  - a. Two (2) freestanding or face-mounted signs will be allowed for each subdivision or tract for purposes of identification of the residential area or neighborhood name.
  - b. The sign(s) shall contain only the name and/or address of the subdivision, tract or neighborhood for which the sign represents.
  - c. Not more than two (2) such identification signs per subdivision or tract shall be permitted in any subdivision less than forty (40) acres in size. In any subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.

- d. Each sign shall be a maximum of sixteen (16) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Director Review and Approval as set forth in Section 872 of the Fresno County Zoning Ordinance.
- e. The sign face shall not be internally illuminated but may be flood-lit.

#### SECTION 842.B6 – SITE PLAN REVIEW

Before any building or structure is erected on any lot in the Friant Ranch Two Family District, a site plan shall have been submitted to and approved by the Director pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance, and deemed consistent with the Friant Ranch Specific Plan.

## SECTION 843.B

### "FR-S-L" – FRIANT RANCH SMALL LOT RESIDENTIAL DISTRICT

The "FR-S-L" District of the Friant Ranch Zoning Regulations are intended to provide for the development of a variety of small lot, single family residential structures where such buildings are designed to provide for light, privacy, air, safety and insulation against transmission of sound, on a single lot of not less than three thousand (3,000) square feet in area. Small lot single family residential development standards are intended to allow for flexibility in site and building design solutions and provide for a range of lot and building types and configurations such as, but not limited to: courtyard homes, zero-lot-line homes, Z-lot (zipper-lot) homes, townhomes, and other alternative site and building designs that meet the intent of the Friant Ranch Specific Plan.

#### SECTION 843.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-S-L" District subject to the Property Development Standards in Section 842.B5 of the Friant Ranch Zoning Regulations and those in Section 855 of the Division VI, of the Fresno County Zoning Ordinance.

- A. Those permitted uses in the "FR-R-1", "FR-R-2" and the "FR-R-C" Districts of the Friant Ranch Zoning Regulations shall be permitted.
- B. Residential clustered buildings types, typically, but not exclusively, in groups of three to eight attached or detached dwelling units arranged around a common parking court or common open space.
- C. Attached or detached small-lot, single family dwellings, in a variety of site and building design configurations.
- D. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot.

#### SECTION 843.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno County Zoning Ordinance.

- A. Off-site directional signs for major recreational uses, hospitals and colleges subject to the provisions of Section 855-K of the Fresno County Zoning Ordinance.
- B. Microwave relay structures.
- C. Temporary construction materials storage yards in the tract being developed.
- D. Water pump stations.

- E. Home Occupations, Class II, in conjunctions with a residential unit, subject to the provisions of Section 866-N.14 of Fresno County Zoning Ordinance.
- F. Rest home or day care for the elderly with only limited medical care not involving a physician residing on the premises of the home and no surgery of other similar activities are provided such as are customarily provided in hospitals.

Population Density – The population density standards of the district in which such a rest home facility is proposed shall apply. For this purpose the residential family and six (6) persons residing in such a facility shall be counted as one (1) family in determining the required lot area. The maximum number of persons calculated above shall apply regardless of the number of the licensee’s family, or persons employed as facility staff shall not be included in determining the number of residents.

- G. Development standards reductions including yard setback reductions, lot dimensions modifications, for energy conservation purposes on single or multiple lots in conformance with Section 855-N.12 of the Fresno Zoning Ordinance.

SECTION 843.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873 of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members
- B. Electric distribution substations.
- C. High intensity private or public parks and recreation facilities with outdoor night lighting.
- D. Off-site subdivision signs, subject to the conditions of Section 826.5-K of the Fresno County Zoning Ordinance.
- E. Reduced property development standards for affordable housing subject to the provisions of Section 855-N of the Fresno County Zoning Ordinance.

SECTION 843.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the “FR-S-L” District.

- A. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motel or other buildings wherein housing facilities are furnished to transient boarders and roomers.
- B. Industrial uses.
- C. Agricultural uses not specifically listed as permitted use in the above Section 843.B3 of the Friant Ranch Zoning Regulations.
- D. Advertising structures.
- E. Mobile home parks.

- F. The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

#### SECTION 843.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all lands and structures in the “FR-S-L” District.

##### A. LOT AREA

Each lot shall have a minimum net area of three thousand (3,000) square feet in the “FR-S-L” District.

##### B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards, and lots now existing may not be reduced below these standards. Each dimension is a minimum only. One or both lot dimensions shall be increased to attain the minimum lot area required.

###### 1. Width

- a. Interior lots shall have a minimum width of forty (40) feet in the “FR-S-L” District.
- b. Corner lots shall have a minimum width of fifty (50) feet in the “FR-S-L” District.
- c. Reversed corner lots shall have a minimum width of fifty (50) feet in the “FR-S-L” District.
- d. Curve lots and cul-de-sac lots shall have a minimum street frontage width of thirty (30) feet.

###### 2. Depth

- a. Lots shall have a minimum depth of seventy (70) feet in the “FR-S-L” District.

##### C. POPULATION DENSITY

There shall be a minimum of two-thousand five-hundred (2,500) square feet of lot area for each dwelling unit for all lots in the FR-S-L District.

##### D. BUILDING HEIGHT

1. No main building or structure shall have a height greater than two and one-half (2 1/2) stories, not to exceed thirty-five (35) feet in the “FR-S-L” District.
2. No accessory building erected in either the “FR-S-L” District shall have a height greater than two (2) story, not to exceed twenty-five (25) feet.

E. YARDS

1. General Yard Requirements

The provisions of the "FR-R-1" District, Section 841.B5-E, of the Friant Ranch Zoning Regulations shall apply.

2. Front Yard

- a. Each lot shall have a front yard of not less than ten (10) feet deep, extending across the full width of the lot.

3. Side Yard

a. Interior Side Yards

Interior side yards shall be not less than five (5) feet except for structures attached with a common wall or party wall and for special conditions for encroachments treated below.

b. Corner Lots

On corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

c. Reversed Corner Lots

On reversed corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

d. Zero-side Yard Lots

On lots with zero-side yard configurations, one side yard may be zero (0) feet, with the opposite side yards shall be not less than ten (10) feet in width between buildings. A dedicated access easement shall be provided along the side yard on the adjoining zero side yard lots for maintenance of the common wall.

- e. When an interior side yard is used for a driveway access to serve parking facilities:

- (1) The minimum space shall be twelve (12) feet allowing for a ten (10) foot driveway and two (2) foot planter area.

- (2) If pedestrian access is required to a rear dwelling, or dwellings, and said access is to be by means of a driveway, then said space shall be increased to fifteen (15) feet, three (3) feet of which shall be a paved walk for the pedestrian access.

4. Rear Yard

- a. Each lot shall have a rear yard of not less than ten feet (10) feet in depth.
- b. The rear yard setback requirements may be reduced to a minimum of four (4) feet provided that:
  - (1) the lot is accessible by an alley or public or private open space, courtyard, or paseo; and,

- (2) a minimum eighty (80) square feet of private, outdoor open space is provided for each unit in the form of a ground floor patio, deck, porch or upper floor deck accessible from the living space of the unit being served, and said private outdoor open space shall be a minimum eight (8) feet in any direction.

5. Exceptions: Permitted Projections into Required Yards

- a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than thirty (30) inches.
- b. Uncovered, unenclosed porches, deck, platforms or landing places that do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than three (3) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court, and may extend into any side yard not more than thirty (30) inches. An open work railing may be installed or constructed on any such porch, deck, platform or landing place provided it does not exceed the height requirements of the building code.
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.
- d. A covered entry porch or stoop may extend into a required front yard space not more than three (3) feet.

F. SPACE BETWEEN BUILDINGS

1. Minimum Space Between Exterior Walls of Main Buildings.

The minimum distance between buildings shall be as follows:

- a. All buildings located adjacent to one another side to side shall be a minimum of ten (10) feet between buildings. Accessory buildings connected to the main building by a breezeway roof shall maintain a minimum six (6) foot separation.
- b. Where an accessory building is used for garage purposes and where said garage is located within the area defined by the projection of the side lines of any main building, and where vehicular access to said garage faces any main building and falls entirely or in part, within said area, the garage shall be not less than twenty-five (25) feet from the main building.
- c. For buildings located adjacent to one another rear to side, front to side, with entries or exits into the space, the minimum space between the buildings shall be fifteen (15) feet.
- d. For buildings located adjacent to one another front to rear, rear to front with entries or exits into the space, the minimum space between buildings shall be twenty (20) feet.
- e. For buildings about an interior court accessed by a ten (10) foot wide driveway into the said interior court, said driveway being access to parking area or building, the minimum space between buildings shall be a minimum of twenty-five (25) feet measured in any direction.



- f. For buildings located adjacent to one another front to front about an interior court, paseo or open space without a driveway, said space between buildings shall be a minimum twenty-five (25) feet in width.
2. Minimum Space Between Exterior Walls of Main Buildings and Accessory Buildings on the Same Lot
    - a. Garages and other non-dwelling structures shall be located not less than six (6) feet from any main building unless such structure is attached to the main building with a common wall or party wall.
    - b. Where a garage is located within the area defined by the projections of the side lines of any main building, and where said garage faces and is detached from any main building and the vehicular access to said garage falls entirely or in part within said area, the garage shall be not less than twenty-five (25) feet from the main building or buildings.
    - c. Where accessory buildings are attached to a main building by a breezeway roof, the provisions of paragraph "a" shall apply.
    - d. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall which is defined as a partition erected on a property boundary, partly on the land of one owner and partly on the land of another, to provide common support to the structures on both sides of the boundary.

#### G. LOT COVERAGE

Maximum lot coverage by buildings and structures shall not exceed seventy-five (75) percent of the total lot area.

#### H. FENCES, HEDGES AND WALLS

1. For residential uses, the provisions of the "FR-R-1" District, Section 891.5-H shall apply.
2. For non-residential uses, the provisions in the General Conditions, Section 855-I.3 of the Fresno County Zoning Ordinance, shall apply.

#### I. OFF-STREET PARKING

The following provisions shall apply, subject to the General Conditions, Section 855-I of the Fresno County Zoning Ordinance.

1. There shall be at least one (1) parking space in a garage or carport for every dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.
2. Guest parking shall be provided at a rate of no less than one-third (1/3) of a guest parking space for each unit.
  - a) Street Parking on public and private streets and guest parking lots off the street or alley may be counted toward the guest parking requirements.

- b) Required guest parking may be provided on the driveways on same lot as the residential units. Parking on driveways in front of a garage may also meet the requirements for guest parking if the guest parking space is entirely on the lot and does not extend over a sidewalk or pedestrian path along the street.
3. For non-residential uses, the off-street parking provisions in the General Conditions, Section 855-I of the Fresno County Zoning Ordinance, shall apply.

J. ACCESS

1. There shall be vehicular access from a dedicated and improved public or private street, recognized private road, driveway with a recognized access easement or alley to all lots and to off-street parking facilities on the property requiring off-street parking.
2. Lots in the Friant Ranch Small Lot District may be located on a public or private street or alley, or accessible from a private driveway with a recognized access easement.
3. There shall be pedestrian access from a dedicated and improved street, recognized private road, alley, common court, open space or paseo to property used for residential purposes.
4. If vehicle access is by way of a driveway, there shall be an access way of ten (10) feet from the street or alley to the building site, said way to be for both pedestrian and vehicular access.

K. OUTDOOR ADVERTISING

1. The provisions of the "R-1-A" District, Section 822.5-K.1, 2, 3, 4, 5, and 6 of the Fresno County Zoning Ordinance, shall apply.
2. Identification signs for Small-lot Family Dwellings in a subdivision or tract shall be permitted subject to the following conditions:
  - a. Two (2) freestanding or face-mounted signs will be allowed for each subdivision or tract for purposes of identification of the residential area or neighborhood name.
  - b. The sign(s) shall contain only the name and/or address of the subdivision, tract or neighborhood for which the sign represents.
  - c. Not more than two (2) such identification signs per subdivision or tract shall be permitted in any subdivision less than forty (40) acres in size. In any subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.
  - d. Each sign shall be a maximum of sixteen (16) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Director Review and Approval as set forth in Section 872 of the Fresno County Zoning Ordinance.
  - e. The sign face shall not be internally illuminated but may be flood-lit.

SECTION 843.B6 – SITE PLAN REVIEW

Before any building or structure is erected on any lot in the FR-S-L District, a site plan shall have been submitted to and approved by the Director pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance, and deemed consistent with the Friant Ranch Specific Plan.

## SECTION 844.B

### "FR-R-C" – FRIANT RANCH CLUSTER RESIDENTIAL DISTRICT

The "FR-R-C" District of the Friant Ranch Zoning Regulations are intended to provide for the development of multiple family, residential cluster building types where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than two thousand (2,000) square feet in area. Residential cluster district is intended to allow for flexibility in site and building design solutions and includes a range of clustered residential lot and building type configurations of attached and detached units, typically, but not exclusively, in groups of three to eight units such as, but not limited to; clustered court yard homes, town-homes or town-houses, row-houses, zero-lot-line homes, and z-lot (zipper-lot) homes in keeping with the goals and intent of the Friant Ranch Specific Plan.

#### SECTION 844.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-R-C" District subject to the Property Development Standards in Section 844.B5 of the Friant Ranch Zoning Regulations and those in Section 855 of the Fresno County Zoning Ordinance.

- A. Those uses permitted in the "FR-R-1", "FR-R-2" and "FR-S-L" Districts of the Friant Ranch Zoning Regulations apply.
- B. Multiple family dwellings when no more than two (3) units are placed on a lot, either adjacent to one another or in stacked flats to allow for clustered residential lots and building configurations in groups of three to eight attached and detached units.

#### SECTION 844.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno Zoning Ordinance.

- A. Identification signs for multiple family dwellings subject to the criteria set forth in the Property Development Standards of Section 844.B5-K of the Friant Ranch Zoning Regulations.
- B. Microwave relay structures.
- C. Off-site directional signs for major recreational uses, hospitals and colleges subject to the provisions of Section 855-K of the Fresno County Zoning Ordinance.
- D. Temporary construction materials storage yards in the tract being developed.
- E. Water pump stations.

- F. Development standards reductions including yard setback reductions, lot dimensions modifications, for energy conservation purposes on single or multiple lots in conformance with Section 855-N.12 of the Fresno County Zoning Ordinance.

#### SECTION 844.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873 of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members.
- B. Higher intensity private or public parks and recreation facilities with outdoor night lighting.
- C. Electric distribution substations.
- D. Off-site subdivision signs, subject to the conditions of Section 826.5-K of the Fresno County Zoning Ordinance.
- E. Reduced property development standards for affordable housing subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.

#### SECTION 844.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the "FR-R-C" District.

- A. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motel or other buildings wherein housing facilities are furnished to transient boarders and roomers.
- B. Industrial uses.
- C. Professional offices.
- D. Advertising structures.
- E. Agricultural uses except as permitted above in Section 844.B3 of the Friant Ranch Zoning Regulations.
- F. Mobile home parks.
- G. The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

#### SECTION 844.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all lands and structures in the "FR-R-C" District. If a difference or a conflict may exist between this Section of the Friant Ranch Zoning Regulations and Section 855 of the Fresno

County Zoning Ordinance and the provisions of Section 844.B5 of the Friant Ranch Zoning Regulations shall apply.

A. LOT AREA

Each individual lot in a cluster of three or more dwelling units shall have a minimum net area of two thousand (2,000) square feet.

B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards, and lots now existing may not be reduced below these standards. The lot dimension standards are intended to allow for a variety of innovative cluster lot configurations and sizes, including but not limited to zero-lot-line configurations, zipper-lots, townhomes, court-yard housing clusters, and shallow-wide lots. Each dimension is a minimum only.

1. Width

Each unit in a residential cluster of three or more units shall have a minimum lot width of twenty (20').

2. Depth

There is no minimum lot depth for each unit in a residential cluster of three or more units.

C. DENSITY

The density shall not exceed two thousand (2,000) square feet of lot area for each dwelling unit.

D. BUILDING HEIGHT

1. No main building or structure erected in the "FR-R-C" District shall have a height greater than two and one-half (2 ½) stories, not to exceed thirty-five (35) feet.
2. No accessory building erected in the "FR-R-C" District shall have a height greater than one (1) story, not to exceed sixteen (16) feet to plate height.

E. YARDS

1. General Yard Requirements

The provisions of the "FR-R-1" District, Section 841.B5-E of the Friant Ranch Zoning Regulations shall apply.

2. Front Yard

- a. Each lot abutting a street shall have a front yard of not less than ten (10) feet deep extending across the full width of the lot except for special conditions provided for in section 844.B5-E5 below.
- b. For lots facing onto a common open space or parking court, no minimum set back is required.

3. Side Yard

a. Each lot shall have a side yard on each side of not less than five (5) feet except for attached structures with a common wall or party wall.

b. Corner Lots

Corner lots abutting a street shall be not less than ten (10) feet in width.

c. Reversed Corner Lots

On reversed corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

4. Rear Yard

a. Each lot shall have a rear yard width of not less than ten (10) feet that may be reduced to four (4) feet when accessed by a rear alley.

5. Exceptions: Permitted Projections into Required Yards

a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard not more than thirty (30) inches.

b. Uncovered, unenclosed porches, platforms, decks or landing places which do not extend above the level of the first floor of the building may extend into any front yard a distance of not more than three (3) feet. Such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side yard not more than thirty (30) inches. An open work railing may be installed or constructed on any such porch, deck, platform or landing place provided it does not exceed the requirements of the building code.

c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30) inches.

F. SPACE BETWEEN BUILDINGS

1. Minimum Space Between Exterior Walls of Main Buildings

a. For buildings side to side the minimum space shall be ten (10) feet unless attached with a common wall or party wall.

b. For buildings located adjacent to one another rear to side, front to side, with entries or exits into space, the minimum space shall be fifteen (15) feet.

c. For buildings located adjacent to one another front to rear, rear to front with entries or exits into space, the minimum space shall be twenty (20) feet.

d. For buildings located adjacent to one another front to front arranged about interior court permitting a ten (10) foot wide driveway in said interior court, said driveway being access to parking area or building, the minimum space shall be twenty-five (25) feet in any direction. Without said driveway, said space shall be twenty-five (25) feet.

- e. A covered porch or entry facilities may extend into a required front or rear yard or space not more than three (3) feet. A cover porch may extend into a side yard space not more than eighteen (18) inches.
2. Minimum Space Between Exterior Walls of Main Buildings and Accessory Buildings on the Same Lot
- a. Garages and other non-dwelling structures shall be located not less than six (6) feet from any main building unless such structure is attached to the main building with a common wall or party wall.
  - b. Where a garage is located within the area defined by the projections of the side lines of any main building, and where said garage faces and is detached from any main building and the vehicular access to said garage falls entirely or in part within said area, the garage shall be not less than twenty-five (25) feet from the main building or buildings.
  - c. Where accessory buildings are attached to a main building by a breezeway roof, the provisions of paragraph "a" shall apply.
  - d. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall which is defined as a partition erected on a property boundary, partly on the land of one owner and partly on the land of another, to provide common support to the structures on both sides of the boundary.

#### G. LOT COVERAGE

Maximum lot coverage by buildings and structures shall not exceed seventy-five (75) percent of the total lot area.

#### H. FENCES, HEDGES AND WALLS

- 1. For residential uses, the provisions of the "FR-R-1" District, Section 841.B5, shall apply.
- 2. For non-residential uses, the provisions in the General Conditions, Section 855-I.3 of the Fresno County Zoning Ordinance, shall apply.

#### I. OFF-STREET PARKING

The following provisions shall apply, subject to the General Conditions, Section 855-I of the Fresno County Zoning Ordinance.

- 1. There shall be at least one (1) parking space in a garage or carport for every dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve and shall not be located in the required front yard.
- 2. Guest parking shall be required for cluster dwelling units at a rate of no less than one third (1/3) of a guest parking space for each unit subject to the following conditions:
  - a. Street parking on public and private streets, alleys, and guest parking lots off the street or alley may be counted toward the guest parking requirements.



- b. Required guest parking may be provided on the driveways on same lot as the residential units or driveways in front of a garage as long as the guest parking is not located in a parking court in a manner that blocks access to the required parking spaces of the units in a clustered residential project.
3. For non-residential uses, the off-street parking provisions in the General Conditions, Section 855-l of the Fresno County Zoning Ordinance, shall apply.

J. ACCESS

1. There shall be vehicular access from a dedicated and improved street, recognized private road or alley, or a drive way with a recognized access easement to off-street parking facilities on the property requiring off-street parking.
2. Lots in the Friant Ranch Small Cluster Residential District may be located on a public or private street or alley, or accessible from a private driveway with a recognized access easement.
3. There shall be pedestrian access from a dedicated and improved street, recognized private road, alley or driveway, or a common courtyard, open space or paseo to property used for residential purposes.
4. If vehicular access is by way of a driveway, there shall be an access way a minimum of ten (10) feet in width, extending from the street or alley to the building site or parking court, said way to be for both pedestrian and vehicular access.

K. OUTDOOR ADVERTISING

1. The provisions of the "R-1-A" District, Section 822.5-K.1, 2, 3, 4, 5, and 6 of the Fresno County Zoning Ordinance, shall apply.
2. Identification signs for Cluster Residential dwellings in a subdivision or tract shall be permitted subject to the following conditions:
  - a. Two (2) freestanding or face-mounted signs will be allowed for each subdivision or tract for purposes of identification of the residential area or neighborhood name.
  - b. The sign(s) shall contain only the name and/or address of the subdivision, tract or neighborhood for which the sign represents.
  - c. Not more than two (2) such identification signs per subdivision or tract shall be permitted in any subdivision less than forty (40) acres in size. In any subdivisions involving more than forty (40) acres, one (1) additional sign shall be permitted for each additional twenty (20) acres.
  - d. Each sign shall be a maximum of sixteen (16) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Director Review and Approval as set forth in Section 872 of the Fresno County Zoning Ordinance.
  - e. The sign face shall not be internally illuminated but may be flood-lit.

SECTION 844.B6 -- SITE PLAN REVIEW

Before any building or structure is erected on any lot, a site plan shall have been submitted to and approved by the Director pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance, and deemed consistent with the Friant Ranch Specific Plan.

## SECTION 845.B

### "FR-R-3" – FRIANT RANCH MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

The "FR-R-3" District of the Friant Ranch Zoning Regulations are intended to provide for the development of attached multiple family residential building types where such buildings and units are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand (6,000) square feet in area.

#### SECTION 845.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-R-3" District subject to the Property Development Standards in Section 845.B5 of the Friant Ranch Zoning Regulations and those in Section 855 of the Fresno County Zoning Ordinance.

A. In addition to those uses permitted in the "FR-R-1", "FR-R-2", "FR-S-L", and the "FR-R-C" Districts of the Friant Ranch Zoning Regulations, attached building configurations which adhere to the Section 845.B5 property development standards herein.

#### SECTION 845.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-l of the Fresno Zoning Ordinance.

- A. Off-site directional signs for major recreational uses subject to the provisions of Section 855-K of the Fresno County Zoning Ordinance.
- B. Microwave relay structures.
- C. Temporary construction materials storage yards in the tract being developed.
- D. Water pump stations.
- E. Property development standards reductions including yard setback reductions, lot dimensions modifications, for energy conservation purposes on single or multiple lots in conformance with Section 855-N.12 of the Fresno Zoning Ordinance.

