



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@fresnocountyca.gov
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA March 28, 2019

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

1. **TENTATIVE TRACT MAP NO. 5430 – TIME EXTENSION** filed by **JEFFREY T. ROBERTS**, proposing to grant a two-year discretionary time extension to exercise Vesting Tentative Tract Map No. 5430, which authorizes the division of 179.57 acres into 561 residential lots in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) and R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone Districts. The subject property is located on the north side of Millerton Road between Winchell Cove Road and the Friant Kern Canal, within the Millerton New Town Specific Plan, approximately 1.8 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APNs 300-021-27S, 300-032-12S, 300-340-01S, 300-340-03S, 300-340-30S, 300-032-66S).

NOTE: The sole purpose of the public hearing is to address the time extension request.

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

2. **UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3549 – TIME EXTENSION** filed by **THE TERMO COMPANY**, proposing to grant the first one-year time extension to exercise Unclassified Conditional Use Permit No. 3549, which authorizes the drilling of up to three exploratory oil and natural gas wells and related production facilities on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the West Floral Avenue alignment, between Howard Avenue and South Goldenrod Avenue, approximately seven miles southwest of the unincorporated community of Raisin City (SUP. DIST. 4) (APN 041-020-21S).

NOTE: The sole purpose of the public hearing is to address the time extension request.

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)

2. **VARIANCE APPLICATION NO. 4058** filed by **BRIAN FINEGAN**, proposing to allow the creation of a 3.1-acre parcel, a 3.0-acre parcel, and a 2.7-acre parcel from an existing 8.80-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of Willow Bluff Road approximately three quarter-miles north of its intersection with Willow Avenue, and approximately one mile northeast of the nearest city limits of the City of Fresno (13152 Willow Bluff Road) (SUP. DIST. 5) (APN 300-070-33).

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included -Individual Noticing

3. **VARIANCE APPLICATION NO. 4061** filed by **LARRY ROMPAL**, proposing to waive the required six (6)-foot-high solid masonry wall (abutting residential zoning) to allow a six (6)-foot-high chain-link fence with privacy inserts on a 3.57-acre lot in the M-1(c) (Light Manufacturing, Conditional) Zone District. The subject parcel is located south of Dudley Avenue approximately 1,072 feet west of its nearest intersection with Marks Avenue, westerly adjacent to the city limits of the City of Fresno (SUP. DIST. 1) (APN 449-110-23).

-Contact person, Thomas Kobayashi (559) 600-4224, email: tkobayashi@fresnocountyca.gov

-Staff Report Included -Individual Noticing

4. **VARIANCE APPLICATION NO. 4036** filed by **ERVIN R. PRIETO**, proposing to create a 2.08-acre parcel, 10.25-acre parcel and a 5.25-acre parcel from an existing 17.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southwest corner of Academy Avenue and Dinuba Avenue, approximately 2,678 feet south of the city limits of the City of Parlier (SUP. DIST. 4) (APN 358-270-56 & 57).

-Contact person, Thomas Kobayashi (559) 600-4224, email: tkobayashi@fresnocountyca.gov

-Staff Report Included -Individual Noticing

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@fresnocountyca.gov, no later than the Monday preceding the meeting by 9:00 a.m.



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 March 28, 2019

SUBJECT: Vesting Tentative Tract Map No. 5430 - Time Extension

Grant a two-year discretionary time extension to exercise Vesting Tentative Tract Map No. 5430, which authorizes the division of 179.57 acres into 561 residential lots in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) and R-1-C(c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) Zone Districts.

LOCATION: The subject property is located on the north side of Millerton Road between Winchell Cove Road and the Friant-Kern Canal, within the Millerton New Town Specific Plan, approximately 1.8 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APNs 300-021-27S, 300-032-12S, 300-340-01S, 300-340-03S, 300-340-30S, 300-032-66S).

OWNER: 3b Development, LLC
APPLICANT: Jeffrey T. Roberts

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a two-year discretionary time extension for Vesting Tentative Tract Map No. 5430; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Subdivision Review Committee Report, Planning Commission Staff Report and Resolution dated July 17, 2008, and Board of Supervisors Report with minute action dated April 13, 2010.
5. Applicant's letter requesting a time extension

ENVIRONMENTAL DETERMINATION:

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

An Environmental Assessment (Initial Study No. 5409) was prepared for Vesting Tentative Tract Map No. 5430 under the provisions of CEQA, resulting in the determination that the previously-certified EIR and Addendum for the Millerton New Town Specific Plan remain adequate for the project. Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 24 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed six separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) which granted an automatic two-year time extension; d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25); and f) Map Act Section 66452.26 (approved 2018) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date according to Section 66452.25 of the Subdivision Map Act.

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

BACKGROUND INFORMATION:

On July 17, 2008, the Planning Commission approved Vesting Tentative Tract Map No. 5430, Classified Conditional Use Permit No. 3136 and Site Plan Review No. 7655, authorizing the development of a 179.57-acre planned residential development consisting of 561 single-family residences, ten out lots and a remainder lot. The item was appealed to the Board of Supervisors on August 1, 2008, and at its hearing of April 13, 2010, the Board denied the appeal and upheld the Planning Commission's approval.

Prior to staff's determination that the Tentative Map would expire on April 13, 2012, a series of legislative time extension were passed, approving automatic time extensions for the Tentative Map, resulting in a new expiration date of April 13, 2018. Subsequently, the first discretionary one-year time extension was approved by the Planning Commission on March 29, 2018. All automatic time extensions have been exhausted for the project. The subject request is to allow a two year discretionary time extension, pursuant to Map Act Section 66462.26 through the consideration of the Planning Commission. The Applicant filed the subject request on January 25, 2019.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5430 was originally approved on July 17, 2008 concurrently with Classified Conditional Use Permit (CUP) No. 3136 and Site Plan Review No. 7655 based on a determination that the required CUP findings could be made. Attached is a copy of the original Subdivision Review Committee Report and Staff Report with Planning Commission Resolution and Board of Supervisors Report. According to the Applicant, the subject request is necessary to allow additional time to work on surface water and infrastructure items (intersection designs, drainage facilities, and effluent disposal for the project).

The current time extension request was routed to the same agencies that reviewed the original project and previous time extensions. None of those agencies identified any change in

circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes this two-year discretionary time extension for Vesting Tentative Tract Map No. 5430 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to April 13, 2021.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the two-year discretionary time extension for Vesting Tentative Tract Map No. 5430; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

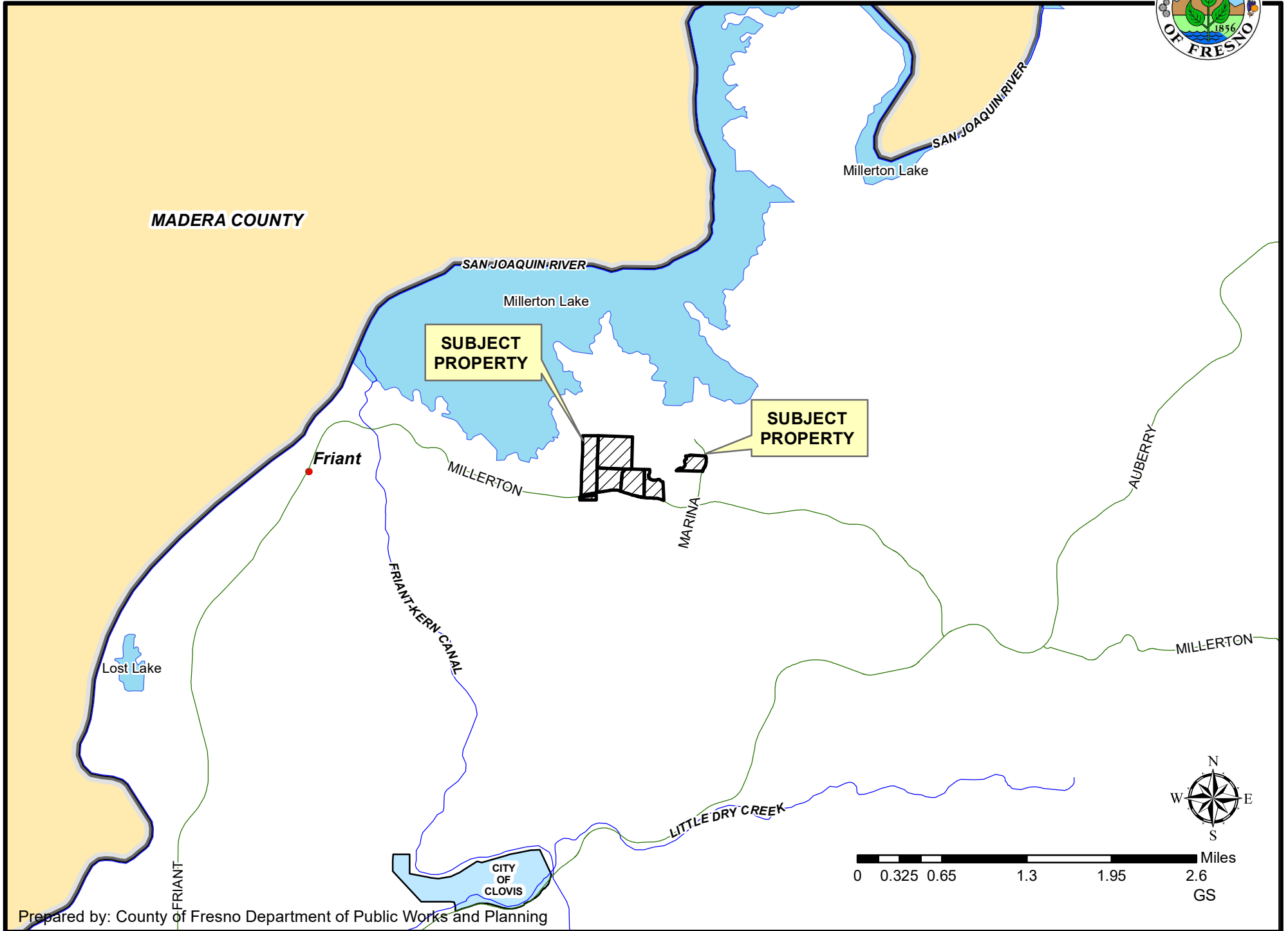
Alternative Motion (Denial Action)

- Move to deny the two-year discretionary time extension request for Vesting Tentative Tract Map No. 5430 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required in order to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

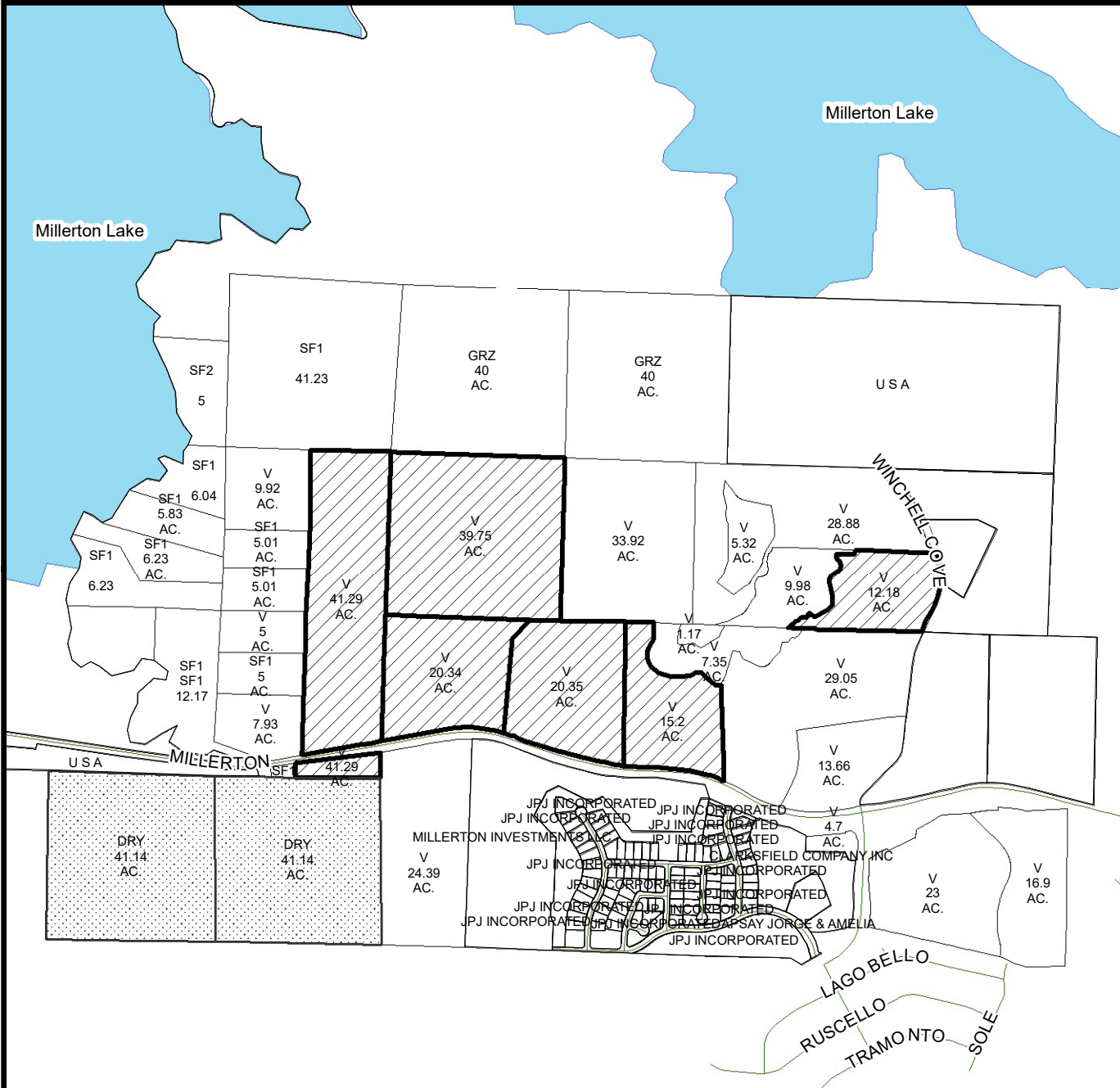
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LOCATION MAP

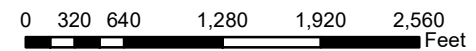
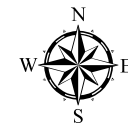


EXISTING LAND USE MAP



LEGEND
DRY - DRY FARMING
GRZ - GRAZING
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

- LEGEND:**
- Subject Property
 - Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
J:GISJCH\Landuse1



Inter Office Memo

DATE: April 13, 2010

TO: Board of Supervisors

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

SUBJECT: Initial Study Application No. 5409, Classified Conditional Use Permit Application No. 3136, Site Plan Review Application No. 7655, and Vesting Tentative Tract Application No. 5430 (Clarksfield Company) – Appellant: George Nokes, Revive the San Joaquin

RECOMMENDED ACTION

Consider and take action on appeal filed by George Nokes with Revive the San Joaquin of the Planning Commission's approval of Vesting Tentative Tract Application No. 5430, Site Plan Review Application No. 7655, Initial Study Application No. 5409, and Classified Conditional Use Permit Application No. 3136 proposing to allow a planned residential development within the County-adopted Millerton Specific Plan consisting of 561 single-family residential lots with private roads on approximately 179.57-acres of land in the R-1 (c) and R-1-C (c) Districts.

BACKGROUND / DISCUSSION

This item comes to your Board on appeal of the Planning Commission's approval of the subject applications.

The subject proposal is located within the boundary of the Millerton Specific Plan. By way of background, the Specific Plan was originally approved in December of 1984 as a "New Town" as provided for in the Sierra-North Regional Plan policies and was subsequently amended in 1999 and 2004 expanding the boundaries of the Plan area, and incorporating updates resulting from the 2000 General Plan Update. The Millerton Specific Plan today is a planned community on 1,420 acres planned to accommodate a population of 8,000 to 10,000 in approximately 3,499 residential units. The Plan also provides for commercial/retail and recreational uses.

Since the adoption of the Specific Plan there have been five vesting tentative tract maps totaling 1,132 residential lots on approximately 551.80 acres of land and four conditional use permits authorizing recreational and hotel/conference center related uses approved for the Specific Plan area in addition to the current proposal under appeal. Pages four through six of the attached July 17, 2008 Subdivision Review Committee Report provides additional background on Millerton New Town and its associated projects.

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On July 17, 2008, the Planning Commission considered the subject project. The project site is located within the Millerton Specific Plan, north of Millerton Road between Winchell Cove Road and the Friant-Kern Canal, approximately 1.8 miles east of the unincorporated community of Friant. Staff notes that considerable time was spent responding to then Planning Commissioner Chris Acree's questions relating to the project's consistency with the County's General Plan as well as water supply issues and the need to prepare a Water Assessment pursuant to Senate Bill 610 and Senate Bill 221. Staff noted that the project was consistent with the adopted Specific Plan, which was previously determined to be consistent with the Sierra North Regional Plan and General Plan at the time of Plan adoption in 1984. In addition, staff summarized the existing surface water agreements that are proposed to serve the project and that those agreements represented an adequate and secure water supply.

After considering public testimony from the applicant and applicant's representative and two other individuals with project related concerns (access easement and water supply), the Commission, by a vote of five to one, adopted Resolution No. 12112, adopting the Mitigated Negative Declaration prepared for the project, adopting the recommended findings of fact in the Subdivision Review Committee Report and Staff Report, and approving Vesting Tentative Tract Application No. 5430, including approval of the exception request for modified 30 and 35 foot wide private residential streets, associated Site Plan Review Application No. 7655, and Classified Conditional Use Permit Application No. 3136.

An appeal was filed by Mr. George Nokes, Chairman of Revive the San Joaquin on August 1, 2008 to your Board for consideration. The appeal in part cited that a sustainable water supply for the proposed development was unverified. Upon review of the appeal, staff concluded that while an adequate source of water supply is available to serve the proposal, a Water Assessment was required to be prepared because the proposed project represents a residential development of more than 500 dwelling units. Pursuant to the California Environmental Quality Act (CEQA), a Water Assessment must be prepared for residential developments that exceed 500 dwelling units.

In response the County retained Provost and Pritchard to conduct a Water Supply Assessment (WSA) for this project in compliance with Section 10910 of the California Water Code. Section 10910, et seq requires the water purveyor, in this case County Service Area No. 34, to prepare the Water Supply Assessment prior to project approval. The WSA must be included with the environmental document addressing the potential environmental impacts of the project. It must evaluate whether the supply of domestic water available to the development is adequate, and that this supply will continue to be adequate over the next 20 years, during normal, dry, and multiple-dry years.

The completed WSA document was provided to the County in January of 2010. A summary of the findings of the WSA has been incorporated into the environmental document prepared for this project (Mitigated Negative Declaration prepared for Initial Study No. 5409, attached as Exhibit 6 to the July 17, 2008 Subdivision Review Committee Report and Exhibit 7 to the July 17, 2008 Planning Commission Staff Report). The WSA demonstrates that the water supply agreements serving the proposed development are adequate per the specifications of Section 10910. The information provided in the WSA reaffirms a total of 1,520 annual acre feet water reserved under the Joint Water Management Exchange Agreement, which is referred to in the adopted CSA No. 34 WSA as Agreement No. 1, of which 308 acre-feet is reserved for the subject 180-acre tract.

This will generate a consistent water supply for the proposed development and for existing and planned future uses within the current County Service Area No. 34 Western Service Area over the next 20 years. Subsequently, the WSA was taken before your Board on behalf of County Service Area No. 34 on March 2, 2010 and approved.

The proposal's estimated average annual demand of 303 acre-feet (AF) would be satisfied with a portion of the surface water supplies provided via long-term surface water agreements committed to serve the currently-approved and proposed developments within County Service Area No. 34. The key supply agreements include the provision of long-term surface water between the County and the Arvin-Edison Water Storage District for 1,520 AF of "firm" supply from the Central Valley Project (CVP), "back-up" shortfall supply, covered by long-term surface water availability from a "shortfall" Water Supply Agreement between the County of Fresno and a Lower Tule River Irrigation District Agreement for up to 1,520 AF of Class 1 supply; and a Water Supply Agreement between the County of Fresno and Deer Creek Tule River Association for 770 AF of Class 1 supply.

As part of the process of securing approvals and infrastructure necessary to serve the project, County Service Area No. 34 will participate in the United States Bureau of Reclamation's approval process for the National Environmental Protection Act (NEPA) approval of water use within the Place of Use for the project, designate the project as a separate Zone of Benefit within the CSA 34 service area and approve a Water Service Agreement for the project, participate in the Fresno County approval process for the various phases of the project, mandate construction of all necessary water infrastructure in accordance with the County Service Area's Infrastructure Master Plan as phases are proposed, and construct (or inspect developer's construction of) the required infrastructure improvements, and verify that infrastructure is ready to be placed in service prior to occupancy of homes in the corresponding Project phases.

As final action by your Board has not occurred on the subject applications, the environmental document associated with this project (Mitigated Negative Declaration prepared for Initial Study Application No. 5409), has not yet been adopted. Per Subsections 15073.5(c)(2)(4) of the California Environmental Quality Act, which specifically addresses recirculation of a Negative Declaration prior to adoption, recirculation of the subject project's environmental document is unnecessary due to the determination that new project revisions were added in response to written and verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects, and new information that has been added to the negative declaration that merely clarifies and amplifies the environmental document.

While the Water Assessment was being prepared, Department staff met with Mr. Nokes, and Mr. Acree, who is now the Executive Director of Revive the San Joaquin to further discuss the appeal. Representatives of Revive the San Joaquin requested and were provided information relating to their Water Assessment and General Plan consistency questions.

If your Board determines to uphold the Planning Commission's approval of the project, a simple denial motion would be appropriate. If your Board were inclined to grant the appeal, a motion to uphold the appeal indicating which of the required findings cannot be made would be appropriate.

Board of Supervisors
April 13, 2010
Page 4

Should your Board approve the project, staff would request that two additional conditions be added in the approval motion. The first condition addresses the need for the applicant to indemnify the County for any and all legal costs associated with the County's approval of the project. The second condition is a mandatory requirement of the State Subdivision Map Act that addresses the need for an available and sufficient water supply to serve the project prior to recordation of the final map. The two proposed conditions are as follows:

1. The applicant shall enter into an agreement indemnifying the County for any and all legal costs associated with its approval of Initial Study Application No. 5409, Vesting Tentative Tract Map Application No. 5430, Classified Conditional Use Permit Application No. 3136, and Site Plan Review Application No. 7655.
2. The application shall comply with all provisions of the California Water Code in accordance with the requirements of Section 10910, et seq.



Agenda Item

DATE: April 13, 2010
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12112 – INITIAL STUDY APPLICATION NO. 5409, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3136, SITE PLAN REVIEW APPLICATION NO. 7655, AND VESTING TENTATIVE TRACT MAP APPLICATION NO. 5430

APPLICANT: Clarksfield Company, Inc.
OWNER: Clarksfield Company, Inc.

REQUEST: Allow a planned residential development consisting of 561 single-family residential lots, 10 outlots with designated uses, and one remainder lot on approximately 179.57-acres in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) District and R-1-C (c) (Single-Family Residential, 9,000 square-foot minimum parcel size, conditional) District.

LOCATION: The subject property is located within the Millerton New Town Specific Plan, north of Millerton Road between the Winchell Cove Road and the Friant-Kern Canal, approximately 1.8 miles east of the unincorporated community of Friant (APN: 300-021-27S, 300-032-12S, 300-032-57S, 300-340-01S, 03S, 15S, 06S, and 07S).

PLANNING COMMISSION ACTION:

At its hearing of July 17, 2008, the Commission considered the Subdivision Review Committee Report, Staff Report and testimony (summarized in Exhibit "A").

ADMINISTRATIVE OFFICE REVIEW Brandi Oth Page 5 of 738
BOARD ACTION: DATE April 13, 2010 APPROVED AS RECOMMENDED _____ OTHER _____



SEE PAGE THREE FOR BOARD ACTION

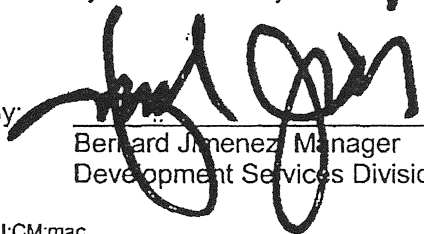
Official Action of Board of Supervisors
Deputy
UNANIMOUS _____ ANDERSON _____ CASE _____ LARSON _____ PEREA _____ POCHIGIAN _____

A motion was made by Commissioner Milligan and seconded by Commissioner Niswander to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended findings of fact in the Subdivision Review Committee Report and Staff Report; and approve Vesting Tentative Tract Application No. 5430 and associated Site Plan Review Application No. 7655 including approval of the exception request regarding modified 30 and 35 foot private residential streets and modification to Condition No. 6 under "Other Conditions" to include language regarding water and sewer analysis as it relates to infrastructure, and addition of a new condition (Condition No. 19 "Other Conditions") clarifying provision of water permit information prior to building permit issuance; and approve Classified Conditional Use Permit Application No. 3136, with an additional Condition No. 6 under Classified Conditional Use Permit No. 3136 clarifying that solid waste pick-up will only be allowed on 35-foot wide private residential streets. Said conditions with the noted modifications and additions are listed in Exhibit "B".