#### SECTION 845.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873 of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members.
- B. Country Club, spa and golf courses.

- C. Higher intensity private or public parks and recreation facilities with outdoor night lighting.
- D. Electric distribution substations.
- E. Off-site subdivision signs, subject to the conditions of Section 826.5-K of the Fresno County Zoning Ordinance.
- F. Property development standards reductions for affordable housing subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.

SECTION 845.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the “FR-R-3” District.

- A. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motel or other buildings wherein housing facilities are furnished to transient boarders and roomers.
- B. Industrial uses.
- C. Professional offices.
- D. Advertising structures.
- E. Agricultural uses except for private greenhouses and horticultural collections, flower and vegetable gardens as permitted above in Section 845B.2 of the Friant Ranch Zoning Regulations.
- F. Mobile home parks.
- G. The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

SECTION 845.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all lands and structures in the “FR-R-3” District.

A. LOT AREA

Each lot shall have a minimum net area of six thousand (6,000) square feet.

B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards, and lots now existing may not be reduced below these standards. Each dimension is a minimum only. One or both shall be increased to attain the minimum lot area required.

1. Width

- a. Interior lots shall have a minimum width of sixty (60) feet.

- b. Corner lots shall have a minimum width of sixty-five (65) feet.
- c. Reversed corner lots shall have a minimum width of seventy (70) feet.
- e. Curve lots and cul-de-sac lots shall have a minimum street frontage width of forty-five (45) feet.

2. Depth

- a. Lots facing on local streets shall have a minimum depth of one hundred (100) feet.

C. DENSITY

The density shall not exceed fifteen hundred (1,500) square feet of lot area for each dwelling unit.

D. BUILDING HEIGHT

- 1. No main building or structure erected in the "FR-R-3" District shall exceed forty (40) feet.
- 2. No accessory building erected in the "FR-R-3" District shall exceed sixteen (16) feet to plate height.

E. YARDS

1. General Yard Requirements

The provisions of the "FR-R-1" District, Section 841.B5-E of the Friant Ranch Zoning Regulations shall apply.

2. Front Yard

- a. Each lot shall have a front yard of not less than fifteen (15) feet deep extending across the full width of the lot except for special conditions provided for below.

3. Side Yard

- a. Each lot shall have a side yard on each side of not less than five (5) feet for one story buildings, ten (10) feet for two or more story buildings except for attached structures with a common wall or party wall.

b. Corner Lots

Corner lots abutting a street shall be not less than ten (10) feet in width.

c. Reversed Corner Lots

On reversed corner lots, the side yard abutting the street shall be not less than ten (10) feet in width.

- d. When side yard is used for driveway access to serve parking facilities:

- (1) The minimum yard width shall be not less than twelve (12) feet. The minimum driveway width shall be ten (10) feet allowing for a two (2) foot width landscaping buffer between the driveway and property line.
- (2) If pedestrian access is required to a rear dwelling, or dwellings, and said access is to be by means of a driveway, then said yard space shall be increased to fifteen (15) feet, three (3) feet of which shall be a paved walk for such pedestrian access.

4. Rear Yard

- a. Each lot shall have a rear yard width of not less than ten (10) feet and may be reduced to a minimum of four (4) feet when accessed by a rear alley.

5. Exceptions: Permitted Projections into Required Yards

- a. Cornices, eaves, belt courses, sills, fireplace chimneys and other similar architectural features may extend or project into a required side yard less than ten (10) feet wide not more than thirty (30) inches; and into a side yard equal to or greater than ten (10) feet a maximum of three (3) feet.
- b. Uncovered, unenclosed porches, platforms, decks or landing places that do not extend above the level of the first floor of the building may extend into any front or rear yard six (6) feet, and such features may not extend into a court more than twenty (20) percent of the width of said court and in no case more than six (6) feet, and may extend into any side yard less than ten (10) feet wide not more than thirty (30) inches. An open work railing may be installed or constructed on any such porch, deck, platform or landing place provided it does not exceed the requirements of the building code.
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than three (3) feet.

F. SPACE BETWEEN BUILDINGS

1. Minimum Space Between Exterior Walls of Main Buildings on the Same Lot

- a. For buildings located next to one another side to side the minimum space shall be ten (10) feet unless attached with a common wall or party wall which is defined as a partition erected on a property boundary, partly on the land of one owner and partly on the land of another, to provide common support to the structures on both sides of the boundary.
- b. For buildings located next to one another rear to side or front to side, with entries or exits into the space, the minimum space shall be fifteen (15) feet.
- c. For buildings located next to one another front to rear or rear to front with entries or exits into the space, the minimum space shall be twenty (20) feet.
- d. For buildings located next to one another front to front arranged about interior court permitting a ten (10) foot wide driveway in said interior court, said driveway being access to parking area or building, the minimum space shall be thirty (30) feet. Without said driveway, said space shall be twenty-five (25) feet.

2. Minimum Space Between Exterior Walls of Main Buildings and Accessory Buildings on the Same Lot

- a. Garages and other non-dwelling structures shall be located not less than six (6) feet from any main building unless such structure is attached to the main building with a common wall or party wall.
- b. Where a garage is located within the area defined by the projections of the side lines of any main building, and where said garage faces and is detached from any main building and the vehicular access to said garage falls entirely or in part within said area, the garage shall be not less than twenty-five (25) feet from the main building or buildings.
- c. Where accessory buildings are attached to a main building by a breezeway roof, the provisions of paragraph "a" shall apply.
- d. The minimum distance between accessory buildings shall be not less than six (6) feet unless said buildings have a common or party wall which is defined as a partition erected on a property boundary, partly on the land of one owner and partly on the land of another, to provide common support to the structures on both sides of the boundary.

#### G. LOT COVERAGE

Maximum lot coverage by buildings and structures shall not exceed seventy (70) percent of the total lot area.

#### H. FENCES, HEDGES AND WALLS

1. For residential uses, the provisions of the "FR-R-1" District, Section 891.5-H, shall apply.
2. For non-residential uses, the provisions in the General Conditions, Section 855-I.3 of the Fresno County Zoning Ordinance, shall apply.

#### I. OFF-STREET PARKING

The following provisions shall apply, subject to the General Conditions, Section 855-I of the Fresno County Zoning Ordinance.

1. There shall be at least one (1) parking space in a garage or carport for every dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.
2. Guest parking shall be required for cluster dwelling units at a rate of no less than one third (1/3) of a guest parking space for each unit subject to the following conditions:
  - a. Street parking on public and private streets, alleys, and guest parking lots off the street or alley may be counted toward the guest parking requirements.
  - b. Required guest parking may be provided on the driveways on same lot as the residential units if not blocking access to a required parking space in a garage or carport and as long as the guest parking is not located in a parking court in a manner that blocks access to the required parking spaces of the units.

#### J. BICYCLE PARKING:

1. Short-term and long-term bicycle parking shall be made available for users, messengers, employees, residents, and visitors to all multi-family residential sites in bicycle racks, located in a visible and safe place.
2. Bicycle parking shall be provided for all non-residential uses at a ratio of five (5%) percent of the required off-street automobile parking requirements or one (1) bicycle parking space for each twenty (20) required off-street auto parking spaces.
3. Bicycle parking for multi-family residential developments of twenty (20) units or more shall provide one (1) bicycle parking space for each twenty (20) residential units, and a minimum of two (2) bicycle parking spaces for residential developments with twenty (20) required off-street auto parking spaces or less.
4. Short-term bicycle parking shall consist of bicycle parking racks, either covered or uncovered and shall be shall be located within fifty (50) feet of main entries.
5. Long-term bicycle parking spaces may be provided inside of buildings, under roof overhangs or awnings, or in an enclosed area with a locked gate; within view of an attendant or security guard, in an area monitored by a security camera; within a dwelling unit; or in an apartment complex lobby.

#### K. ACCESS

1. There shall be vehicular access from a dedicated and improved street, recognized private road or alley, or driveway with a recognized access easement to off-street parking facilities on the property requiring off-street parking.
2. All lots shall have access from a public or private street or alley, recognized private road, or driveway with a recognized access easement.
3. There shall be pedestrian access from a dedicated and improved street, alley, a recognized private road, driveway with a recognized access easement, common courtyard, open space or paseo to property used for residential purposes.
3. If vehicular access is by way of a driveway parallel with a side lot line, there shall be an access way a minimum of ten (10) feet in width, extending from the street or alley to the building site, said way to be for both pedestrian and vehicular access.

#### K. OUTDOOR ADVERTISING

1. The provisions of the "R-1-A" District, Section 822.5-K.1, 2, 3, 4, 5, and 6 of the Fresno County Zoning Ordinance, shall apply.
2. Identification signs for Multi-Family Dwellings shall be permitted subject to the following conditions:
  - a. One (1) freestanding or face-mounted sign will be allowed for each multifamily project on a single lot for purposes of identification of the residential area or neighborhood name.
  - b. The sign(s) shall contain only the name and/or address of the multifamily dwelling or multifamily residential neighborhood which the sign represents.



- c. Not more than one (1) such identification signs per multifamily dwelling shall be permitted in any multifamily dwelling less than forty (40) units in size. In any multifamily dwelling more than forty (40) units in size, one (1) additional sign shall be permitted for each additional twenty (20) units.
- d. Each sign shall be a maximum of sixteen (16) square feet in area, including architectural features. Larger signs, not exceeding twenty-five (25) square feet may be permitted subject to Director Review and Approval as set forth in Section 872 of the Fresno County Zoning Ordinance.
- e. The sign face shall not be internally illuminated but may be flood-lit.

#### SECTION 845.B6 – SITE PLAN REVIEW

Before any building or structure is erected on any lot, a site plan shall have been submitted to and approved by the Director pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance, and deemed consistent with the Friant Ranch Specific Plan.

## SECTION 846.B

### "FR-V-C" – FRIANT RANCH MIXED-USE VILLAGE CENTER DISTRICT

The "FR-V-C" District of the Friant Ranch Zoning Regulations are intended to serve as the commercial and retail center of Friant Ranch and allows for flexible, mixed-use development in keeping with the intent of the Friant Ranch Specific Plan. The retail and office uses in the "FR-V-C" District are intended to be compatible with the residential development. The following regulations are intended to protect the residential environment and shall apply to all uses in the "FR-V-C" District.

#### SECTION 846.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-V-C" District. All uses shall be subject to the Property Development Standards in Section 846.B5 of the Friant Ranch Zoning Regulations and Section 874 of the Fresno County Zoning Ordinance.

##### A. COMMERCIAL USES PERMITTED:

All retail commercial uses serving the residential neighborhoods of the Friant area including the following:

1. Restaurants, cafes, fast food franchises, cafeterias, lunch rooms, and similar shops serving food and beverages, including outdoor dining areas, outdoor cafes, and sidewalk dining services in conjunction with a restaurant or café.
2. Offices including but not limited to public and private administrative offices, banks, savings and loan; professional offices and general business offices.
3. Medical and dental offices and clinics such as but not limited to; elder care facilities, nursing homes, and convalescent and skilled nursing facility, chiropractic and massage offices.
4. Bars, wine shops, liquor stores and cocktail lounges.
5. Public uses including but not limited to private and public parks, open spaces, paseos and recreation facilities, post office, libraries, schools, police, fire and public offices.
6. Private schools, churches, and religious facilities.
7. Food markets, grocery stores, mini-marts, supermarkets, health food stores, fruit and vegetable stores, meat and dairy products, delicatessens, and specialty food stores less than seventy-five thousand (75,000) square feet in gross floor area.
8. Drug stores and pharmacies less than twenty thousand (20,000) square feet in gross floor area.
9. Department stores, shoe stores and clothing stores less than twenty thousand (20,000) square feet in gross floor area.

10. General merchandise stores including but not limited to hardware stores, furniture stores, appliances, electronic stores, garden supplies and dry goods less than fifteen thousand (20,000) square feet in gross floor area.
11. Neighborhood commercial services such as but not limited to barber shops, nail shops, beauty shops, laundry and dry cleaning, shoe repair shops, bakeries, florist shops, and video rental stores.
12. Specialty retail stores such as but not limited to book stores, gift shops, bicycle shops, toy stores, jewelry stores, music stores, and pet shops.

**B. RESIDENTIAL USES PERMITTED:**

1. Multiple family dwellings and uses permitted in the FR-R-2, FR-R-C, and the FR-R-3 Districts of the Friant Ranch Zoning Regulations.
2. Residential structures accommodating either vertically-aligned mixed uses with residential units or office uses above ground floor commercial or office uses on the same lot, or horizontally-aligned mixed-uses with multifamily residential uses adjacent to commercial and office uses on the same lot or adjacent lots.
3. Structures accommodating "live-work" arrangements with commercial and office space located on the ground floor of residential units.
4. Home Occupations, Class I, in conjunctions with a residential unit, subject to the provisions of Section 866-N of the Of the Fresno County Zoning Ordinance.
5. Accessory buildings, including garages, carports, and parking lots.

**C. OTHER USES PERMITTED**

1. Private greenhouses, and horticultural collections, flower and vegetable gardens.
2. Temporary tract offices and model homes in a project being developed.
3. Recreation buildings and facilities including but not limited to; pools, spas, club-houses, meeting rooms, gyms and exercise facilities.
4. Civic and social clubs.
5. Private roads, alley and drives.
6. Signs, subject to the provisions of Section 846.B5-K of the Friant Ranch Zoning Regulations.
7. Electric distribution substations.
8. Until a change of use and development occurs consistent with the Friant Ranch Specific Plan, temporary agricultural uses such as grazing and crop farming, except feedlots, Dairy farm, or agricultural facilities or structures for the boarding of hogs, chickens, rabbits, and other fur-bearing animals, and provided that no residential dwellings, barn, silo or other farm structures either temporary or permanent, be permitted in relation thereto.

#### SECTION 846.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno Zoning Ordinance.

- A. Automobile parking lot or structure, subject to the provisions of Sections 834.5 and 855-I of the Fresno County Zoning Ordinance.
- B. Outdoor ice and food products dispensing machine.
- C. Microwave relay structures.
- D. Higher intensity private or public parks and recreation facilities with outdoor night lighting, general stores for use only by park users, marinas, and bath houses provided such uses.
- E. Water pump stations.
- F. Drive-through commercial establishments such as restaurants, coffee shops, banks, dry cleaners, and other commercial services.

#### SECTION 846.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 853.

- A. Hospital.
- B. Recreational vehicle storage lots and automobile parking garages.
- C. Small animal veterinary hospitals or clinics within a completely enclosed building, with no boarding, subject to Sections 853 and 855-N.
- D. Small animal boarding kennels within a completely enclosed building, subject to Sections 853 and 855-N.
- E. Automobile service stations.
- F. Grocery stores, food markets or supermarkets equal to or in excess of Seventy-Five thousand (75,000) square feet in gross floor area.
- G. Drug stores, department stores, clothing stores, hardware stores, building supply stores, electronic stores, furniture stores and garden supplies equal to or in excess of twenty thousand (20,000) square feet in gross floor area.
- H. Mechanical car wash when operated incidental to an in conjunction with an automobile service station.
- I. Public and private utilities and facilities including but not limited to electrical substations, waste water treatment facilities, storm-water drainage facilities, gas, phone and telecommunication, utility or public corporation yards, facilities, buildings, storage, and maintenance yards.

#### SECTION 846.B4 – USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited in the “V-C” District.

- A. Industrial uses.
- B. Advertising structures.
- C. Agricultural uses except for private greenhouses and horticultural collections, flower and vegetable gardens as permitted above in Section 896.1 of the Friant Ranch Zoning Regulations.
- D. Mobile Home Parks.
- E. The on-street and off-street yard parking, storage, keeping or maintaining of vehicles of more than one ton rating, including recreational vehicles, boats and trailers except for temporary overnight parking of recreational vehicles of not more than seventy-two (72) hours within a one week period, for the purposes of loading, unloading, or visitor parking, so long as parking, storage, keeping, or maintaining does not occur on front lawns.

#### SECTION 846.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all land and structures in the “V-C” District.

##### A. LOT AREA

The minimum amount of land area that may be zoned for “FR-V-C” purposes is one (1) acre minimum.

##### B. LOT DIMENSIONS

No requirements.

##### C. POPULATION DENSITY

There shall be a minimum of one thousand two hundred (1,200) square feet of lot area for each dwelling unit.

##### D. BUILDING HEIGHT

1. No building or structure erected in this District shall have a height greater than four (4) stories, not to exceed forty-five (45) feet; provided, however, that towers and domes and other architectural features are permitted up to fifty (50) feet in height.
2. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, water tanks or wireless masts or similar structures, when approved by the Commission, may be erected above the height limits herein prescribed; provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. No roof structures or any space above the height limit shall be allowed for the purpose of providing additional habitable floor space.

E. YARDS

No requirements except where a "FR-V-C" District abuts any Friant Ranch Residential District, the requirements of the rear and side yard requirements shall be a minimum of ten (10) feet.

F. SPACE BETWEEN BUILDINGS

No requirements.

G. LOT COVERAGE

The maximum coverage of the lot by buildings or structures shall not exceed fifty-five (55) percent of the total lot area, including easements. In calculating lot area, one-half (1/2) of the width of all abutting alleys may be included in the "FR-V-C" District.

H. FENCES AND WALLS

1. General Yard Requirements

The provisions of the "FR-R-1" District, Section 841.B5-E of the Friant Ranch Zoning Regulations shall apply.

2. Screen Fences and Walls

A solid masonry wall or fence not less than six (6) feet and no more than eight (8) feet in height may be erected as necessary along the district boundary between the FR-V-C District and the FR-R-1, FR-R-2, FR-S-L, FR-C-R, FR-R-3 Districts.

- a. Where the FR-V-C District boundary is at a rear lot line which is not adjacent to a street, the wall shall be on that line or included in a landscape buffer area planted with landscaped screening of trees, shrubs and ground cover.
  - b. Where the FR-V-C District boundary is on a side lot line abutting a residential district, which is not on a street, the required wall shall be on, or parallel with, said lot line. Said wall shall be reduced in height to three (3) feet if located within the front yard area or an area equal to the front yard required in the abutting residential district.
  - c. Where the district boundary is a street, a wall is only required to screen service areas visible from the street. Said screen wall shall be constructed along said street in either a front yard or side yard and shall be set back from the property line a distance of a minimum of ten (10) feet, the space between the wall and the property line to be landscaped and maintained.
3. All walls shall be developed subject to the General Conditions in Section 855-H of the County's Municipal Code.

I. OFF-STREET PARKING

1. The following off-street parking requirements, subject to the General Standards contained in Section 855-I, shall apply to all new buildings and to increased floor area in existing buildings. For non-residential uses, there shall be a minimum of one (1) parking space provided for every two hundred fifty (250) square feet of gross floor space.

- a. Up to 15% of these required parking spaces may be constructed to accommodate Neighborhood Electric Vehicles with dimensions of not less than seven (7) feet in width by fourteen (14) feet in depth.
  - b. Up to twenty (20%) percent of the required off-street parking spaces may be constructed to accommodate compact vehicles with dimensions of not less than eight feet (8) in width by fifteen (15) feet in depth.
2. For residential uses, there shall be at least one (1) parking space in a garage or carport for every dwelling unit.

3. Shared Parking

a. Allowance for Shared Parking

Residential and commercial facilities within the Mixed-use Village Center may reduce the total amount of required parking if shared parking facilities are arranged between facilities.

- 1) Shared parking facilities require a mutual access easement over shared parking spaces and parking lots, and must provided internal access to all shared parking spaces on adjoining lots.
- 2) Shared parking is allowed between two or more uses to satisfy all or a portion of the minimum off-street parking requirement.
- 3) Shared parking is permitted between different categories of uses or uses with different hours of operation.
- 4) A use for which an application is being made for shared parking shall be located within (800) feet of the parking facility.
- 5) The reductions to parking permitted through shared use of parking shall be determined as a percentage of the minimum-parking requirement as modified by the reductions permitted in other sections of this ordinance.
- 6) An agreement providing for the shared use of parking executed by the parties involved shall be filed with the Director. Shared parking privileges shall continue in effect only as long as the agreement, bidding on all parties, remains in effect. If the agreement is no longer in effect, parking shall be provided as otherwise required by this section.

b. Calculation of Parking Requirements for Shared Parking

Where shared parking arrangement are proposed, the Director shall determine the number of parking spaces that may be shared based on a shared parking feasibility study prepared by the applicant using approved sources and procedures for conducting shared parking studies such as the Urban Land Institute Shared Parking Standard Procedures, the American Planning Association Shared parking Standards Procedures, or other sources for shared parking, standards and procedures approved by the Director.

c. Shared Parking Feasibility Study

A shared parking feasibility study shall:

- 1) Identify the properties and uses for the study (the study may include properties and uses not the subject to the application approval by the Director, provided that the applicant obtains a letter of authorization for the property owner or their agent);
- 2) Determine the number of parking space that would be required by applying the standard for the uses for all of the properties in section 2.a. above;
- 3) Determine the peak parking demand for the combined demand of all of the uses for all of the properties in section 2.a. above using standard parking generation rate in sources approved by the Director; and
- 4) Compare the results of b and c above.
- 5) If the Director finds that the shared parking feasibility study is consistent with guidelines described in section A above, the lesser of the two parking demand calculated in section 2.d. above may be used as the minimum number of parking spaces to be provided for all the properties and uses in the study;
- 6) If standard parking generation rates for any of the uses in the study are not available, the applicant may collect data at similar sites to establish local parking demand rates.
- 7) If the shared parking feasibility study assumes use of an existing parking facility, the applicant shall conduct field surveys to determine actual parking rates within the existing parking facility.
- 8) The shared parking study and calculations may include different categories of uses, uses with different hours of operation, and uses of the same type.

d. Written Agreement between Property Owners to Share Parking

- 1) Where an application for a Conditional Use Permit or a Directors Review and Approval which shared parking is proposed includes two or more separately owned properties and the Director has made a determination of the minimum number of required parking space for each of the applicable properties and uses, the Director shall require that the owners of the properties enter into a legal agreement guaranteeing access to, use of, and management of the designated shared parking spaces. The agreement shall be in a form approved by the Director, included as a condition of the zoning permit, and enforceable by the County.
- 2) Where an application for a Conditional Use Permit or a Directors Review and Approval for which shared parking is proposed includes two or more properties owned by the same property owner and the Director has made a determination of the minimum number of required parking space for he applicable properties and uses, the Director shall require that he owner of the properties shall enter into a legal agreement with the County guaranteeing access to, use of, and management of designated shared parking space between all users. The agreement shall be in a form approved by the Director, included as a condition of the zoning permit, and enforceable the County.



4. Guest parking for residential uses shall be required for residential dwelling units at a rate of no less than one third (1/3) of a guest parking space for each unit subject to the following conditions:
  - a. Street parking on public and private streets, alleys, and guest parking lots off the street or alley may be counted toward the guest parking requirements.
  - b. Required guest parking may be provided on the driveways on same lot as the residential units if not blocking access to a required parking space in a garage or carport and as long as the guest parking is not located in a parking court in a manner that blocks access to the required parking spaces of the units.
5. Required off-street parking in the FR-V-C District shall be provided:
  - (1) On the lot with the use served, or
  - (2) On a contiguous lot in the "FR-V-C" District within 300 feet of the property served.