This motion passed on the following vote:

VOTING: Yes: Commissioners Milligan, Niswander, Abrahamian, Woolf, Yancey
 No: Commissioner Acree
 Absent: Commissioner Gill, Goodman
 Abstain: None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Bernard Jimenez, Manager
Development Services Division

BJ:CM:mac
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- NOTES: 1. The approval of the Tentative Tract Map will expire two years from the date of approval unless a Final Map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map. The approval of Classified Conditional Use Permit No. 3136 and Site Plan Review Application No. 7655 are tied to Vesting Tentative Tract No. 5430 and will expire upon expiration of the Tentative Tract Map. Provision is made that the Conditional Use Permit and Site Plan Review may be extended in conjunction with an extension request of the tentative tract map.

Attachments

DENIED APPEAL UPHOLDING PLANNING COMMISSION'S APPROVAL; ADOPTED AMENDED MITIGATED NEGATIVE DECLARATION PREPARED OF INITIAL STUDY APPLICATION NO. 5409, AND ADDED THE FOLLOWING TWO ADDITIONAL CONDITIONS:

1. THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ANY AND ALL LEGAL COSTS ASSOCIATED WITH ITS APPROVAL OF INITIAL STUDY APPLICATION NO. 5409, VESTING TENTATIVE TRACT MAP APPLICATION NO. 5430, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3136, AND SITE PLAN REVIEW APPLICATION NO. 7655.
2. THE APPLICATION SHALL COMPLY WITH ALL PROVISIONS OF THE CALIFORNIA WATER CODE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 10910, ET SEQ.

Motion by:	Larson	Second by:	Perea
Ayes:	Larson, Perea, Anderson, Poochigian, Case	Noes:	None
Abstentions:	None	Absentees:	0

EXHIBIT "A"

Initial Study Application No. 5409
Classified Conditional Use Permit Application No. 3136
Site Plan Review Application No. 7655
Vesting Tentative Tract Map Application No. 5430

Staff: The Fresno County Planning Commission considered the Subdivision Review Committee Report and Staff Report dated July 17, 2008, and heard a summary presentation by staff, including information presented by the supervisor of the Water-Geology Unit regarding the adequacy of the water supply for the project.

Applicant: The applicant and applicant's representative concurred with the Subdivision Review Committee Report and Staff Report and offered the following points of information:

- We strongly support the staff recommendation for approval of the project. Design of the subdivision is consistent with adopted infrastructure plan as well as approved Specific Plan.
- The infrastructure plan adopted by the Fresno County Board has a standard of 0.55 acre-feet/unit with 10% contingency to be implemented through a dual meter system applicable in Millerton Specific Plan.
- We will accommodate the access easement in the final map.
- For some 20-years a water agreement has been in place between County and Arvin-Edison Water District with an effort to make it firm in past 2-3 years. This water is backed by Lower Tule (Irrigation District) Agreement which is already in place.
- Arvin-Edison approved and signed the water agreement which is up for adoption by the Fresno County Board of Supervisors on July 22, 2008.
- Land in the Millerton Newtown is in the Place of Use. The State Water Resources Control Board confirmed on January of 2007 that water for this project is in the Place of Use.
- Arvin-Edison and Lower Tule Agreements will provide water for both residential and commercial uses. The two districts combined have 400,000 acre-feet of annual water supply.
- The tertiary wastewater treatment plant will recycle water to be used for landscaping and the golf course.
- County will adopt tiered water rates before any water is served to the project which is designed to discourage homeowners from using excessive water.

- A covenant will be recorded on each dwelling unit as a conveyance document which will include instructions on the use of water.

Others:

No other individuals presented information in support of the application.

Two individuals presented information expressing concerns with the project related to the loss of a recorded access easement across the subject property to a neighboring parcel and another related to the availability of surface water to this project and that provision of subdivision water should not jeopardize or impact availability of water to other projects in the area.

Correspondence:

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

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5409
Classified Conditional Use Permit Application No. 3136

1. Development and operation of the facility shall be in substantial compliance with the site plan and operational statement.
2. All conditions of the Subdivision Review Committee Report for Vesting Tentative Subdivision Map No. 5430 shall be complied with.
3. This permit shall be tied to Vesting Tentative Subdivision Map No. 5430; if the tract is denied or expires, the Conditional Use Permit shall also expire.

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

4. All existing property development standards of R-1(c) and R-1-C (c) Districts listed in the Zoning Ordinance, shall apply except for the following deviations:

Setbacks for lots in R-1(c) Districts:

1. The minimum front and rear yard setbacks will be 10 feet for a structure
(Minimum required: 20 foot front and 20 foot rear)

Setbacks for lots in R-1-C (c) Districts:

1. The minimum front and rear yard setbacks will be 10 feet for a structure
(Minimum required: 25 foot front and 20 foot rear)
2. The minimum side yard setback will be five feet (Minimum required: seven feet).

Parcel configuration for 381 Lots in MSP Residential Development Allocation Area A located in R-1 (c) and R-1-C (c) districts

1. Minimum Lot Area: 6,000 square feet (6,000 – 9,000 square feet required)
2. Interior Lot Width: 60 feet (60-70 feet required)
3. Corner Lot Width: 60 feet (65-80 feet required)

4. Curved/Cul-de-Sac Street Frontage: 35 feet (40-50 feet required)
5. Lot Depth: 100 feet (100-110 feet required)
6. Lot Coverage: 50% maximum (40% maximum allowed)
7. Front Yard: 10 feet (20-25 feet required)
8. Side Yard: 5 feet (5-7 feet required)
9. Street Yard: 10 feet (10-15 feet required)
10. Building height: 35 feet (25-35 feet required)
11. Fencing (front): 3.5 feet (3 feet allowed)
12. Fencing (street side): 3.5 feet (3 feet allowed)

Parcel configuration for 180 Lots (127 Lots in MSP Residential Development Allocation Area A and 53 Lots in Area B located in R-1 (c) district)

1. Minimum Lot Area: 4,500 square feet (6,000 square feet required)
 2. Interior Lot Width: 45 feet (60 feet required)
 3. Corner Lot Width: 55 feet (65 feet required)
 4. Curved/Cul-de-Sac Street Frontage: 35 feet (40 feet required)
 5. Lot Coverage: 60% maximum (40% maximum allowed)
 6. Front Yard: 10 feet (20 feet required)
 7. Side Yard: 4 feet (5 feet required)
 8. Building height: 35 feet (25 feet required)
 9. Fencing (front): 3.5 feet (3 feet allowed)
 10. Fencing (street side): 3.5 feet (3 feet allowed)
5. No on-street parking shall be allowed on private streets and shall be enforced by the Homeowner's Association (HOA) which would include no parking signs, curbs painted red, neighborhood patrol by a private security company or homeowners, citations/fines by HOA and reporting to the sheriff's office.
 6. On-street solid waste pick-up shall only be allowed on 35-foot wide private residential streets.

Initial Study Application No. 5409
Site Plan Review Application No. 7655
Vesting Tentative Tract Map Application No. 5430

A. MILLERTON ROAD:

1. Shall be constructed to an Arterial Public road standard as shown in Figure SP1-6 of the Millerton Specific Plan adjacent to the project.
2. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the landscape median.

B. MARINA DRIVE (WINCHELL COVE ROAD):

1. Shall be developed as four-lane divided roadway, in a 106-foot right-of-way, through the commercial area. North of the commercial area to the Park Boundary, Marina Drive shall be constructed as a two-lane undivided road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant. Development of Marina shall be in accordance with Figure SP1-7 and policy C.1c(3)e of the Millerton Specific Plan.
2. Left-turn lanes shall be provided on Marina Drive at all intersections.
3. The applicant shall provide a 50-foot wide landscaped setback along both sides of Marina Drive within the boundaries of the proposed subdivision. No structures or advertising signs shall be allowed within the setback, except for temporary real estate or directional signs.
4. Thirty-foot by thirty-foot comer cutoffs shall be provided at all intersections.
5. A Class III bicycle path (Bike Route) shall be provided having a minimum paved width of five feet along each side of the roadway and signed for no on-street parking.

C. ROAD 'A' SOUTH OF ROAD 'M' (SUBRICE AVENUE):

1. Shall be developed as a Collector road in accordance with Figure SP1-8 of the Millerton Specific Plan.
2. Shall provide for relinquishment of direct vehicular access rights to and from Lots as indicated on the tentative map.

D. ROADS 'M' & 'T':

1. Shall be developed as Collector roads in accordance with Figure SP1-8 of the Millerton Specific Plan.
2. Shall provide for relinquishment of direct vehicular access rights to and from Lots as indicated on the tentative map.
3. Shall provide for onsite turnarounds for Lots fronting the roads.

E. INTERIOR ROADS:

1. Shall be constructed to a 25 M.P.H. local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 M.P.H. design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.
2. 20' x 20' corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25-MPH design speed for the interior streets.
3. Shall intersect at approximately 90-degree angles.
4. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
5. All cul-de-sac streets in excess of 300 feet in length require a fire hydrant installed at the end of the street.
6. Shall provide for relinquishment of direct vehicular access rights to and from Lots as indicated on the tentative map and Lot 180 for Road A.

F. INTERIOR GATED ROADS:

1. The call box or actuator shall be located a minimum of 25 feet from the public right-of-way.
2. A turnaround shall be provided so that a vehicle which is denied access can exit in a continuous forward motion.
3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% or less chance of a vehicle stopping in the right-of-way due to another vehicle waiting to be granted access to the development. For each gate, the queuing analysis shall use a five minute delay for the peak-hour traffic entering the gate. In the analysis of the 1% failure rate, a Poisson process and the use of Poisson distribution cumulative terms will be considered an acceptable approximation. In addition, each vehicle shall be given a 25 foot envelope in determining the right-of-way setback.
4. If a by pass lane with a separate call box or actuator is provided for the residents, these vehicles may be deducted from the analysis. This is assumed to be 90% of the peak-hour traffic.
5. The gate at Road Y shall be for emergency ingress and egress only.
6. The modified 35-foot and 30-foot private local residential street shall be constructed to a 15 M.P.H. design speed private road in accordance with County Improvement Standard A-18 (26 feet of base and pavement with concrete curb and gutter) except that roads serving less than six lots may be developed in accordance with the A-18a Standard. These standards shall be complied with as modified by Conditional Use Permit No. 3136 allowing on-street solid waste pickups on 35-foot wide private residential streets.

7. 20' x 20' corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 M.P.H design speed for the interior streets.
8. Shall intersect at approximately 90-degree angles.
9. Shall be contained within non-exclusive private road easements or outlots for the same purpose.
10. A Homeowners Association or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the private roads, parking and landscaped areas and gates.
11. The subdivider will be required to secure the maintenance of the private roads for a period of two years after the acceptance thereof.

G. ROADS GENERAL:

1. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
2. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report which shall identify a recommended traffic index, R-value, and pavement structural section. If significant cuts and fills are involved, subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.
3. Direct access to each lot shall be certified by a licensed civil engineer.

H. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
2. Additional runoff generated by the development including full residential build-out of the subdivision shall be retained on-site within drainage ponds or approved pipe storage systems or other facilities acceptable to the Director of the Department of Public Works & Planning. Fresno County shall review and approve the Grading and Drainage Plan for the project.
3. A drainage study inclusive of both hydrology specific to the area (Rational method will most likely not be appropriate due to excessive topography) and hydraulics will be needed to determine sizes and locations of culverts and/or relocated drainage channels.
4. Proposed basins in excess of eighteen inches in depth shall be fenced. Type of fencing shall be chain link or other form that would discourage public access.

5. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels and a maintenance organization to maintain them will be required. Said work will require that the applicant obtain a Stream Bed Alteration Agreement with the State Department of Fish and Game, and/or a Section 404 Permit from the US Army Corps of Engineers.
6. Liberal drainage easements and building setbacks shall be provided for all natural watercourses.
7. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
8. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent [NOI] shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencement of any grading activities.
9. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities.
10. Design of individual building pads with specific areas of grading for each lot shall be provided as part of the drainage improvement plans submitted for this development.

I. MAINTENANCE:

1. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the new roads lying outside the gated area.
2. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.

J. FIRE PROTECTION:

1. The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of Public Works after consideration of the recommendations of the fire district having jurisdiction of the area.

K. WATER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.

2. All proposed water facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.

L. SEWER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed sewer facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.

M. STREET NAMES:

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to the final map approval.

N. EMERGENCY ACCESS ROADS:

1. Shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Crash gates shall be provided at the end of the easements.

O. SOILS:

1. A soils investigation report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required with the submittal of the final map.

P. OUTLOTS:

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all outlots shall be by CSA 34 for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgages. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

Q. OTHER CONDITIONS:

1. All conditions of Classified Conditional Use Permit Application No. 3136 shall be complied with.

2. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.
3. The project shall comply with all the applicable provisions of Specific Plan related to Land Use, Transportation, Housing, Environmental Resources Management, Public facilities, Community Design Elements and implementation.
4. Pursuant to Specific Plan, Section F. 4, F.4c (4), a pedestrian grade separated crossing or area for other suitable access features shall be provided.
5. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
6. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer. In the case of the provision of water and sewer services an analysis, certified by an engineer, shall be provided demonstrating adequacy of infrastructure for these services. Said analysis shall contain data no older than six (6) months prior to recordation.

NOTE: In order to discourage the over use of water, a tiered rate structure must be included for review and approval. The tiered rate structure must be significantly tiered to encourage water conservation.

7. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage over-use of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
8. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.
9. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
10. An Infrastructure Plan for water, sewer, and drainage that addresses the policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. Prior to issuance of any building permit, all appropriate infrastructures required for this project by the approved Infrastructure plan including the wastewater and water facilities shall be completed and accepted by the Resources Division of the Department of Public Works and Planning.

11. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
12. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 7) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
13. Prior to the recording of final map, the applicant shall provide acoustical analysis for review and approval by the Fresno County Department of Public Health, Environmental Health Division, and its findings related to noise attenuation will be incorporated into the final map.
- *14. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.
- *15. The applicant shall comply with the Endangered Species Act. The applicant shall complete and submit a Biological Assessment and resulting Biological Opinion acceptable to the United States Fish and Wildlife Service which shall include Mitigation and Avoidance Measures for plants and animals.
- *16. In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- *17. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.
- *18. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.
 - a. Signalization at the intersection of Friant Road and Willow Avenue. The project's maximum share for the 2025 scenario is 4.12 % or \$17,245.00.

- b. Signalization at the intersection of Friant and North Fork Roads. The project's maximum share for the 2025 scenario is 3.92 % or \$16,431.00.
- c. Signalization at the intersection of Willow and Copper Avenues. The project's maximum share for the 2025 scenario is 1.44 % or \$6,036.00.
- d. Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2025 scenario is 1.04 % or \$4,358.00.
- e. Signalization at the intersection of Millerton Road and Sky Harbor Drive. The project's maximum share for the 2025 scenario is 2.35 % or \$9,825.00.
- f. Signalization at the intersection of Millerton and Brighton Crest Roads. The project's maximum share for the 2025 scenario is 2.63 % or \$11,025.00.
- g. Signalization at the intersection of Millerton Road and Marina Drive. The project's maximum share for the 2025 scenario is 9.26 % or \$38,791.00.
- h. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2025 scenario is 3.49 % or \$14,624.00.
- i. Signalization at the intersection of Auberry Road and Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.49 % or \$22,976.00.
- j. Road widening from two (2) lanes to four (4) lanes arterial of 1.2 miles of Friant Road from Lost Lake Park Road to North Fork Road. The project's maximum share for the 2025 scenario is 4.15% or \$145,127.00.
- k. Road widening from two (2) lanes to four (4) lanes arterial of 3.3 miles of Millerton Road from North Fork Road to Marina Drive. The project's maximum share for the 2025 scenario is 5.45% or \$ 1,485,890.00.
- l. Road widening from two (2) lanes to four (4) lanes of one-mile of Millerton Road from Marina Drive to Sky Harbor Road. The project's maximum share for the 2025 scenario is 2.91% or \$ 240,580.00.
- m. Road widening from two (2) lanes to four (4) lanes of 2.2 miles of Millerton Road from Sky Harbor Road to Auberry Road. The project's maximum share for the 2025 scenario is 3.58% or \$ 650,184.00.
- n. Friant Kern Canal Bridge improvement on Millerton Road [two (2) to four (4) lanes]. The project's maximum share for the 2025 scenario is 5.45% or \$170,415.00.
- o. Road widening from two (2) lanes to four (4) lanes of 1.85 miles of Willow Avenue from Friant Road to Copper Avenue. The project's maximum share for the 2025 scenario is 0.90% or \$ 59,519.00.

- p. Road widening from two (2) lanes to four (4) lanes of 5.5 miles of Auberry Road from Copper Avenue to Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.02% or \$ 981,114.00.

The above represents per lot cost of \$ 6,906.00 (a total of \$ 3,874,140.00 for 561 lots). The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

19. All complete information to obtain/amend a water system permit shall be provided to county staff prior to the issuance of building permits.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 5409
Classified Conditional Use Permit Application No. 3136
Site Plan Review Application No. 7655
Vesting Tentative Tract Map Application No. 5430

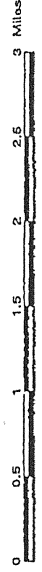
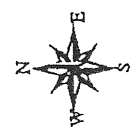
Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application:	\$ 2,687.00
Vesting Tract Map Application	\$ 46,062.00
Conditional Use Permit Application	\$ 2,976.00
Health Department Review:	\$ 1,481.00
Exception Request:	<u>\$ 697.00</u>
Total Fees Collected	<u>\$ 53,903.00</u>