J. BICYCLE PARKING:

1. Short-term and long-term bicycle parking shall be made available for shoppers, customers, messengers, employees, residents, and visitors to all sites in bicycle racks, located in a visible and safe place.
2. Bicycle parking shall be provided for all uses including residential, commercial, office and public uses at a ratio of five (5%) percent of the required off-street automobile parking requirements or a minimum of One (1) bicycle parking space for each twenty (20) required off-street auto parking spaces.
3. Bicycle parking for residential developments of twenty (20) units or more shall provide a minimum of one (1) bicycle parking space for each twenty (20) residential units.
4. Short-term bicycle parking for visitors of commercial retail and office uses shall consist of bicycle parking racks, either covered or uncovered and shall be shall be located within fifty (50) feet of main entries of the retail and office uses.
5. Long-term bicycle parking spaces for employees and residents in a mixed-use center may be provided inside of buildings, under roof overhangs or awnings, or in an enclosed area with a locked gate; within view of an attendant or employees work, security guards, in an area monitored by a security camera; in a dwelling unit, or an office or apartment complex lobby.

K. ACCESS

1. There shall be adequate vehicular access from a dedicated and improved public or private street, service road, alley, or driveway with a recognized access easement to off-street parking facilities on the property and shall conform to the Friant Ranch Specific Plan.
2. All lots shall have access from a public or private street or alley, recognized private road, or driveway with a recognized access easement.

3. There shall be pedestrian access from a dedicated and improved street, alley, recognized private road, driveway with a recognized access easement, common courtyard, open space or paseo to property used for residential purposes.
4. If vehicular access is by way of a driveway to a residential use, there shall be an access way a minimum of ten (10) feet in width, extending from the street or alley to the building site.

L. OUTDOOR ADVERTISING

The provisions of the "C-1" District, Section 833.5-K.1, 2, and 3 of the Fresno County Zoning Regulations, shall apply, with the following exception:

Free-standing signs provided that one (1) free-standing sign for each street frontage shall be allowed subject to the following regulation:

1. The sign shall contain thereon only the name of the buildings, occupants or groups thereof. Time, temperature, and weather information may also be included.
2. The sign shall not exceed two hundred (200) square feet in area.
3. The sign shall not exceed forty-five (45) feet in height.

M. LOADING

1. The following off-street loading spaces shall be provided for all commercial uses:

<u>Total Square Feet of Building Space (Gross Floor Area)</u>	<u>Loading Spaces Required</u>
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a. Commercial Buildings

3,500 – 15,000	1
15,001 – 45,000	2
45,001 – 75,000	3
75,001 – 105,000	4
105,001 – and over	5

b. Office Buildings

3,500 – 50,000	1
50,001 – 100,000	2
100,001 – and over	3

2. Size, Location, Treatment and Maintenance for Loading Area.

- a. The loading spaces shall not be less than twelve (12) feet in width, forty (40) feet in length, and with fourteen (14) feet of vertical clearance.

- b. When the lot upon which the loading space is located abuts upon an alley, such loading space shall adjoin or have access from said alley. The length of the loading space may be measured perpendicular to or parallel with the centerline of the alley.

Where such loading space is parallel with the alley, the loading space shall extend across the full width of the lot, except that if only two (2) spaces are required, the length of the loading area need not exceed ninety (90) feet.

- c. Where the loading area abuts a street, the front yard required in the district may be used in calculating the area required for loading, provided that there be no more than one (1) entry or exit to sixty (60) feet of lot frontage or fraction thereof.
- d. Loading space required by this Division may occupy a required rear yard, but in no case shall any part of an alley be used for computing required loading space or spaces.
- e. Where a loading area abuts a residential district, loading shall be done between the hours of 6 a.m. and 9 p.m.; otherwise, such area shall be located not less than one hundred (100) feet from such district or be completely enclosed.

#### SECTION 846.B6 – SITE PLAN REVIEW

Before any parcel is created or any structure temporary or permanent is erected within this FR-VC District, a site plan shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874 of the Fresno County Zoning Ordinance, and deemed consistent with the Friant Ranch Specific Plan. Such site plan shall encompass all contiguous property within the District and shall show the shopping center's ultimate development which shall be in conformity with the intent and purpose of the Friant Ranch Specific Plan.

## SECTION 847.B

### "FR-OS" – FRIANT RANCH OPEN SPACE DISTRICT

The "FR-OS" Open Space District of the Friant Ranch Zoning Regulations are intended to provide for permanent open spaces in the community and to safeguard the health, safety and welfare of the community by limiting developments in areas where police and fire protection, protection against flooding by storm water and dangers from excessive erosion are not possible without excessive costs to the community.

#### SECTION 847.B1 – USES PERMITTED

The following uses shall be permitted in the "FR-OS" District. All uses shall be subject to the Property Development Standards in Section 847.B4 the Friant Ranch Zoning Regulations.

- A. Agricultural and grazing uses, except feedlots, Dairy farm, or agricultural facilities or structures for the boarding of hogs, chickens, rabbits, and other fur-bearing animals, and provided that no residential dwellings, barn, silo or other farm structures either temporary or permanent, be permitted in relation thereto.
- B. Biological and wildlife preserves.
- C. Flood control channels, drainage swales, settling basins, rivers and creeks.
- D. Parkways and park drives.
- E. Pedestrian and bicycle trails, and multi-purpose and nature trails.
- F. Signs subject to provisions of Section 897.4-I of the Friant Ranch Zoning Ordinance.

#### SECTION 847.B2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance. The word "Director" shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno Zoning Ordinance.

- A. Microwave relay structures.

#### SECTION 847.B3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted in the "FR-OS" District subject to a conditional use permit as provided for in Section 873 of the Of the Fresno County Zoning Ordinance.

- A. Parks and recreation facilities other than pedestrian and bicycle trails, and multi-purpose and nature trails.

- B. Stormwater management facilities and structures.
- C. Utility lines including but not limited to gas lines, water and sewer lines, electrical lines, telephone and communications lines, and pumping stations.

SECTION 847.B4 – USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the "FR-OS" District.

- A. Advertising structures.
- B. Commercial uses other than those related to and under the regulations of parks or city, county, State, Federal recreational agencies.
- C. Industrial uses, excepting as listed in Sections 898.1, 897.2, and 898.3 above.
- D. Residential uses.
- E. Parking of any motor vehicles.

SECTION 847.B5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 of the Fresno County Zoning Ordinance shall apply to all land and structures in the "FR-OS" District.

A. LOT AREA

No requirements

B. LOT DIMENSIONS

No requirements.

C. BUILDING HEIGHT

No building or structure erected in this District shall have a height greater than one (1) story, not to exceed thirty-five (35) feet, with the following exceptions:

- a. Microwave relay structures.
- b. Utility structures.
- c. All other exceptions shall be subject to review and approval by the Director.

D. SPACE BETWEEN BUILDINGS

No requirements.

E. LOT COVERAGE

Permitted building and structures shall not to exceed ten (10) percent of the total lot area.

F. FENCES AND WALLS

A fence or wall along open spaces within in Friant Ranch Specific Plan area are intended to be low, unobtrusive features in keeping with the character and quality identified in the Friant Ranch Specific Plan.

1. A fence or wall shall be constructed along the perimeter of all areas designated by the Commission to be dangerous to the health, safety and general welfare.
2. A fence or wall is permitted around areas used for agriculture or grazing.
3. A fence or wall is permitted around biological and wildlife preserves to minimize intrusion by humans and domestic pets.

G. OFF-STREET PARKING

No requirement, except that where a congregation of people is intended, there shall be one (1) parking space for each five (5) persons which the facility is intended or designed to serve.

H. ACCESS

No requirements other than where a congregation of people is intended, in which case access to parking areas shall be from a dedicated and improved street or by way of an easement legally established for vehicular traffic.

I. OUTDOOR DIRECTION AND INSTRUCTIONAL SIGNAGE

Directional or instructional signs shall be permitted subject to the following standards:

1. No sign shall endanger the health and safety by causing distractions to operators of motor vehicles on the streets or highways, nor shall any sign be designated and located so as to be confused with traffic signs and signals.
2. The sign shall advertise only the name of the operation, simple directions to its location, and slogan, if any.
3. The sign shall not exceed fifty (50) square feet in area and nine (9) feet in height.
4. The sign shall be set back not less than five (5) feet from the street or highway right-of-way.
5. Signs shall not exceed thirty-five (35) feet.
6. Signs shall be located at intervals of not less than one-half (1/2) mile, provided, however, that this shall not be so interpreted to prohibit neighboring property owners or lessees located at less than one-half (1/2) mile intervals from erecting permitted signs on each property.

Table - Development Standards Summary  
 Priant Ranch Zoning Regulations

Zoning District	Building Type	Land Use Type	Lot Size Min. Sq. Ft.	Lot Area Unit Sq. Ft./Acre	Gross Density Gross DU/AC	Net Density Net DU/AC	Interior Lobe	Corner Lots	Lot Width		Front Setback	Building Heights		Yards Setbacks		Rear Coverage %	Extension Into Yards			Comments	
									Reversed Corner Lot	Corner Lot		Max. Story/Feet	Min. Story/Feet	Front	Side		Corner	Reversed Corner	Front		Side
FR-R-1	P12 Single Family Residential	Single Family Residential	6,000	6,000	6.01	7.28	80	65	60	35	20	22'3"	10'	10'	10'	15'	50%	0'	30"	0'	5' setback from rear prop. = 10' extension into rear yard
			5,550	2,775	6.01	7.28	50	55	60	35	20	22'3"	10'	10'	10'	15'	50%	0'	30"	0'	5' setback from rear prop. = 10' extension into rear yard
FR-R-2	P2 Duplex - Two Family Residential	Duplex - Two Family Residential	3,000	3,000	13.84	17.42	80	65	65	36	10'	22'3"	10'	10'	10'	70%	30' covered	30"	n/a	0' side yard with common wall	
			5,550	2,775	12.81	15.70	75	75	75	55	74	22'3"	10'	10'	10'	70%	3' feet uncovered	30"	n/a	4' setback when access of alley	
FR-R-3	P3 Residential Small Lot	Residential Small Lot	3,000	3,000	10.25	14.52	40	50	50	30	10'	22'3"	10'	10'	75%	30' covered / 3' feet uncovered	0	0	0	0' side yard with common wall	
			3,925	3,900	8.58	12.45	45	50	50	30	85	22'3"	10'	10'	75%	feet uncovered	0	0	0	4' setback when access of alley	
FR-R-4	P4 Multi-Family Residential Cluster	Multi-Family Residential Cluster	3,320	3,300	7.48	13.20	45	50	50	30	10'	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
			3,825	3,800	6.88	11.46	45	50	50	30	85	22'3"	10'	10'	70%	30'	0	0	0	4' setback when access of alley	
FR-R-5	P5 Other Residential Types Permitted	Other Residential Types Permitted	3,900	3,900	6.50	12.45	50	55	55	30	10'	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
			3,500	3,500	6.17	12.45	40	50	50	30	70	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
FR-R-6	P6 Other Residential Types Permitted	Other Residential Types Permitted	3,500	3,500	9.17	12.45	40	50	50	30	10'	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
			3,500	3,500	9.17	12.45	40	50	50	30	70	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
FR-R-7	P7 Multi-Family Residential	Multi-Family Residential	6,000	2,000	20.53	21.78	20' unit	20' unit	20' unit	None	10'	11'6"	10'	10'	75%	30' covered / 3' feet uncovered	0	0	0	Lot size for cluster of 3 or more units	
			20,020	2,953	12.00	18.44	135	120	120	80	140	Not Allowed	10'	10'	10'	70%	feet uncovered	0	0	0	Lot depth for cluster of 3 or more units
FR-R-8	P8 Multi-Family Residential	Multi-Family Residential	18,850	2,475	12.00	17.80	135	120	120	80	110	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
			19,877	3,975	6.70	10.86	143	120	120	80	139	Not Allowed	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
FR-R-9	P9 Other Residential Types Permitted	Other Residential Types Permitted	22,800	3,800	6.50	11.46	130	118	118	30	120	22'3"	10'	10'	70%	30'	0	0	0	0' side yard with common wall	
			1,500	2,500	28.04	28.04	60	65	70	45'	100	3'40"	15'	15'	70%	30' covered / 3' feet uncovered	30' x 10' / 3' covered / 3' feet uncovered	30' x 10' / 3' covered / 3' feet uncovered	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.		
FR-R-10	P10 Other Residential Types Permitted	Other Residential Types Permitted	1,200	1,200	34.22	36.30	None	None	None	None	None	4'45"	0	10'	50%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.	
			1,200	1,200	34.22	36.30	None	None	None	None	None	None	4'45"	0	10'	50%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.
FR-R-11	P11 Mixed-Use Village Commercial District	Mixed-Use Village Commercial District	1 acre	1,200	34.22	36.30	None	None	None	None	None	4'45"	0	10'	50%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.	
			1 acre	1,200	34.22	36.30	None	None	None	None	None	None	4'45"	0	10'	50%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.
FR-R-12	P12 Other Residential Types Permitted	Other Residential Types Permitted	5 acres min.	106	0.6	0.6	100'	100'	100'	None	None	None	0	10'	23%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.	
			15 acres min.	106	0.6	0.6	100'	100'	100'	None	None	None	None	0	10'	23%	n/a	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.
FR-R-13	P13 Other Residential Types Permitted	Other Residential Types Permitted	None	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1'35"	None	None	None	100%	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.	
			None	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1'35"	None	None	None	100%	n/a	n/a	n/a	Notes: Additional setbacks for space requirements. Additional setbacks for space requirements.

EXHIBIT "A"

FRIANT RANCH ZONING BOUNDARY

LEGAL DESCRIPTION

Portions of Sections 7, 8, 17 and 18, all in Township 11 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, being all those lands shown within the Specific Plan boundaries of Friant Ranch and being more particularly described as follows:

BEGINNING at the Northwest Corner of said Section 17, thence proceeding along the following seven courses, per that Record of Survey recorded in Book 51 of Maps at Pages 82 through 88, Fresno County Records.

- 1) Along the West line of Government Lot 13 of said Section 8, North 01° 18' 37" East, a distance of 1,307.81 feet;
- 2) Thence leaving said West line and proceeding North 78° 15' 54" East, a distance of 441.39 feet;
- 3) Thence North 01° 18' 37" East, parallel with said West line, a distance of 304.00 feet to a point on the North line of said Government Lot 13;
- 4) Thence along said North line of Government Lot 13, North 88° 38' 26" West, a distance of 430.00 feet to the Northwest corner of said Government Lot 13;
- 5) Thence along the South line of Government Lot 18 of said Section 7, North 88° 47' 38" West, a distance of 35.00 feet;
- 6) Thence leaving said South line and proceeding North 00° 23' 22" West, a distance of 10.10 feet;
- 7) Thence North 65° 35' 31" East, a distance of 38.86 feet to a point on the West line of Government Lot 12 of said Section 8;

The following six courses are per the Map of Tract 3573, Millerton Lake Mobile Home Village, recorded in Book 41 of Plats at Pages 63 and 64, Fresno County Records.

- 8) Thence along said West line, North 00° 40' 18" East, a distance of 1,290.75 feet to the Northwest corner of said Government Lot 12, also being the West quarter corner of said Section 8;
- 9) Thence North 00° 40' 18" East, a distance of 232.10 feet;
- 10) Thence South 67° 34' 25" East, a distance of 178.48 feet;
- 11) Thence North 18° 59' 00" East, a distance of 886.39 feet;
- 12) Thence North 73° 39' 54" East, a distance of 128.28 feet;



13) Thence South  $16^{\circ} 33' 53''$  East, a distance of 1,886.36 feet;

The following eighteen courses are per that Record of Survey recorded in Book 51 of Maps at Pages 82 through 88, Fresno County Records.

- 14) Thence North  $65^{\circ} 39' 34''$  East, a distance of 210.27 feet to a point on the East line of Government Lot 12 of said Section 8;
- 15) Thence leaving said East line and proceeding into Government Lot 11 of said Section 8, South  $39^{\circ} 35' 26''$  East, a distance of 873.90 feet to a point on the North line of Government Lot 14 of said Section 8;
- 16) Thence proceeding across Government Lot 14, South  $00^{\circ} 55' 25''$  West, a distance of 1,309.92 feet to a point on the South line of said Government Lot 14, said line also being the North line of the Northwest One Quarter of said Section 17;
- 17) Thence proceeding into said Northwest One Quarter of Section 17, South  $09^{\circ} 37' 23''$  East, a distance of 1,167.73 feet;
- 18) Thence South  $23^{\circ} 23' 02''$  East, across a portion of the Southwest One Quarter of said Section 17 and continuing into the Southeast One Quarter thereof, a distance of 478.47 feet;
- 19) Thence South  $06^{\circ} 37' 02''$  East, a distance of 741.61 feet;
- 20) Thence South  $31^{\circ} 41' 02''$  East, a distance of 1,427.50 feet;
- 21) Thence South  $41^{\circ} 49' 37''$  East, a distance of 1,182.02 feet to a point on the West line of the Southeast Quarter of said Section 17;
- 22) Thence along the West line of the Southeast one Quarter of the Southeast one Quarter of said Section 17, North  $00^{\circ} 53' 38''$  East, a distance of 13.07 feet;
- 23) Thence leaving said West line and proceeding into said Southeast One Quarter of the Southeast One Quarter of Section 17, South  $71^{\circ} 57' 22''$  East, a distance of 780.40 feet;
- 24) Thence South  $00^{\circ} 17' 37''$  West, a distance of 701.91 feet to a point on the South line of said Section 17;
- 25) Thence along said South line, North  $88^{\circ} 34' 54''$  West, a distance of 753.09 feet, to the Southwest corner of the Southeast one Quarter of the Southeast one Quarter of Section 17;
- 26) Thence continuing along said South line, North  $88^{\circ} 34' 54''$  West, a distance of 1,306.08 feet, to the South corner of said Section 17;
- 27) Thence continuing along said South line, North  $88^{\circ} 15' 25''$  West, a distance of 2,660.23 feet, to the Southwest corner said Section 17, also being the Southeast corner of said Section 18;
- 28) Thence along the South line of said Section 18, South  $88^{\circ} 54' 31''$  West, a distance of 2,652.59 feet, to the South corner of said Section 18;
- 29) Thence continuing along said South line, South  $89^{\circ} 34' 08''$  West, a distance of 1,319.53 feet, to the Southwest corner of Government Lot 6 said Section 18;

- 30) Thence continuing along said South line, South 89° 34' 08" West, a distance of 796.89 feet, to the Southeast corner of that certain Parcel Map No. 3049 recorded in Book 22 at Page 65, Fresno County Records;
- 31) Thence along the East line of said Parcel Map No. 3049, North 00° 02' 22" East, a distance of 526.58 feet to the Southeast corner of that certain Parcel Map No. 6647 recorded in Book 47 at Page 99, Fresno County Records;
- 32) Thence along the East line of said Parcel Map No. 6647, North 00° 02' 22" East, a distance of 265.97 feet to the Southeast corner of that certain Parcel Map No. 6646 recorded in Book 47 at Page 98, Fresno County Records;
- 33) Thence along the East line of said Parcel Map No. 6646 North 00° 02' 22" East, a distance of 1,331.73 feet to the point of intersection with the right-of-way line of the of the Southern Pacific Railroad (abandoned);

Thence proceeding along said westerly line of abandoned Southern Pacific Railway, following six courses, per that certain Deed Document No. 93168535, recorded October 29, 1993, Fresno County Records.

- 34) Along a nontangent circular curve, concave to the Southeast, having an initial radial bearing of South 59° 07' 58" East, and a radius of 2,342.01 feet, through a central angle of 13° 13' 57", an arc distance of 540.89 feet;
- 35) Thence North 44° 05' 59" East, a distance of 68.74 feet;
- 36) Thence North 44° 18' 49" East, a distance of 1,586.42 feet;
- 37) Thence along a tangent circular curve, concave to the Northwest, having a radius of 5,679.65 feet, a central angle of 4° 46' 29", and an arc length of 473.32 feet
- 38) Thence North 39° 32' 19" East, a distance of 1,328.67 feet;
- 39) Thence North 39° 13' 44" East, a distance of 46.62 feet;

Thence proceeding along the following eleven courses, per that certain Record of Survey recorded in Book 51 of Maps at Pages 82 through 88.

- 40) North 50° 27' 41" West, a distance of 159.75 feet to a point on the easterly line of Friant Road;
- 41) Thence North 39° 32' 19" East along said easterly line of Friant Road, a distance of 99.91 feet;
- 42) Thence South 50° 27' 41" East, a distance of 159.09 feet to a point on said westerly line of abandoned Southern Pacific Railroad;
- 43) Thence along a nontangent circular curve, concave to the Northwest, having an initial radial bearing of North 51° 18' 05" West and a radius of 2,814.93 feet, through a central angle of 02° 02' 04", an arc distance of 99.96 feet;

- 44) Thence North 50° 27' 41" West, a distance of 155.85 feet;
- 45) Thence North 39° 32' 19" East, a distance of 49.95 feet;
- 46) Thence along a circular curve, concave to the Northwest, having an initial radial Bearing of North 50° 27' 17" West, and a radius of 1,000.00 feet, through a central angle of 09° 05' 10", an arc distance of 158.58 feet;
- 47) Thence South 59° 31' 53" East, a distance of 149.02 feet to a point on said westerly line of abandoned Southern Pacific right-of-way;
- 48) Thence along a nontangent circular curve, concave to the Northwest, having an initial radial bearing of North 58° 03' 58" West and a radius of 2,814.93 feet, through a central angle of 01° 20' 57", an arc distance of 66.28 feet;
- 49) Thence North 30° 35' 05" East, a distance of 120.48 feet;
- 50) Thence North 30° 16' 30" East, a distance of 736.01 feet;

Thence proceeding along a portion of the abandoned Southern Pacific Railway, the following eight courses, per that Deed Document No. 93168535 Recorded 10/29/1993, Fresno County Records.

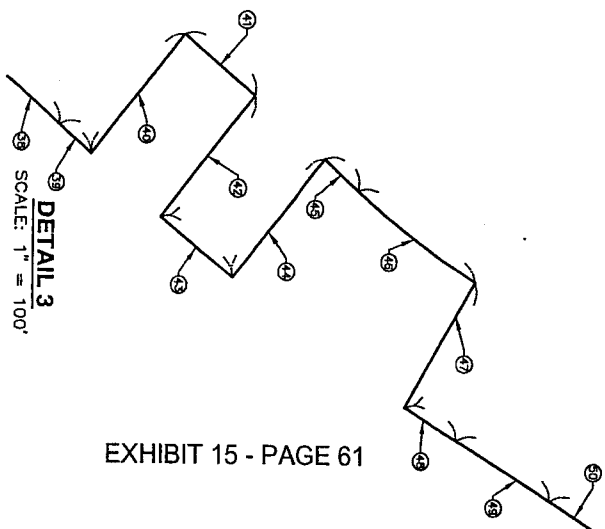
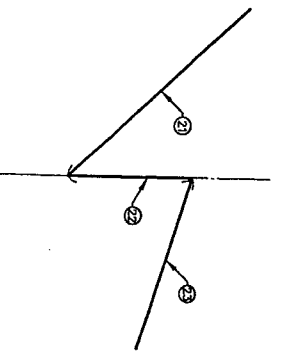
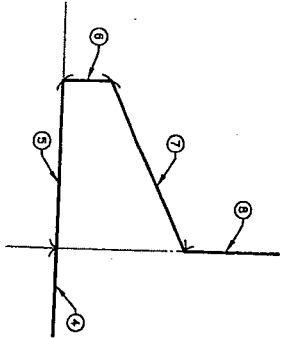
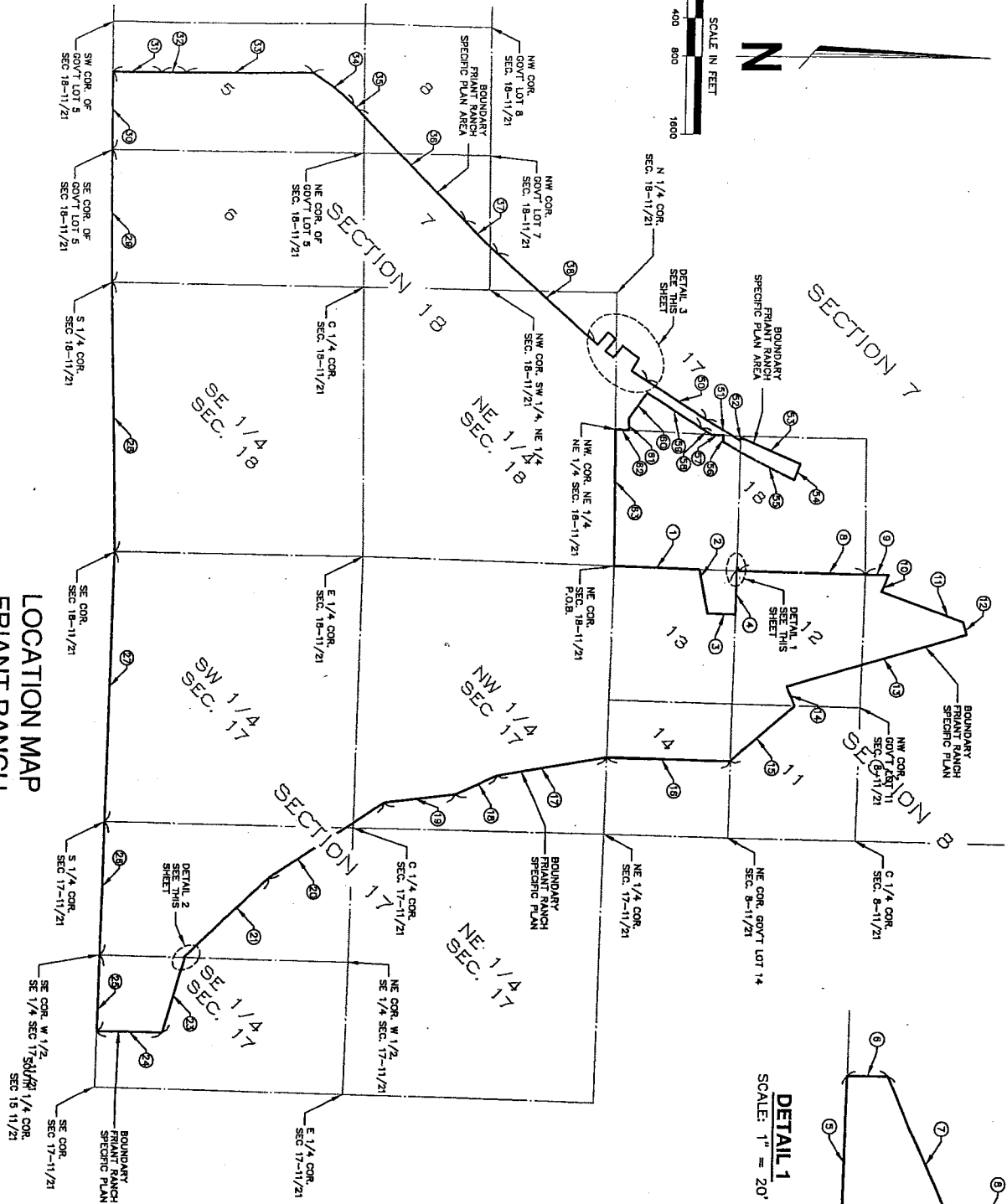
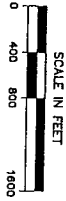
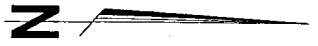
- 51) Along a nontangent circular curve, concave to the Northwest, having an initial radial bearing of North 60° 59' 44" West and a radius of 11,409.20 feet, through a central angle of 02° 09' 06", an arc distance of 428.43 feet;
- 52) Thence North 88° 58' 00" West, a distance of 31.59 feet ;
- 53) Thence North 21° 40' 43" West, a distance of 677.53 feet;
- 54) Thence South 68° 20' 23" West, a distance of 169.50 feet;
- 55) Thence along a nontangent circular curve, concave to the Northwest, having an initial radial bearing of North 66° 35' 50" West and a radius of 11,509.20 feet, through a central angle of 04° 10' 11", an arc distance of 837.58 feet;
- 56) Thence South 89° 43' 00" West, a distance of 60.00 feet;
- 57) Thence South 01° 18' 29" West, a distance of 125.00 feet;
- 58) Thence along a nontangent circular curve, concave to the Northwest, having an initial radial bearing of North 61° 41' 13" West and a radius of 11,509.20 feet, through a central angle of 00° 37' 08", an arc distance of 124.34 feet;

Thence proceeding along the following five courses, per that Record of Survey recorded in Book 51 of Maps at Pages 82 through 88, Fresno County Records.

- 59) South 30° 16' 30" West, a distance of 673.10 feet;
- 60) Thence South 52° 54' 23" East, a distance of 310.05 feet;

- 61) Thence North 89° 53' 37" East, a distance of 120.00 feet;
  - 62) Thence South 02° 06' 37" West, a distance of 139.60 feet to the Southwest corner of said Government Lot 18 of said Section 17;
  - 63) Thence along the North line of said Section 18, North 89° 51' 12" East, a distance of 1,338.02 feet to the POINT OF BEGINNING.
- Containing 950.36 acres, more or less.

END OF DESCRIPTION



**LOCATION MAP  
FRIANT RANCH  
SPECIFIC PLAN BOUNDARY**

LOCATION : T 11S. R 21 E.



DATE SIGNED: \_\_\_\_\_

**PROVOST & PRITCHARD**  
CONSULTING GROUP  
EST. 1968  
An Employee Owned Company  
288 WEST CROWELL AVENUE  
FRESNO, CALIFORNIA 93711-6182  
559/448-2700 FAX 559/448-2715  
www.pprinc.com

MAP 1

LINE TABLE		
COURSE	LENGTH	BEARING
1	1,307.81	N01°18'37"E
2	441.39	N78°15'54"E
3	304.00	N01°18'37"E
4	430.00	N88°38'26"W
5	35.00	N88°47'38"W
6	10.10	N00°23'22"W
7	38.86	N65°35'31"E
8	1,290.75	N00°40'18"E
9	232.10	N00°40'18"E
10	178.48	S67°34'25"E
11	886.39	N18°59'00"E
12	128.28	N73°39'54"E
13	1,886.36	S16°33'53"E
14	210.27	N65°39'34"E
15	837.90	S39°35'26"E
16	1,309.92	S00°55'25"W
17	1,167.73	S09°37'23"E
18	478.47	S23°23'02"E
19	741.61	S06°37'02"E
20	1,427.50	S31°41'02"E
21	1,182.02	S41°49'37"E
22	13.07	N00°53'38"E
23	780.40	S71°57'22"E
24	701.91	S00°17'37"E
25	753.09	N88°34'54"W
26	1,306.08	N88°34'54"W
27	2,660.23	N88°15'25"W
28	2,652.59	N88°54'31"W
29	1,319.53	N88°54'31"W
30	796.89	N88°54'31"W
31	526.58	N00°02'22"E
32	265.97	N00°02'22"E
33	1,331.73	N00°02'22"E
35	68.74	N44°05'59"E
36	1,586.42	N44°18'49"E
38	1,328.67	N39°32'19"E
39	46.62	N39°13'44"E
40	159.75	N50°27'41"W
41	99.91	N39°32'19"E
42	159.09	S50°27'41"E
44	155.85	N50°27'41"W
45	49.95	N39°32'19"E
47	149.02	S59°31'53"E
49	120.48	N30°35'05"E
50	736.01	N30°16'30"E
52	31.59	N88°58'00"W
53	677.53	N21°40'43"W
54	169.50	S68°20'23"W
56	60.00	S89°43'00"W
57	125.00	S01°18'29"W
59	673.10	S30°16'30"W
60	310.05	S52°54'23"E
61	120.00	N89°53'37"E
62	139.60	S02°06'37"W
63	1,338.02	N89°51'12"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
34	540.89	2,342.01	13°13'57"
37	473.32	5,679.65	04°46'29"
43	99.96	2,814.93	02°02'04"
46	158.58	1,000	09°05'10"
48	66.28	2,814.93	01°20'57"
51	428.43	11,409.20	02°09'06"
55	837.58	11,509.20	04°10'11"
58	124.34	11,509.20	00°37'08"



DATE SIGNED: \_\_\_\_\_

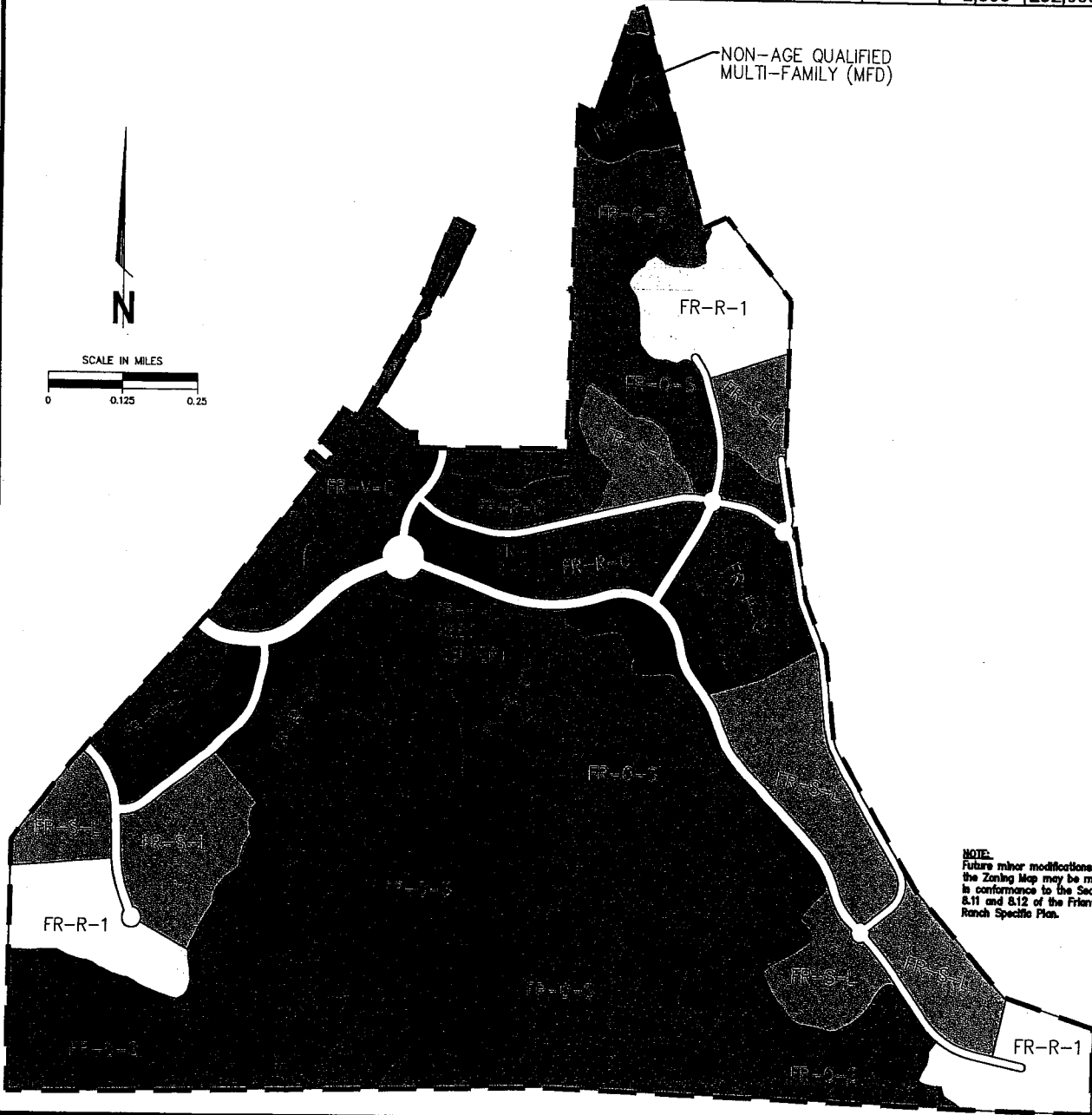
LINE AND CURVE TABLES  
 FRIANT RANCH  
 EXHIBIT 15 PAGE 62  
 SPECIFIC PLAN BOUNDARY

LOCATION : T 11S. R 21 E.

EST. 1968  
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ZONING DISTRICT	LAND USE DESIGNATION	SPECIFIC LAND USE DESCRIPTION	ACRES	DENSITY RANGE (DU/AC)	MAXIMUM TOTAL UNITS	MAXIMUM TOTAL SQ.FT.
<b>COMMERCIAL</b>						
FR-V-C	COMMUNITY COMMERCIAL	VILLAGE CENTER (MIXED USE)	36.6	--	50	250,000
<b>RESIDENTIAL</b>						
FR-R-1	MEDIUM DENSITY RES	SINGLE-FAMILY ONE (SFD-1)	69.4	2-5	290	--
FR-S-L	MEDIUM HIGH DENSITY RES	SINGLE-FAMILY TWO (SFD-2)	131.5	5-8	745	--
FR-R-2	MEDIUM HIGH DENSITY RES	SINGLE-FAMILY THREE (SFD-3)	22.2	8-12	1,069	--
FR-R-C	MEDIUM HIGH DENSITY RES	SINGLE-FAMILY THREE (SFD-3)	108.7			--
FR-R-3	MEDIUM HIGH DENSITY RES	MULTI-FAMILY (MFD)	13.3	12-18	166	--
<b>ACTIVE ADULT TOTAL</b>			<b>345.1</b>	<b>--</b>	<b>2,270</b>	<b>--</b>
FR-R-C	MEDIUM HIGH DENSITY RES	ACTIVE ADULT RECREATION CENTER	16.1	--	--	42,000
FR-R-3	MEDIUM HIGH DENSITY RES	NON-AGE QUALIFIED MULTI-FAMILY (MFD)	14.3	12-18	180	--
<b>OPEN SPACE</b>						
FR-O-S	OPEN SPACE	UNDISTURBED OPEN SPACE AND REVEGETATED SLOPES	482.4	--	--	--
<b>TRANSPORTATION AND CIRCULATION</b>						
N/A	N/A	ROADS	47.7			
<b>TOTAL</b>			<b>942.2</b>	<b>--</b>	<b>2,500</b>	<b>292,000</b>



**NOTE:**  
 Future minor modifications to the Zoning Map may be made in conformance to the Sections 8.11 and 8.12 of the Friant Ranch Specific Plan.

9/9/2010 8:12 AM G:\Clients\Friant Ranch - 1328\13280401-CCS83 CRD\Map\Zoning Map\Zoning Map 2010-9-7.dwg - Adam Lee

EST. 1968  
**PROVOST & PRITCHARD**  
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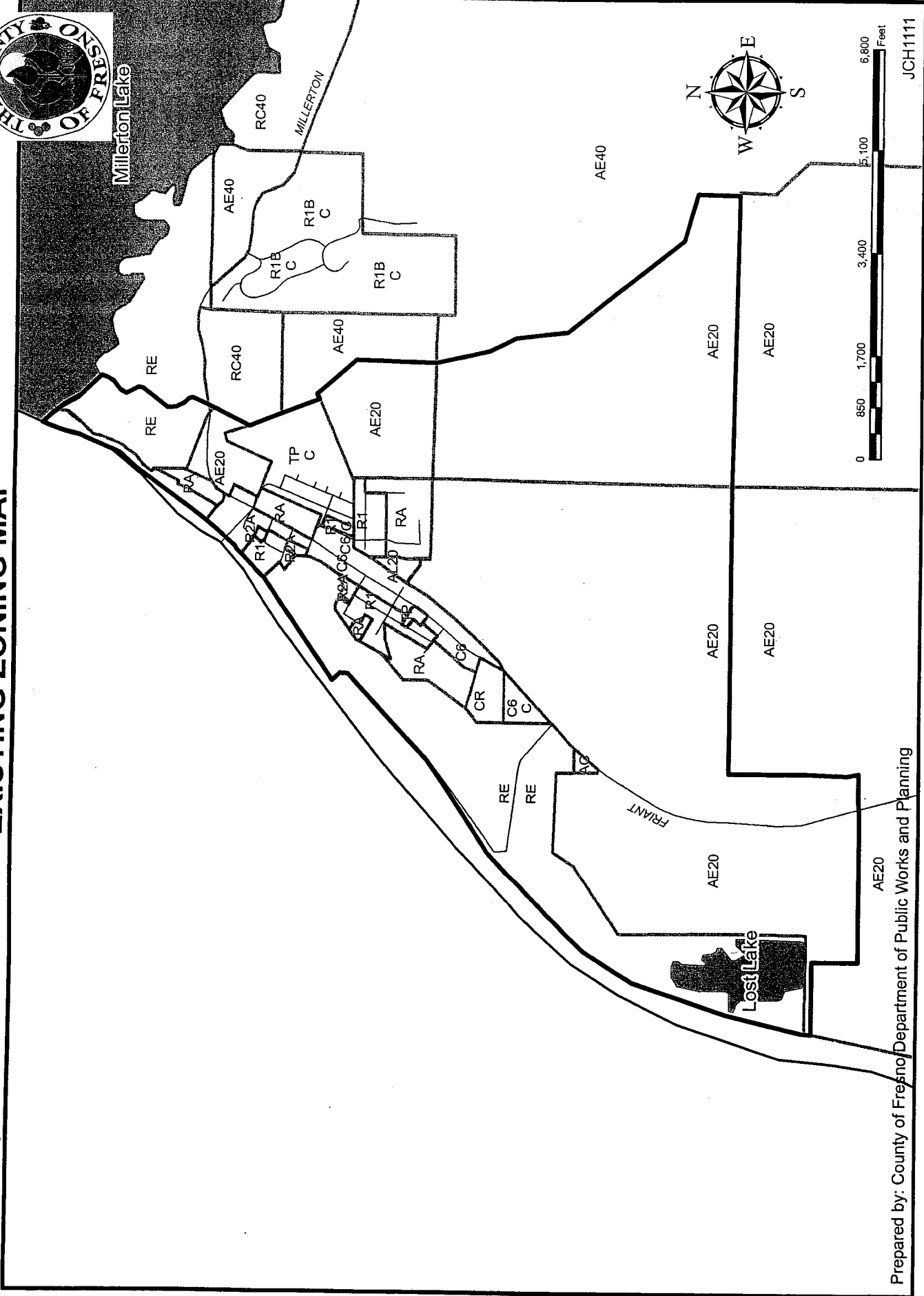
FRIANT RANCH - PRELIMINARY ZONING MAP

EXHIBIT 15 - MAP 23

DESIGN ENGINEER: ABL
DATE: 9-8-2010
JOB NO: 13280401
SHEET 1 OF 1

# EXHIBIT 16 EXISTING ZONING MAP

Friant Zonning



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

JCH1111



GPA No. 511, AT No. 363, AA No.  
3751 – Friant Ranch

Letter from Applicant

# FRIANT RANCH L.P.

October 7, 2010

Mr. Harry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

RECEIVED  
COUNTY OF FRESNO

OCT 06 2010

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;  
Summary of Benefits and Request for Recommendation

Dear Chairman Gill and Members of the Planning Commission,

Thank you for the opportunity to present the Friant Ranch project to you and your fellow Commissioners. We respectfully request that the Planning Commission consider the Project's substantial economic, social, recreational and environmental benefits outlined below in its evaluation of the Project's merits:

## 1. Economic Considerations and Job Creation

The County of Fresno has historically experienced considerably higher rates of unemployment (12 to 15 percent or greater average annual unemployment) than most areas of California. (Bureau of Labor Statistics, Economy at a Glance, Fresno, Ca, available at [http://www.bls.gov/eag/eag.ca\\_fresno\\_msa.htm](http://www.bls.gov/eag/eag.ca_fresno_msa.htm), last accessed August 13, 2010.) In order to provide an adequate opportunity for economic enhancement and employment growth in Fresno County, it will be necessary to make available appropriate land area and resources to accommodate new retail, commercial, office, and residential developments such as Friant Ranch.

Project construction is projected to generate additional economic output of \$918 million in the County of Fresno's economy over the 10-year construction period, an average of \$92 million annually. (Economic & Planning Systems, Inc., Friant Ranch Economic Impact Analysis (June 11, 2010), p. 4.) This represents an addition of 1.7 percent to the County's total annual economic output. (*Ibid.*)

Additionally, the construction of the project is expected to create employment for approximately 660 workers annually over the 10-year period earning a total of \$264 million in employee income or an average of \$40,000 annually per worker. (*Ibid.*) The Project will also generate additional capital income of approximately \$139 million including proprietary income, interest payments, rent, royalties from contracts, dividends, and corporate profits. Note that income is part of the Project's total economic input mentioned above. (*Ibid.*)

At Project build-out, total household spending from the Project would stimulate an estimated \$110 million in additional economic output for the County annually, which represents an increase of approximately 0.2 percent in the County's economic output. (*Id.* at 5.) The additional output stimulated from household spending would support approximately 760 new jobs (part-time and full-time) in the County earning \$23 million in employee income annually, an average of \$31,000 annual income per worker. (*Id.* at 6.)

In addition, at build-out, the **Project is projected to generate positive fiscal impacts to the County's operating funds.** The annual revenue generated by the project from various taxes, licenses, and permits is estimated to exceed the costs of services the County will provide (e.g., health and sanitation, police and fire protection) **by approximately \$2.6 to \$2.9 million.** (Economic & Planning Systems, Inc., Friant Ranch Fiscal Impact Study (June 11, 2010) at p. 3.)

Friant Ranch is congruent with the Fresno Regional Jobs Initiative (RJI) mission to develop a short- and long-term comprehensive strategy aimed at creating new jobs. Elements of Friant Ranch support four of the RJI job growth clusters. They are the Construction Cluster, Water Technology Cluster, Tourism Cluster and Healthcare Cluster.

## 2. Social and Recreational Benefits

The Project provides unique social and recreational benefits. The Project will result in Fresno's first 55+ age qualified Active Adult lifestyle community to accommodate the County's growing baby boomer population and help meet the demand for retirement housing.