EXHIBIT 1

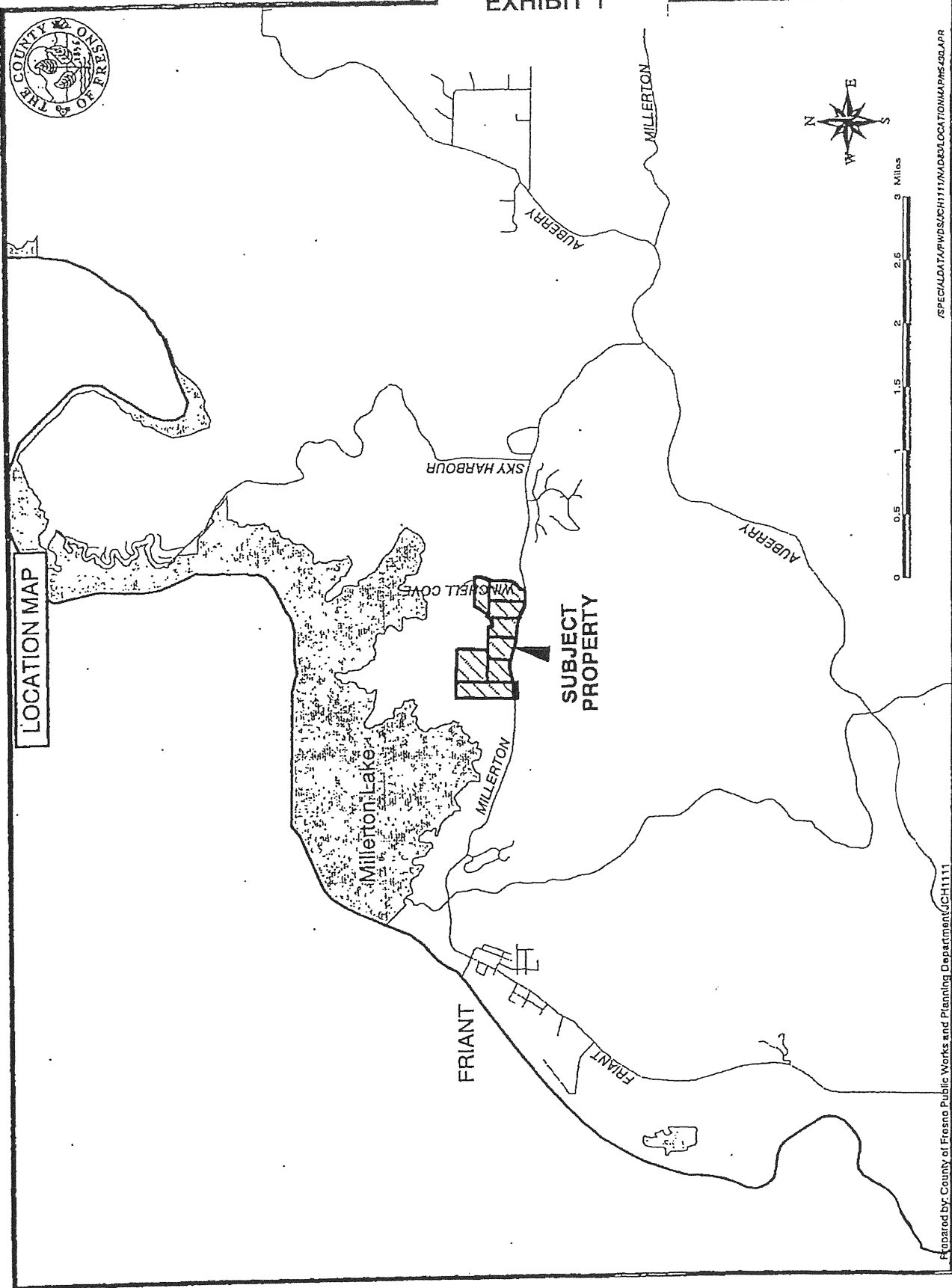


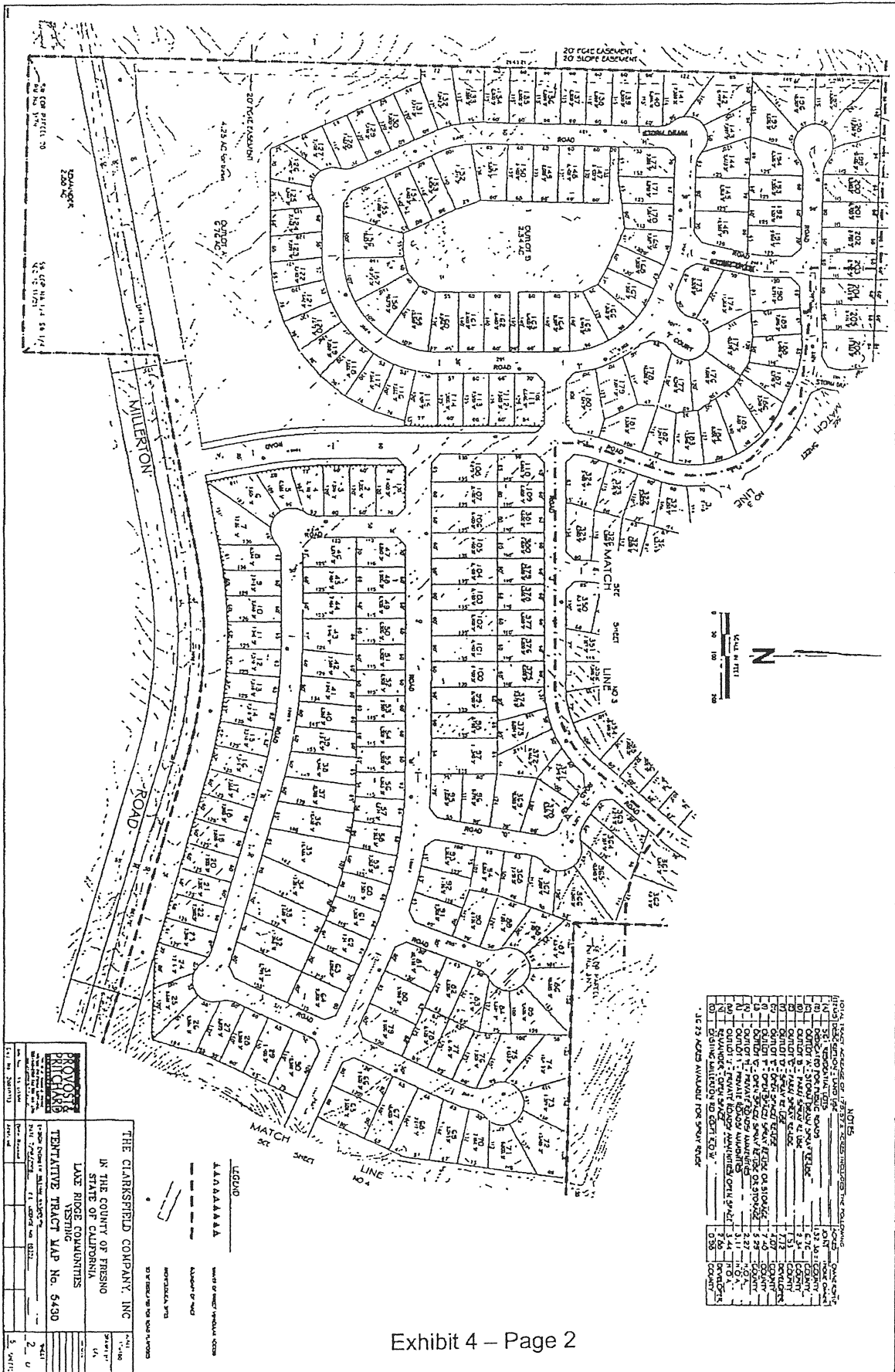
LOCATION MAP



/SPECIAL/DATA/PWD/S/CH1111/MA/D3/L/LOCAL/PLANNING/CH1111.PDF 022.APR

Prepared by: County of Fresno Public Works and Planning Department/CH1111





NOTES

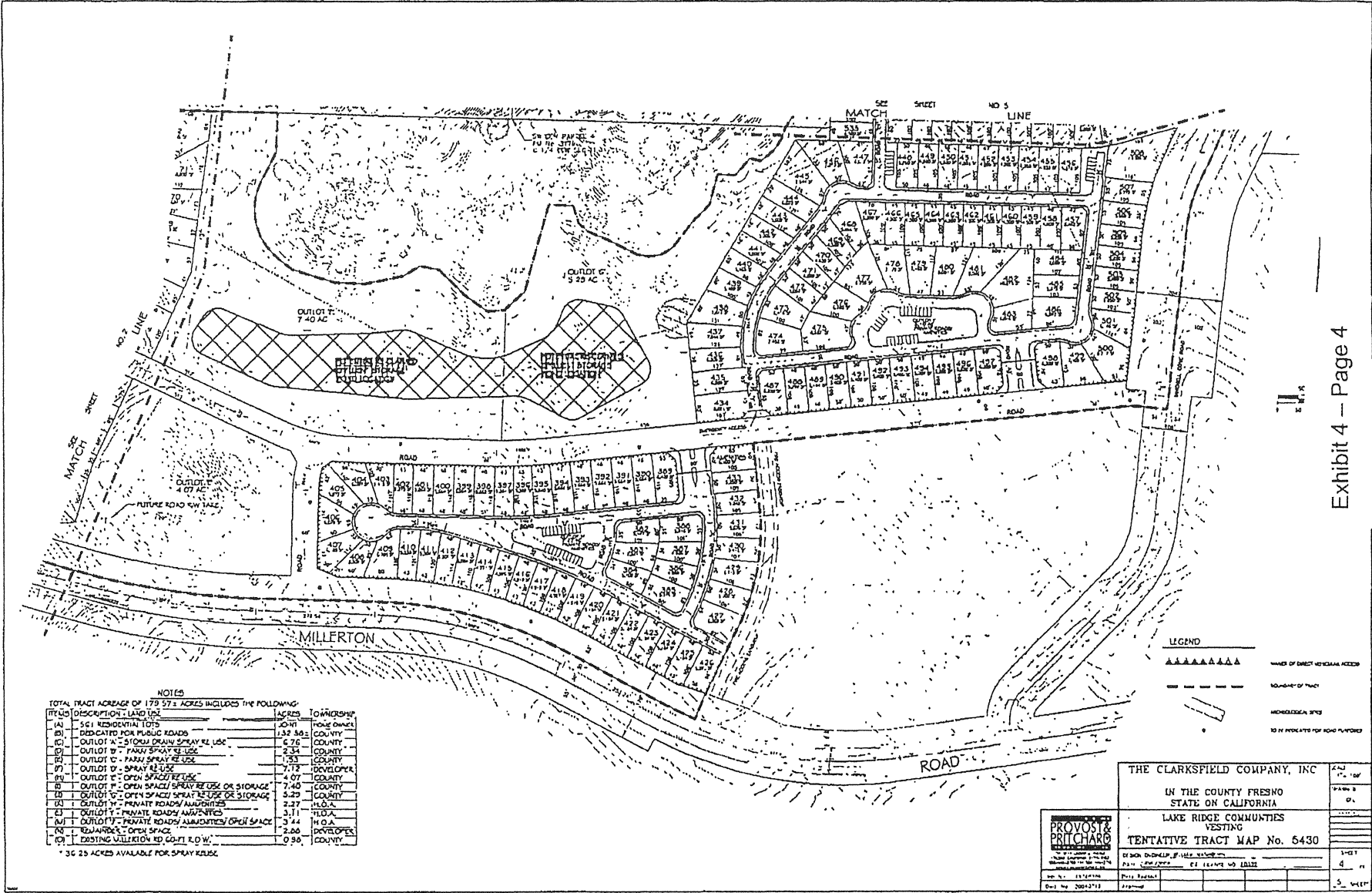
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2. THE TOTAL AREA OF THIS MAP IS 15.73 ACRES.
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PROPOSED
TRACT MAP
NO. 5430

THE CLARSFIELD COMPANY, INC.
IN THE COUNTY OF FRESNO
STATE OF CALIFORNIA
LANE RIDGE COMMUNITIES
TRACT MAP NO. 5430

DATE OF RECORDATION: 11/11/2011
RECORDATION NO.: 11/11/2011

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20



LEGEND

▲▲▲▲▲▲▲▲▲▲ WIND OF DIRECT MEDICAL ACCESS

----- BOUNDARY OF TRACT

----- MEDICAL ACCESS

--- FUTURE ROAD 6W 1/4 24E

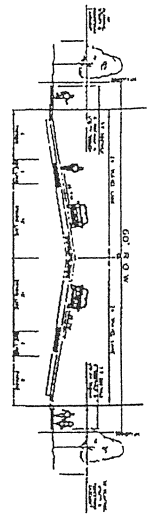
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TOTAL TRACT ACREAGE OF 179.573 ACRES INCLUDES THE FOLLOWING:

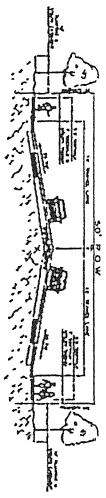
ITEM	DESCRIPTION / LAND USE	ACRES	TOWNSHIP
(A)	SCI RESIDENTIAL LOTS	10.91	FOUR CORNERS
(B)	DEDICATED FOR PUBLIC ROADS	1.32	COUNTY
(C)	OUTLOT #1 - SYSTEM DRAIN / SPRAY RE USE	6.76	COUNTY
(D)	OUTLOT #2 - PARK / SPRAY RE USE	2.34	COUNTY
(E)	OUTLOT #3 - PARK / SPRAY RE USE	1.53	COUNTY
(F)	OUTLOT #4 - SPRAWL RE USE	7.72	DEVELOPER
(G)	OUTLOT #5 - OPEN SPACE / REUSE	4.07	COUNTY
(H)	OUTLOT #6 - OPEN SPACE / SPRAWL RE USE OR STORAGE	7.40	COUNTY
(I)	OUTLOT #7 - OPEN SPACE / SPRAWL RE USE OR STORAGE	5.29	COUNTY
(J)	OUTLOT #8 - PRIVATE ROADS / ADJUNCTIVES	2.27	H.O.A.
(K)	OUTLOT #9 - PRIVATE ROADS / ADJUNCTIVES	3.11	H.O.A.
(L)	OUTLOT #10 - PRIVATE ROADS / ADJUNCTIVES / OPEN SPACE	3.44	H.O.A.
(M)	REMARKS - OPEN SPACE	2.80	DEVELOPER
(N)	EXISTING MILLERTON RD (COURT R.O.W.)	0.90	COUNTY

* 36.23 ACRES AVAILABLE FOR SPRAY REUSE.

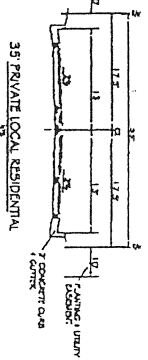
	THE CLARKSFIELD COMPANY, INC		SCALE
	IN THE COUNTY FRESNO		1" = 100'
	STATE OF CALIFORNIA		PAGE
	LAKE RIDGE COMMUNITIES		4
VESTING			
TENTATIVE TRACT MAP No. 5430			
PREPARED BY: PROVOS & PRITCHARD		DATE: 01/15/2013	1 SHEET
PROJECT: LAKE RIDGE COMMUNITIES		DATE: 01/15/2013	4 OF 4
DRAWN BY: [Name]		DATE: 01/15/2013	
CHECKED BY: [Name]		DATE: 01/15/2013	
APPROVED BY: [Name]		DATE: 01/15/2013	



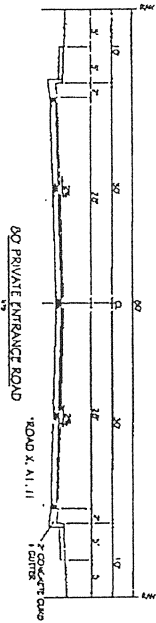
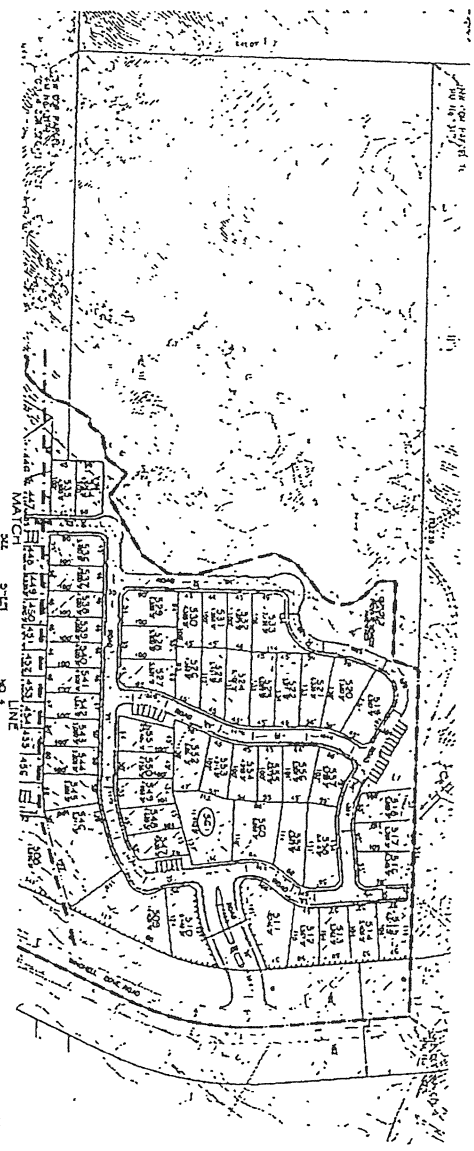
COLLECTOR STREET - 60' R.O.W.
MILITON SPECIFIC PLAN STREET STANDARD



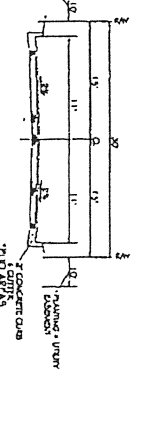
LOCAL RESIDENTIAL STREET - 50' R.O.W.
MILITON SPECIFIC PLAN STREET STANDARD



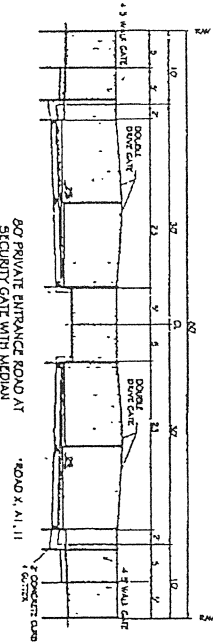
30' PRIVATE LOCAL RESIDENTIAL
MILITON SPECIFIC PLAN STREET STANDARD



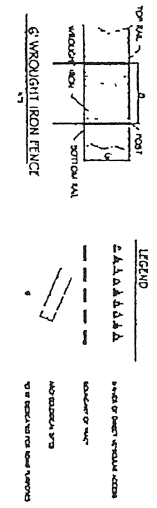
00' PRIVATE ENTRANCE ROAD
MILITON SPECIFIC PLAN STREET STANDARD



30' PRIVATE LOCAL RESIDENTIAL
MILITON SPECIFIC PLAN STREET STANDARD



00' PRIVATE ENTRANCE ROAD AT SECURITY GATE WITH MEDIAN
MILITON SPECIFIC PLAN STREET STANDARD



NOTES

1. TOTAL TRACT AREA OF 112.57 ACRES SHOWN BY THE FOLLOWING:

Lot	Area (Acres)	Notes
1	1.00	RESIDENTIAL
2	1.00	RESIDENTIAL
3	1.00	RESIDENTIAL
4	1.00	RESIDENTIAL
5	1.00	RESIDENTIAL
6	1.00	RESIDENTIAL
7	1.00	RESIDENTIAL
8	1.00	RESIDENTIAL
9	1.00	RESIDENTIAL
10	1.00	RESIDENTIAL
11	1.00	RESIDENTIAL
12	1.00	RESIDENTIAL
13	1.00	RESIDENTIAL
14	1.00	RESIDENTIAL
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16	1.00	RESIDENTIAL
17	1.00	RESIDENTIAL
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92	1.00	RESIDENTIAL
93	1.00	RESIDENTIAL
94	1.00	RESIDENTIAL
95	1.00	RESIDENTIAL
96	1.00	RESIDENTIAL
97	1.00	RESIDENTIAL
98	1.00	RESIDENTIAL
99	1.00	RESIDENTIAL
100	1.00	RESIDENTIAL

THE CLARKSFIELD COMPANY, INC
IN THE COUNTY OF CALIFORNIA
STATE OF CALIFORNIA
LANE RIDGE COMMUNITIES
VESTING
TENTATIVE TRACT MAP NO. 5430
KROVOSKI
KROVOSKI
KROVOSKI

EXHIBIT 5

LAKE RIDGE
at
Millerton Lake

A 561-Lot Vesting Tentative Tract Map (No. 5430) Planned Development

Operational Statement

Submitted to:

Fresno County
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

REVISED COPY

Prepared by:

The Clarksfield Company, Inc.
466 West Fallbrook Avenue, Suite 101
Fresno, CA 93711
(559) 437-1990

and

Land Use Associates
286 West Cromwell Avenue
Fresno, CA 93711
(559) 256-4250

RECEIVED
COUNTY OF FRESNO

JUN 2 2008

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

May 30, 2008

A. Operational Statement for Residential Tract 5430

1. Project Description

This Operational Statement provides the design framework and implementation guidelines for the development of approximately 179.57 acres within the Millerton Specific Plan (MSP) Area, shown on Figure 1. This tract proposes 561 single-family residential lots, plus 10 outlots with designated uses and (1) remainder lot. 508 of the residential lots are contained within MSP Residential Unit Allocation Area A, and 53 of the residential lots are within MSP Residential Unit Allocation Area B. The MSP Area is located approximately two miles east of the community of Friant along Millerton Road.

The MSP provides policies and standards for the development of the planned community of Millerton. When completed, the community will include a variety of residential, commercial, public facility, and open space uses. Individual projects within the MSP Area must comply with the relevant development criteria and guidelines contained in the Specific Plan. The MSP, including this Project, is subject to a comprehensive Mitigation and Monitoring Matrix.

The primary objective of the Operational Statement is to provide the framework for achieving quality design while considering both area-wide and site-specific issues. The Operational Statement provides a flexible framework, which will aid individual developers, design review authorities, and the County of Fresno in ensuring consistency with the MSP.

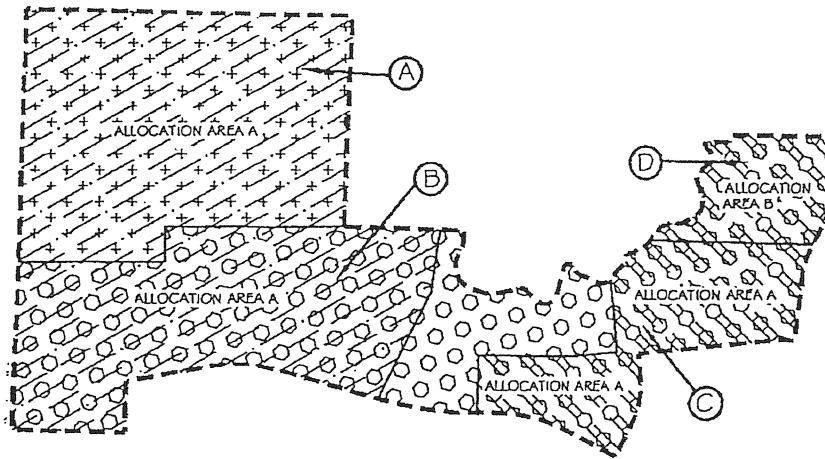
The MSP designates portions of the Project site Medium Density Residential and Medium Low Density. The part of the site in Residential Unit Allocation Area A containing 508 residential units is zoned R-1(c) (Single Family, 6,000 square foot minimum parcel size, Conditional) and R-1C(c) single-family 9,000 square foot minimum parcel size. The balance of the site is in Residential Unit Allocation Area B consists of approximately 13 acres containing 53 residential lots is also zoned R-1(c). The Conditional zoning requires in the Millerton Specific Plan that all projects be implemented as a Planned Unit Development approved by Conditional Use Permit.

The Project is comprised of 561 single-family lots served by a Public Street System as shown on Vesting Tentative Subdivision Map No. 5430 (Figure 2). 381 residential lots will be located on parcels 6,000 square feet or larger and directly front to a public street. The remaining 180 residential lots will be within smaller gated communities containing their own private road system with access points to public streets. The Project is envisioned as a single-family neighborhood integrated into the natural environment and open space areas. Special attention has been given to landscaping and streetscape to provide for a pleasant community lifestyle. The northwest commercial quadrant at the intersection of Millerton Road and Marina Drive adjoins the Property on its southeastern side. The more dense communities have been conveniently located next to commercial and retail services in order to create walkable neighborhoods. Some of the proposed commercial uses for the

neighborhood are medical and senior amenities as well as regional retail. By clustering the residences, the Project is able to provide areas for parks and open space within and throughout the community.

The MSP provides that all residential development shall be through the Planned Unit Development process. Request is made under this Operational Statement (see Section 2) and shown on the Tentative Tract Map 5430 for modification of the lot sizes and setbacks for the R-1(c) and R1C(c) zoning in this area. The request will allow a minimum of 6,000 square foot and 4,500 square foot lots as shown in the Tract Map; however, the total number of lots for the Specific Plan area and the allocation areas which include Tract 5430 and do not exceed the allocated number of units as shown in the MSP for Unit Allocation Areas A and B.

Figure & Table – Planned Unit Development Modification Process



*see Residential Development Standards (page 6) for modifications.

Area	Tentative Tract 5430		Allocation Area	Current Zoning		Residential Development Standard Modifications	
	Lot No.	Lots per Area		Designation	Min. Parcel (Sqft.)	Setbacks	Min. Parcel (Sqft.)
A	132-153 160-366	229	A	R-1C(c)	9,000	Yes	6,000
B	1-131 154-159 367-381	152	A	R-1(c)	6,000	Yes	6,000
C	382-508	127	A	R-1(c)	6,000	Yes	4,500
D	509-561	53	B	R-1(c)	6,000	Yes	4,500

2. Neighborhood Character

The neighborhood setting provides both privacy and convenience compatible with the site's natural setting. Homes will be designed with special attention given to creating a strong relationship between the front of the building and the public street, as well as strive to capture views of the natural setting. The Project will also have good access to the future Neighborhood Commercial along Marina Drive.

The majority of proposed lots have been planned with physical or visual access to open space. The lots range in size from 4,500 square feet to approximately 22,770 square feet.

The following residential design guidelines will reinforce the traditional neighborhood qualities and the resident's ability to visually enjoy surrounding vistas and open space amenities envisioned by the MSP.

Residential Design Guidelines:

- a) An emphasis should be given to creating residences with strong indoor/outdoor relationships through the generous use of windows, doors, and appropriate landscaping.
- b) Setbacks may vary for maximum flexibility with the goal of creating comfortable street edge for pedestrians. Porches and/or courtyards encouraged in order to bring the "social" part of the residential unit closer to the sidewalk.
- c) Building elevations and mass should be articulated to avoid monotony of a single architectural theme, yet avoid mixing significantly different architectural styles.
- d) The visual impact of garages shall be reduced by a variety of means; including, but not limited to, garages which are set back from non-garage façade or porch, units with forward garages which also include courtyards, arbors, arches, or other similar treatments to enhance the streetscape, or side-turned garages.
- e) Exterior wall materials should reflect the character of the region. Stone accents are encouraged along the building base and columns.
- f) The use of lighter, subdued colors as the body color and brighter accent colors to accentuate architectural details is encouraged.
- g) Roofing material shall consist of concrete or clay tile. Medium to dark gray colors and style shall be selected to match the overall architectural theme of the home.

h) Mechanical equipment (e.g., compressors, air conditioners, antennas, heat pumps, solar collectors, and satellite dishes) should not be visible to the public.

Residential Development Standards

All residential development within the MSP is to be implemented through the Planned Development process. Planned Developments allow for departure from standard property development regulations. Design elements to be considered include architecture, distance between buildings, building setbacks, building height, off-street parking, open space, fencing, and landscaping.

Residential standards provide regulations for land use, lot configuration, building setbacks, building massing, off-street parking, and fencing. The following standards shall prevail wherever conflicts with the County of Fresno Zoning Ordinance arise; however, any regulations not covered in the following standards should be deferred to applicable County Zoning Ordinances [Section R-1(c) Single-Family District] and [Section R-1C(c) Single-Family District].

Set out below is a summary of the existing and proposed standards for each of the applicable Zoning Districts in Tract 5430, as well as an explanation for the justification for such proposed changes.

Revisions to Residential Development Standards Fresno County Zoning Ordinances for Tract 5430:

The following lists the changes requested by Applicant to the existing Fresno County Zoning Ordinance as it applies to setbacks in the R1(c) and R-1C(c) zoned areas of "Lake Ridge at Millerton Lake":

Front Yard Setbacks:				
	Current R-1(c)	Current R-1C(c)	Proposed	Rationale
Garage	20'	25'	20'	Managing hardscape & landscape costs while maintaining a minimum 20' parking area
Porch	20'	25'	10'	Allowing design criteria that allows for usable porch and courtyards
Building	20'	25'	10'	Encouraging "Living Forward" Design while de-emphasizing garages
Side and Rear Setbacks:				
	Current R-1(c)	Current R-1C(c)	Proposed	Rationale
Side	5'	7'	5'	Allowing staggered front yard setbacks
Rear	20'	20'	10'	

Offsetting the garage setback from the building setback will encourage designs that de-emphasize the garage. Whether through deep recessed garages with Porte-Cocheres, side-turn garages, or tandem design, the impact of the garage is minimized with a Living Forward Design. Additionally, the use of projections in front of the garage door face crates "street friendly" elevations.

To create a lively and varied streetscape, we would propose the use of staggered front yard setbacks. Staggering building setbacks from 3' to 5' between adjacent lots requires a setback range from 10' to 20' in the front yard, and a minimum 10' rear yard setback to account for the additional front yard stagger.

Square Foot Minimum Parcel Size (Lots 1-381)

Parcel Configuration for 381 Lots in MSP Residential Unit Allocation Area A (Lots 1-381 of Tract Map):	
Lot Area	6,000 square feet minimum
Interior Lot Width	60 feet minimum
Corner Lot Width	60 feet minimum
Curved/cul-de-sac Street Frontage	35 feet minimum
Lot Depth	100 feet minimum
Lot Coverage	50% maximum
Setbacks:	
<u>Front Yard</u>	
Porch	10 feet minimum
Building	10 feet minimum
Garage	20 feet minimum
<u>Side Yard</u>	
Interior Lot	5 feet minimum
Corner Lot	10 feet minimum *side yard abutting street
<u>Rear Yard</u>	
One Story Unit	10 feet minimum
Two Story Unit	10 feet minimum
<u>Building Massing</u>	
Primary Building Height	35 feet maximum
Secondary Building Height	12 feet maximum
<u>Fencing</u>	
<u>Within Setbacks</u>	
Front Yard	3-6 feet maximum height*
Corner/Side Yard	3-6 feet maximum height*
<u>Outside Setbacks</u>	
Behind Edge of Structure	6 feet maximum height
In Front of Structure	3-6 feet maximum height*

*must be a minimum of 50% transparent (includes a wood picket fence)

Square Foot Minimum Parcel Size (Lots 382-561)

Parcel Configuration for 180 Lot (127 Lots in MSP Residential Unit Allocation Area A and 53 Lots in Area B): (Lots 382-561 of Tract Map):	
Lot Area	4,500 square feet minimum
Interior Lot Width	45 feet minimum
Corner Lot Width	55 feet minimum
Curved/cul-de-sac Street Frontage	35 feet minimum
Lot Depth	100 feet minimum
Lot Coverage	60% maximum
Setbacks:	
<u>Front Yard</u>	
Porch	10 feet minimum
Building	10 feet minimum
Garage	20 feet minimum
<u>Side Yard</u>	
Interior Lot	4 feet minimum
Corner Lot	10 feet minimum *side yard abutting street
<u>Rear Yard</u>	
One Story Unit	10 feet minimum
Two Story Unit	10 feet minimum
<u>Building Massing</u>	
Primary Building Height	35 feet maximum
Secondary Building Height	12 feet maximum
<u>Fencing</u>	
<u>Within Setbacks</u>	
Front Yard	3-6 feet maximum height*
Corner/Side Yard	3-6 feet maximum height*
<u>Outside Setbacks</u>	
Behind Edge of Structure	6 feet maximum height
In Front of Structure	3-6 feet maximum height*

*must be a minimum of 50% transparent (includes a wood picket fence)

Table: Summary of Planned Unit Differences from the Existing Zoning Standards for Tract 5430:

*Note: This table has been provided for informational purposes only at the request of the County. Proposed lots will meet the revised standards as allowed by the Planned Unit Development Process as provided for by the Millerton Specific Plan.