The Project provides diverse housing types, sizes and designs to accommodate varying lifestyles and income levels of Fresno's expanding Active Adult (55+) population. The Project offers housing to meet the growing demand for retirement housing as the "Baby Boomer" generation reach 55 years of age and older. In Fresno County, the 65-74 year age group is projected to grow by approximately 59 percent in the coming decade, an increase of more than 29,000 people, and the 55-64 age group is projected to grow by 27 percent, an increase of more than 24,000 people. By providing a lifestyle alternative for older citizens, the Project provides an opportunity for residents of Fresno County to age in place and will prevent retirement relocation to other California counties, Arizona and Nevada.

Additionally, state tax law allows homeowners to transfer the current assessed value of the home they sell to the home they purchase, provided that the home is within the same county. Demographic research indicates that 90 percent of the Friant Ranch market would come from the existing Fresno County 55+ baby boomer population, which is expected to grow in Fresno County by 59 percent through 2010. Approval of the Friant Ranch project will allow these current residents to take advantage of these provisions of state law, while retaining the economic benefit of their residency within the County, a benefit that will be lost if they relocate to other counties or other states that increasingly are approving active adult communalities to satisfy the growing demand for this lifestyle and product.

The Project also provides considerable open space and linkages to recreational amenities. The Project's proximity to Millerton Lake, the San Joaquin River, and Table Mountain Casino enables it to become a hub of sub-regional and recreational growth and services. It

enhances the recreational uses and tourism of Millerton Lake, Lost Lake Park, the San Joaquin River, and Table Mountain Casino. The Project provides connectivity to the regional trail system and provides an on-site interpretive trail system accessible to the public.

The Project builds on the existing retail services in Friant with an 18-acre commercial area and provides an expanded customer base that will create a hub of sub-regional services serving unincorporated Fresno County. The location at the confluence of two primary circulation links, Friant Road and State Route 41, optimizes access and convenience to surrounding areas. The resurgence of the location as a hub will assist in regenerating the existing town and contribute to the needed services and infrastructure for current residents that either would not occur or would be delayed without the implementation of the Friant Ranch project.

Specifically, the Friant Ranch Project will provide the construction of a new tertiary wastewater treatment facility that will immediately serve the Friant Ranch Specific Plan Area and the Millerton Lake Mobile Home Park within the Project Area, and will also have the capacity to serve the proposed build out (in accordance with the Friant Community Plan) of the remaining portions of the Project Area. (Friant Community Plan Update & Friant Ranch Specific Plan, Final Environmental Impact Report, August 2010, p. 3-70.)

Friant Ranch will contribute to Fresno County's only Redevelopment Area and the Town of Friant revitalization. A significant portion of the Friant Ranch Commercial Village Core is located in the Friant Redevelopment Area. Redevelopment tax revenues may be used to fund public Friant infrastructure improvements.

### **3. Environmental Benefits**

The Northeast Development Configuration, as incorporated into the Project, reduces impacts to the environment by providing higher density development on fewer acres, resulting in less land development and substantial area dedicated to parks and undisturbed open space. The Project's 942-acre environmentally preferred land plan preserves over 460 acres of permanent on-site open space, protecting the natural foothills, canyons, and habitat areas including vernal pools, tiger salamander and fairy shrimp habitat. The Project also will provide 1,060 acres of off-site open space protection to offset any development impacts to habitat areas. This undisturbed permanent open space will be dedicated via easement to a conservation trust. The combination of on-site avoidance and on-site and off-site preservation and mitigation results in no net loss of wetland areas.

In total, the Project will set aside more than half of the Project area as preserved open space. This is consistent with the 2025 General Plan's goals of providing quality open space and protecting, preserving, and enhancing natural resources. (2025 Fresno General Plan, February 2002, Goal # 10, 11, p.3.)

The Project design respects the natural topography of the property with minimum grading and incorporates innovative and environmentally beneficial features such as biofiltration, reducing environmental impacts from stormwater and runoff.

Effluent from the new wastewater treatment facility will be treated to Title 22 unrestricted reuse quality with a Membrane Bio Reactor (MBR) system. The Project proposes to use 145.5 acre Beck Ranch, previously an aggregate mining site, as a land irrigation and storage site for the Title 22 treated water, eliminating the need for direct winter discharge of treated effluent into the San Joaquin River. This will also allow for restoration of a portion of the Beck Ranch property to an agricultural land use.

The Project will minimize air quality impacts compared to other residential development. By targeting the development to the active adult community, the Project will generate significantly less morning and evening peak hour traffic vehicular trips. The Project provides for individual Neighborhood Electric Vehicles (NEV) paths on major interior roadways. It utilizes compact Mixed Use development design consistent with the San Joaquin Valley Blueprint. The Project will provide transportation alternatives such as public transit (e.g., HOA shuttle buses to River Park and Casino), NEV electric vehicles, pedestrian/bicycle facilities, neighborhood trails & local retail linkage, regional trails, and telecommuting. The Project will also participate in the San Joaquin Valley Air Pollution Control District Rule 9510 mitigation program (Indirect Source Review).

#### 4. Policy

The Project implements and furthers important plans and public policies adopted and endorsed by the County related to urban growth.

Development of mixed urban uses on the Project site, which is adjacent to the North Growth Area, essentially the northerly most area available for substantial urban development, and is endorsed by the Fresno County General Plan and the City of Fresno's 2025 General Plan as the logical geographical conclusion of the predominantly northward urban growth that has occurred over the past 45 years. (Friant Community Plan Update & Friant Ranch Specific Plan, Final Environmental Impact Report, August 2010, pp. 3-64, 3-72, 3-259.) The Project site is not valuable or productive agricultural land. Furthermore, there is not a land parcel large enough within the City of Fresno boundaries to accommodate an age-qualified lifestyle community with the amenities and natural outdoor recreational features available contiguous to the property location.

The Project's location, adjacent to the town of Friant, is an expansion of an existing established town and will contribute to the revitalization of Fresno County's only Redevelopment Area and the town of Friant. In October 1992, Fresno County approved the *Friant Redevelopment Plan* in an effort to address the conditions identified by the California Health and Safety Code as blight and to encourage housing opportunities, rehabilitation and repair of facilities, and expand and develop the commercial area by providing needed public improvements. The redevelopment zone is the only redevelopment area in Fresno County. Eighty acres of Friant Ranch, including a significant portion of the Friant Ranch Commercial Village Core, are located in the Friant Redevelopment Plan area, and the Project will extend revenue collection for the plan (which is set to expire in 2012) by 20 years. With Friant's proximity to Millerton Lake, the San Joaquin River, and Table Mountain Casino, the Project will serve as a foundation that enables the town of Friant to become a hub of sub-regional

Mr. Harry Gill, Chairman  
Chairman, Planning Commission  
October 7, 2010  
Page 5 of 5

and recreational growth and services. In each of these ways the Project will further implementation of the goals and objectives of the County's only redevelopment area.

The Project embraces and promotes important San Joaquin Valley Blueprint principles. For example, the Project embraces the "smart growth" concept of clustering development to preserve open space and protect natural resources; directs development toward existing communities, creates walkable and bikable neighborhoods, fosters distinctive, attractive communities with a strong sense of place, and supports actions that encourage environmental resource management. The Project implements these principles by providing nearly 13 miles of pedestrian/bicycle facilities, neighborhood trails and local retail linkages and linkage to regional trails as well as a community technology focus for telecommuting and intranet connectivity.

The Project also supports and implements the principles and strategies of the Growth Alternative Alliance's "A Landscape of Choice," which the County has adopted as a goal in its 2025 General Plan, by offering a compact integrated community plan that provides a full range of services – neighborhood commercial uses, community centers, medical services, public services, transit, and recreational uses – while also protecting key environmental resources through open space and comprehensive transit, street and trail systems that facilitate efficient access to community amenities and recreational areas. (See e.g. 2025 Fresno General Plan, February 2002, Goal #5, p.3, Appendix A, p.177.)

In conclusion, we believe for the reasons outlined in this letter, that Friant Ranch provides the catalyst for the revitalization of the town of Friant, serves the Fresno County Active Adult population housing needs and will have a positive economic impact on Fresno County. We respectfully request that the Planning Commission concur in the Staff recommendation for approval of the project proposal and its actions to the County Board of Supervisors.

Best Regards,  
FRIANT RANCH L.P.



Dennis Bacopulos,  
Operating Manager

GPA No. 511, AT No. 363, AA No.  
3751 – Friant Ranch

Letters in Support

September 28, 2010

RECEIVED  
COUNTY OF FRESNO

SEP 28 2010

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Harry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject: Friant Ranch Specific Plan; Friant Community Plan; GPA No 511;  
AA No. 3751; Amendment to Text No. 363

Dear Chairman Gill and Members of the Planning Commission --

I am not available to make comments personally today due to a long standing commitment out of town. I want to let you know that my wife and I are in favor of the applications being considered by the Planning Commission and support the efforts of the property owners and their team of professional consultants.

I have been a resident of Friant for over 17 years and live north of and adjacent to the 'Friant Ranch' property. This project is, as some would say, 'in my backyard'. The Friant Ranch project is a well thought out development proposal that has taken into account the existing development patterns of the Community, the environmental sensitivities of the site, and the need for this type of development (Age Restricted) in Fresno County.

Having served on the Citizens Advisory Committee when the Friant Redevelopment area was formed in 1989, I am very familiar with many of the 'challenges' that this Community faces. For instance, while the land use and zoning pattern found along Friant Road could accommodate a variety of commercial uses, the infrastructure can not. The Friant Ranch project is the only proposal large enough to be able to 'absorb' the cost of installing a wastewater treatment facility that can be eventually expanded to provide sewer service for those undeveloped commercial parcels, thus allowing them to develop to their 'highest and best' use.

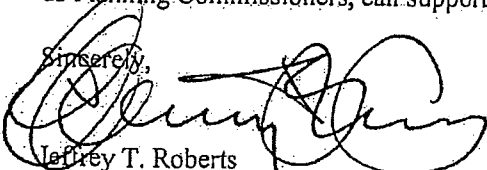
Without a community sewer system, Friant will be able to hope for nothing better than storage yards or commercial uses with little or no liquid waste characteristics.

For instance, in recent months, the County has permitted three marijuana outlets to open their doors in our small community. These facilities have attracted an undesirable element into the area and the result has been an increase in burglaries, prowlers, and loitering in the residential areas of Friant.

A big new project like Friant Ranch can completely change the complexion of the Community and Friant will no longer be an attractive place for marijuana outlets and the element that they attract. Instead, Friant will be able to provide goods and services to residents and the many visitors using Millerton Lake and the San Joaquin River.

In summary, we believe that Friant Ranch will have a very positive impact on our community. We hope that you, as Planning Commissioners, can support our position and approve the applicant's request.

Sincerely,

  
Jeffrey T. Roberts



## FRIANT RANCH LETTER OF SUPPORT

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September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

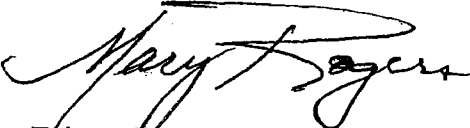
Subject; Friant Ranch Specific Plan; Friant Community Plan; GPA No. 511;

Dear Chairman Gill and Members of the Planning Commission,

I have been a long time resident of the community of Friant and live in the vicinity of the proposed Friant Ranch project. The Friant Ranch project is a well thought out development proposal that has taken in to account the community feedback, environmental sensitivities of the site, and the need for this type of age qualified type of development in Fresno County.

Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,

  
Mary Rogers  
Friant Community Resident

Address-

**FRIANT RANCH LETTER OF SUPPORT**

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan; GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident Terry Alison  
3851 E MARCUS FRIANT CA, 93626

Address-

## FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,

  
Friant Community Resident

Address-

Box 499  
Friant, CA 93626

# FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

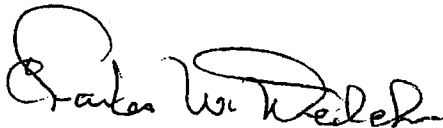
Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident

CHARLES W. WELCH  
Address- PO, BOX 805  
FRIANT, CA ~~93721~~  
93626

## FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident

SCOTT L HERDELL

Address-

17170 N FRIANT RD  
FRIANT, CA 93626

## FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

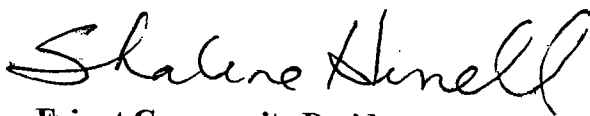
Subject; Friant Ranch Specific Plan; Friant Community Plan; GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident

Address-

Shalene Herrell  
46278 Rolling Oaks  
Friant, CA 93626

# FRIANT RANCH LETTER OF SUPPORT

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

**Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;**

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**Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.**

**Sincerely,**



**Friant Community Resident**

**Address-**

17509 PARKCLIFFE LN  
PO BOX 3  
FRIANT, CA 93626

**FRIANT RANCH LETTER OF SUPPORT**

---

September 28, 2010

**Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721**

**Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;**

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**Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.**

**Sincerely,**

*Wail Hewett*

**Friant Community Resident**

**Address-**

*28557 Sky Harbour  
Friant, Ca 93626*



## FRIANT RANCH LETTER OF SUPPORT

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan; GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident

Address-

46180 ROLLING OAKS DR  
FRIANT CA 93626

## FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan; GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,



Friant Community Resident

PO Box 342 Friant  
Address- 17150 Parker Friant, Ca 93626

## FRIANT RANCH LETTER OF SUPPORT

---

September 28, 2010

Henry Gill, Chairman  
Planning Commission  
County of Fresno  
Hall of Records, 3<sup>rd</sup> Floor  
Fresno, CA 93721

Subject; Friant Ranch Specific Plan; Friant Community Plan: GPA No. 511;

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Friant Ranch provides the catalyst for the revitalization of the town of Friant and will have a very positive impact on our community. We hope that you as Planning Commissioners, can support our position and recommend approval of the project to the County Board of Supervisors.

Sincerely,

*Mason L. Lstew*  
*17354 Bluwater Bay*

Friant Community Resident

Address-

*P.O. Box 202*  
*FRIANT, CA. 93626*

GPA No. 511, AT No. 363, AA No.  
3751 – Friant Ranch

Letters from the City of Fresno



Mark Scott  
City Manager

RECEIVED  
OCT 06 2010  
DEPT. OF PUBLIC WORKS AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**HAND-DELIVERED**

October 6, 2010

Fresno County Planning Commission  
c/o Chris Motta, Planning Commission Clerk and Senior Planner  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

Dear Chair Gill and members of the Commission:

**SUBJECT: REQUEST FOR CONTINUANCE OF THE PLANNING COMMISSION HEARING ON GENERAL PLAN AMENDMENT NO. 511, AMENDMENT APPLICATION NO. 3751, AMENDMENT TO TEXT APPLICATION NO. 363, AND ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007101016), FILED FOR THE FRIANT RANCH SPECIFIC PLAN AND THE FRIANT RANCH COMMUNITY PLAN UPDATE**

On December 15, 2009, the City of Fresno submitted substantial comments on the Draft Environmental Impact Report (EIR) for this project, expressing numerous concerns which are recapped below.

After reviewing the 112-page staff report released for this item over the weekend, City staff has recommended that the matter be placed before the Fresno City Council so City leaders may consider the issues and prepare a formal position to present to the Fresno County Planning Commission. The Fresno City Council has not had time to place this item on its agenda prior to the October 7<sup>th</sup>, 2010, hearing date.

Therefore, the City is requesting that the Commission continue this item to its next meeting to allow expedited review by the Fresno City Council.

The City of Fresno requests that the Commissioners consider all the issues brought up in our December 15, 2009, comment letter (copy attached), and whether the Final EIR responses to those comments could be found to adequately address those concerns. Such a long time, and so many events have intervened between the 2007 Notice of Preparation for this EIR, and even since the comment deadline last December—changes in

laws and regulations, court decisions, and so forth—that the Commission might be able to use some additional time to re-review all the issues addressed in the EIR. In our preliminary review, we feel that the staff report and Final EIR did not properly address key issues of concern for the City.

In summary, the City has the following concerns:

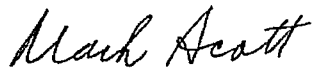
- The lack of planning coherence and environmental integrity represented by this project, and that it appears to directly contravene the 2000 Fresno County General Plan's stated intent of reversing its undesirable past trend of sprawling, low-density, unsustainable "bedroom communities."
- Given the current economic situation faced by the real estate industry, and the need to provide more affordable housing by better planning for denser residential development closer to public transit and services, this project does not seem necessary or advisable.
- The project is not merely a minor adjustment in land uses that would be within the scope or overall policy direction of the 2000 Fresno County General Plan. This project represents new urbanization of non-contiguous, water-deficient agricultural land nearly 1.5 square miles in size, without sufficient resources, infrastructure, or service support for a sizable population that will supposedly be composed of senior citizens, and thus creates among other impacts:
  - Long-term water supply difficulties, which end up straining supplies for other communities due to lack of new water supplies to serve increasing populations in an arid region;
  - Unnecessary air pollution from excess vehicle miles traveled;
  - Strained capacity of roadways, creating unnecessary and harmful congestion in rural AND urban areas;
  - Emergency response needs which law enforcement and firefighting agencies cannot support adequately; and
  - Blight and crime from abandoned and under-developed housing tracts.

The EIR finds that this project will have numerous significant impacts on the City's transportation system, yet the project fails to formulate feasible mitigation measures to address these identified significant impacts.

The EIR's assessment of the available water supply is inadequate as it relies upon a proposed, but not executed, agreement with the Lower Tule River Irrigation District and does not identify other potential sources of water to supply this project should this agreement never be finalized. The Water Supply Assessment fails to assess the risk associated with this supply and the potential risk due to Global Climate Change.

We appreciate the Commission's time and consideration for entertaining our request for continuance and considering the City's concerns.

Sincerely,



Mark Scott  
City Manager



Andrew T. Souza  
City Manager

December 15, 2009

Briza Sholars, Planner  
Fresno County Public Works and Planning Development  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

**SUBJECT: Draft Environmental Impact Report, Friant Community Plan Update and Friant Ranch Specific Plan, State Clearing House No. 2007101016**

Dear Ms. Sholars:

This letter contains the City of Fresno's (City) comments on the Draft Environmental Impact Report (EIR) for the Friant Community Plan Update (Community Plan) and the Friant Ranch Specific Plan (Specific Plan) prepared by the County of Fresno (County).

The City strongly objects to the Project, which involves a huge expansion of urban growth within the County in an area currently zoned for agricultural use without available public services. The Project violates fundamental principles of the County and City General Plans and the Memorandums of Understanding (MOU) between the County and cities. These documents direct urban development to existing cities and urbanized areas which have available service capacity to accommodate such development. They focus on preserving agricultural land and environmental resources. The Project completely contradicts these principles, not to mention the purpose and intent of SB 375, which requires local agencies to develop regional targets and plans to reduce greenhouse gas emissions from land use and transportation. The Project expands the Community Plan area over 1800 acres and rezones over 900 acres of agricultural land to residential and commercial use. It significantly expands urban development outside the existing Friant community. It will increase the population in the area from 519 to 6,000 and housing units from 236 to almost 3,000. There is no available service capacity in the area for this very large development, so the Project requires building a new wastewater treatment facility, expanding the existing water treatment facility, and importing water from another county/ watershed.

Given the extent of development proposed and its location, it should come as no surprise that the EIR identifies a massive amount of environmental impacts from the Project. The EIR identifies significant impacts in almost all areas (including many significant and unavoidable impacts) and contains numerous mitigation measures. Despite this, the EIR fails to adequately disclose and



address all significant environmental impacts and includes many mitigation measures, which will not result in reducing these impacts to less than significant. These impacts will adversely affect City and County residents and impede the City's plans for future development.

The City respectfully requests that the County reconsider moving forward with this Project. If the County decides to continue to go forward with this Project, the Draft EIR needs to be substantially revised and recirculated because, as explained below, it substantially understates the significant impacts of the Project, contains inadequate mitigation measures, and, overall, fails to meet the requirements of the California Environmental Quality Act (CEQA).

#### **General Comments:**

The level of detail and amount of information provided in the EIR on Project components do not support project-level review for the Specific Plan. Although the EIR states that it contains project-level review for the Specific Plan, the analysis does not meet the CEQA standard. This is of particular concern because the EIR states that it will be relied on for the CEQA environmental review for the implementation of the Specific Plan project with no further analysis required (esp. given the state law exemption for residential projects that are part of a specific plan with a certified EIR). As currently drafted, the EIR cannot be relied upon for implementation of the Project, including the Specific Plan, and further CEQA environmental review will be required.

As an example, one Project component for which the EIR purports to provide detailed project level review is "a land use designation and zone change" for the Depot Parcel. However, full extent of the Project's proposal for the Depot Parcel is not clear, since the Air Quality chapter of the EIR states that "[t]he Depot Parcel consists of: 73,508 [square feet] of shopping center use . . ." The EIR is entirely inadequate as a project level evaluation of development of a 70,000+ square foot shopping center project on the Depot Parcel site. The EIR provides absolutely no information about the physical configuration of, or anchor tenants for a shopping center proposal for the Depot Parcel site. Therefore, the EIR cannot possibly provide project level analysis of the environmental impacts of such a specific development proposal.

The EIR contains no information on the Development Agreement. Therefore, the approval of the Development Agreement cannot rely on the EIR for its environmental review to the extent its impacts are not analyzed in the document.

The Project Objectives are too narrow and basically recite the elements of the Project. It is a violation of CEQA to tailor Project Objectives to the specific project being proposed which constrains the proper consideration of alternatives. The improper Project Objectives allow the County to reject consideration of certain alternatives as "not meeting the Project Objectives."

The EIR must analyze whether the approval of the Specific Plan will contribute to further blight or urban decay within the Friant Redevelopment Project Boundary by concentrating new development outside the Redevelopment Project Plan Area. The EIR contains no analysis of this potential significant impact. It also does not provide the text of the Friant Redevelopment Plan commercial development standards that are proposed to be repealed and analyze the effect of the repeal on the redevelopment goals and policies.

The analysis of growth inducing impacts is cursory and completely inadequate. The Project will have significant growth-inducing impacts due to the expansion of public services available in this unincorporated area, especially wastewater treatment and water services. For instance, according to the Municipal Service Review prepared by LAFCO, dated July 2007, Waterworks District 18, the district that will provide water service for this project, currently, encompasses 444 acres and services 234 customers. As such, this project will increase the number of the district's customers in excess of tenfold. These new services and related infrastructure will induce new growth in the entire Community Plan area and beyond. The impacts of this future growth should be analyzed in the EIR.

There is no discussion in the EIR of preliminary consultation by the County with the DWR, RWCB, or the Department of the Interior to investigate the adequacy of the Project's water supply plan or its wastewater discharge plan. Furthermore, the EIR fails to provide any performance history of Waterworks District 18, or provide evidence of its ability to meet regulatory standards. The EIR also needs to describe any impacts to the existing aged water distribution system as a result of the proposed new development and infrastructure.

### **Chapter 3.1 Aesthetics**

County General Plan Policy OS-L.3 requires that development proposals of more than four lots be designed to "blend in" to the natural landscape and minimize scarring of vegetation and terrain. The EIR claims that the Friant Ranch Project will "preserve the integrity of the existing terrain and natural vegetation in visually sensitive areas." Yet it is impossible to judge the accuracy of this claim, since the EIR provides illustrations only of pre-Project conditions, without any illustration showing the effect of the Project on existing scenic vistas and visually sensitive areas. The EIR should be revised to provide this information in visual, illustrative form.

### **Chapter 3.2 Agricultural Resources**

The EIR must include and analyze mitigation measures to address the significant impact from the rezoning of over 900 acres of Agricultural land to urban uses. The EIR does not contain any mitigation measures to address this significant impact because it states that no mitigation measures are "available". Therefore, the EIR identifies the impact as significant and unavoidable. CEQA requires that all feasible mitigation measures be adopted for any significant and unavoidable impact. So, the EIR must analyze any available feasible mitigation measures to reduce agricultural impacts. Examples of feasible mitigation measures to address the loss of agricultural land include, but are not limited to, protecting existing agricultural land from conversion through imposing easements or Williamson Act contracts, and adopting a fee mitigation program to fund permanent preservation of agricultural land. The EIR should evaluate these mitigation measures and the County should adopt any feasible mitigation measures. In addition, since the impact is significant and unavoidable, the EIR should evaluate alternatives that could reduce this impact, such as significantly reducing or eliminating the conversion of agricultural land included as part of the Project.

The EIR incorrectly concludes that the Project's conversion of agricultural land is consistent with the County General Plan. However, this agricultural land conversion violates central goals and policies of the General Plan to protect agricultural land, including Goal LU-A (promote long term conservation of productive and potentially productive agricultural land) and Policy LU-A.1 (County

shall maintain agriculturally designated land for agricultural use and direct urban growth away from this land). The inconsistency with these policies is a significant environmental impact which requires mitigation.

The EIR should evaluate the significance of impacts on agricultural land by using soils evaluation criteria (such as use of the Storie index) rather than solely relying on Statewide farmland maps. The lack of designation on the Statewide maps or historic use of the land for grazing does not conclusively determine its viability for agriculture.

The EIR needs to provide further evidence to support its conclusion that the transfer of water from the Lower Tule River Irrigation District (LTRID) that currently serves agricultural users will not have a significant impact on agricultural. The statement that LTRID will use "supplemental" sources to replace water divert from these users is insufficient, especially given the significant uncertainties surrounding water available for agricultural users in the Central Valley (see comments on water supply analysis below).

The EIR improperly ignores grazing land as a category of farmland worthy of conservation and fails to analyze or mitigate potential adverse impacts to grazing. Grazing is important to Central Valley agriculture. The 2008 Fresno County Crop & Livestock Report showed Countywide \$7.84 million revenue from beef calf production, \$31.55 million from feeder beef stock, and \$131.39 million from beef cattle slaughter stock. Due to parcelization on the Valley floor and concomitant loss of winter pasture, beef cattle raising is a threatened industry in the County. The EIR contains no data or analysis on the importance of the Project's valley land for the annual rotation of stock from high country (summer) pastures to winter pastures (winter pasture is needed due to snowfall in high country). The EIR does not provide any information on how this proposal could adversely affect supply of grazing land, particularly winter grazing land, in Fresno County. Current conditions are that the Friant Ranch is available for grazing and customarily leased for this purpose. Loss of grazing land from the Project cannot be dismissed as an impact simply because current zoning could allow 40-acre home sites, since grazing and livestock activities occurs on virtually all 40 acre grassland parcels in Fresno County.

### Chapter 3.3 Air Quality

The EIR purports to evaluate, as a standard of significance for air quality impacts, whether Project-related air pollution would result in exposure of sensitive receptors to substantial pollutant concentrations. Yet, in fact, while the EIR discusses the Project's construction and operational *emissions*, it does not provide any discussion of, or conclusions about, Project-related effects on air pollutant concentrations. Neither does the EIR identify any potentially affected sensitive receptors, nor does it conclude whether sensitive receptors would be exposed to substantial concentration levels. The County must revise the EIR to address this subject, and recirculate the document if any significant air pollutant concentration impacts are identified.

The EIR also includes, among its standards of significance for air quality impacts, the potential for the Project to expose sensitive receptors or the general public to substantial levels of toxic air contaminants. Yet the EIR does not discuss or determine the significance of the Project's toxic air contaminant impacts. For instance, the bulk of the Project's traffic congestion would be occurring on

roadways outside the project area, such as Friant Road, yet there is no CALINE 4 or diesel exhaust analysis on these congested segments and intersections to indicate what the health effects would be to Fresno residents and schoolchildren near Friant Road. Furthermore, under CEQA, the EIR must disclose the human health related effects of the Project's air pollution impacts. (CEQA Guidelines section 15126.2(a).) The EIR fails completely in this area. The EIR should be revised to disclose and determine the significance of TAC impacts, and of human health risks due to exposure to Project-related air emissions.

An EIR is required to evaluate all foreseeable project activities and impacts, including both direct and indirect environmental effects of a Project. The EIR identifies the Project as having a growth-inducing impact, particularly on the area covered by the existing Friant Community Plan. In fact, a key objective of the Project is the "revitalization" of the existing Friant Community. Yet the EIR categorically excludes any evaluation of air quality impacts which will occur in the Community Plan area outside the Friant Ranch Specific Plan Area and the Depot Parcel. (See DEIR page 3-40.) This refusal to evaluate the foreseeable air quality impacts of the Project's "revitalization" of the existing Friant Community is a failure to evaluate a foreseeable environmental impact of the Project, and is fatal to the EIR.

Impact area 3.3-1 purports to identify construction impacts related to a number of criteria pollutants, as well as particulate matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>). Yet, in fact, the Air Quality chapter contains no disclosure, discussion, or significance determinations related to Project-related PM<sub>2.5</sub>. The EIR must be revised to provide analysis of PM<sub>2.5</sub> impacts.

The EIR's discussion of construction and operational air emissions identifies a significant impact as (inter alia) a violation of SJVAPCD emissions standards. The EIR sets out the federal and state ambient (concentration) thresholds for various pollutants in Table 3.3-1, but does not present the emissions thresholds for CO, ROG, NO<sub>x</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>. The EIR should be revised to provide that information.

The EIR's discussion of construction emissions understates and conceals Project impacts by artificially breaking construction of the Project into five discrete "phases" which are each discussed in a vacuum, without reference to *contemporaneous* construction emissions from other "phases." For example, by disclosing and evaluating the air emissions associated with "phase 1" (2010 – 2012) separately from "phase 2" (2011 – 2015), the EIR fails to disclose the *total* construction emissions that will occur during the years when phases 1 and 2 are *both* occurring (2011 and 2012). The same is true for 2013 – 2014 (when phases 2 and 3 will overlap), 2015 (when phases 2, 3 and 4 will overlap) 2016 (when phases 3 and 4 will overlap) 2017 (when phases 4 and 5 will overlap) and 2020 (when phase 5 will overlap with construction of shopping center on the Depot Parcel). By segmenting construction of the Project in this manner, the EIR conceals the total level of emissions that will result from Project construction in the years in which phases overlap, and thereby substantially under-reports the Project's significant construction emissions impacts. This segmentation furthermore calls into question the EIR's determination that construction emissions under phases 3 and 4 will be less than significant, since construction emissions under both of those phases will overlap with significant construction emissions impacts under phase 2. The EIR must be revised to disclose and determine the significance of all contemporaneously occurring Project-related construction emissions. Finally, the EIR must be revised to disclose and determine the

significance of the Project's *total* air emissions, in years when Project *construction* emissions overlap with Project *operational* emissions.

Phase 1 construction emissions are determined to be significant and unavoidable, even after the application of Option 2 (enhanced mitigation) measures. Yet the mitigation described in the EIR for Phase 1 construction impacts requires "[u]se of diesel oxidation catalysts capable of a 15% - 40% reduction in NOx emissions on all diesel equipment." In light of the significance of this impact, a mitigation measure which allows such a broad range of emission reductions is insufficient. Unless and until the impact is reduced to less than significant, CEQA requires the County to impose all feasible mitigation. This mitigation measure must be revised to require the maximum feasible (40%) reduction in NOx (and other significant criteria pollutant) emissions.

The EIR must also determine, on the basis of substantial evidence, that no additional feasible mitigation measures would further reduce or avoid the Project's air quality impacts which remain significant after imposition of the EIR's recommended mitigation measures. For example, the EIR must evaluate the feasibility of mitigating significant construction emissions impacts by requiring:

- 1) all heavy-duty diesel trucks to comply with EPA on-road PM emissions standards and be equipped with Best Available Control Technology (BACT) devices certified by CARB.
- 2) Idling restrictions (maximum 5 minutes) on construction equipment, when not in use.
- 3) Construction equipment to incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.
- 4) "Other Construction Equipment Mitigation Measures," as listed in EIR Table 3.3-11. Since SJVAPCD requires the mitigation measures listed in Table 3.3-11 for significant construction-related air quality impacts, the EIR is deficient for not imposing them on significant Project construction emissions impacts.

EIR Table 3.3-10 additionally lists "Enhanced [PM] Control Measures" which "should be implemented at construction sites when required to mitigate significant PM<sub>10</sub> impacts." Yet EIR Table 1-1 does not list any of these "enhanced" control measures as being imposed on Project construction – even for significant PM impacts. These "enhanced" PM control measures must be imposed on Project construction.

Table 3.3-10 furthermore identifies "Additional [PM] Control Measures," which are "strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions." The Project construction site is certainly large, and is likely located near sensitive receptors (although, as discussed above, the EIR provides no disclosure about potentially affected sensitive receptors). Yet Table 1-1 does not list any of these "additional" PM control measures as being imposed on Project construction, either. These "additional" PM control measures must also be imposed on the Project.

Table 3.3-12 divides Project operations emissions into those under the Friant Ranch Specific Plan, and those under the Community Plan "outside the Friant Ranch Specific Plan." It is unclear from

this table into which category the EIR places operational emissions from the Depot Parcel. The EIR elsewhere describes development of the Depot Parcel as included within the "project level" analysis which is afforded to the Specific Plan area. Yet 3.3-12 says that the Community Plan Area, *outside* the Friant Ranch Specific Plan Area, "includes the Depot Parcel." From this, it is unclear whether operational emissions from the Depot Parcel are being given general program level analysis or detailed project level analysis. Furthermore, since the shopping center which is apparently proposed for the Depot Parcel is not described in any detail in the EIR, it is unclear how operational emissions from that shopping center were determined, or even whether the EIR included operation of the shopping center when it estimated the Project's operational emissions.

The EIR identifies a significant and unavoidable impact from Project operational emissions. The EIR imposes mitigation measure 3.3-2, which contains a laundry list of measures. The description of mitigation measure 3.3-2 states an "intent" that some of these measures will be imposed "during review of future project-specific submittals for non-residential development," though only "where feasible and appropriate." Other measures are to be imposed "as determined by the County in consultation with the APCD," although it is unclear when such consultation will occur. Additionally, the mitigation measure provides that "the County and SJVAPCD may substitute different air pollution control measures for individual projects, which are equally effective or superior to" the measures listed in mitigation measure 3.3-2. However, it is entirely unclear how the County and SJVAPCD will determine whether a proposed substitute measure is equally or more effective, since the effectiveness of the measures listed in mitigation measure 3.2 is not quantified or even qualitatively described. This mitigation measure is entirely inadequate for the Project's significant operational emissions impacts – particularly with regard to the activities purportedly receiving project level analysis in this EIR. Mitigation measure 3.3-2 improperly defers committing to specific mitigation measures, without committing to achieve a definite quantity of impact reduction in the EIR. It is therefore not a valid mitigation measure under CEQA.

The EIR's analysis of Project odor impacts (Impact 3.3.3), while discussing relatively minor irritants such as barbecues, completely fails to address, or determine the significance of, odor impacts from the proposed wastewater treatment plant. This renders the odor impact analysis useless.

### **Chapter 3.4 Biological Resources**

Despite the numerous significant impacts on biological impacts documented in the EIR, it concludes that all impacts can be mitigated to less than significant. This conclusion is not supported for the vast majority of the impacted biological resources. As explained in more detail below, many of the mitigation measures lack detail and definiteness to determine how they will be implemented and their effectiveness. Others constitute deferred mitigation by requiring only the future development of certain "plans" without identifying elements of the plans or standards they must meet. Also, preservation of existing resources does not mitigate for the loss of resources. Only creation or restoration of resources to replace those lost constitutes mitigation under CEQA. Overall, the Project will result in many significant and unavoidable impacts on biological impacts that were improperly identified as less than significant with mitigation in the EIR.

For vernal pools and the species they support (vernal pool fairy shrimp), the proposed mitigation is completely inadequate. The EIR does not explain why it is infeasible to design the Project to avoid

impacts to all vernal pools. Preservation of existing vernal pools is not mitigation for filling pools. Creation and restoration are the only mitigations under CEQA. The EIR does not contain any standards for creation and restoration. It does not require that any created or restored wetlands have the functional and value equivalency to the destroyed pools. The option for mitigation through use of a conservation bank is similarly standardless because it does not establish criteria that the conservation bank must meet. Similarly, the "mitigation" through payment into a fund does not assure that the money will actually result in the creation of the required amount and quality of pools to mitigate the impact.

The EIR does not analyze indirect impacts of the Project on vernal pools. The EIR must evaluate whether the Project's effects on the uplands and watersheds that support "preserved" vernal pools will have an adverse impact on these pools. Similarly, the EIR does not analyze whether the Grazing Management Plans and Open Space Access Plan required by mitigations will adversely affect the preserved pools. The EIR also does not properly analyze the impacts of storm water runoff on vernal pools. Storm water run-off may result in over-inundation of vernal pools or contamination from urban run-off. All these indirect impacts should be analyzed and mitigated.

The mitigation measures which require the development of Drainage Plan to address the impacts of storm water runoff on resources is inadequate. The mitigation measure does not specify methods that the Drainage Plans must implement or set performance standards. Rather the Drainage Plans set aspirational and amorphous goals, such as "ensuring" that post-project runoff into open space will "mimic to the extent possible" pre-project conditions and run-off to vernal pools will be "roughly equivalent" to pre-project conditions. These measures are inadequate to assure less than significant impacts. Vernal pools are very sensitive resources and impacts to preserved pools can only be avoided if the amount and quality of water needed to support these resources and their species is mandated by strict standards. The absence of these standards violates CEQA.

For impacts on the California Tiger Salamander (CTS) and the western spadefoot, the mitigation is inadequate because it relies on preservation of existing potential habitat and does not describe or explain why the preservation areas identified are adequate to support or do support the species. Again, preservation is not proper mitigation. The mitigation should specifically describe sites that have been evaluated for the presence or support of the species and how these sites will be managed to assure that they provide successful habitat for CTS breeding and aestivation and western spadefoot habitat.

For the succulent owl's clover, it is unclear why the Project will not result in direct impacts to the species since the filling of wetlands and vernal pools (where this species is located) will occur under the proposed Project. It is also unclear how the mitigation requiring the development of a Land Management Plan, which is described in only very general terms, will mitigate any impacts. Both these issues need to be explained in more detail and the actual Plan needs to be included in the mitigation measure. The Plan should specify mandatory elements and actions, and the remedial actions that will be taken if the Plan fails, rather than just stating these elements will be developed. Also, a Management Plan to protect preserved resources does not mitigate for the loss of plants. The information in the EIR is insufficient to support a less than significant finding. The similar mitigation for the Hartweg's golden sunburst has these same deficiencies.

The removal of 942.2 acres of foraging habitat under the Specific Plan for the burrowing owl and Swainson's hawk should be described as a significant impact and mitigation should be required. The on-site preserve is not proper mitigation. This Project's removal of this large amount of habitat also is a significant cumulative impact which the EIR fails to identify (see discussion of cumulative impacts below).

The erosion control plan should specify measures that will be required under the Plan. As currently drafted, the mitigation does not require any specific measures, but only identifies possible "typical" measures (Mitigation Measure 3.4.3b).

The Project is inconsistent with many policies of the County General Plan to protect biological resources. Therefore, the EIR conclusion that there is no inconsistency with plans and no resulting significant impact is incorrect. County General Plan goals and policies that the Project is inconsistent with include: (1) Goal OS-D and Policies OS-D.2 and OS-D.5 which require no net loss of the "function and value" of wetlands and require avoidance, minimization or compensation for impacts. The mitigation measures do not require the created wetlands provide the same function and value as the impacted wetlands. Preservation of existing wetlands is not allowed for mitigation. The proposed mitigation is inconsistent with these policies; (2) Policy OS-D.5 which requires coordination with regulatory agencies at all levels of environmental review. The EIR does not contain any information on the County consulting with regulatory agencies in the evaluation of impacts or development of mitigation measures. In fact, many mitigation measures state that the development of plans and consultation will take place at a later date when agencies consider approval of permits; (3) Policies OS-E.14 and OS-E.17 which require that wetlands, riparian habitat and rare and endangered species habitat should be preserved "to the maximum extent practicable". The Project's numerous significant impacts on these resources violates these policies; and (4) Policy OS-D.6 which requires preservation of riparian habitat and other sensitive communities unless there are public safety concerns. The Project's impacts on these resources violates this policy because there is no underlying public safety concern, such as flood protection, that justifies the Project's impacts

The use of limited reconnaissance surveys to evaluate impacts in the Community Plan area is insufficient for even a program-level EIR. More detail about the existing conditions should be included in the EIR. A program EIR is allowed to evaluate the project in less detail, but it does not allow a less detailed or cursory review of existing conditions. In addition, some of the mitigation measures for the same species impacts are different for the Community Plan than the Specific Plan. The EIR should explain the basis for differences and inconsistencies in mitigation for similar impacts.

### **Chapter 3.7 Hazards and Hazardous Materials**

The EIR notes that hazards due to proximity of the Project to the Friant-Kern Canal and abandoned water wells were raised as an issue of concern during the scoping process for the EIR. Yet the EIR's Hazards and Hazardous Materials chapter does not acknowledge this comment in its cursory treatment of existing hazardous material sites or risks of contamination. The EIR should be revised to address this concern.



### Chapter 3.8 Hydrology and Water Quality

The EIR's conclusion that the impact from storm water runoff will be less than significant due to the implementation of Low Impact Development (LID) measures as part of the Project is unsupported by evidence. The Project polices on LID referenced in the EIR do not specify or mandate these measures. Many of the policies are qualified by the words "where warranted" or "where feasible". The Plan does not provide specific information on pretreatment of storm water before it is discharged to "swales", the San Joaquin River or elements of the Fresno Stream Group. Since there are no specific measures and no final Plan that is required as part of the Project, the EIR cannot rely on these potential LID measures to support a less than significant finding. The EIR should be revised to find the impacts from storm water potentially significant and include a mitigation measure which requires the implementation of specific LID measures that will reduce the impact to less than significant.

The EIR does not properly analyze storm water drainage capacity impacts. There is no quantification of pre-project and post-project runoff amounts. There is no discussion of capacity of existing storm drainage system and how well it functions. The reliance on a LID plan to be approved in the future based on "suggested management practices" listed in the mitigation measure is inadequate. The EIR should require compliance with an already developed plan that shows that these measures can be successfully implemented to handle the estimated increased runoff from the Project, especially in light of the significant conversion of existing undeveloped and unpaved land proposed by the Project. The Plan also should show the capacity of the soils in retention/detention basins to absorb runoff. The mitigation should require that the amount of post-Project runoff does not exceed pre-Project levels for each Project Phase. The analysis and mitigation measure in the EIR are insufficient to support the less than significant conclusion.

The EIR does not describe or analyze how effective control of mosquitoes, and mosquito-borne diseases, such as West Nile Virus and dengue fever, will be achieved if the LID concept creates a plethora of small ponding areas in the Project area.

The EIR does not contain sufficient evidence to support its conclusion that the use of treated effluent for landscaping and on the Beck, Lost Lake Park "or similarly situated property" will be less than significant. The EIR addresses this issue in a single conclusory paragraph. More detail is required to demonstrate that the planned application of treated effluent on open lands will not affect water quality or have other impacts.

The EIR inadequately analyzes impacts from biosolids generated by the wastewater treatment plant. The EIR, Appendix N, and the Project Infrastructure Plan do not present specific information on storage or disposal of biosolids from the proposed tertiary treatment. The EIR only states that disposal of biosolids will conform to regulations and will go to landfill (which would contravene AB 939 solid waste diversion mandates). No impacts from biosolid storage, transport or disposal are analyzed or mitigated, neither within the Project area, nor for transport to and disposal in some other municipality's area.

The EIR does not analyze the conflicts between the County Land Use policies for River Influence Areas and the proposal to site wastewater plant facilities serving development unrelated to the River within the River Influence Area.

The EIR improperly evaluates the required level of protection in the San Joaquin Riverbottom which is now keyed to a 200-year floodplain (not a 100-year floodplain). It also does not analyze the jurisdiction of the Central Valley Flood Protection Board as they now exist, nor as their jurisdiction will be expanded under recent California flood prevention legislation (SB5, SB 17, SB 85, AB 5, AB 70, AB 156, and AB 162 effective in 2008).

The EIR does not analyze how Corps of Engineers flood detention structures on the Fresno Stream Group could be affected by development of the Project area, which would greatly increase the extent of impervious surfaces and generate runoff.

For possible inundation from Friant Dam and Millerton Lake, the EIR should include a map that shows the area that is subject to inundation and the land uses allowed in that area to support its less than significant conclusion.

The EIR identifies 23 pollutants that will exceed regulatory standards in the mixing zone for the wastewater discharge. The EIR should identify this as a significant impact and include mitigation measures to address the impact.

### Chapter 3.9 Land Use and Planning

The Project presents fundamental inconsistencies with the land use and planning policies in the County of Fresno General Plan and the General Plans of surrounding cities. The proposed General Plan Amendment to change the Community Plan boundaries and General Plan land use designations cannot "cure" this fundamental inconsistency. The Project will result in a development that is incompatible with many of the central goals and policies that guide land use development in the County. The main inconsistency that results from the Project is the development of intense urban uses on agricultural land in an incorporated area which does not have adequate public services. The policies of directing urban development to incorporated areas with existing services to support development and away from agricultural land are contradicted by the Project. The EIR conclusion that the Project is not inconsistent with planning policies is wrong.

The inconsistencies with County land use policies include but are not limited to the following: (1) policies that promote the Friant area as a recreational hub since Specific Plan does not focus on recreational uses; (2) policies for preservation of agricultural land (see comments in Agriculture section above). The Right to Farm notices does not mitigate the impacts of urban development next to agricultural land; (3) inconsistencies with the Community Plan which does not contemplate or allow the type of development under the Specific Plan or the large expansion of its Plan area.

The EIR does not provide any analysis of the Project inconsistencies with the January, 2003 Amended and Restated MOU between the County and City, and the MOU between the County and the City of Clovis. The Project is inconsistent with the City/County MOU because: (1) The MOU

requires the County to consult with the City in the early stages of preparation for projects (such as this Project) that involve new urban development inconsistent with existing County Plans (MOU, Section 4.4); and (2) the MOU requirement for the County to adhere with Rural Residential Development Restriction policies and preserve agricultural land (MOU, Section 4.5)

The EIR does not characterize the Bigelow Ranch (Friant Ranch) as eastside rangeland, and does not analyze the Project's consistency with County General Plan policies for Eastside Rangeland and Eastside Grazing Land.

The EIR fails to evaluate the Project's consistency with the San Joaquin Valley Regional Blueprint: Vision for the Valley.