Tract 5430		Current Zoning		Allocation Area	Lot with Differences		
Single Family Lots	Lots per Section	Designation	Min Allowable Size (sqft)		Lot No. per Tentative Tract Map 5430	Min. Size (sqft)	Meet Tract 5430 requirements
1-131	131	R-1(c)	6,000	A	-	6,244	Yes
132-153	22	R-1C(c)	9,000	A	(15 lots) 132-141,143,147-150	6,896	Yes
154-159	6	R-1(c)	6,000	A	-	8,400	Yes
160-366	207	R-1C(c)	9,000	A	(157 lots) 160-171,173,177,182,184-194,201-205,207,218,221-229,236-239,243-245,246,248-255,258,266,286,288,290-307,310-319,321-323,325-332,334-353,355-361,363	6,000	Yes
367-381	15	R-1(c)	6,000	A	-	6,600	Yes
382-508	127	R-1(c)	6,000	A	(90 lots) 382,384-388,390-403,405,408,410-426,428,430-433,439-443,448-472,485,488-496,502-507	4,500	Yes
509-561	53	R-1(c)	6,000	B	(35 lots) 512-514,517-518,522,525-528,530-532,534-545,547-551,553-557	4,500	Yes

3. Landscaping and Neighborhood Entries

Plant materials are a strong unifying element and should reflect the physical, functional, and aesthetic qualities of the site and architectural elements. Limited palettes of material in simple compositions are recommended to achieve the overall semi-rural theme of the MSP. Areas which will be landscaped include internal local neighborhood streets,

cul-de-sacs leading to open space corridors, neighborhood entries, and Marina Drive's landscape corridor where it abuts the Project site.

Millerton Road and Marina Drive

Both Millerton Road and Marina Drive represent an important edge for project identification and character due to the visibility of portions of the Project site from these roadways.

The landscape plantings will be in character with the overall semi-rural theme of the MSP and relate strongly with the neighborhood entry treatments. The landscaping theme will feature a palette of deciduous and evergreen trees, and mass shrub plantings in addition to preserving the native character by using existing plant communities and vegetation of similar plant materials where possible. Use of color in shrubs is highly recommended.

All landscaped areas will be provided with an irrigation system adequate to sustain normal growth and capable of being maintained in good repair for long periods.

It should be noted that any unpaved areas proposed for a future travel lane should be kept free from landscape improvements, such as monuments, fencing, and lighting. These areas, however, may be planted until developed.

All landscaping must meet the MSP Guidelines for lower water use. All major open space areas will be irrigated with treated effluent.

Millerton Road and Marina Drive Landscaping Guidelines

The road profiles in the MSP for both Millerton Road and Marina Drive will be adhered to.

- a) Landscape design should be in character with the overall semi-rural theme of the MSP and relate strongly with the Project entries. Use of indigenous, low water using plant materials is encouraged.
- b) Streetscape should emphasize one primary tree species that has been selected for that street with coordinating screen and accent trees planted between the primary tree species and fence line.
- c) One primary street tree should be provided every 50 - 60 feet along both Millerton Road and Marina Drive within the five-foot landscape buffer at a uniform distance from the edge of the right-of-way.
- d) Coordinating screen and accent trees, shrubs, and ground cover should be planted in groupings, not scattered individually.

e) Street trees shall be long lived, deep rooted, and require little maintenance [Specific Plan Policy 806-06:2.00(1)].

4. Neighborhood Entries

A portion of the Project is bordered by Millerton Road and another portion of the Project by Marina Drive. Each of the two primary neighborhoods will have a neighborhood entry from either Millerton Road or Marina Drive. These entries, in combination with the landscaping along Saubrice Avenue, will define the neighborhood character and set the tone for the Project.

The use of stone, fencing, lighting, and signage will be used to draw attention to these entries. Special landscaping highlights such as flowering shrubs and groundcovers dispersed around stone formations will provide the most visual impact for these areas and enhance the overall Project image. Clear views for traffic safety and Project signage will be maintained.

Neighborhood entry treatments will be located at entry points from both Millerton Road and Marina Drive. In keeping with the semi-rural theme of the MSP, signage will build upon low-key neighborhood entry treatments that will be easily identifiable to vehicular traffic. Natural materials such as stone or boulder monoliths with signage plaques mounted or carved onto the surface will be used to identify neighborhood entries. A detail of a neighborhood entry treatment is illustrated in Figure 4, with the neighborhood entry plan illustrated in Figure 4A.

The following guidelines are intended to ensure quality entry treatments along Millerton Road.

Neighborhood Entry Guidelines

- a) Ornamental and specialty landscape should be used to draw attention to Project entries.
- b) Landscaping should complement Millerton road and Marina Drive landscaping, and entry signage and landscape.
- c) Short-lived (seasonal) plantings may be used only as a minor supplement to longer-lived plant materials.
- d) Entry monuments with signage plaques or carved onto the surface of monuments should be used to identify neighborhood entries.
- e) Accent paving materials such as interlocking pavers may be used.

f) Monument signage at the west entry should be symmetrically arranged on each side of the entry intersection.

g) Monument signage at the east entry will be provided only on the southeast side of the entry intersections.

h) Concealed lighting sources located flush with grade may be used.

5. Cul-de-Sac Open Space Entries

A low wrought-iron fence will be installed along the perimeter of the cul-de-sac exposed to open space corridors. The purpose of the low fence is to prohibit unauthorized vehicular traffic from entering open space corridors, while allowing pedestrian and bicycles to enter.

Cul-de-Sac Open Space Entry Guidelines

a) Physical and visual access into the open space corridor shall be provided from the adjoining residential neighborhood. Visual access shall be achieved by implementing Type C fencing standards contained in this Operational Statement.

b) Ornamental and specialty landscape should be used to draw attention to open space corridor entries.

c) Landscape irrigation runoff shall be managed to protect native plant materials in the parkway from unseasonable water run-off.

6. Local Street Trees

Street trees play an important role in the quality of the local neighborhood environment. Properly planted trees of the correct species will grow into a shade canopy over local streets. The use of canopy trees saves energy by cooling the area and increases property values by improving the neighborhood streetscape aesthetics.

Local Street Tree Guidelines

a) Street trees (one per lot) should be provided at a regular spacing of 40 feet on center in a uniform distance from the edge of the sidewalk along all local streets within the five-foot planting easement.

b) A single street tree species should be consistently used along each street. Varying species may be used for additional yard trees at the builder's option.

7. Fencing

A coordinated system of fencing has been established that responds to a variety of fencing conditions related to aesthetics, privacy, and the overall semi-rural theme of the MSP. The fencing types established specify the type of fencing that is to be utilized within and along the perimeter of Project site.

The following standards are intended to ensure the coordination, quality, and proper design of all fencing materials within the development area. All fencing should meet the following standards and design described in Figure 5 and Figure 5A or such other standards and designs as may be approved by the Millerton Specific Plan Architectural Committee. Unless specified in the following standards, fencing shall comply with the requirements of Section 80-4 of the Fresno County Standard Specifications.

Type A Perimeter Fencing Standards

Type A fencing applies to fencing along Millerton Road and Marina Drive, and along the westerly perimeter of the development area.

- a) Type A fencing shall be installed along Millerton Road and Marina Drive and along the perimeter of the development area.
- b) Fencing shall be a maximum of six feet high.
- c) Pilasters shall be spaced at a maximum interval of 64 feet on center.
- d) Pilasters shall also be placed at all end points and at all directional changes exceeding 45 degrees.
- e) Wood fence members should consist of redwood or cedar panels, and redwood, cedar or pressure treated fir posts and rails or high quality simulated wood materials.
- f) Fencing panels shall face the exterior of the development area.
- g) Fencing design shall incorporate Landscape Plans that include plantings to soften the visual impact of the fence.
- h) In addition to wood, other acceptable fence materials include wrought iron, fiberglass, and/or concrete.

Type B Residential Yard Fencing Standards

Type B fencing applies to fencing along all internal neighborhood yard boundaries.

- a) Type B fencing should be installed on all residential parcel rear or side lot lines, which adjoin other residential parcel rear or side lot lines.
- b) Fencing should be a maximum of six feet high.
- c) Wood fence members should be composed of redwood or cedar panels, and redwood, cedar, and/or pressure-treated fir posts and rails or suitable high quality simulated wood material.
- d) Fencing that abuts a street or open space should not have exposed horizontal structure members to the street or open space. In cases where conditions exist on each side of the fence, the structural member should be exposed on the open space side.
- e) In addition to wood, other acceptable fence material includes wrought iron, fiberglass, and/or concrete.

Type C Split Rail Fencing Standards

Type C fencing applies to all open-ended cul-de-sacs leading to open space corridors. Type C fencing may also be used in conjunction with neighborhood entries.

- a) Type C fencing should be installed at open-ended cul-de-sacs leading to open space corridors.
- b) Type C fencing may also be installed in conjunction with neighborhood entries.
- c) Fencing should be a maximum of four feet high.
- d) Pilasters should be spaced at a maximum interval of 32 feet.
- e) Pilasters should be placed at all end points and at all directional changes exceeding 45 degrees.
- f) Wood fence members should be composed of redwood or cedar and should have the following nominal dimensions:

Rails: 2" x 6"

Posts: 6" x 4"

g) In addition to wood, wrought iron, fiberglass, and/or concrete are acceptable fence materials.

8. Open Space Areas:

Portions of the Project face open space areas to be irrigated with tertiary reclaimed water. Setbacks as required for protection of wetlands will average 50 feet in this area.

9. Lighting

Simple efficient street lighting mounted on standard poles will be provided. Street lighting will be spaced to provide safety to motorists and pedestrians while retaining the overall semi-rural theme of the MSP. Architectural lighting effects are encouraged at neighborhood entries and landscaping to promote nighttime identity and character. Excessive lighting and glare should be minimized through careful selection and placement of lighting standards and illumination levels.

Lighting Standards

a) Street lighting shall be concentrated at intersections, crosswalks, and neighborhood entries Section 806-05:5.03(b).

b) Lighting fixtures should direct light downward and minimize area glare and light spillover.

10. Circulation

Components of the MSP Transportation Element (Section 806-02) include a hierarchy of streets and trail system for pedestrian and bicycle use. Special attention has been given to creating streets and streetscape that balance the needs of automobiles with those of pedestrians and bicyclists. The following street classifications correspond to and are consistent with the adopted MSP .

Foothill Boulevard

Foothill Boulevard serves as the primary circulation route from east to west, and a link to the community's commercial core at Marina Drive, and to Millerton Road. Foothill Boulevard is intended to have a distinctively "rural" character core. Landscaped corridors have been reserved along both sides of the street (in locations without residential lots) to provide a transition and edge treatment for open space preserves as well as a buffering and screening of adjoining residential areas.

Foothill Boulevard will be constructed as a two-lane undivided road in a 60-foot right-of-way as defined in the Millerton Specific Plan. Turn lanes may be provided as needed at intersections of significance to the Specific Plan Circulation system.

Marina Drive

Marina Drive serves as the primary circulation route for the easterly half of the Specific Plan and a link to the commercial core area and Millerton Lake. Marina Drive characteristics are defined in the Millerton Specific Plan.

Local Streets

Local streets provide access and circulation to individual lots. Two local street sections are permitted in the MSP of varying size depending on the number of lots served. All local streets will be constructed as specified in the Specific Plan with one exception. For streets serving one to 10 residential dwelling units, a monolithic curb, gutter, and sidewalk will be constructed consistent with the standards specified for local streets serving 11 or more residential dwelling units. Landscaping and utility easement standards will also be constructed pursuant to the standards specified for local streets serving 11 or more dwelling units.

Private Streets

The private street system for lots 382-561 are based upon the Fresno County Standards and Specifications for 35' Private Local Residential Streets (Case A-18) and 30' Private Local Residential Streets (Case A-18a). The private streets as proposed by this project have been shown by Figures 14-16. The 180 residential lots on the eastside of the project surrounding two sides of a future commercial area will be served by private streets. The private streets have been designed with a looped circulation pattern to address the following concerns:

- a) Emergency Vehicle Access – A minimum of two points of access have been provided to each gated community by use of main entries and emergency vehicle access gates.
- b) Emergency Vehicle Travelway Width – The 30-ft roadway will provide a 22-ft travelway (two 11-ft travel lanes) and the 35-ft roadway will provide a 26-ft travelway (two 13-ft travel lanes) width from curb to curb. This exceeds the minimum 9-ft travel lane requirement by CAL Fire and exceeds the 20-ft travel way (two 10-ft travel lanes) as shown in County Standard Case A-1E(50) for a 50-ft right of way local residential street.
- c) No On-street Parking – No on-street parking will be allowed. Enforcement may occur through HOA rules and regulations. The HOA may include but is not limited to the following methods of enforcement:
 - 1) No parking signs and curbs painted red.

- 2) Neighborhood patrols by a private security company or residence homeowner.
- 3) Citations/Fines by the HOA.
- 4) Reporting of illegally parked vehicles to the future Sheriff Station on the south side of Millerton Road (proposed within the Government Center).
- d) Parking – 75 off-street parking spaces are to be provided at a minimum ratio of 1 off-street parking space per every 2.5 lots. Figure 16 provides a detailed layout of the required parking spaces. Additionally the minimum garage set back will allow for cars to park in the driveway without interference with vehicles travelling on the private roads.
- e) On-street Solid Waste pickup – Internal solid waste pickup will occur only on the 35-ft wide private streets. Carts can be placed out for collection after a certain hour the preceding day and shall be out of view no later than a certain hour on collection day. Enforcement may occur through HOA rules and regulations. County staff has discussed this issue with the Ponderosa solid waste and their vehicles can provide service to the 35-ft wide streets. The following table lists the eight lots that front to 30-ft streets and closest lot that will provide for solid waste pick-up.

Lot No.	Lot No. for the location of nearest pick-up	Additional distance to pick-up location (ft)
425	427	60
426	424	70
434	436	80
435	437	50
507	456	60
508	506	80
514	516	50
515	513	60

Off-site Roads and Funding Agreements

As stated in the Specific Plan, Environmental Impact Report, and Mitigation Matrix, the developer will enter into a Traffic Improvement Agreement with the County to provide for the funding of the required traffic and transportation improvements. The Agreement will be executed prior to the approval of a Final Subdivision Map.

This Agreement shall specify which off-site road improvements, if any, are to be bonded for or constructed by the Developer as a result of traffic generated impacts. Funds collected from the Developer for some improvements may be reimbursed in the event funds are collected from other developers in the vicinity of MSP area for such improvements. Required improvements shall maintain a Level of Service as defined by

County Standards. The Traffic Improvement Agreement between the County and the Developer shall consider the EIR Traffic Study and any other relevant traffic analyses or information.

11. Grading

The MSP respects the physical character and environmental qualities of the Plan Area and is sensitive to visual qualities, building types, and development efficiency. The open space corridors and ridgelines delineated in the Specific Plan provide vertical separation between development density areas. The Project area is bound by a prominent ridgeline along the north.

The Project is designed to be compatible with the physical character and environmental qualities of the area to the south and the gentle slopes that separate the development area from tracts to the east.

The following standards apply to the grading within the Project site. The intent of these standards is to establish a balance in the overall approach to site development and the visual qualities of the prominent ridgeline and the site's "rolling" terrain.

Mass Grading Standards

- a) Mass graded sites should be contoured and shaped to resemble, to the extent feasible, the natural topographic forms.
- b) All pads shall drain to a public street or Storm Drainage System.
- c) The maximum vertical height of retaining walls between pads or benches shall be four vertical feet as measured from the base of wall to top of wall.
- d) All retaining walls to create building pads shall be constructed of reinforced materials.
- e) The exposed face of a foundation stem wall shall not exceed five feet in average height and shall be landscaped and/or screened.
- f) Stockpile and borrow sites may be permitted within an area that is scheduled for future development.

Hillside Grading Standards

- a) Toe and crest of manufactured slopes should be rounded to blend with adjoining terrain to the extent feasible.

b) Where graded slopes intersect, the ends of each slope should be horizontally rounded and blended.

c) All grading should be phased so that prompt revegetation or construction of improvements will control erosion. Temporary erosion control methods will be utilized where permanent installation is infeasible.

d) Major oaks, native stands of trees, and other significant vegetation should be avoided or preserved where possible.

12. Infrastructure

To provide for the orderly planning of the connection of the Project site with other future residential and commercial projects in the MSP area, an Infrastructure Plan for the Specific Plan and certain adjacent properties has been adopted by Fresno County. The Infrastructure Plan provides area-wide systems for the treatment of wastewater, use of reclaimed water, and for the treatment and storage and distribution of surface water. The Infrastructure Plan also summarizes applicable standards for Drainage Plans for site-specific projects in conformance with the MSP.

This Project is subject to the provisions of the MSP set forth in Section 806-07:5:00. All the necessary infrastructure to provide service shall be completed prior to acceptance by County Service Area No. 34 (CSA No. 34). The CSA shall be responsible for the maintenance and appropriate upgrading of infrastructure, but is not responsible for the construction of infrastructure.

The Project will be served with surface water from Millerton Lake to be delivered through CSA No. 34 facilities consisting of a portion of Fresno County's Cross-Valley Contract Supply. The facilities for the withdrawal of water from Millerton Lake, the conveyance of the raw water to the treatment plant, and treatment of the water supply for domestic use for the Project area are in place.

The Project will be served with a tertiary level wastewater treatment facility, which is currently being constructed at the site of the current Brighton Crest (Tract 4048) facility at the southerly end of the Specific Plan area. The approved CUP 2979 is in accordance with the Millerton New town Area Infrastructure Plan which was adopted by Fresno County and other applicable approvals by the State of California Regional Water Quality Control Board. CSA No. 34 will operate this facility under Wastewater Discharge Requirements and Water Reclamation Requirements issued by the California Regional Water Quality Control Board.

Phase I of this facility has a wastewater permitted capacity of 200,000 gallons per day (gpd); and is designed to be expanded in phases to include treatment capacity for that portion of the Millerton Specific Plan as described in the Adopted Millerton Infrastructure Plan, including the units in Tract 5430. This Tract 5430 Project at full

- i) Construction of required berms and walls.

13. Other Plans and Maps

Attached are Figures 6, 7, 8, 9, and 10 out of the Millerton Specific Plan which illustrate the relationship of Tract 5430 to Unit Allocation Areas A and B and to the circulation, road profiles, and other standards and requirements of the Millerton Specific Plan.

14. Project Elevations and Floor Plans

Set out in Figure 14 to this Operational Statement are ten alternative residential products, elevations, and floor plans that are among those designed to fit on any of the lots in Tract 5430. The Plan Numbers are described in Figure 13 below.

15. Figures to Operational Statement

- Figure 1: Area Map
- Figure 2: Tract No. 5430 Map
- Figure 3: MSP Residential Development Allocation Areas
- Figure 4: Neighborhood Entry Treatment
- Figure 4A: Neighborhood Entry Plan
- Figure 5: Fencing Standards and Design
- Figure 5A: Additional Fencing Standards
- Figure 6: Land Use and Circulation Element Maps from Specific Plan
- Figure 7: Circulation Element and Bikeways
- Figure 8: Road Profiles for Marina Drive from MSP
- Figure 9: Road Standards for Millerton Road -MSP
- Figure 10: Left-turn Requirements for Marina Drive from MSP
- Figure 11: Road Profile for Residential and Collector Streets from MSP
- Figure 12: Slope Plan, Millerton New Town Specific Plan
- Figure 13: Alternative Residential Products, Elevations, and Floor Plans:

Lakeridge at Millerton Lake II:

- (a) Plan No. 1568
- (b) Plan No. 1883
- (c) Plan No. 2000
- (d) Plan No. 2396
- (e) Plan No. 2749
- (f) Plan No. 3101

buildout will generate an estimated 142,500 gpd of wastewater to be treated and disposed of at the wastewater treatment facility.

In accordance with the Traffic Study previously prepared, this Project will be required to participate pro rata in the construction of area streets and roads. The Developer will be entitled to reimbursement for costs incurred over and above the Project's pro rata share for certain roads as set out in the Traffic Study prepared in accordance with GPA 455, GPA 489, and related projects.

The Specific Plan (Section 806-07:502) identifies for the following Developer infrastructure obligations:

- a) Construction of on-site improvements.
- b) Right-of-way dedication and construction of curb, gutter, and sidewalk improvements as applicable on major street frontages.
- c) Extension of facilities from the proposed Project to the nearest improved point of connection if existing facilities are not adequate to serve the Project. This includes right-of-way dedication for streets, water and sewer lines, and construction of these facilities.

For roads, this means dedication of right-of-way and construction of two travel lanes to the nearest improved road (half of a four-lane collector or arterial and construction of the entire travel width of two-lane roads). As adjacent properties develop, each developer shall be responsible for construction of curb, gutter, and parking lane improvements and for reimbursement to the original Developer of their fair share of the travel width improvements.

- d) Construction of oversized sewer and water lines or easement allowing for parallel lines to nearest point of connection. First-in developers will have to install off-site oversized primary facilities to the nearest point of connection to serve a larger area than their own project. An Agreement will be required between the subdivider and the County Service Area for future reimbursement to the subdivider for the extra cost of trunk line construction.
- e) Dedication and improvement of drainways, recreation corridors, and open space.
- f) Dedication of public facilities sites.
- g) Dedication of improvement of bike lanes.
- h) Dedication of right-of-way for outside travel lanes, median islands, and intersection improvements.