The Project is also completely inconsistent with the land use and transportation policies of SB 375. The goal of SB 375 is to reduce greenhouse gas (GHG) emissions from vehicle trips through regional land use and transportation planning. Under SB 375, a sustainable community strategy (SCS) will be developed as part of the regional transportation plan process. The SCS will reduce GHG emissions by reducing vehicle miles traveled relating to land use. The type of development that the SCS promotes is concentrated urban development in existing urban areas and reduced sprawl development. The SCS should include urban infill development that includes mixed use, higher density housing, proximity to transit or incorporation of alternative transportation elements, and the location of housing near jobs. SB 375 also promotes sustaining existing agricultural land and preventing its conversion to urban uses. The Project flies in the face of all these policies. It is classic sprawl development which converts existing agricultural land and open space to create housing that is not proximate to jobs, existing urban development, or transit. It will result in an increase rather than decrease of GHG emissions and vehicle miles traveled. It will impede the creation of a SCS for Fresno County that can meet the GHG reduction goals for the County established under SB 375.

### **Chapter 3.10 Noise**

The EIR's determination that installation of sound insulation within existing structures is not feasible mitigation is not supported by substantial evidence. The EIR explains that installation of sound insulation is infeasible "because it would require remodeling of existing structures along the roadways." This vague, unsupported, and unquantified assertion is not sufficient to support a determination that mitigation by installing sound insulation in existing structures.

### **Chapter 3.11 Population and Housing**

This section of the EIR concludes that the Project is consistent with the goals of the County's Housing Element in that the Project will provide adequate housing and supportive services for persons age 55 and older, who have special needs. This conclusion is unsupported, since the Project makes no provision for the skilled nursing facilities, hospital facilities, or community care assisted facilities which are typically required supportive services for this population. The Project, and the EIR, must be revised to address adequate provision of medical care and social services for the age 55+ population accommodated by the Project.

The population and housing section of the EIR also fails to demonstrate that there is any actual demand for housing for active adults aged 55+ in the Friant area, nor does it provide any evidence to support a conclusion that the Project's housing would be price-accessible to lower-income seniors. The Project also fails to make adequate provision for other housing age groups, particularly children.

The EIR does not identify any provision that provides the County with power to enforce the "age 55 or older" requirement for the residential units designated for such a requirement. In Fresno County, it is currently estimated that a significant percentage of senior citizens are currently raising or housing their grandchildren, due to socioeconomic conditions. In light of the lack of County enforcement power, the EIR needs to either provide evidence to support a conclusion that CC&R and HOA regulations will be adequate to enforce the residential age requirements, or else revise its projections of the age groups likely to be accommodated by the Project.

### **Chapter 3.12 Public Services and Recreation**

The EIR's section on Public Services and Recreation determines that a potentially significant impact of increased demand for fire protection services will be mitigated to a less than significant level by establishment of a CFD to serve Friant Ranch "consistent with fire and emergency response time standards established in the County General Plan. However, the County standards do not quantify required response times, nor does the EIR contain any quantification or data on the fire/emergency response times which will be achieved under this mitigation measure. It is entirely unclear, therefore, how the EIR determines that this impact will be reduced to a less than significant level. The EIR must be revised to commit to achieve an acceptable, quantified level of fire/emergency response time. Additionally, as discussed below in comments on the Transportation/Traffic section, the EIR must be revised to address the potential for unacceptable levels of service on the Project's main access roads to significantly impair fire and emergency response times.

The above comments also apply to the EIR's unquantified analysis of law enforcement services. The EIR concludes that potentially significant impacts in this area will be reduced by formation of a CFD to maintain "adequate" staffing and facilities to serve the Friant Ranch community – without any explanation of how "adequacy" in this regard will be determined. The EIR provides no data or quantification regarding the need for law enforcement staffing and facilities which will be created by the Project. Nor does the EIR address any potential for significant environmental impacts to result from construction/operation of new law enforcement facilities for which the Project will create a need. The EIR needs to be revised to discuss these issues.

Furthermore, the EIR does not appear to respond to the comments of the California Highway Patrol, on the NOP, that the Project is likely to create a need for a minimum of five, and as many as seven, additional officers to handle the increase in traffic volume and attendant collisions and other traffic-related emergencies created by the Project. The EIR needs to be revised to address those impacts, and to provide for the Project to fund the necessary CHP services.

Finally, the EIR needs to evaluate whether there will be any additional need to bus students from the Project area to public schools, and to address any impacts to public services related to such a need.

The EIR should disclose and determine the significance of the impacts on existing recreational facilities (e.g., Lost Lake Park, Millerton Lake Recreation Area, and San Joaquin River Parkway) of increased use by the new residents who would be introduced by the Project.

### Chapter 3.13 Transportation/Traffic

The EIR's traffic and transportation impacts analysis, and Appendix D (Traffic Impact Study, or TIS) is inadequate in many respects.

The City of Fresno does not agree with the peak hour trip generation rate reductions. The EIR appears to assume that active adults aged 55 and above constitute a category of residents whose commuting patterns can be assumed to differ from those of the general population. Even though this is predominately an active senior (55 and over) housing project many people in this low socio-economic region are still working 8AM-5PM positions well beyond the age of 55. This proposed project does not require that the active seniors are retired. The ITE trip generation rates for senior housing are for projects closer in proximity to the city center or adjacent to a metropolitan region. In addition, projects cited in the Fehr & Peers projects were in affluent communities and in a different economic period than a recession. The City of Fresno requires that intersection within its jurisdiction utilize the ITE trip generation rate for a single family home. All impact fees and mitigation should be calculated based on this single family home trip generation rate. Furthermore, this assumption appears at least potentially at odds with the comments by CalTrans, on the NOP, that the Project has the potential to generate in excess of 30,000 daily vehicle trips. It also contradicts the experience of the City of Fresno, which has observed that most or many homeowners in this age group commute to work daily, if only to afford their mortgages. The EIR's traffic analysis should be revised to reflect current societal conditions, under which great numbers of active adults over the age of 55 – particularly in suburban developments like the proposed Friant Ranch Project – have driving patterns similar to the general population.

Appendix D identifies Friant Road and Willow Avenue as the major routes providing access to the Project site. Yet the EIR identifies multiple road segments and intersections on both Friant Road and Willow Avenue as operating at unacceptable levels of service either now or by 2030. Furthermore, the EIR concludes that no mitigation can feasibly result in either of these two major access routes operating at acceptable levels of service. Yet the EIR's traffic analysis concludes that development under the Friant Ranch Specific Plan, on property served by these two unacceptably impeded roadways will have absolutely "no impact" to emergency services access. The EIR, as a document providing environmental analysis of a project to create a new community containing nearly 3,000 residences for active adults (age 55+), must explain how it determines that access for necessary medical services will not be significantly affected by the unacceptable traffic conditions on Friant Road and Willow Avenue.

The City of Fresno does not agree that the Average Daily Traffic (ADT) volumes will decrease due to trip chaining of a remote development. The model is showing that 75% of the proposed project traffic will be directed to the City of Fresno. While the percentage might not change the total amount of the project traffic based on the trip generation may change drastically and have significant impacts. We agree that the total average daily trips (ADT) at the entrance to this subdivision might be less based on the distance it is from the attractions, however I would argue that the Vehicle Miles

Traveled (VMT) per trip would be substantially higher than a typical trip in the Fresno COG model for the City of Fresno due to its remote location and this could greatly affect air quality emissions in a region that is already not meeting air quality standards.

In addition the City of Fresno has never approved a pass-by trip reduction of more than 15%, which is consistent with the Caltrans Traffic Impact Study Guidelines. This would assume that the adjacent roadway facility traffic volumes could support this amount of reduction (which was not discussed in the traffic impact study) and that the proposed commercial land uses would be of convenience that would support a pass-by reduction.

Table 4.1 of Appendix D identifies a number of study intersections as operating acceptably under existing conditions. However field observations by the City of Fresno's Traffic Engineer confirm that these intersections are not operating acceptably due to long queues, demand exceeding capacity, traffic signal cycle length, and unserved demand. Many of these intersections operate at unacceptable levels for multiple hours and periods of the day. The "black box" analysis approach, utilized in the preparation of Appendix D, of merely counting the traffic volume that makes it through the intersection, is inadequate. The analysis must include identifying the demand and calculating the saturation flow rates due to ramp metering, blocked through lanes due to queues that exceed turn pockets, through lane queues that block both left and right-turn pockets, upstream queues that do not accept through traffic, and lane utilization. This requires peak hour field observations and documentation by a qualified professional engineer. Failure to perform this level of analysis appears to have grossly underestimated the impacts of the proposed project, and concealed the true level of service, demand, or capacity of the roadway. Some of the study intersections are misrepresented by 1-4 level of service grades. The entire TIS needs to be redone to actually reflect the existing conditions experienced in the field. Until this analysis is corrected the entire documentation and analysis in the TIS and DEIR is baseless and lacking in evidentiary support.

The City of Fresno's preliminary review indicates that the following intersections are inaccurately analyzed in the EIR, and as a result affect all the analysis through the environment document as this is the base condition from which all impacts are determined, evaluated, and mitigated:

1. Friant/Shepherd (queues and capacity affected by ramp metering which serves between 1,500-1,900 vehicles per hour, in addition westbound left-turns are not fully served and northbound right-turn queues exceed capacity)
2. Friant/Audubon (queues and capacity affected by ramp metering which serves between 1,500-1,900 vehicles per hour)
3. Friant/Fresno (queues and capacity affected by ramp metering which serves between 1,500-1,900 vehicles per hour)
4. Friant/SR 41 NB off ramp (queues and capacity affected by ramp metering which serves between 1,500-1,900 vehicles per hour)
5. Friant/SR 41 SB off-ramp (adjacent queues and lane utilization affect this intersection)

6. Blackstone/Nees (SR 41 southbound on-ramp backs up into this intersection due to ramp metering. Northbound through lanes, Westbound left-turns, southbound U-turns/left-turns, and eastbound right turns all are impacted due to ramp metering)
7. Herndon/Blackstone (City of Fresno has identified the WB right-turn needs to be extended by over 300 feet and become an overlap phase yet the TIS suggests that the queue is only 90 feet. This capital improvement grant application was ranked highly by the regional review panel as most people in the Fresno region are aware of the regular congestion at this intersection)
8. Fresno/Nees (due to queues and delays on Friant many northeast commuters have shifted to Nees Avenue to access the southbound SR 41 on-ramp)
9. Audubon/Nees (needs to be signalized and synchronized with both Palm/Nees and Nees/Ingram)
10. Palm/Nees (adjacent queues from intersections affect intersection operations)
11. Palm/Herndon (intersection capacity exceeds demand. City of Fresno recently installed southbound right-turn overlap phasing as queues extend north to adjacent intersection)
12. Willow/Herndon (City of Clovis just widened intersection because of level of service operations)
13. Willow/Bullard (a capital project is already identified by both the City of Clovis and City of Fresno for unacceptable levels of service for which the traffic consultant that prepared the TIS bid on the design work)
14. Herndon/SR 41 NB off ramp (queues on the northbound off-ramp routinely back up to Sierra and Bullard Avenue on the SR 99 mainline in addition queues from Herndon/Blackstone and Herndon/Fresno block capacity)
15. Herndon/SR 41 SB off ramp (Intersection is routinely blocked by queues from Herndon/Blackstone and Herndon/Fresno)

Additional problems with the TIS include the queuing analysis from the software program Output, utilized in preparation of Appendix D. That analysis does not reflect existing conditions during the peak hours/periods in the field. These queues need to be measured in the field to verify that the analysis is done correctly. Queues affect lane utilization, accessibility of turn pockets, saturation of through lanes, and downstream and upstream intersection operations. Some of the worst congestion in the City of Fresno occurs on the intersections and roadway segments analyzed within this DEIR/TIS due to the imbalance of land uses in northeast Fresno. The Friant Ranch proposed project is adding more residential that already exists in northeast Fresno.

Section 4.3 of the TIS, concerning Existing Bicycle and Pedestrian Facilities, also contains errors. Willow Avenue from Shepherd to Friant Road in the County does not have Type II Bike Lanes as

defined by the Caltrans Highway Design Manual. They need all of the following to qualify: stripe at the appropriate width, bike lane stencil, bike lane regulatory sign, and no parking signs.

With regard to Table 4.3 of the TIS, how can roadway segments operate worse than intersection level of service? When roadway segments are at capacity the intersections (or nodes) become the capacity constraint.

The TIS fails to account for the shift in traffic to adjacent facilities caused by the queues and level of service on Friant Road. Motorists will find the path of least resistance such as Audubon Drive (between Friant Road and Nees Avenue), Nees Avenue, and Herndon Avenue that are not reflected in the model because multiple travel time runs and field observations need to be completed to determine the path of least resistance.

Roundabouts have been identified to calm traffic on Audubon Drive between Friant and Nees as a result of the traffic shift and queues in a number of traffic impact studies in northeast Fresno for large developments. This was not reflected as part of this DEIR/TIS. Contribution to these roundabouts should be included in these environmental documentations as this project further exacerbates Friant Road.

On page 22 of the TIS, Shepherd Avenue/Willow Avenue traffic signal has already been constructed. The traffic consultants for this TIS prepared the design for this traffic signal and were aware of the construction timing and completion.

On page 22 of the TIS, Herndon Avenue does not have bike lanes. It is designated as an Expressway from SR 99 to Willow Avenue in the City of Fresno General Plan.

Rural level of service roadway segment thresholds should not be used for 4 lane divided roadways like Friant Road from Copper to the Town of Friant. When 3,000 homes are added and a 4 lane roadway is constructed it becomes more suburban (urban) setting and not a rural. Failure to correctly evaluate thresholds underestimates the existing conditions and impacts from the proposed project. The entire TIS needs to be redone correctly so that the existing conditions actually reflect the existing conditions experienced in the field so that the proposed project impacts can be evaluated, determined, and mitigated.

The City of Fresno does not agree with the methodology for determining how many lanes would be required if the roadways could be more than 6 lanes or that the capacity of a single lane is 742 vehicles per lane. This analysis does not adequately address the further exacerbation of infrastructure created by the proposed project.

The EIR's transportation and traffic impacts chapter, based on the TIS, is also riddled with errors. The County of Fresno has already identified the Friant Road as a dangerous roadway with fatality/accident billboards and the capital improvement project to widen a LOS A, two lane roadway to a LOS A, 4 lane roadway separated by a median prior to it experiencing capacity deficiency. Fatal accidents were associated with passing, high speeds, and driving under the influence. Adding more traffic to Friant Road without adequately addressing all the safety issues of Friant Road from



Millerton Lake to the City of Fresno could cause more accidents. Friant Road should have a barrier in the median to keep motorists under the influence from hitting on-coming motorists.

In addition, a Class 1 Trail may need to be constructed adjacent/parallel to Friant Road from the City of Fresno to Friant Ranch to allow cyclists a separation from the increased traffic volumes. The City of Fresno is concerned about the safety of the cyclist community on Friant Road. This is a main recreation route for many City of Fresno residents. The roadway was recently widened to improve safety of existing traffic, but that project did not anticipate this growth to occur outside of the urban metropolitan areas. More vehicles could cause more conflicts with cyclists that use this route as a major recreation area.

Due to the Friant Road 4 lane widening project, traffic volumes on Friant Road are now driving faster than ever before. Fresno Police Department enforces these speeds regularly within the City of Fresno city limits but both County Sheriff Departments and the California Highway Patrol have funding and resource constraints on their ability to adequately serve and protect a new suburban area in northeast Fresno. The traffic impact study does not address the 85th percentile with respect to the posted speed limit of Friant Road. In addition, the speed differential of traffic on Friant Road north of Copper River and south of Shepherd (back of completely stopped vehicles due to ramp metering) has not been adequately addressed. A series of three overhead changeable message signs should be installed southbound between Willow Avenue and Shepherd Avenue (connected to the City of Fresno ITS system) to notify motorists of stopped traffic ahead. Sensors should be constructed between SR 41 and Copper Avenue to determine the flow of traffic and when stopped traffic occurs so that the Changeable Message Signs can automatically notify motorists.

The County of Madera is currently considering whether to approve two mining operations, the Jackson Mine and the 145/41 Vulcan Mine operation. We understand that both of these mining operations intend to utilize portions of Friant road as truck routes. Truck traffic and mining operations have a significant impact on our circulation infrastructure. Eighty percent of wear and tear damage to roadways is caused by heavy truck traffic, so when the percentage of truck traffic increases on a roadway the failure of the roadway infrastructure occurs faster. Friant Road has failed in the #3 and #2 outside lane because of truck traffic from County Vulcan mine near Copper River/Friant Road. It is our understanding that the County of Fresno failed to collect mitigation for the continued mining operation extension permit for maintenance of Friant Road per the request of the City of Fresno. Furthermore, the EIR does not make clear which of the cumulative projects, discussed in the EIR's cumulative impacts analysis, were or were not included in the EIR's discussion of cumulative traffic impacts. It is not clear whether either of these proposed mining operations in Madera County were included to determine the cumulative traffic impacts caused by this project.

Another significant impact of the Friant Ranch project is the "temporary" (10-30 years) of construction traffic to build out Friant Ranch. The City of Fresno does not have adequate maintenance resources to mitigate the impacts of Friant Ranch construction traffic.

The discussion of mitigation in the EIR is also inadequate. While payment consistent with the policies and nexus study of the City of Fresno Traffic Signal Mitigation Impact (TSMI) fee and Fresno Major Street Impact (FMSI) fee may help to mitigate some of the impacts of the Friant

Ranch, this proposed project was not assumed as part of the modeling for those impact fees. The Friant Ranch project could be further exacerbating conditions for which those impact fees are intended to mitigate. The Friant Ranch project could consume reserve capacity for projects within the City of Fresno that are not fully built out but were assumed to be built out with the impact fee programs. Unfortunately the analysis provided in the existing conditions and subsequent phasing does not represent the field conditions so the City of Fresno is not able to determine the impacts and necessary mitigation measures.

The County of Fresno does not have an impact fee program for traffic signals or roadway improvements. Payment of pro-rata fair share is not consistent with CEQA to fully mitigate the impacts of the Friant Ranch project. CEQA requires that the mitigation project be included in a Capital Improvement Plan and be fully funded or an impact fee be developed consistent with the Mitigation Fee Act so that the mitigation project can be implemented. Until the details of a mitigation fee program can be finalized between the County and all other public agencies with jurisdiction over potentially affected roadway infrastructure, the mitigation measures in the EIR may be unenforceable and therefore invalid.

The EIR states that, where an intersection or roadway segment is identified as operating at an unacceptable level of service but the EIR provides no mitigation for the Project's contribution to that unacceptable level of service, the Project's contribution has been "deemed" not significant or cumulatively considerable. The EIR cannot "deem" Project impacts insignificant simply by refusing to discuss them. Where the Project would result in a significant transportation/traffic impact, or would contribute to a significant transportation/traffic impact, the EIR needs to explain, and support with substantial evidence, any conclusion that the Project's contribution is less than significant or less than cumulatively considerable.

The EIR also fails to address the NOP comments of the Public Utilities Commission, that the Project will create and/or contribute along with other cumulative development in Fresno and Madera Counties, to traffic impacts at at-grade rail crossings. The EIR needs to be revised to disclose the Project's impacts in this area, to determine their significance, and to provide mitigation for any significant Project-specific or cumulative impacts to at-grade rail crossings.

The EIR's mitigation measure requiring that "information regarding alternative transportation such as ridesharing and mass transportation" is likely to be ineffective, since the Project does not include infrastructure for park and ride facilities, mass transit facilities, or other transportation services.

The City has also identified additional infrastructure which may require improvement due in part or in whole to the proposed Project. The intersection of Willow/Friant will definitely need improvements due to the high speed traffic, ability of motorists to judge gap acceptance, and available gaps in traffic.

Friant Ranch may also be required to fund or contribute to a second San Joaquin River Crossing be constructed or at a minimum an implementation and funding program developed so that Friant Ranch contributes to the construction of the new bridge. The County Board of Supervisors shall be on board with the San Joaquin River Crossing project and implementing that project and fee

program prior to development in this area of the County to facilitate access to this region. Failure to do so would create a significant and unavoidable impact to the region.

The TIS/DEIR does not adequately address the existing capacity or substandard design of the existing bridge crossing near Friant Ranch over the San Joaquin River.

Friant Ranch may be required to pay the Measure C Regional Transportation Mitigation Fee (RTMF) through the Joint Powers Authority that will be put in place January 2010. Failure to contribute to the RTMF will cause significant and unavoidable impacts to the Measure C program for which this project is relying on to construct infrastructure to mitigate impacts. However, the timing of those assumed mitigation improvements are not consistently identified.

Since this proposed project will be utilizing the Friant Road/SR 41 interchange the southbound on-ramp auxiliary lane will need to be constructed from Friant Road to Herndon Avenue interchanges. Friant Road/SR 41 interchange was designed without knowledge of the Friant Ranch project and its associated traffic volumes. This project further exacerbates the need for the auxiliary lane. Payment of the pro-rata Caltrans fair share does not fully mitigate the impacts of Friant Ranch because the improvement is not constructed and there is not an implementation plan or identified funding to construct the project. Failure to construct these freeway improvements will result in a significant and unavoidable impact that is not acceptable to the City of Fresno.

Additionally, since this proposed project will be utilizing Friant Road/SR 41 interchange and the motorists have to either exit Herndon Avenue/SR41 interchange (or shift existing traffic to the Herndon Avenue/SR 41 interchange from the Friant Road/SR 41 interchange due to exacerbating the impacts of Friant Road) or else drive past the Herndon/SR 41 interchange of the SR 41 mainline, the northbound off-ramp at Herndon/SR 41 will need an auxiliary lane constructed from Sierra to Herndon along with off-ramp widening (to dual lefts and dual rights) to keep three through lanes on Northbound SR 41 operational for sprawl traffic to Friant/SR 41 interchange and Madera County from rear-ending motorists on SR 41 exiting Herndon Avenue. Observation of tire marks on the freeway suggests a lot of rear end accidents at high speeds under existing conditions, which will be exacerbated by the Project. Failure to construct these freeway improvements will result in a significant and unavoidable impact that is not acceptable to the City of Fresno.

Finally, these and other faults of the EIR's transportation and traffic section contaminate the rest of the EIR, resulting in an underestimation of the impacts of the Project in other areas. The Project will significantly increase the Vehicle Miles Travelled (VMT) for an existing single family home assumed in the Fresno Council of Government model for air quality conformity. Fresno County and the San Joaquin Valley are already in non attainment. In addition, an increase in VMT has a negative impact on the consumption of fossil fuels. This proposed project will not be served by alternative models of transportation such as transit. The proposed density would not make serving this project economically feasible for a region that is attempting to become more sustainable both fiscally and environmentally. In actuality single family homes at this density and at this remote location are not economically feasible to serve public safety, public infrastructure maintenance, or with public services.

The County is proposing a development outside an incorporated or sphere of influence area that does not have fee programs in place that may cause future sprawl or expansion of our current City of Fresno sphere of influence similar to Copper River Ranch. Until the County of Fresno develops policies on sprawl and new town development or expansions consistent with SB 375 and AB 32 any approval of projects of this magnitude is a significant and unavoidable impact.