Lakeridge at Millerton Lake III:

- (a) Plan No. 1445
- (b) Plan No. 1726
- (c) Plan No. 1930
- (d) Plan No. 2131

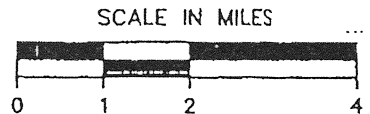
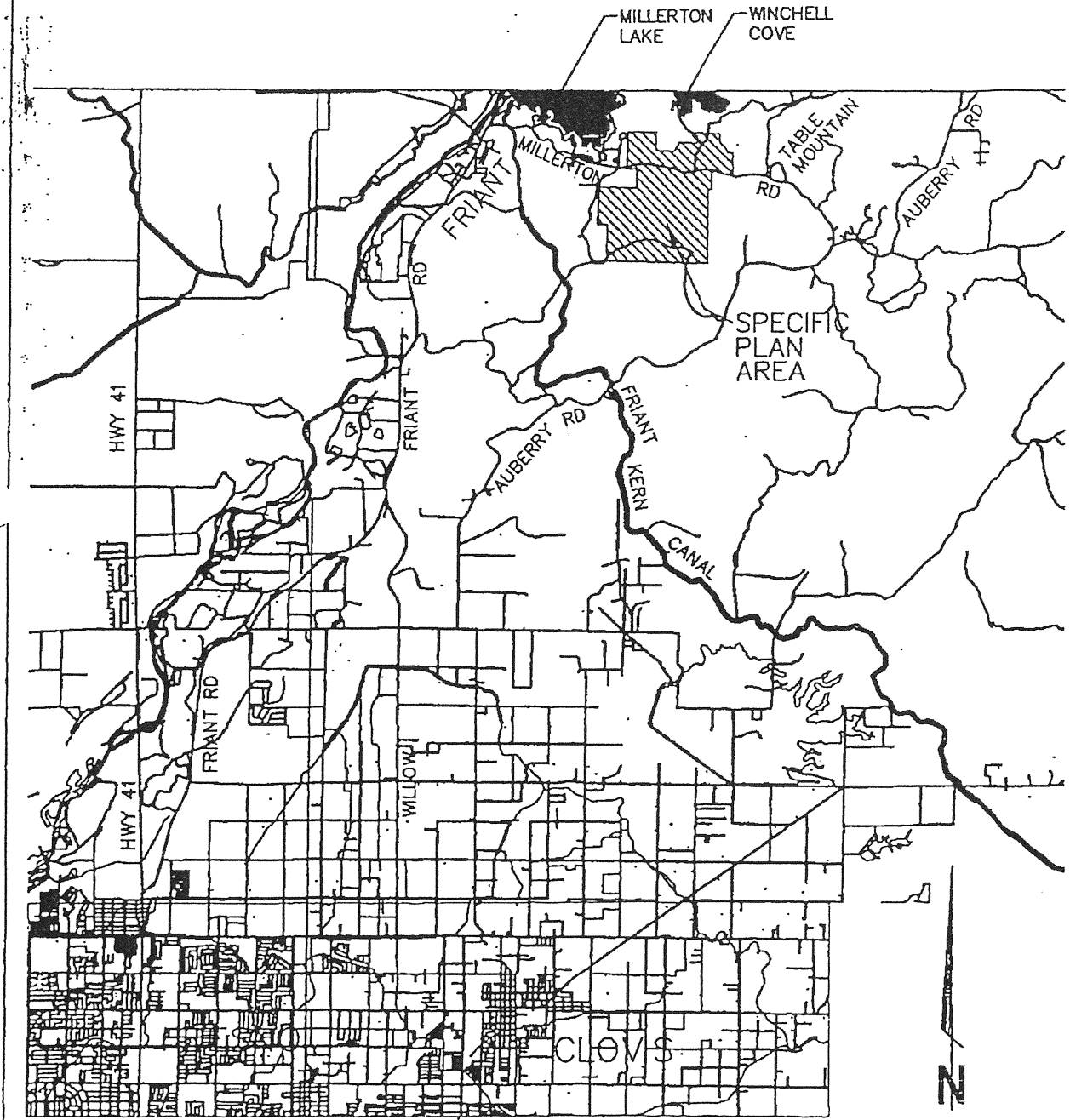
Figure 14: 35' Private Local Residential Road

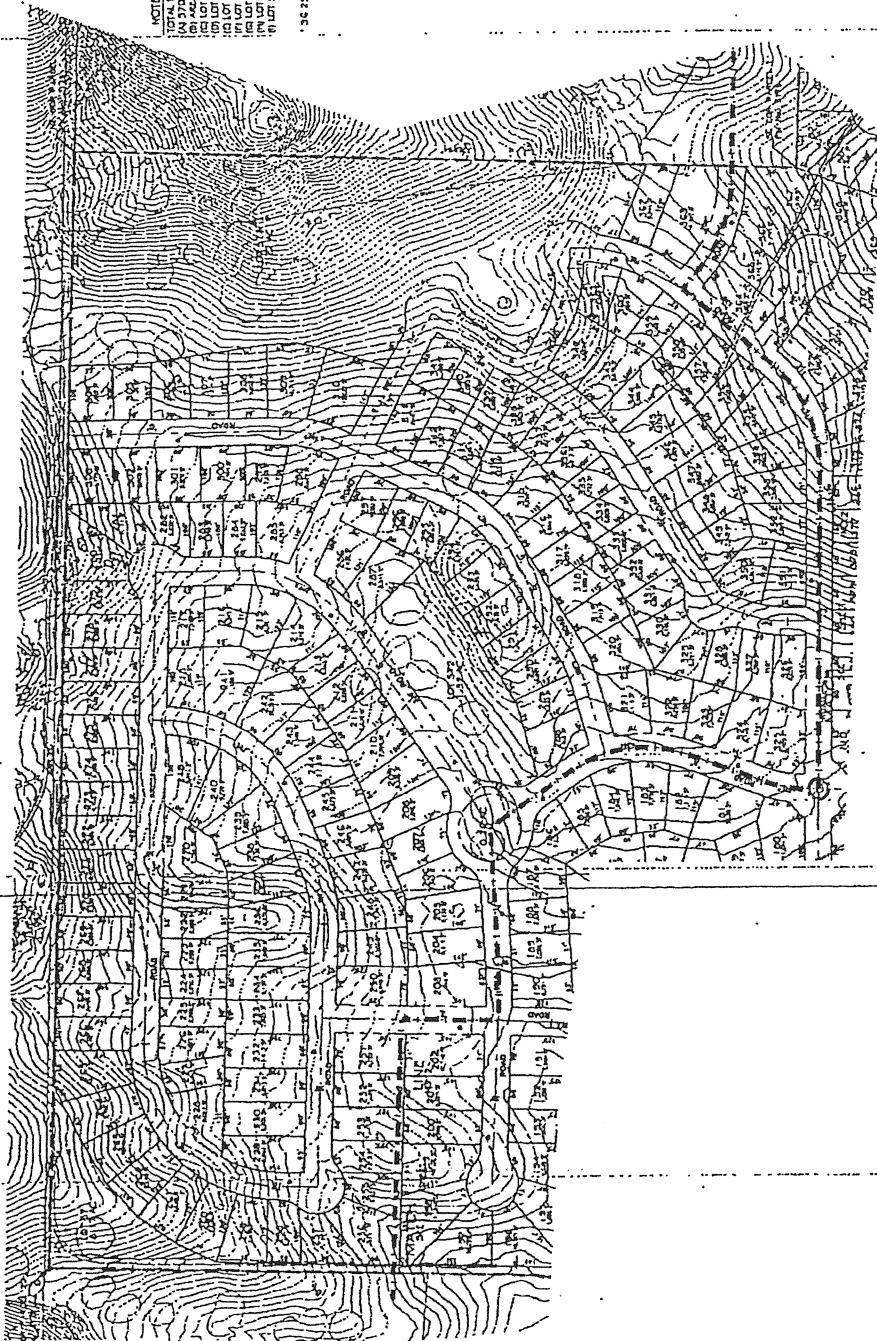
Figure 15: 30' Private Local Residential Road

Figure 16: Off-Street Parking Spaces for Private Roads

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FIGURE SP1-1. VICINITY MAP
MILLERTON NEW TOWN





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 607. 177WK LOTS
 608. 177WL LOTS
 609. 177WM LOTS
 610. 177WN LOTS
 611. 177WO LOTS
 612. 177WP LOTS
 613. 177WQ LOTS
 614. 177WR LOTS
 615. 177WS LOTS
 616. 177WT LOTS
 617. 177WU LOTS
 618. 177WV LOTS
 619. 177WW LOTS
 620. 177WX LOTS
 621. 177WY LOTS
 622. 177WZ LOTS
 623. 177XA LOTS
 624. 177XB LOTS
 625. 177XC LOTS
 626. 177XD LOTS
 627. 177XE LOTS
 628. 177XF LOTS
 629. 177XG LOTS
 630. 177XH LOTS
 631. 177XI LOTS
 632. 177XJ LOTS
 633. 177XK LOTS
 634. 177XL LOTS
 635. 177XM LOTS
 636. 177XN LOTS
 637. 177XO LOTS
 638. 177XP LOTS
 639. 177XQ LOTS
 640. 177XR LOTS
 641. 177XS LOTS
 642. 177XT LOTS
 643. 177XU LOTS
 644. 177XV LOTS
 645. 177XW LOTS
 646. 177XX LOTS
 647. 177XY LOTS
 648. 177XZ LOTS
 649. 177YA LOTS
 650. 177YB LOTS
 651. 177YC LOTS
 652. 177YD LOTS
 653. 177YE LOTS
 654. 177YF LOTS
 655. 177YG LOTS
 656. 177YH LOTS
 657. 177YI LOTS
 658. 177YJ LOTS
 659. 177YK LOTS
 660. 177YL LOTS
 661. 177YM LOTS
 662. 177YN LOTS
 663. 177YO LOTS
 664. 177YP LOTS
 665. 177YQ LOTS
 666. 177YR LOTS
 667. 177YS LOTS
 668. 177YT LOTS
 669. 177YU LOTS
 670. 177YV LOTS
 671. 177YW LOTS
 672. 177YX LOTS
 673. 177YY LOTS
 674. 177YZ LOTS
 675. 177ZA LOTS
 676. 177ZB LOTS
 677. 177ZC LOTS
 678. 177ZD LOTS
 679. 177ZE LOTS
 680. 177ZF LOTS
 681. 177ZG LOTS
 682. 177ZH LOTS
 683. 177ZI LOTS
 684. 177ZJ LOTS
 685. 177ZK LOTS
 686. 177ZL LOTS
 687. 177ZM LOTS
 688. 177ZN LOTS
 689. 177ZO LOTS
 690. 177ZP LOTS
 691. 177ZQ LOTS
 692. 177ZR LOTS
 693. 177ZS LOTS
 694. 177ZT LOTS
 695. 177ZU LOTS
 696. 177ZV LOTS
 697. 177ZW LOTS
 698. 177ZX LOTS
 699. 177ZY LOTS
 700. 177ZZ LOTS

SCALE IN FEET
 0 100 200 300 400 500 600 700 800 900 1000

LEGEND
 1. THE PROPERTY OF THE CLARKSFIELD COMPANY, INC.
 2. THE PROPERTY OF THE CLARKSFIELD COMPANY, INC.
 3. THE PROPERTY OF THE CLARKSFIELD COMPANY, INC.
 4. THE PROPERTY OF THE CLARKSFIELD COMPANY, INC.

THE CLARKSFIELD COMPANY, INC.	
IN THE COUNTY OF FRESNO	STATE OF CALIFORNIA
LAKE RIDGE COMMUNITIES	VESTING
TENTATIVE TRACT MAP No. 5480	
DATE OF PREPARATION: 12/15/11	DATE OF RECORDING: 12/15/11
PREPARED BY: [Name]	RECORDING OFFICE: [Name]
CHECKED BY: [Name]	DATE: [Date]
APPROVED BY: [Name]	DATE: [Date]

Exhibit 5 – Figure 2
 Page 3

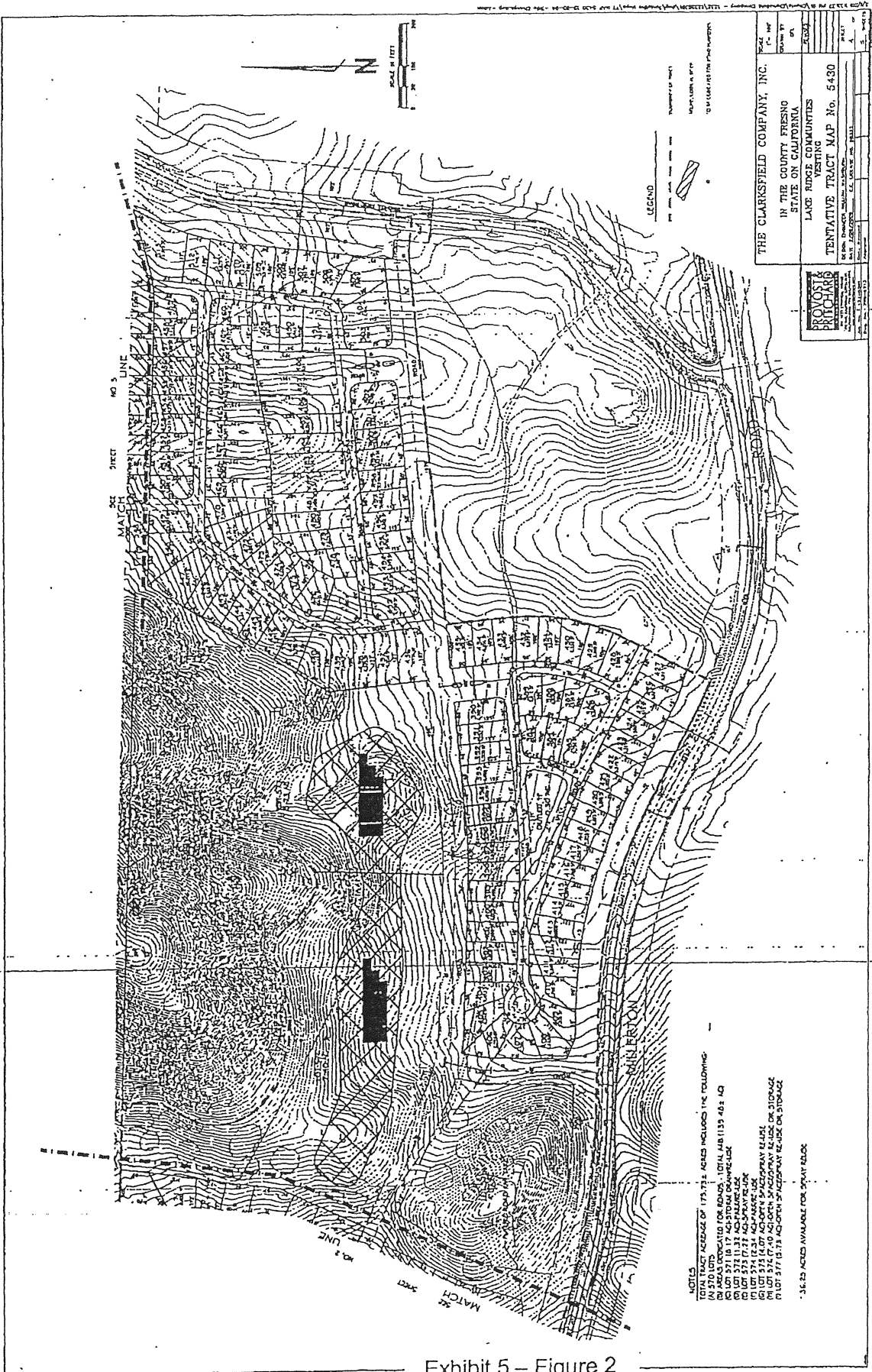
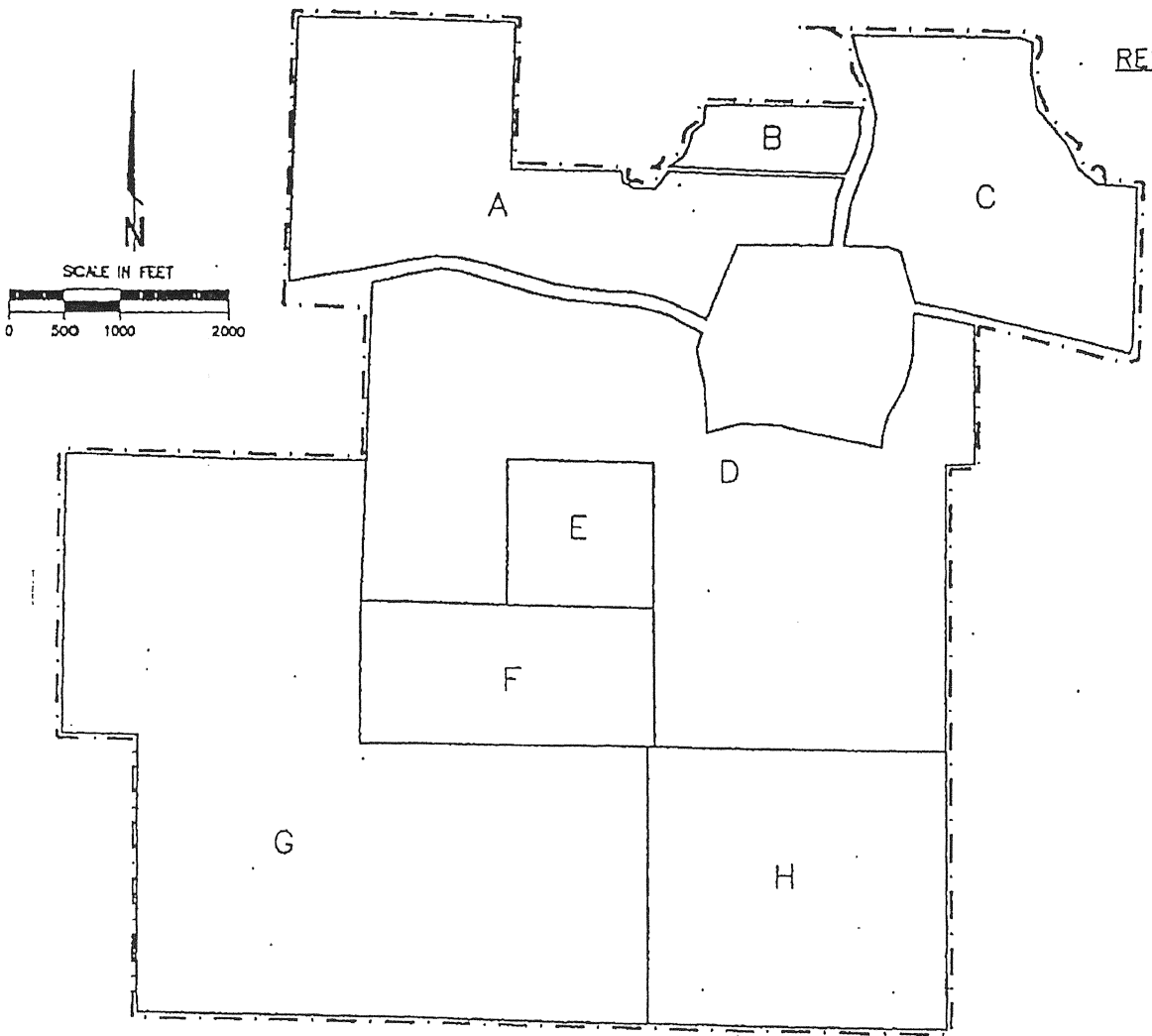


Exhibit 5 – Figure 2
Page 4

FIGURE SP1-5.
RESIDENTIAL DEVELOPMENT ALLOCATION AREA
MILLERTON NEW TOWN
SPECIFIC PLAN

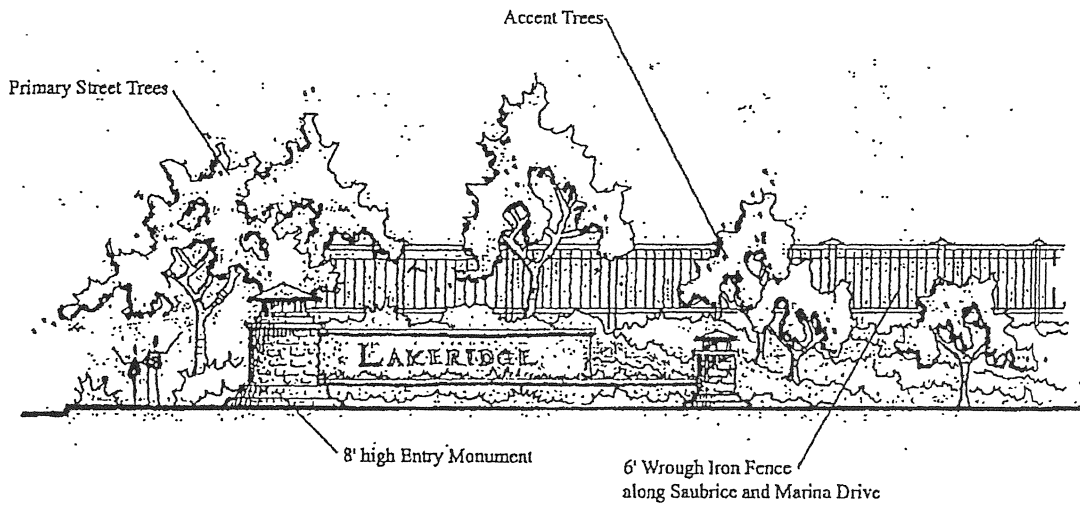


RESIDENTIAL AREAS

AREA A:	513 UNITS
AREA B:	57 UNITS
AREA C:	600 UNITS
AREA D:	1,017 UNITS
AREA E:	100 UNITS
AREA F:	210 UNITS
AREA G:	795 UNITS
AREA H:	207 UNITS
TOTAL:	3,499 UNITS

Exhibit 5 - Figure 3

ighborhood Entry Treatment



Primary Street Trees (Saubrice and Marina Drive):

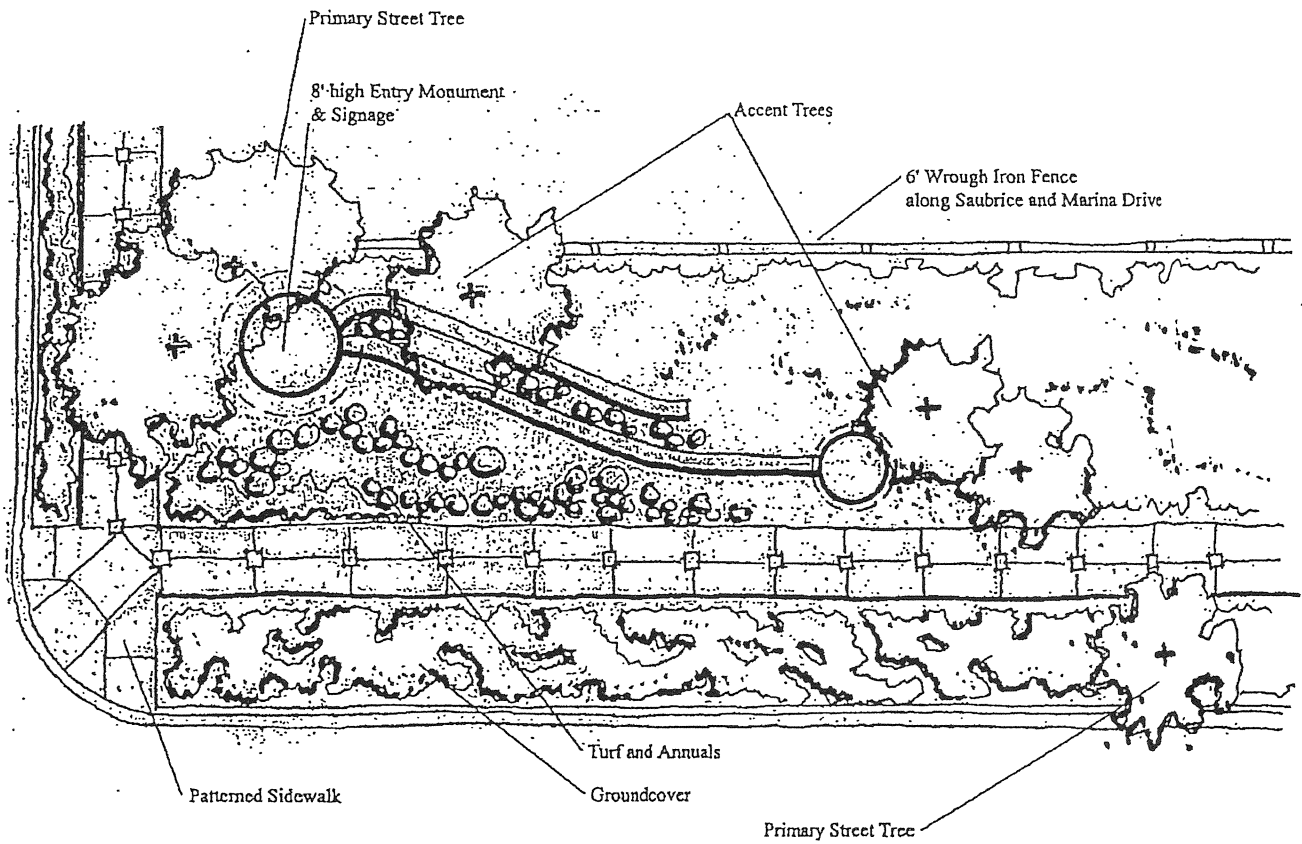
- | | |
|--------------------|------------|
| Populus Fremontii | Cottonwood |
| Plantanus racemosa | Sycamore |
| Quercus lobata | Valley Oak |

Accent Trees:

- | | |
|-----------------------------|----------------|
| Cercis canadensis | Eastern Redbud |
| Lagerstroemia indica | Crape Myrtle |
| Maytenus boaria | Mayten Tree |
| Robina ambigua "Idahoensis" | Locust |

Exhibit 5 – Figure 4

Neighborhood Entry Plan

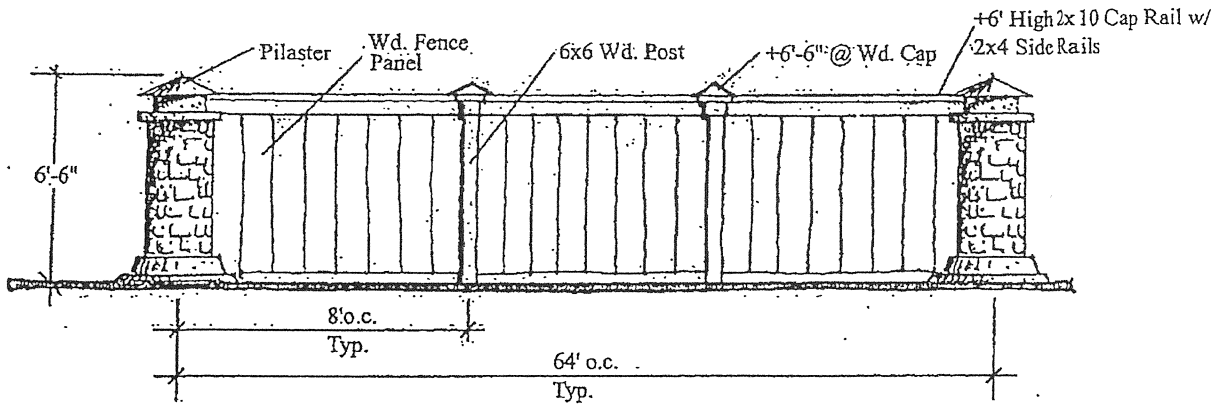


Primary Street Trees (Saubrice and Marina Drive):
 Populus Fremontii Cottonwood
 Plantanus racemosa Sycamore
 Quercus lobata Valley Oak

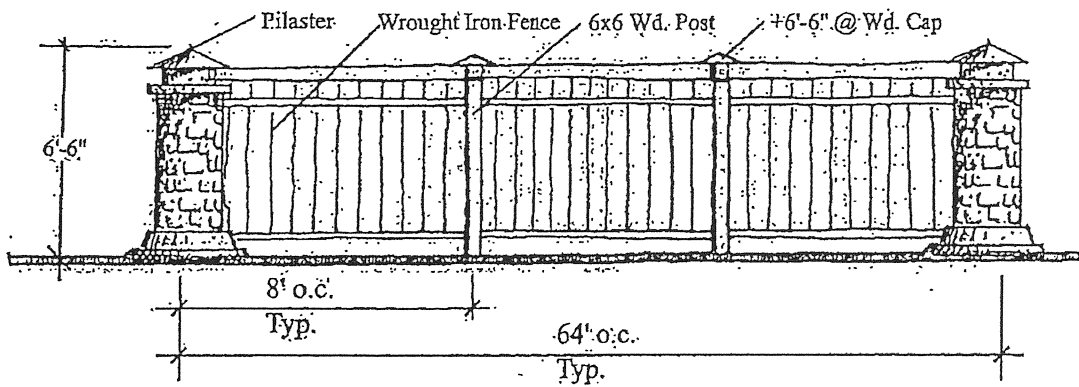
Accent Trees:
 Cercis canadensis Eastern Redbud
 Lagerstroemia indica Crape Myrtle
 Maytenus boaria Mayten Tree
 Robina ambigua "Idahoensis" Locust

Exhibit 5 – Figure 4A

Fencing Standards

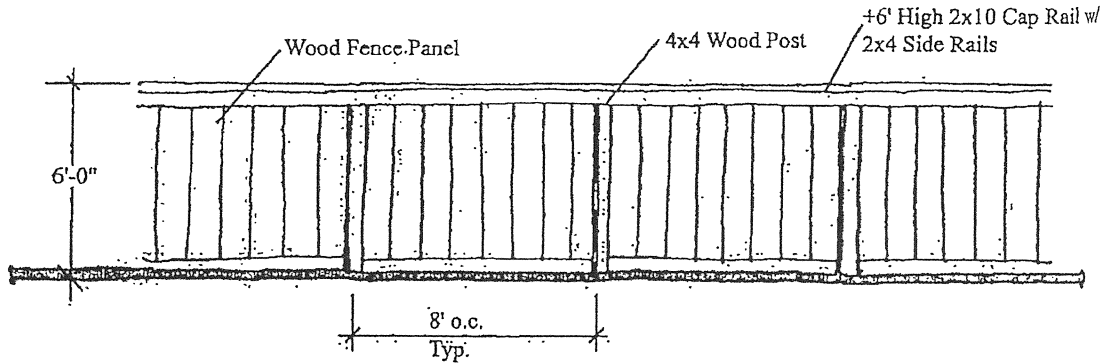


Type A: Perimeter Fencing.
 Perimeter fencing shall be six (6) feet in height. Perimeter fencing shall be constructed along Marina/ Saubrice Drive and along northern perimeter of the project area.