The County developing this project to County standards could cause ADA issues without sidewalks on both sides of residential streets. Seniors have a higher tendency to need ADA infrastructure. How will ADA seniors be served by para transit?

The widening of Friant Road to four lanes has now become a sprawl inducing transportation capital improvement project when it was originally identified as a safety project. Without the widening of Friant Ranch to four lanes, this proposed project would not be economically feasible.

### **Chapter 3.14 Utilities and Service Systems**

The water supply analysis does not satisfy the CEQA standards under Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova. Under Vineyard, the CEQA analysis must show a reasonable likelihood of adequate water being available to meet the Project and cumulative demand in the short-term and long-term. As the EIR acknowledges, there are significant uncertainties regarding the ultimate provision of water to serve the Project including: no water source currently available to serve the project; water is anticipated to be provided through an "agreement in principle" with LTRID involving Central Valley Project (CVP) water which has not been finalized and is subject to approval by the federal government; numerous lawsuits and settlements involving water rights and usage in the area; the need for LTRID to allocate other sources of water for existing agricultural users to replace the water transferred to meet Project demand; and impacts from global warming. Additional uncertainties which the EIR does not discuss include the recently announced reductions in CVP allocations for 2010 and the series of legislative bills passed this fall by the State Legislature which include a bond measure requiring voter approval. In light of all these uncertainties, Vineyard requires that the EIR analyze alternative sources of water and the impacts of obtaining these sources. The EIR does not contain this analysis. Also, since the proposed LTRID Agreement may terminate in the future, the EIR should analyze the impacts of curtailment of the Project after it has been partially built out as required under Vineyard.

The EIR does not analyze the environmental impacts of the water facilities needed to serve the Project. These facilities include the expansion of WWD 18 water treatment plant and other water system facilities. These are not included in the Project description and are not specifically analyzed in the EIR.

The EIR does not adequately analyze the impacts of the proposed water transfer on the LTRID and its water users. There is no adequate description or graphic depiction of the location or size of the LTRID, nor any information on its total water supplies and current water uses. The EIR should specifically identify the customers and crops that will be deprived of the 2,000 AFY that the project proposes to divert to the Friant area. The EIR must analyze the impacts that the diversion of this water supply will have on the LTRID service area. If the EIR is relying upon the impact analysis in a certified environmental document prepared for the transfer of replacement water to the farmland

located in LTRID, the analysis in the CEQA document must be summarized and the document incorporated by reference in this EIR. The EIR fails to comply with these requirements.

The EIR should analyze the impacts of LTRID's use pre-1914 water in critical dry periods to meet demand. Although the Water Supply Assessment identifies the shortfall and LTRID's need to use this water to meet the demand, the EIR does not analyze the associated environmental impacts. The EIR also does not analyze the regulations governing CVP water transfers, or use of this pre-1914 water. It is the City's understanding that the California Department of Water Resources has not yet obtained the detailed surface water user data to ascertain whether all surface water rights previously deemed "pre-1914" are, in fact, legitimate. The requirement for water used to report this date will begin next year, under provisions of SB7X 8. Until the status of "pre-1914" water rights are evaluated and affirmed after these surveys are done, it is too early to declare that LTRID's water transfers to the Friant Ranch Project can be made up by that surface water supply. Since this DEIR was released just prior to enactment of the SB7X 1, SB7X 2, SB7X 3, SB7 X 7 or SB7X 8 package of water reform legislation and since this legislation has such a significant impact on the projects proposed hydrology, re-analysis of the project under these new regulations, and recirculation of the DEIR, is warranted.

The EIR's discussion of water supply impacts "conservatively" declines to adjust water use forecasts due to an assumption that residences in the Friant Ranch Specific Plan Area will have lower-than average occupancy rates. By contrast, however, the EIR's discussion of wastewater treatment impacts does not adopt this "conservative" assumption, and instead assumes that active adult housing in the Specific Plan area will produce lower than average demand for wastewater treatment. What is the substantial evidence upon which the EIR bases its decision to adopt these two, mutually inconsistent assumptions. In light of this inconsistency, the EIR needs to re-evaluate anticipated wastewater treatment demands created by the Project, and if necessary revise the Project to provide adequate wastewater treatment capacity.

The EIR indicates that PG&E has stated that it has a sufficient power supply to serve the Project. Since it is commonly known that overall population growth and development in California and the San Joaquin Valley will lead to future power shortfalls unless there are major gains in energy conservation and alternative energy development, the EIR cannot simply rely on PG&E's purported statement, but must reconcile that assurance with the long-term energy supply outlook for the state and region, and needs to provide mitigation in the form of higher standards for conservation and alternative energy programs, built into every component of the Project.

Since the Project includes a Specific Plan which is being examined at a project-specific level, the EIR needs to identify the routes of major electrical and gas transmission lines and distribution substations serving the Friant Ranch development. The EIR further needs to evaluate the impacts of transmission line construction, maintenance and operation on the Project site and other lands traversed by these lines (vegetation removal, erosion, fire hazards, EMF, etc.) The EIR cannot defer or segregate this vital component of the proposed Project for later design and evaluation.

### **Chapter 3.15 Greenhouse Gas Emissions and Global Climate Change**

The discussion of the Regulatory Environmental is completely inadequate. There is no discussion of numerous laws and regulations on greenhouse gas (GHG) impacts and analysis including: (1) the

latest state CEQA Guidelines amendments on greenhouse gas analysis before the State Resources Agency for adoption which are expected to be in effect January 2010. The greenhouse gas analysis should comply with these CEQA Guidelines; (2) the proposed regulations of the San Joaquin Valley Air Pollution Control District on addressing and mitigating GHG impacts from development. SJVAPCD has been developing these regulations for over a year and they are expected to be adopted shortly. The regulations include guidance on how to address GHG impacts under CEQA.; (3) the AB 32 Scoping Plan which includes reductions from land use development; (4) SB 375 which requires the adoption of regional targets for GHG reductions from land use and transportation and the development of regional plans to achieve these reduction targets; (5) information developed by the State Attorney General's Office on the analysis and mitigation of GHG emissions under CEQA; and (5) the recent determination by the US Environmental Protection Agency that CO<sub>2</sub> threatens public health and the environment due to its impacts on climate change. The EIR should discuss these important regulatory developments and apply these regulations and guidance in its analysis of GHGs.

The EIR should quantify the GHG emissions from all construction and operational activities of the Project, including the construction and operation of the new wastewater treatment plant and the expansion of the water treatment plant. Methodologies for quantification from all the Project uses are known and should be used, so that the full amount of emissions from the Project is disclosed. The EIR's estimated Project GHG emissions only focus on a narrow part of the Project and greatly understate the Project's emissions.

Since the EIR concludes that the impact from GHG emissions is significant and unavoidable, it needs to evaluate and consider all feasible mitigation measures to reduce the impacts. The Plan policies and so-called mitigation measures included in the EIR to potentially reduce GHG are too general. The policies and programs are mostly to "support", "encourage" and "promote" certain actions, which are not requirements. Also, there is no evidence and analysis to show that the measures, if implemented, will actually reduce GHG emissions and, if so, by how much. The EIR should evaluate the feasibility of the Best Performance Standards proposed by the SJVAPCD as part of its Report for Addressing Greenhouse Gas Emissions Under CEQA ( See [http://www.valleyair.org/Programs/CCAP/11-05-09/1\\_CCAP\\_FINAL\\_CEQA\\_GHG\\_Draft\\_Staff\\_Report\\_Nov\\_05\\_2009.pdf](http://www.valleyair.org/Programs/CCAP/11-05-09/1_CCAP_FINAL_CEQA_GHG_Draft_Staff_Report_Nov_05_2009.pdf) ) and the mitigations recommended by the Attorney General's Office to address GHG emissions under CEQA ( See [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)).

The EIR should analyze and reach a conclusion on the significance of the impacts of global warming on the Project for other issues besides water. The EIR should analyze the potential global warming impacts due to flooding and increased temperature (especially as it relates to increasing the likelihood of violations of air quality standards).

Even though the EIR finds that the impact on greenhouse gases is significant and unavoidable, it should establish a significance threshold on which to base this determination. Under the proposed SJVAPCD Guidance, the recommended standard of significance is a 29% reduction.

#### Chapter 4 Evaluation of Alternatives

The EIR does not discuss an adequate or reasonable range of alternatives. Aside from the statutorily required No Project Alternative, the EIR only evaluates three alternative configurations of development under the Friant Ranch Specific Plan. These three "alternatives" are so similar as to not represent a reasonable range. The EIR admits that "[t]he North, East, and Northeast Development Configuration Alternatives are similar in terms of their level of impact."

The EIR's rejection of analysis of an off-site alternative is entirely self-serving and circular. The EIR bases its decision not to evaluate an off-site alternative primarily on the purpose of the Project to create "a master-planned active adult community" that is "within or immediately adjacent to the Friant Community." This "purpose" describes the proposed Project precisely, and so admits of no meaningful alternative. That is not acceptable under CEQA. An EIR may not reject consideration of off-site alternatives simply because they would not be identical to the proposed Project. The EIR is required to look at a range of reasonable alternatives to achieve the objectives of the Project while lessening its impacts, and so needs to broaden its range of alternatives to consider (1) other potential Project's to "revitalize" the existing Friant Community with fewer environmental impacts than the creation of a vast new residential development in the Specific Plan Area and (2) other potential locations for master-planned active adult communities in the County or neighboring counties, or in established urban areas of the County, which would have fewer impacts than the proposed Project.

Additionally, the EIR should discuss a variation on the No Project Alternative, under which the "programmatic" changes proposed for the Community Plan and the Redevelopment Plan would occur, but the "project-level" activities in the Specific Plan Area and the Depot Parcel would not occur.

Finally, it does not appear that the EIR discusses any alternative for development of the Depot Parcel as a shopping center. In light of the existing vacant commercial and retail space in the Friant Community, the EIR should evaluate other potential uses for the site that would have fewer environmental impacts and would not potentially contribute to blight in the existing Friant Community by drawing away commerce.

#### Chapter 5 Cumulative Impacts

The list of cumulative projects is inadequate. It fails to include past general plan amendments for projects on the east side of the Friant-Kern Canal, Madera County projects across the San Joaquin River north of Friant, and the Blasingame project proposal to the south of the Project. Among relevant cumulative projects which are improperly not included in the EIR's cumulative analysis are (1) commercial developments, already approved but not yet constructed, at Freeway 41 and Friant Road; (2) the 40-acre retail commercial project located at the corner of Friant and Audubon; (3) the proposed Jackson Baker Mining Quarry in Madera County; and (4) the proposed Vulcan mining quarry in Madera County.

Overall, the cumulative analysis is inconsistent with CEQA requirements and vastly understates the significant cumulative impacts of the Project. The analysis is flawed in two important respects: (1) it

improperly concludes, without any further analysis, that just because the Project level impact is reduced to less than significant, the Project's impact is less than cumulative considerable. CEQA law is clear that whether a Project's cumulative impact is significant (i.e., cumulative considerable) cannot be determined based on the mitigation of Project level impacts; and (2) the EIR improperly finds that the Project contribution is less than cumulative considerable if the Project impact is a small percentage of a large problem (ex. Project impact on "only 2 acres" of vernal pools as less than cumulatively considerable because small amount compared to overall number of vernal pools impacted by cumulative development). This use of the "ratio" rule has been firmly rejected by CEQA case law (see Kings County Farm Bureau v. City of Hanford). Contrary to the EIR analysis, the bigger the cumulative impact is, the smaller the Project contribution that should be considered significant. These flaws are especially prominent in the analysis of biological impacts where the impacts on vernal pools, CTS and its habitat, and riparian and special status species habitat are found less than cumulatively considerable because Project impacts are mitigated and there still remains a "significant amount" of these resources in County even after project impacts. The majority of the Project's impacts on biological resources should be found cumulatively considerable.

Since the Project's impact on **agricultural resources** is cumulatively considerable, there must be mitigation analyzed and adopted to address this significant impact (see discussion of mitigation of agricultural impacts above).

The Project's significant conflicts with **land use** and other policies create a cumulatively considerable impact. As discussed above, the Project violates the fundamental policies that guide County and city planning, including directing urban development to cities or within existing developed unincorporated area, preserving agricultural land, directing development to areas with public services in place, and protecting environmental resources.

The EIR's analysis of cumulative **air quality impacts** is severely inadequate under CEQA. The analysis does not distinguish among types of air quality impacts (e.g., emissions impacts, ambient or concentration impacts, odor impacts, etc.) The analysis furthermore fails to provide quantified data, or even to qualitatively describe the future cumulative air quality conditions to which the Project will make a cumulatively considerable contribution, or present any information on the relative size of the Project's contribution. The discussion is also entirely lacking in any mention of mitigation for the Project's cumulatively considerable contribution to this significant cumulative impact. The discussion of cumulative air quality impacts must be fundamentally revised, made more detailed, and expanded.

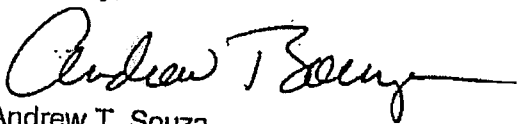
The EIR's Project-specific analysis of **population and housing impacts** used a threshold under which impacts are significant if a Project would "induce substantial population growth in an area, either directly . . . or indirectly." Under this standard, the EIR identifies a significant and unavoidable Project-specific population and housing impact. However, the EIR's treatment of cumulative population and housing impacts is entirely inconsistent with its treatment of Project-specific impacts. The EIR's cumulative analysis inexplicably abandons the standards used in the Project-specific analysis, and purports to recognize cumulative impacts only if they result from *unplanned* growth. By this sleight of hand, the EIR reaches the unsupportable and absurd conclusion that the Project, which even by itself would have a significant and unavoidable population and housing impact, and which would clearly contribute along with other cumulative projects to "substantial population



growth," would somehow not contribute to a significant cumulative population and housing impact. This conclusion is clearly irrational and unsupported. The EIR must be revised to recognize that the Project, in addition to resulting in significant Project-specific population and housing impacts, will additionally make a cumulatively considerable contribution to significant cumulative population and housing impacts.

The discussion of cumulative **utilities/service systems** impacts appears to conclude that the Project will not contribute to significant cumulative surface water demand impacts, simply because the Project applicant claims to have obtained adequate surface water supplies for the Project through 2030. That conclusion is incorrect under CEQA, under which a Project may make a cumulatively considerable contribution to a significant cumulative impact even if it has a less than significant Project-specific impact. Furthermore, the EIR's implied conclusion that there is no significant cumulative water supply problem to which the Project would contribute is contradicted by the EIR's own (too brief) discussion of the West's finite water supply, which will likely be drastically reduced by factors including climate change. The EIR's discussion, which is entirely lacking in data about cumulative surface water supply impacts, and which fails to account for the Project's share in compounding those impacts, is completely inadequate under CEQA. The EIR does not contain an analysis of the Project's contribution to the significant cumulative water impact in the region. The EIR analysis is a Project level analysis based on the Water Supply Assessment. The Project requires the reallocation of water from existing users. The EIR does not analyze how the water demand for the cumulative development in the area will be met. Given the existing water crisis and the lack of new supplies, the Project's demand should be found cumulatively considerable.

Sincerely,



Andrew T. Souza  
City Manager

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE ORDINANCE  
CODE OF THE COUNTY OF FRESNO BY ADDING SECTIONS 840.B THROUGH 840.B (h)  
REGARDING THE FRIANT RANCH ZONING REGULATIONS, CONTAINING SPECIFIC  
ZONING DISTRICTS FOR THE FRIANT RANCH SPECIFIC PLAN AREA;

The Board of Supervisors of the County of Fresno ordains as follows:

Section 1: The Ordinance Code of the County of Fresno is hereby amended by  
adding Section of 840.B through 840.B (h), pertaining to Amendment to Text No. 363 thereof to  
read as set forth in Exhibit "1" attached hereto and incorporated herein by reference.

Section 2: This Ordinance shall take effect and be in force thirty (30) days from and  
after its passage.

THE FOREGOING ORDINANCE was passed and adopted by the following vote of the  
Board of Supervisors of the County of Fresno this 1<sup>st</sup> day of February 2011, to-wit:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
CHAIR, Board of Supervisors  
Fresno County, California

ATTEST:  
BERNICE SEIDEL  
Clerk to the Board of Supervisors

By: \_\_\_\_\_, Deputy

# EXHIBIT 1

## SECTION 840.B

### FRIANT RANCH ZONING REGULATIONS

#### Section 840.B(a).1 - INTENT AND PURPOSE

The purpose and intent of the Friant Ranch Zoning Regulations are to classify and regulate the highest and best use of buildings, structures and land located in the adopted Friant Ranch Specific Plan Area of the County of Fresno in a manner consistent with the Friant Ranch Specific Plan and the Fresno County General Plan and all applicable state and federal laws, including but not limited to the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., Housing for Older Persons Act, 42 U.S.C. § 3607(b), Americans With Disabilities Act, 42 U.S.C. §§ 12202 et seq., Fair Employment and Housing Act, Government Code § 12900 et seq., and the Unruh Civil Rights Act, Civil Code, § 51. The Friant Ranch Zoning Standards are created to facilitate the development of a master planned active adult (ages 55 plus age restriction) community consistent with the Friant Ranch Specific Plan and all provisions of the aforementioned state and federal laws. The land use regulations and development standards contained in these Regulations shall apply only to development within the adopted Friant Ranch Specific Plan Area. Where this document is silent, then the standards and provisions contained in the Division VI, of the Fresno County Zoning Ordinance shall apply.

#### SECTION 840.B(a).2 - ESTABLISHMENT OF THE FRIANT RANCH ZONING DISTRICTS AND REGULATIONS APPLICABLE THEREIN

For the purpose related to the orderly development of the Friant Ranch Specific Plan Area in the County of Fresno and in order to carry out the provisions of this Division, the Friant Ranch Specific Plan area is hereby divided into the following zoning districts.

SECTION	SYMBOL	DISTRICT NAME
840.B(b)	"FR-R-1"	Friant Ranch Single-Family Residential District
840.B(c)	"FR-R-2"	Friant Ranch Two-Family Residential District
840.B(d)	"FR-S-L"	Friant Ranch Small-Lot Residential District
840.B(e)	"FR-R-C"	Friant Ranch Cluster Residential District
840.B(f)	"FR-R-3"	Friant Ranch Medium-Density Multiple-Family Residential District
840.B(g)	"FR-V-C"	Friant Ranch Mixed-Use Village Center District
840.B(h)	"FR-O-S"	Friant Ranch Open Space District

### SECTION 840.B(a).3 – DEFINITIONS

For the purpose of carrying out the intent of the Friant Ranch Specific Plan the construction and definitions of words, phrases, and terms used in the Friant Ranch Zoning Regulations shall be deemed to have the meaning ascribed to them as described in Section 803 of the Division VI, of the Fresno County Zoning Ordinance and the additional definitions as described below. If a word is not defined in this Section, or in other provisions of the Zoning Ordinance of the County of Fresno, the Director shall determine the appropriate meaning of words, phases, and terms used in the Friant Ranch Zoning Regulations.

Director. The word “Director” shall mean the Director of that Department charged with the responsibility of administering the Zoning Ordinance of the County of Fresno as defined in Section 803.1-I of the Fresno County Zoning Ordinance.

Life Work Residential Unit shall mean a building, part of a building, or structure designed and used for joint residential occupancy and commercial uses including retail and office uses, but not including hotels, motels, boarding or lodging houses, or trailers.

Mixed-Use shall mean a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial retail, retail service, office, residential, civic and institutional. The uses may be located vertically in the same building or horizontally in separate buildings.

Paseo shall mean a public or private open space area between buildings, designed with a pedestrian walkway.

Pocket Parks shall mean small passive landscaped areas oriented to the neighborhood surrounding them as an image element or character defining feature.

## SECTION 840.B(b)

### “FR-R-1” – FRIANT RANCH SINGLE-FAMILY RESIDENTIAL DISTRICT

The “FR-R-1” District is intended to provide for the development of single family residential homes within the Friant Ranch Specific Plan Area at urban standards on lots not less than six thousand (6,000) square feet in area, with not more than one (1) primary dwelling unit permitted on any lot. Second dwelling units, not more than one per lot, are also permitted subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance as described below in Section 840.B(b).2, of the Friant Ranch Zoning Regulations. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

#### Section 840.B(b).1 – USES PERMITTED

The following uses shall be permitted in the “FR-R-1” District subject to the Property Development Standards in Section 840.B(b).5 of the Friant Ranch Zoning Regulations and those in Section 855 of the Division VI, of the Fresno County Zoning Ordinance.

- A. One family dwelling unit, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garages and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 866-N of the Fresno County Zoning Ordinance.
- E. Signs, subject to the provisions of Section 840.B(b).5-K of the Friant Ranch Zoning Regulations.
- F. Low and moderate intensity parks, pocket parks and playgrounds including but not limited to; gardens, picnic facilities, paved trails and drives, private or public parks, pocket parks, open spaces and paseos, playground equipment, game playing areas, and park administration and service buildings and yards, restrooms facilities as defined in Section 855-N.21 of the Fresno County Zoning Ordinance.
- G. Private recreation buildings and facilities, pools, spas, club-houses, meeting rooms, craft rooms, and rental offices.
- H. Private roads and drives.
- I. Temporary tract offices and model homes, in the tract being developed.
- J. Until a change of use and development occurs consistent with the Friant Ranch Specific Plan, temporary agricultural uses such as grazing and crop farming
- K. Irrigation use/disposal with reclaimed water, treated effluent, water harvested from precipitation, and/or grey water within common landscaping areas, parks and parkways and agricultural lands

within the Friant Ranch area is a permitted use consistent with Title 22 of the California Code of Regulations, the Regional Water Quality Control Board, and the County of Fresno Water Efficient Landscape Standards, Title 13, Chapter 12 of the Fresno County Ordinance.

Section 840.B(b).2 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872 of the Fresno County Zoning Ordinance.

- A. Home Occupations, Class II, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N of the Division VI, Zoning Division of the Ordinance Code of the County of Fresno.
- B. Microwave relay structures.
- C. Second dwelling units, not more than one per lot, subject to the provisions of Section 855-N of the Division VI, of the Fresno County Zoning Ordinance.
- D. Temporary construction materials storage yards in the tract being developed.
- G. Yard setback reductions for energy conservation purposes on single lots, subject to the provisions of Section 855-N of the Division VI, Zoning Division of the Ordinance Code of the County of Fresno.
- E. Water pump stations.
- F. Rest home or day care for the elderly with only limited medical care not involving a physician residing on the premises of the home and no surgery or other similar activities are provided such as are customarily provided in hospitals.

Population Density – The population density standards of the district in which such a rest home facility is proposed shall apply. For this purpose the residential family and six (6) persons residing in such a facility shall be counted as one (1) family in determining the required lot area. The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

Section 840.B(b).3 – USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 853 of the Fresno County Zoning Ordinance.

- A. Civic and Social Clubs of 250 or fewer members.
- C. Electric distribution substations.
- D. Higher intensity private or public parks and recreation facilities with outdoor night lighting, general stores for use only by park users, marinas, and sauna/bath houses provided such uses are for recreation.
- E. Off-site subdivision signs, subject to the conditions of Section 840.B(b).5-K of the Friant Ranch Zoning Regulations.