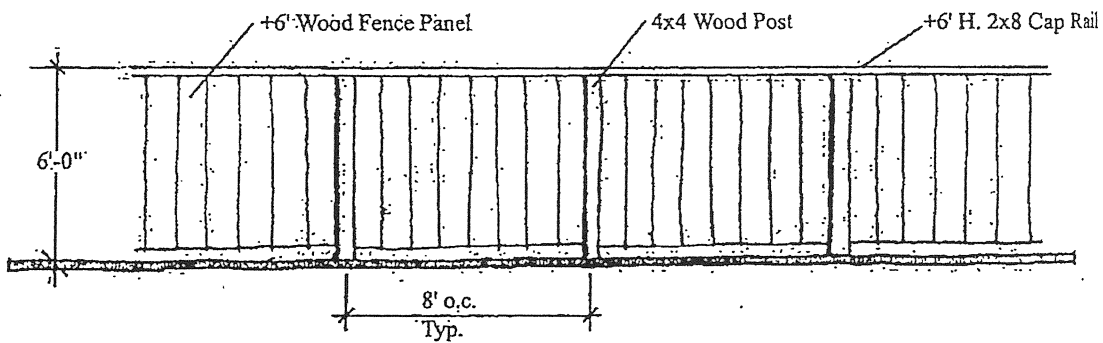
Type A Alternate: Perimeter Fencing
 Perimeter fencing shall be six (6) feet in height. Perimeter fencing shall be constructed along Marina/ Saubrice Drive and along northern perimeter of the project area.

Fencing Standards



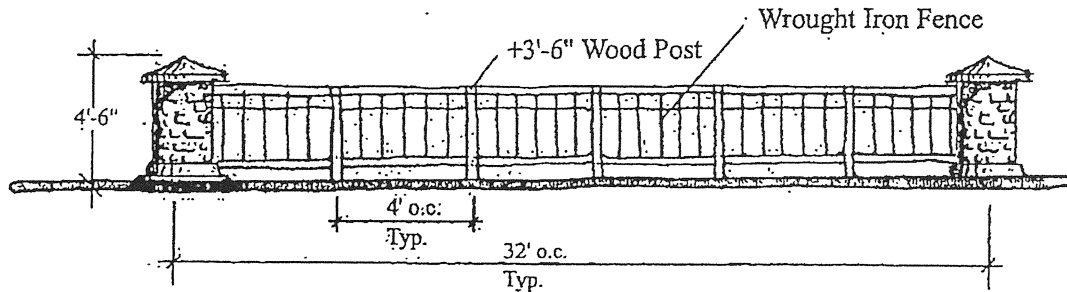
Type B: Residential Yard Fencing (Viewable From Public Street)

Interior residential front facing (backyard) fencing (toward public streets) shall be six (6) feet in height. This fence shall be constructed of redwood, cedar, or comparable material.



Type B: Residential Yard Fencing (Interior)

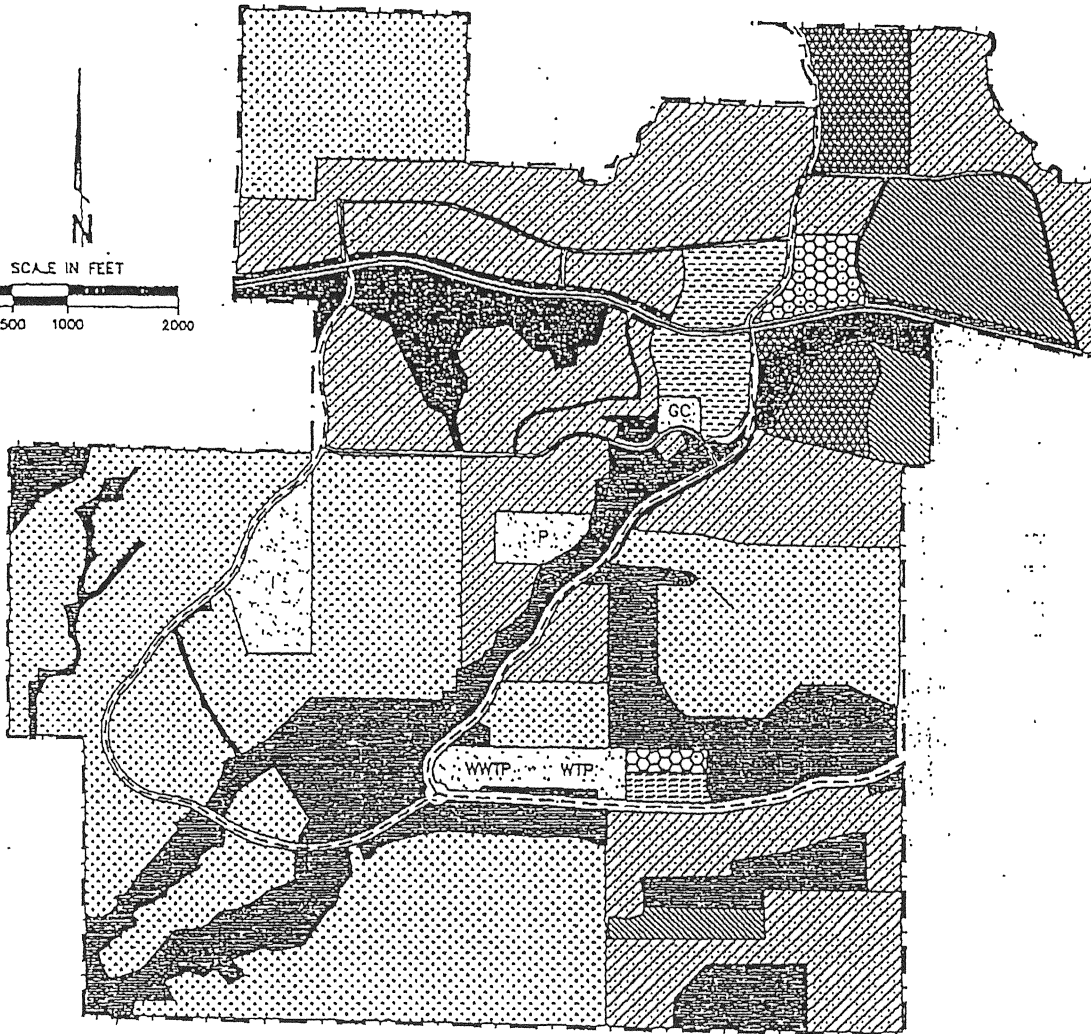
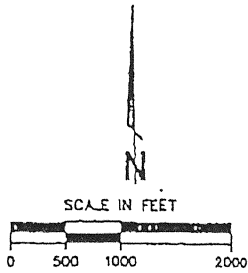
Interior residential front facing (backyard) fencing (toward public streets) shall be six (6) feet in height. This fence shall be constructed of redwood, cedar, or comparable material.



Type C; Low Ornamental Iron Fencing

Low Fencing shall be constructed at all open-ended culs-de-sac leading to open space corridors. Low Fencing may also be used in conjunction with neighborhood entries.

FIGURE SP1-4.
LAND USE AND CIRCULATION ELEMENTS
 MILLERTON NEW TOWN
 SPECIFIC PLAN


















- OPEN SPACE 
- RESIDENTIAL
 - MEDIUM LOW DENSITY 
 - MEDIUM DENSITY 
 - MEDIUM HIGH DENSITY 
- COMMERCIAL
 - CENTRAL BUSINESS SERVICE 
 - SPECIAL NEIGHBORHOOD 
- PUBLIC FACILITIES
 - SCHOOL 
 - GOVERNMENT CENTER 
 - PARK 
 - WATER TREATMENT PLANT 
 - WASTEWATER TREATMENT PLANT 
- CIRCULATION
 - ARTERIAL 
 - COLLECTOR 
 - MINOR COLLECTOR 
 - PLAN AREA BOUNDARY 

Exhibit 5 - Figure 7

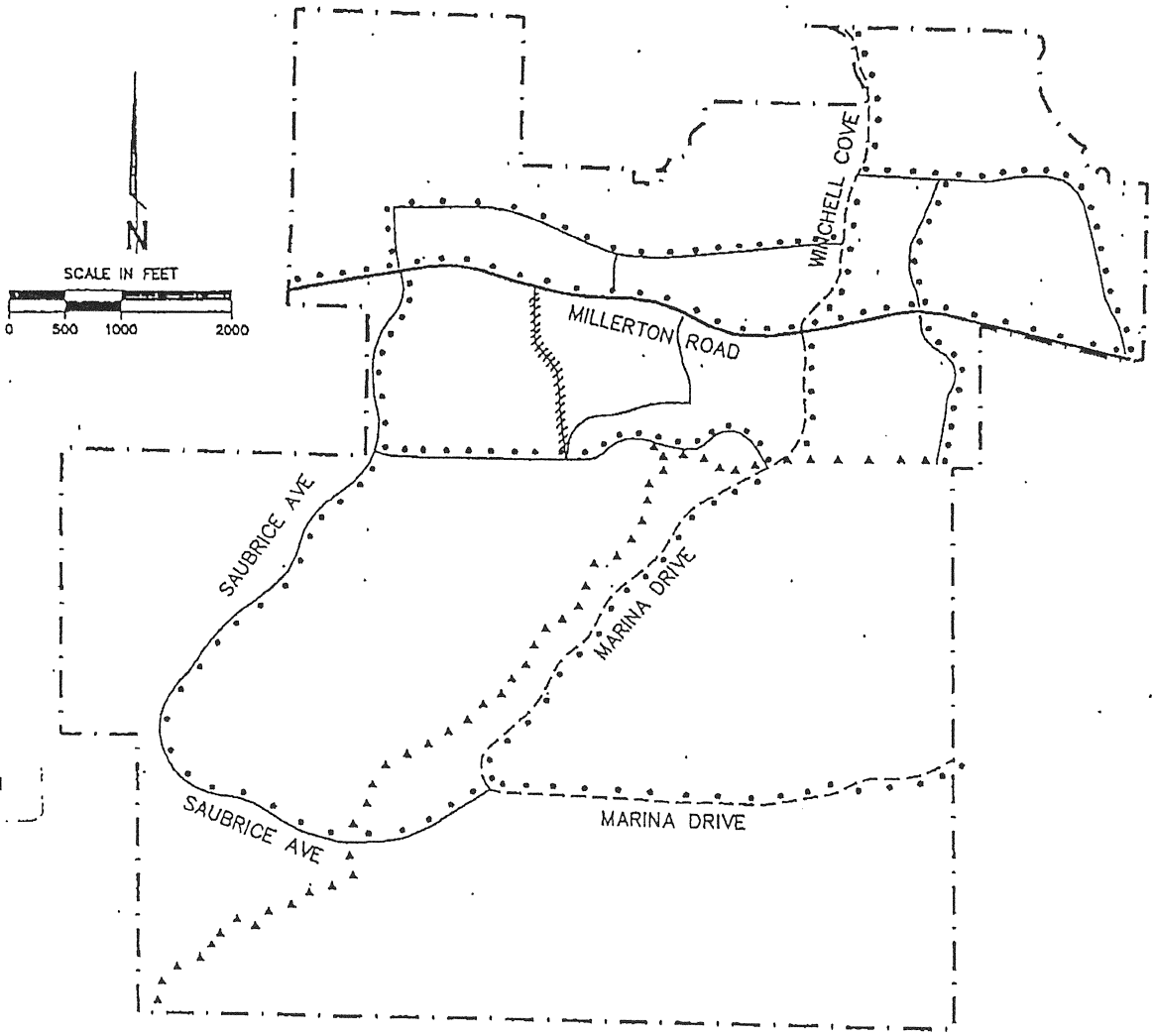
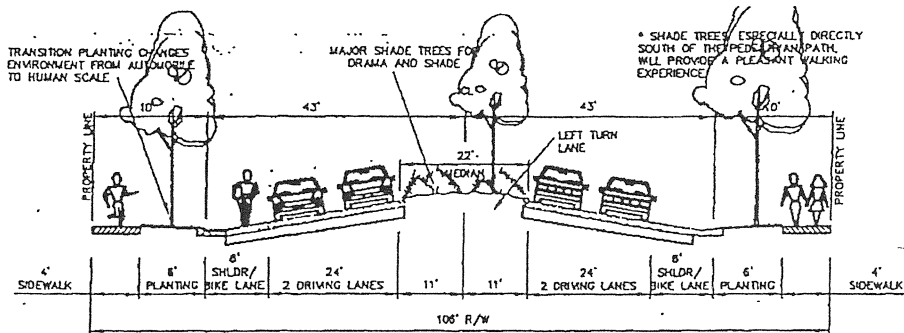


FIGURE SP.1-9.
CIRCULATION ELEMENT AND BIKEWAYS
 MILLERTON NEW TOWN
 SPECIFIC PLAN

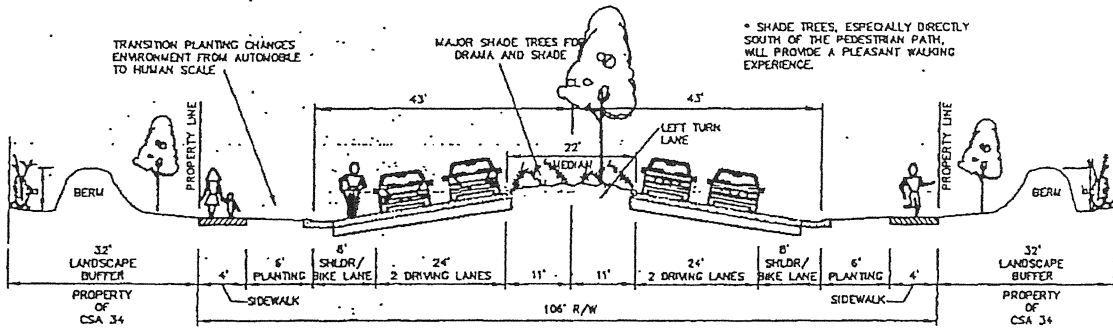
CIRCULATION	
ARTERIAL	—————
COLLECTOR	- - - - -
MINOR COLLECTOR	—————
BIKEWAYS	
BIKE/HIKING PATH	▲▲▲▲▲
BIKE LANE	●●●●●
PLAN AREA BOUNDARY	- - - - -

MILLERTON SPECIFIC PLAN

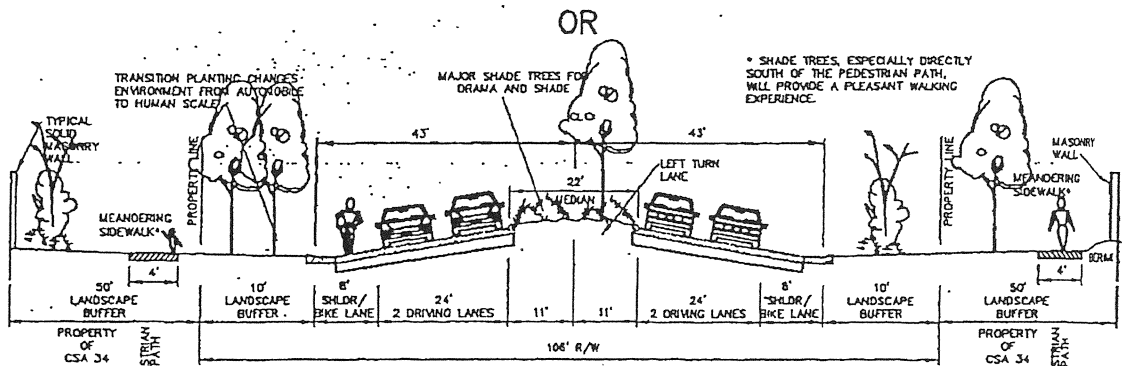
FIGURE SP1-6. ROAD STANDARDS FOR MILLERTON ROAD



MILLERTON ROAD THROUGH COMMERCIAL DISTRICT
N.T.S.



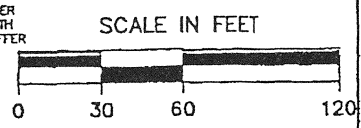
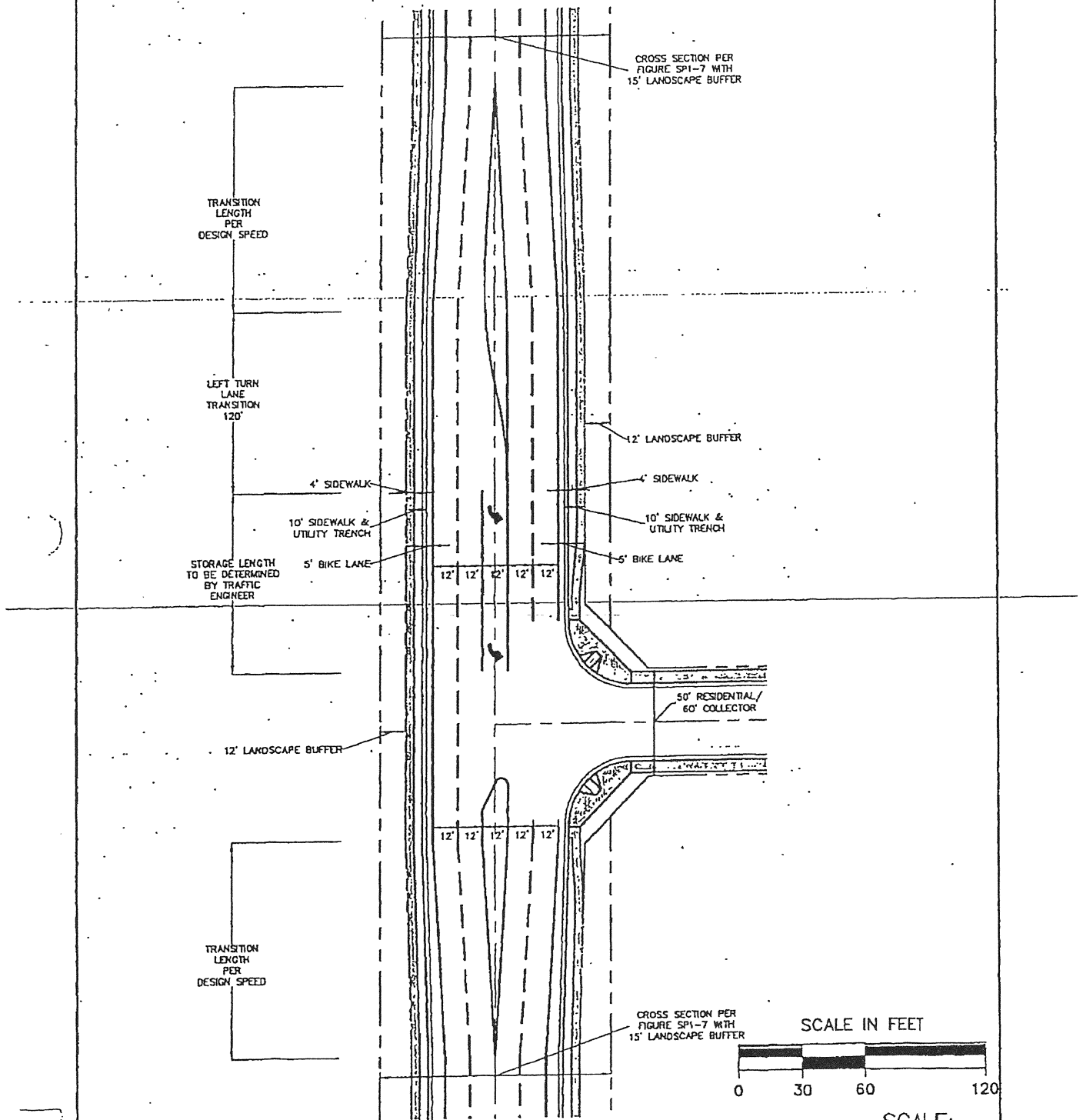
MILLERTON ROAD THROUGH RESIDENTIAL DISTRICT
N.T.S.



MILLERTON ROAD THROUGH RESIDENTIAL DISTRICT
N.T.S.

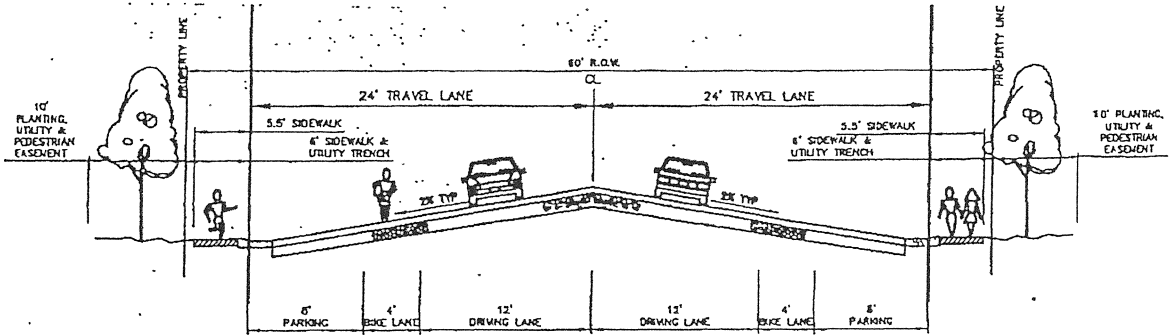
* IF SIDEWALK IS ADJACENT TO CURB AT ANY LOCATIONS DUE TO TERRAIN CONSTRAINTS, WIDTH SHALL BE 5.5' FOR MORGOUTHIC SECTIONS.

FIGURE SP1-7A. LEFT TURN REQUIREMENTS FOR MARINA DRIVE

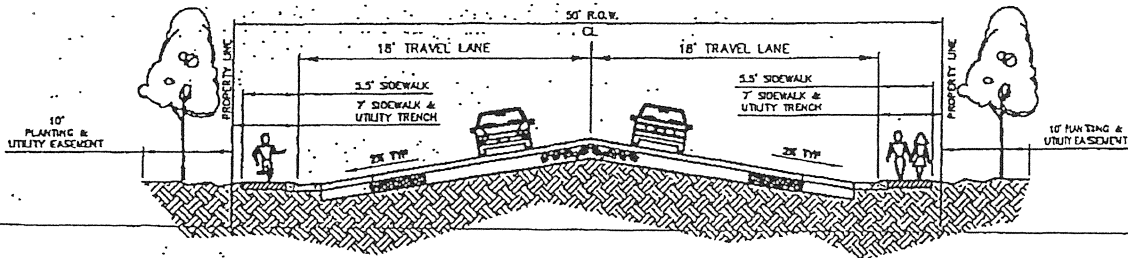


SCALE:
1" = 60'

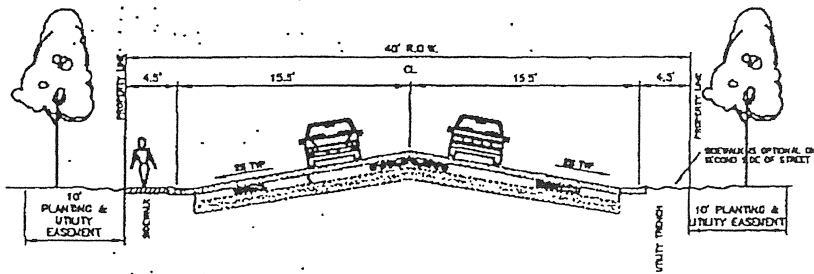
FIGURE SP1-8. LOCAL RESIDENTIAL & COLLECTOR STREET STANDARDS



COLLECTOR STREET — 60' R.O.W.
N.T.S.



LOCAL RESIDENTIAL STREET — 50' R.O.W.
SERVES 11 OR MORE UNITS
N.T.S.



LOCAL RESIDENTIAL STREET — 40' R.O.W.
SERVES 1 TO 10 UNITS
N.T.S.

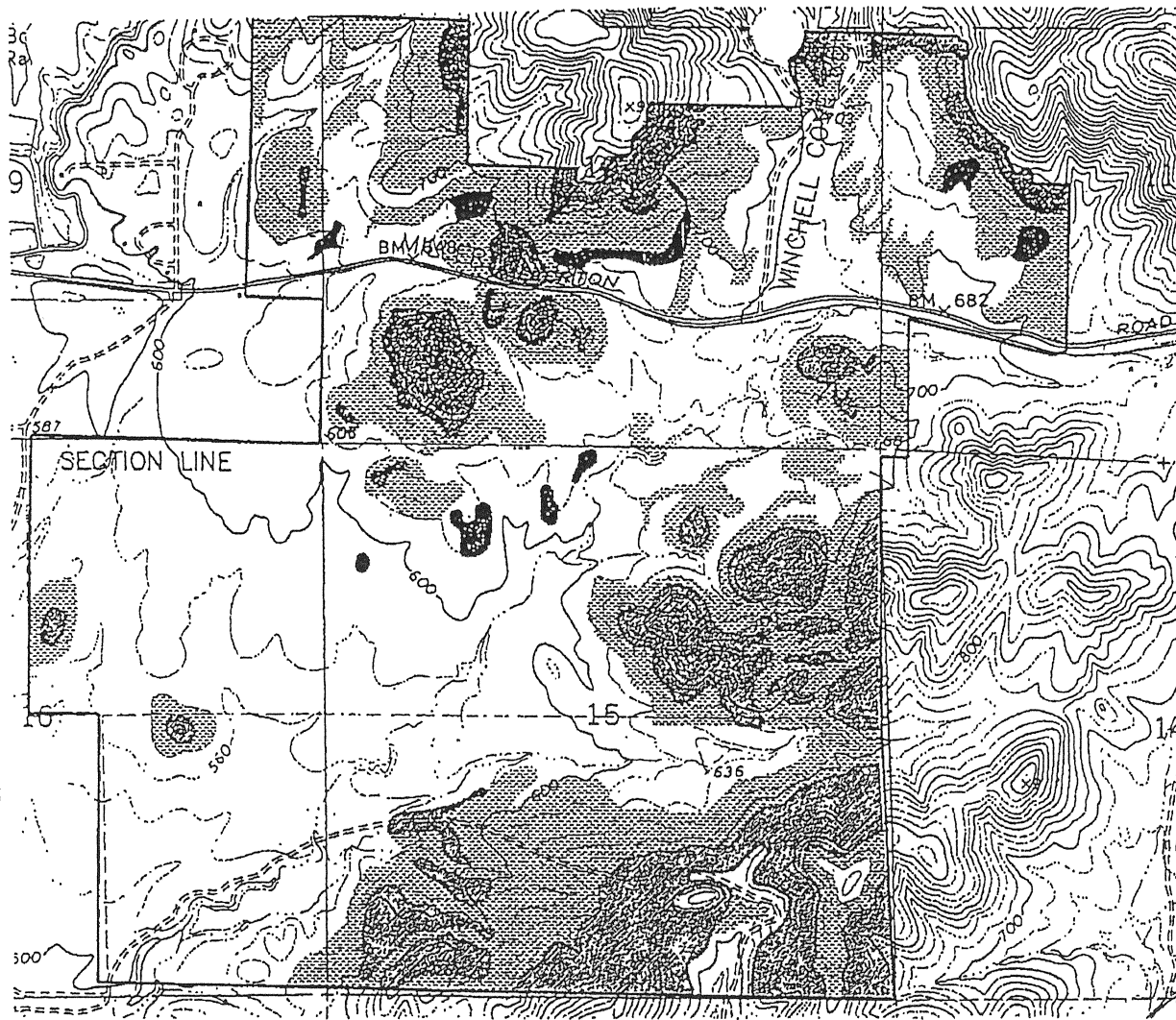


FIGURE SP1-2
SLOPE PLAN
 MILLERTON NEW TOWN
 SPECIFIC PLAN

SPECIFIC PLAN BOUNDARY - - - - -

SLOPES

0 TO 10%	
10% TO 20%	
20% TO 30%	
30% +	

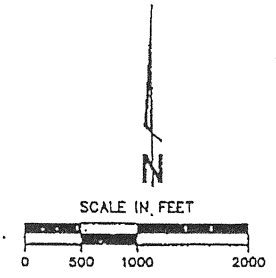


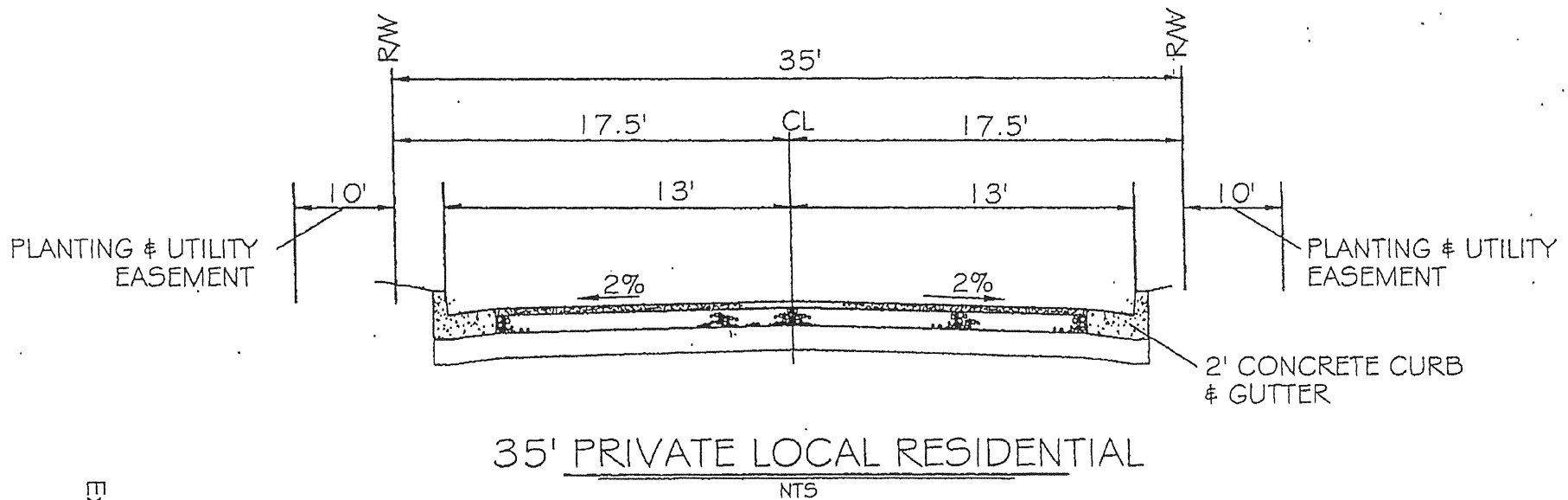
Exhibit 5 - Figure 12

MILLERTON SPECIFIC PLAN

Alternative Residential Products,
Elevations, and Floor Plans:

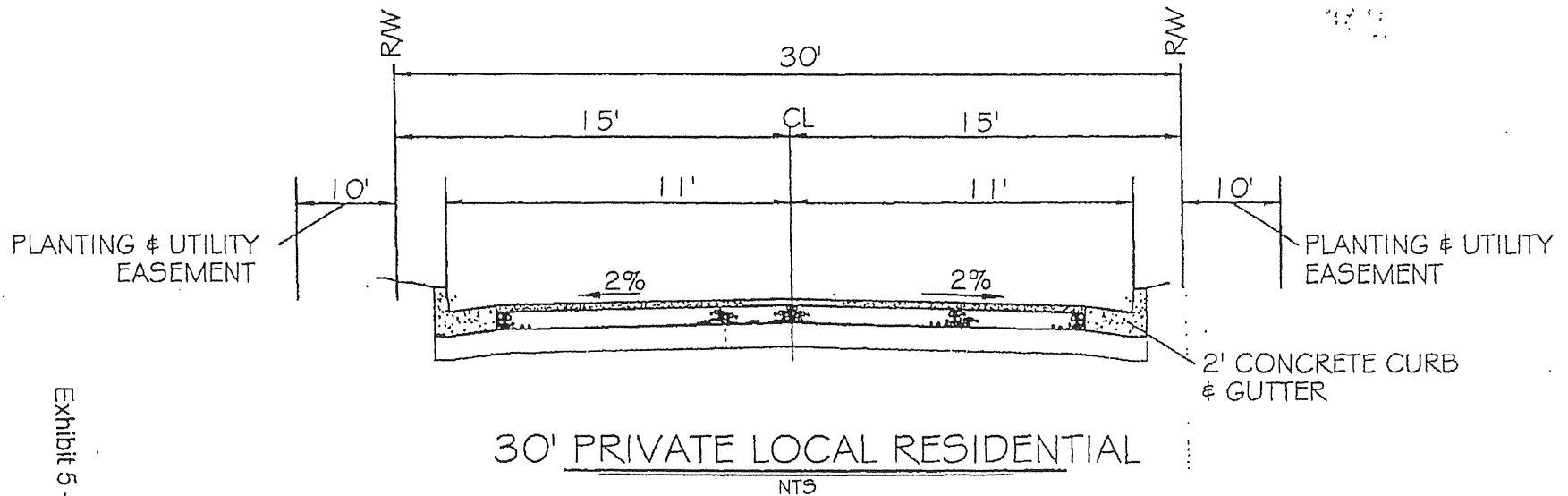
Lake Ridge at Millerton Lake II

Lake Ridge at Millerton Lake III



SPECIFICATIONS

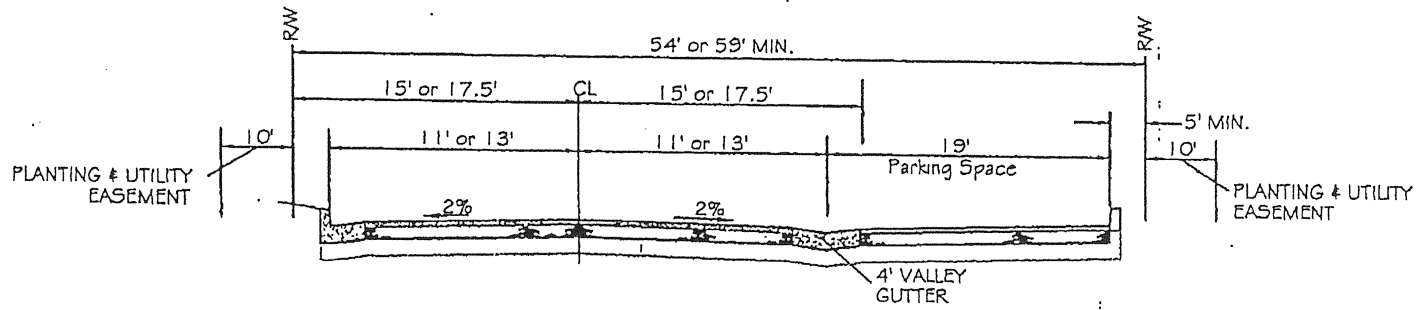
1. 26 feet from curb to curb face
2. Two-way traffic.
3. No sidewalk allowed.
4. No on-street parking allowed.
5. 24-foot driveway approach width maximum.
6. Minimum 4 off-street parking spaces per unit, all or any portion of which can be located in a common parking area.
7. A 18-foot minimum setback is required from curb line to garage with a roll-up door. The setback shall not be less than required by the Operation Statement.
8. May not provide pedestrian or vehicular access to a school, park, community center or other heavy traffic generator.
9. Subject to pipeline installation requirements formula (A-21).
10. May serve up to 150 dwelling units. May not be used where through traffic is collected from other streets.
11. Can be used in planned unit developments.
12. On-street collection of solid waste pickup.



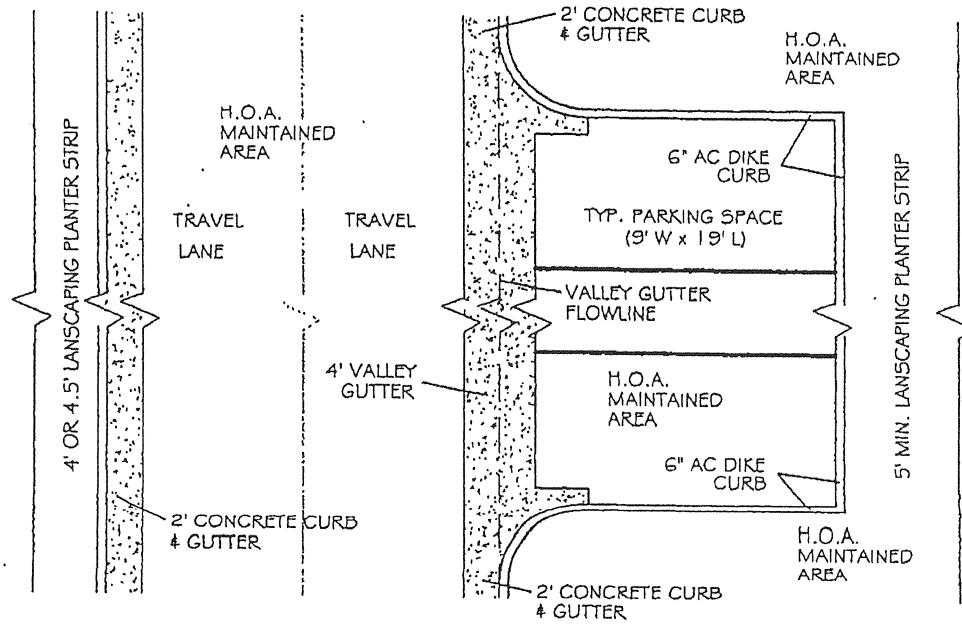
SPECIFICATIONS

1. 22 feet of paving.
2. Two-way traffic
3. No sidewalk allowed.
4. No on-street parking allowed.
5. 24-foot driveway approach width maximum.
6. Minimum 4 off-street parking spaces per unit, all or any portion of which can be located in a common parking area.
7. A 18 foot minimum setback is required from curb line to garage with a roll-up door. The setback shall not be less than required by the Operation Statement.
8. Use on dead-end street only. Cul-de-sac not needed. (Solid waste pickup at nearest cross street).
9. Serve 6 housing units maximum (6 units include the two corner lots).
10. Subject to pipeline installation requirements formula except for sewer line placement (A-21).
11. Can be used in planned unit developments.

LOCAL RESIDENTIAL W/ OFF STREET PARKING SPACES



CROSS SECTION
NTS



PLANVIEW
NTS

Exhibit 5 - Figure 16

EXHIBIT 6

REQUIRED FINDINGS NECESSARY FOR GRANTING A CONDITIONAL USE PERMIT APPLICATION AS SPECIFIED IN ZONING ORDINANCE SECTION 873

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



EXHIBIT 7

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: The Clarksfield Company, Inc.

APPLICATION NOS: Initial Study Application No. 5409, Classified Conditional Use Permit Application No. 3136, Site Plan Review Application No. 7655, and Vesting Tentative Tract Map Application No. 5430

DESCRIPTION: Allow a planned residential development consisting of 561 single-family residential lots, plus 10 outlots with designated uses, and one remainder lot on approximately 179.57-acres in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) District and R-1-C (c) (Single-Family Residential, 9,000 square-foot minimum parcel size, Conditional) District.

LOCATION The subject property is located within the Millerton Specific Plan, north of Millerton Road between the Winchell Cove Road and the Friant-Kern Canal, approximately 1.8 miles east of the unincorporated community of Friant (APN: 300-021-27S, 300-032-12S, 300-032-57S, 300-340-01S, 03S, 15S, 06S, and 07S).

DISCUSSION:

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Millerton Specific Plan was adopted in December 1984. Several additional environmental studies have been prepared since the 1984 certification; the most recent being in December 2004.

This Initial Study has been prepared in part to determine if the existing EIR is adequate for the proposed project pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 et seq. of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in June of 2005 with mention of the previously-adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated. Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

This Initial Study has been prepared pursuant to Section 15162 of the CEQA Guidelines, to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that mitigation measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a mitigated negative declaration has been prepared.

Attached as Exhibit 7 to the Subdivision Review Committee Report prepared for Vesting Tentative Tract Application No. 5430 is Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program summarizing all of the mitigation measures identified in the previously certified EIR. As a project condition, the applicant shall comply with all applicable mitigation measures as well as those identified in Initial Study Application No. 5409.

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista;**
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;**
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings**

FINDING: LESS THAN SIGNIFICANT IMPACT

The project proposes to create 561 single family residential lots within the Millerton Specific Plan. The proposal is located north of Millerton Road within a planned community which will include residential, commercial, public facility, and open space uses. Surrounding the subject project area is grazing land with scattered homes to the north and west, vacant land for future development to the east, Millerton Specific Plan residential development to the south and the Brighton Crest residential development to the southeast. The Sierra National Forest is located further to the east.

The project area comprises a distinct major open space element south of Millerton Lake. Visual impact concerns arise from modification and urbanization of the small valley and rolling terrain which make up the town site, sensitivity of proposed development to hillside, ridgeline, and other on-site visual values, and development as it relates to the natural environment. According to the 1984 Environmental Impact Report (EIR) for Millerton Specific Plan, the New Town would have a significant impact on the visual character of the Millerton Area in that the development would consume open space and change the visual character of the area. To lessen such impacts, the proposal includes open space buffers surrounding wetlands, streams, and rock outcroppings limiting impacts on scenic vistas or other visual resources. In addition, the project will adhere to Mitigation Measure No. 11., listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix in relation to location of building sites on the property, submittal of landscaping plan, grading and erosion control, scenic road ways, and park development to maintain visual quality of the site and its surroundings.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The project would generate new sources of light and glare in the form of residential lighting (exterior and interior), pole mounted street lighting, and vehicular headlights. However, the increase in light and glare is not considered significant because the type of light generated is expected to be similar to that of existing residential development to the west and southeast, and projects within the vicinity. According to the applicant's operational statement, lighting and glare impacts will be minimized through careful selection and placement of lighting standards and illumination levels. In addition, all lighting fixtures will direct light downward to minimize area glare and light spillover. To mitigate light and glare impacts on the adjacent properties, the following mitigation measure will be incorporated into the project:

***Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.*

II. AGRICULTURAL RESOURCES

- A. **Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;**
- B. **Would the project conflict with existing agricultural zoning or Williamson Act contracts; or**
- C. **Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

FINDING: NO IMPACT:

The residential development will be developed within the boundaries of the Millerton Specific Plan, which neither contains any productive agricultural land nor is it subject to Williamson Act Contract. Therefore, the proposal will not convert prime agricultural land into a non-agricultural use.

Although there are areas within the vicinity of the Millerton Specific Plan designated grazing land on the Fresno County Important Farmland Map of 2002, areas within the Millerton Specific Plan have been approved and are designated for residential and commercial land uses. Further, there are other areas within the vicinity of the proposal but outside of the Specific Plan boundary also designated for non-agricultural uses..

III. AIR QUALITY

- A. **Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- B. **Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**
- C. **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or**
- D. **Would the project expose sensitive receptors to substantial pollutant concentrations?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The proposal may contribute to the overall decline in air quality due to the increase in traffic from the Millerton Specific Plan area. The proposal will require compliance with the San Joaquin Valley Air Pollution Control District (Air District) Regulation VII (fugitive PM10 Prohibitions) and Rules 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510, adopted to reduce the impacts of growth in emissions from new land development in the San Joaquin Valley Basin, an Indirect Source Review (ISR) was required due to the proposal exceeding 50 residential lots. An Air Assessment Application for ISR was applied for and approved by the District on January 31, 2008.

In addition to Air District's Rules described above, the applicant must also adhere to Mitigation Measures Nos. 17.a- m, Climate and Air Quality, listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix.

- E. Would the project create objectionable odors affecting a substantial number of people?**

FINDING: NO IMPACT

As proposed, the single family residential development will not create objectionable odors.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?**
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Game or United States Department of Fish and Wildlife?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

The proposed 179.57-acre site is located within an area noted for protected wildlife and wetlands as previously identified in the Environmental Impact Report (EIR) and Amendments certified for the

Millerton Specific Plan Area. Both California Department of Fish and Game and United States Department of Fish and Wildlife Service reviewed the proposal and indicated that the applicant shall adhere to the Mitigation Measures Nos. 16.a – 16i listed in the Vegetation and Wildlife Section of the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix, in relation to the preservation of oaks, participation in the formation of a Open Space and Natural Resource Plan, Development of a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program. In addition to the above noted mitigation measures, the US Department of Fish and Wildlife Service offered an additional mitigation measure to include a Biological Assessment for the Millerton Specific Plan Area that is in compliance with the Endangered Species Act. The mitigation measure is as follows:

*** Mitigation Measure**

1. *The applicant shall comply with the Endangered Species Act. The applicant shall complete and submit a Biological Assessment and resulting Biological Opinion acceptable to the United States Fish and Wildlife Service which shall include Mitigation and Avoidance Measures for plants and animals.*

- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The U.S. Army Corps of Engineers reviewed the project and stated that the study area is under the authority of Section 404 of the Clean Water Act which regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance and mitigation requirements of the US Army Corps of Engineers. The 404 permit will be required prior to ground disturbance, and will be included as a project note.

The proposal shall comply with the Clean Water Act, including any required wetland delineation and verifications, permitting and avoidance and mitigation requirements of the U.S. Army Corps of Engineers.

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

- E. **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The subject site has numerous wetlands, drainages and vernal pools which could be negatively affected over the long-term by surface water runoff during rain events in absence of proper permitting. Any avoidance and minimization measures, as well as compensation, will be incorporated in accordance with the required 404 Permit compliance with the Clean Water Act. This could include preparation of wetland delineation, alternatives to avoid impacts on wetlands and other waters of United States, and mitigation plans to compensate for the unavoidable losses resulting from project implementation.

- F. **Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

FINDING: LESS THAN SIGNIFICANT IMPACT

Per the policies of the Millerton Specific Plan, Section E, Habitat Conservation, the Millerton Open Space and Natural Resource Plan (OSNRP) has been established for the area to protect sensitive resources by establishing key habitat areas, open and continuous wildlife corridors ridge top and view protection, native plants, landscapes, and lighting restrictions on hill tops to mitigate glare. In addition, a Settlement Agreement has also been reached between the applicant, California Department of Fish and Game (F&G) Fresno County and various entities which according to F&G when implemented will protect fish, wildlife or plants in the project area.

V. **CULTURAL RESOURCES**

- A. **Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?**
- B. **Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?**
- C. **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

The proposal is located in an area designated as "moderately" sensitive for archeological resources. The proposal includes grading and construction activities and installation of infrastructure that may unearth cultural resources during construction. If this occurs, all work shall be halted in the area of the find and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours. A mitigation measure reflecting this request is incorporated into the project. The mitigation measure will reduce potential impacts to cultural resources to a level of insignificance.

***Mitigation Measure**

1. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT

The site is not located within a fault zone or area of known landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT

The project site could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from building roofs and new paved parking and circulation areas. These effects are not considered significant with adherence to the Grading and Drainage Sections of the County Ordinance Code and Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix requiring the applicant to provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.

C. Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: NO IMPACT

According to the Soils Analysis contained in the 1984 Environmental Impact Report (EIR) for Millerton Specific Plan, the predominant soil type in the area is not subject to shrink/swell. There is no geomorphic evidence of past lands slides, slumps or mudslides on the site or adjacent property. The core area and surrounding region appears to be very stable. There is no known history of land instability in the Millerton Lake area. Also, the Five County Seismic Safety Element describes the project area landslide risk appraisal as low and deep subsidence problems low to moderate. There are no known occurrences of structural or architectural damage due to deep subsidence in the Fresno area.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT

No septic systems or alternative disposal systems will be utilized for this project. The project will be served with community sewer and water services provided by Fresno County Service Area (CSA) No. 34. According to applicant's operational statement, a tertiary-level wastewater treatment facility to serve the project is under construction located at the site of the current Brighton Crest (Tract 4048) facility at the southerly end of the Specific Plan area. Construction of said plant has since been completed but final acceptance of the improvements by the County is pending.

VII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**
- B. Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**
- C. Would the project emit hazardous materials within ¼ mile of a school?**
- D. Would the project be located on a hazardous materials site?**

FINDING: NO IMPACT:

No impacts relating to hazardous materials were identified in the project review process. The nature of a proposed residential subdivision will not generate or involve the transport of quantities of hazardous materials with the potential to impact surrounding property owners or the environment. No hazardous materials sites were identified within the project area by the Department of Community Health, Environmental Health Division and the subject site is not located on a former hazardous materials site.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?**
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?**

FINDING: NO IMPACT

The project site is not located within an airport land use plan area or in the vicinity of a private airstrip.

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING: NO IMPACT

The project will not impair the implementation of or physically interfere with an adopted emergency response plan.

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

FINDING: NO IMPACT

The project site is located within a State Responsibility Area (SRA). The adopted Millerton Specific Plan includes several measures to reduce fire protection impacts. The applicant shall adhere to Fire Protection Mitigation Measure 6.a-e., listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix, in relation to fee establishment for Fire Protection Benefit Assessment District for new fire station, supporting costs for fire protection services, road design meeting fire-fighting equipments, and incorporating fire protection measures in the project design. The Fresno County Fire Protection District reviewed the project and indicated that the proposal shall comply with numerous Articles and Section of 2001 California Fire Code in relation to fire flow requirements for building, fire apparatus access, fire hydrant system, fire access road design, and fire plans approval by the district. These requirements will be included as project notes.

VIII. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?**

FINDING: LESS THAN SIGNIFICANT

This proposal will be served with a tertiary-level wastewater treatment facility. The facility is under construction and will be operated by County Service Area (CSA) No. 34 under Wastewater Discharge Requirements and Water Reclamation Requirements issued by the California Regional Water Quality Control Board (Water Board). The Water Board reviewed the project and indicated that the applicant shall obtain a Section 401 Water Quality Certification from the Water Board and a permit pursuant to Section 404 Clean Water Act from US Army Corps of Engineers to ensure

that discharges will not violate water quality standards or disturb jurisdictional wetlands due to construction activity. Any avoidance and minimization measures will be incorporated in accordance with the required permits. These requirements will be included as a project note.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?**

FINDING: NO IMPACT

The proposal will be served with surface water from Millerton Lake to be delivered through County Service Area (CSA) No. 34. Section 15155 of the California Environmental Quality Act (CEQA) and Water Code Section 10910, et seq, defines a "project" requiring a Water Supply Assessment (WSA) as any residential development of 500 or more dwelling units (or equivalently-large commercial development), and requires the water purveyor (in this case, CSA 34) or the County to prepare said Assessment prior to project approval. "Project approval" per Section 10910 of the Water Code includes approval of any General Plan Amendment, rezoning, Specific Plan, or associated land use entitlements, including parcel or subdivision maps.

A WSA must be included with the environmental document addressing the potential environmental impacts of the project. It must evaluate whether the supply of domestic water available to the development is adequate, and will continue to be adequate over the next 20 years, during normal, dry, and multiple-dry years.

In January of 2010 a WSA for Tract 5430, "Lakeridge Communities" prepared by Provost and Pritchard Consulting Group on behalf of the County of Fresno was submitted (see Attachment "A" to this document). The WSA reaffirmed that existing agreements between Arvin-Edison Water Storage District (AEWSD) and the County and the Water Supply Agreements between Lower Tule River Irrigation District (LTRID) and the County, will generate a consistent water supply for the Project and to the existing and planned future uses within the current CSA 34 Western Service Area, over the next 20 years. Subsequently, on March 2, 2010 the WSA was approved by the Fresno County Board of Supervisors.

The Project's estimated average annual demand of 303 acre-feet (AF) (approximately 1.68 AF per acre) will be met with a portion of the surface water supplies provided via long-term surface water agreements which are committed to serve the currently-approved and proposed developments within CSA 34. The key supply agreements consist of: long-term surface

water agreement between the County and AEWS D for 1,520 AF of "firm" supply from the Central Valley Project (CVP), Friant Division, available to AEWS D under contract with the United States Bureau of Reclamation (USBR); "back-up" shortfall supply, covered by long-term surface water availability from a "shortfall" Water Supply Agreement between the County of Fresno and LTRID for up to 1,520 AF of Class 1 supply again from the CVP, Friant Division under a USBR contract with LTRID; and a Water Supply Agreement between the County of Fresno and Deer Creek Tule River Authority (DCTRA) for 770 AF of Class 1 supply from the CVP, Friant Division.

As part of the process of securing approvals and infrastructure necessary to serve the project, CSA 34 will participate in the USBR approval process for the National Environmental Protection Act (NEPA) approval of water use within the Place of Use for the Project, designate the Project as a separate Zone of Benefit within the CSA 34 service area and approve a Water Service Agreement for Project, obtain Regional Water Quality Control Board and Department of Public Health approvals for wastewater reuse areas added by the Project and its associated water treatment facility expansions, participate in the Fresno County approval process for the various phases of the Project, mandating construction of all necessary water infrastructure in accordance with the CSA's Infrastructure Master Plan as phases are proposed, and construct (or inspect developer's construction of) the required infrastructure improvements, and verify that infrastructure is ready to be placed in service prior to occupancy of homes in the corresponding Project phases.

It is important to note that the AEWS D has only this one "firm" municipal supply obligation at this time, and would have adequate CVP or other water supplies to perform even in the driest year on record. It should also be noted that at this time it is unnecessary for CSA 34 to prepare an Urban Water Management Plan (UWMP) per the California Department of Water Resources (DWR) because the CSA does not meet the purveyor size triggers for UWMP preparation (3,000 water connections). During project build-out, CSA 34 will exceed 3,000 water connections, and will be required to prepare and submit an UWMP.

The proposal will be served with surface water from Millerton Lake to be delivered through County Service Area (CSA) No. 34. The water for Tract 5430 is facilitated by the Central Valley Project and will be delivered to Fresno County by the AEWS D (Joint Water Management Exchange Agreement) under agreement with Fresno County. The AEWS D has been executed. The water supply is also backed up by a Lower Tule River Irrigation District Agreement made between the Lower Tule Irrigation District and the County of Fresno. The Agreement was amended on May 8, 2007.

Per the information provided in the WSA, a total of 1,520 annual acre feet water is reserved under the Joint Water Management Exchange Agreement, which is referred to in the adopted CSA No. 34 WSA as Agreement No. 1, of which 308 acre-feet is reserved for the subject 180-acre tract. The applicant has cited a number of factors in adequacy of potable water for the project. This includes residential water use based on 0.55-acre feet per year per unit including the back-up agreement with the LTID. Additionally, to minimize waste of potable water, the project will be subject to all the restrictions of Millerton Specific Plan such as dual water meters, tiered water rates, drought tolerant landscape provisions, and the use of reclaimed water for irrigation purposes.

The WSA and above-noted analysis supports specific General Plan policies addressing public facilities and water supply. Of note is Policy PF-C.17 which directs the County to undertake a water supply evaluation demonstrating adequate supply to meet the highest demand that could be permitted for a discretionary project, and in the case of surface water, that supplies are from a reliable source made "firm" by water banking or other suitable arrangement; and Policy PF-C.18 which is applicable to lands entitled to surface water and states that the County shall only approve land use-related projects that provide for construction of facilities for the treatment and delivery of surface water. Policies PF-C.12 regarding approval of new development subject to an adequate sustainable water supply, and policies PF-C.13 and PF-C.15 specifically pertaining to surface water are also supported.

The Resources Division of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns with the proposal provided that prior to recordation of final map a separate zone of benefits and financing is finalized, and tiered water rates for potable and landscape irrigation purposes is established. Likewise, water and wastewater infrastructure (including capacity) necessary to serve the development is constructed and operational, and information to obtain/amend a water system permit is provided to county staff prior to issuance of building permits. These requirements will be included as a condition of approval of the project.

The County Water-Geology Unit and the California Department of Water Resources reviewed the project and expressed satisfaction with Lower Tule River Irrigation District Agreement which backs up the 308 acre feet water to be provided to this tract under in-process Central Valley Contract (CVC). However, the County Geologist indicated that the applicant shall strictly adhere to the terms of the Agreement which should be administered by CSA 34.

- C. **Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?**
- D. **Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?**
- E. **Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The project may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water. Potential runoff effects are considered significant because the project will be required to adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements.

The Army Corps of Engineers reviewed the project and stated that the study area is under the authority of Section 404 of the Clean Water Act which regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. Waters. The U.S. Army Corps of Engineers indicated that the proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance requirements of the U.S. Army Corps of Engineers. The 404 permit will be required prior to ground disturbance, and will be included as a project note.

The California Regional Water Quality Control Board (Water Board) reviewed the project and stated that since the project will disturb one acre or more, compliance with the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Prior to construction, the District shall be submitted a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resource Control Board and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared. This will be included as a project note.

- F. **Would the project otherwise substantially degrade water quality?**

FINDING: LESS THAN SIGNIFICANT IMPACT

Per the analysis above in Section VIII. A., impacts to water quality will be less than significant with completion of a Section 401 Water Quality Certification from the Water Board.

- G. Would the project place housing within a 100-year floodplain?
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?
- I. Would the project expose persons or structures to levee or dam failure?
- J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT

The site is not within a 100-year flood plain or hazard area, no levee or dam is upstream of the site and no inundation hazards were identified in the analysis.

IX. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT

The proposal will not physically divide any established community. The project site is located approximately two miles northeast of the unincorporated community of Friant, 6.3 miles northeast of the nearest city limits of City of Fresno and approximately 8.2 miles north of the city limits of City of Clovis.

- B. Will the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT

The project site is designated and zoned for residential uses. The proposal complies with the Medium Low Density Residential and Medium Density Residential designations in the Millerton Specific Plan.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT

No habitat conservation plan or natural community conservation plan are present on the subject property.

X. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource?
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?

FINDING: NO IMPACT

The project site is not located in a mineral resource zone, as identified in the General Plan (Figure 7-8 and 7-9). The proposal which includes a residential development will not involve extraction or excavation activities and would not result in the loss of a locally-important mineral resource recovery site.

XI. NOISE

- A. Would the project result in exposure of people to severe noise levels?
- B. Would the project result in ground borne vibration?
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT

The project would result in an increase in noise levels associated with the development of 561 residential units. Noise impacts associated with construction are expected to be short-term and subject to the County Noise Ordinance, which is enforced by the County Department of Community Health. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. These requirements will be included as project notes.

Fresno County Department of Public Health, Environmental Health Division, reviewed the project and indicated that 1984 Environmental Impact Report (EIR) for Millerton New Town has identified traffic noise from Millerton Road and Marina Drive (Winchell Cove Road) as an impact. The Environmental Health Division further states that in order for the 1984 EIR to be considered adequate regarding noise impacts, the project needs to indicate a method of noise attenuation such as berm or wall along Millerton Road and Marina Drive (Winchell Cove Road). To reduce the noise impact related to traffic along these roads the project will adhere to Mitigation Measure No. 19. a and 19. c. listed in the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix in relation to noise barriers (walls, berms, etc) to protect outdoor activity areas, acoustical analysis to mitigate exterior and interior noise levels to an acceptable levels, and compliance with Fresno County Noise Ordinance related to construction activities. Further, a condition of approval will be added requiring that prior to the recording of final map, the applicant shall provide acoustical analysis for review and approval by the Fresno County Department of Public Health, Environmental Health Division, and its findings related to noise attenuation will be incorporated into the final map.

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?**
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

FINDING: NO IMPACT

The site is not in the vicinity of an airport and is not impacted by airport noise.

XII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?**
- B. Would the project displace substantial numbers of existing housing?**
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?**

FINDING: NO IMPACT

This proposal would result in the construction of 561 single-family residences on approximately 179.57-acres of vacant land within the Millerton Specific Plan. The population growth generated from this proposal is planned for and was considered in the Millerton Specific Plan when adopted in December of 1984. In addition, the proposal will neither displace any existing housing nor necessitate additional housing construction at another location.

XIII. PUBLIC SERVICES

A. Would the project result in physical impacts associated with the provision of new public services in the following areas:

i) Fire protection

FINDING: LESS THAN SIGNIFICANT IMPACT

The project area is located within the State Responsibility Area (SRA) and is subject to the California Code of Regulations (CCR), Title 24, Part 2, known as the 2007 California Building Code (CBC).

The applicant must adhere to Mitigation Measures Nos. 6.a- e listed in the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix. These mitigation measures relate to special standards to reduce fire protection impacts, fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipments, and site planning as it relates to fire protection measures incorporated into the project design. As mentioned earlier, the Fresno County Fire Protection District reviewed the project and indicated that the proposal shall comply with Sections of 2001 California Fire Code which relate to fire flow requirements for building, apparatus access, hydrant system, and access road design, and fire plans approval by the Fire District. These requirements will be included as project notes.

ii) Police protection

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A mitigation measure has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents. This is also in

accordance with the Mitigation Measure No. 5.c., Law Enforcement listed in the approved Millerton Newtown Specific Plan, Mitigation Measures and Monitoring Program Matrix. The applicant has agreed to the following condition:

*** Mitigation Measure**

1. *Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.*

iii) Schools

FINDING: LESS THAN SIGNIFICANT IMPACT

In accordance with the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix, the applicant must adhere to Mitigation Measures Nos. 7.a, b, and c in order to reduce any physical impacts associated with schools. These mitigation measures relate to designating school site, keeping the District updated on the progress of the project, and having developer pay adopted school impact fees.

iv) Parks

v) Other public facilities

FINDING: LESS THAN SIGNIFICANT IMPACT

In accordance with the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix, to reduce impacts on Parks and Recreations, the applicant must adhere to Mitigation Measure No. 9 which relates to improved open space provided north of Millerton Road both east and west of Winchell Cove Road (Marina Drive). Located north of Millerton Road and west of Winchell Cove Road, the project provides for 2.34-acre out lot B and 1.53-acre out lot C to be used for parks.

The applicant also must adhere to Mitigation Measure No. 18. a, in relation to standards contained in Specific Plan to reduce energy

consumption impacts. The Pacific Gas & Electric Company (PG & E) reviewed the project and indicated that Public Utility Easement (PUE) shall be incorporated within all access easements and be shown on the map. No gas or electric transmission lines exist in the area and the applicant is required to consult with PG&E for expansion of electrical and gas facilities to the project area.

XIV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks?**
- B. Would the project require expansion of recreational facilities?**

FINDING: LESS THAN SIGNIFICANT IMPACT

Per the analysis above in Section XIII. A. IV, impacts to parks and recreational facilities will be less than significant with adherence to Mitigation Measure No. 9, Parks and Recreation, listed in the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix.

XV. TRANSPORTATION/CIRCULATION

- A. Would the project result in increased vehicle or traffic congestion?**
- B. Would the project exceed the established level of service standards?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

A Transportation Impact Analysis was prepared for the purpose of analyzing traffic conditions related to proposed development at the Millerton Specific Plan Area (October 1998). Design Division of the Department of Public Works and Planning reviewed the proposed and indicated that in the Millerton New Town Clarksfield and Westcal Traffic Studies, the scope of studies should be broadened to include impacts to interstate and road segments outside the original 1984 TIS. However, in lieu of traffic study, the Design Division required that the applicant's traffic consultant shall provide prorated percentage calculation for impacts to intersections and road segments based on Clarksfield Traffic Impact Study (TIS). The Design Division reviewed the information and identified the following mitigation measures. These mitigation measures, which the applicant has agreed to, will be included to reduce traffic and transportation impacts from approval of TT 5430 to a level of less than significance.

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***Mitigation Measures**

1. *To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.*
 - a. *Signalization at the intersection of Friant Road and Willow Avenue. The project's maximum share for the 2025 scenario is 4.12 % or \$17,245.00.*
 - b. *Signalization at the intersection of Friant and North Fork Roads. The project's maximum share for the 2025 scenario is 3.92 % or \$16,431.00.*
 - c. *Signalization at the intersection of Willow and Copper Avenues. The project's maximum share for the 2025 scenario is 1.44 % or \$6,036.00.*
 - d. *Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2025 scenario is 1.04 % or \$4,358.00.*
 - e. *Signalization at the intersection of Millerton Road and Sky Harbor Drive. The project's maximum share for the 2025 scenario is 2.35 % or \$9,825.00.*
 - f. *Signalization at the intersection of Millerton and Brighton Crest Roads. The project's maximum share for the 2025 scenario is 2.63 % or \$11,025.00.*
 - g. *Signalization at the intersection of Millerton Road and Marina Drive. The project's maximum share for the 2025 scenario is 9.26 % or \$38,791.00.*
 - h. *Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2025 scenario is 3.49 % or \$14,624.00.*

- i. *Signalization at the intersection of Auberry Road and Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.49 % or \$22,976.00.*
- j. *Road widening from two (2) lanes to four (4) lanes arterial of 1.2 miles of Friant Road from Lost Lake Park Road to North Fork Road. The project's maximum share for the 2025 scenario is 4.15% or \$145,127.00.*
- k. *Road widening from two (2) lanes to four (4) lanes arterial of 3.3 miles of Millerton Road from North Fork Road to Marina Drive. The project's maximum share for the 2025 scenario is 5.45% or \$ 1,485,890.00.*
- l. *Road widening from two (2) lanes to four (4) lanes of one-mile of Millerton Road from Marina Drive to Sky Harbor Road. The project's maximum share for the 2025 scenario is 2.91% or \$ 240,580.00.*
- m. *Road widening from two (2) lanes to four (4) lanes of 2.2 miles of Millerton Road from Sky Harbor Road to Auberry Road. The project's maximum share for the 2025 scenario is 3.58% or \$ 650,184.00.*
- n. *Friant Kern Canal Bridge improvement on Millerton Road [two (2) to four (4) lanes]. The project's maximum share for the 2025 scenario is 5.45% or \$170,415.00.*
- o. *Road widening from two (2) lanes to four (4) lanes of 1.85 miles of Willow Avenue from Friant Road to Copper Avenue. The project's maximum share for the 2025 scenario is 0.90% or \$ 59,519.00.*
- p. *Road widening from two (2) lanes to four (4) lanes of 5.5 miles of Auberry Road from Copper Avenue to Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.02% or \$ 981,114.00.*

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

In addition, the project shall also adhere to the Mitigation Measures No. 2.a - k listed in the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix in relation to providing a safe and convenient roadway network including turn lanes, relinquishing direct access to residential properties along Millerton Road, paying the project's pro-rata share of the cost for road improvements and new traffic signals. The California Department of Transportation (Caltrans) also reviewed the project and indicated that the mitigation measures noted above addresses their comments. Therefore, the agency has no additional comments or concerns.

The Millerton Specific Plan states that private streets may be acceptable if proposed as a part of a Planned Unit development Project (PUD) or under the Conditional Use Permit (CUP) process. Private streets should be designed according to Fresno County Improvement standards, except as may be modified in an approved PUD or CUP. The applicant has filed an exception request with the Department of Public Works and Planning, Development Services Division, seeking approval of modified 35-foot and 30-foot private local residential streets with no on-street parking and to allow on-street solid waste pick-up on 35-foot private streets. Enforcement to no on-street parking may occur through Home Owners Association (HOA) rules and regulations acceptable to the Director and will be included as a condition of approval. Specification changes requested to the street design are to accommodate off-street parking spaces at a ratio of 2.5 units per every one off-street parking space to be used for the residential purposes. The exception request will be addressed prior to Planning Commission action.

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT

The project will not change air traffic patterns.

D. Would the project substantially increase traffic hazards due to design features?

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT

With the mitigation measures and exception request noted in Section XV A. B., impacts related to traffic hazards due to design features are considered less than significant. The exceptions will be addressed prior to recordation of final map. The project will not result in inadequate emergency vehicle access. Multiple points of access are provided on

Millerton and Winchell Cove Roads. A minimum of two points of access have been provided to each gated community by use of main entries and an emergency vehicle access gate. As described earlier, the applicant has filed an exception request seeking approval of modified 35-foot and 30-foot private local residential streets with no on-street parking and to allow on-street solid waste pick-up on 35-foot private streets. The 30-foot roadway will provide a 22-foot travelway (two 11-foot travel lanes) and the 35-foot roadway will provide a 26-foot travelway (two 13-foot travel lanes) width from curb to curb. This exceeds the minimum nine-foot travel lane requirement by California Department of Forestry and Fire Protection (CDF). CDF has reviewed the proposed private streets and expressed no concerns with their width as long as the minimum nine-foot travel lane requirements are met. According to Fresno County Road Maintenance and Operation Division, all emergency access will be subject to approval by California Department of Forestry and Fire Protection (CDF) prior to the completion of improvement plans/issuance of building permit.

F. Would the project result in inadequate parking capacity?

FINDING: NO IMPACT

The project will provide adequate off-street parking for the proposed use. The proposal will provide a minimum of two (2) off-street parking spaces per unit (in garages) exceeding minimum parking required (one in garage or carport for every dwelling unit) in R-1 and R-I-C zone districts.

G. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans or policies supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

B. Would the project require construction of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

The project will be served with a tertiary level Millerton New Town Wastewater Treatment Plant in accordance with Mitigation Measures No. 3.a.- p., Wastewater Disposal, listed in the Millerton Specific Plan,

Mitigation Measures and Monitoring Program Matrix. As described earlier, the wastewater treatment facility is under construction at the southern end of Specific Plan Area and county Service Area (CSA) No. 34 will operate the facility under Wastewater Discharge Requirements and Water Reclamation Requirements issued by the California Regional Water Quality Control Board.

C. Would the project require construction of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT

See discussion in Section VIII.E, above, Hydrology and Water Quality. The project will not require construction of a new storm water drainage facility.

D. Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT

See discussion in Section VIII.B above, Hydrology and Water Quality. The project will be served by with surface water from Millerton Lake through County Service Area (CSA) No. 34 under the above-mentioned water supply agreements.

E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT

The project will be served by a tertiary level wastewater treatment facility of Millerton Newtown Wastewater Treatment Plant. Resources Division of the Fresno County Department of Department of Public Works and Planning reviewed the project and indicated no concerns with the proposal provided that water and wastewater infrastructure (including capacity) necessary to serve the development shall be constructed and operational prior to the issuance of building permits. This will be included as a condition of approval of the project. Once operational, the wastewater treatment facility will meet sewage requirements of the project.

F. Would the project be served by a landfill with sufficient permitted capacity?

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING: LESS THAN SIGNIFICANT

The project site will be served by a local waste hauler designated to provide refuse and recyclable material removal as required by County Ordinance. The development of a rural residential subdivision of the size and character proposed with this project will not significantly impact local area landfills. The proposal may create a substantial amount of solid waste. However, the project adhering to Mitigation Measure No. 8.a-c., Solid Waste Management, listed in the approved Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix, in relation to community recycling center and the Inn and Conference Center proposed under CUP 2865 for on-site recycling program will reduce any solid waste impact of the project to less than significant level.

In addition, the applicant will be required to adhere to the provisions set forth by the Regional Water Quality Control Board and Title 22 of the California Code of Regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?**

FINDING: LESS THAN SIGNIFICANT IMPACT

The proposed site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report certified for the Millerton Specific Plan Area. As indicated in the above analysis, the applicant shall adhere to all mitigation measures listed in the Monitoring Program Matrix and submit a Biological Assessment in compliance with the Endangered Species Act to U.S. Department of Fish and Wildlife Service.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?**

FINDING: NO IMPACT

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). The project would contribute to the overall decline in air quality due to construction activity and an increase in traffic. The Air District indicated that the project is subject to several of its adopted mandatory rules and regulations designed to reduce emissions throughout the San Joaquin valley.

The proposal will be served with surface water from Millerton Lake to be delivered through County Service Area (CSA) No. 34 from the Cross-Valley Contract (CVC). The water supply from Millerton Lake under CVC Contract is backed by the Lower Tule River Irrigation District Agreement, which the County Water-Geology Unit and Water Resources Board reviewed and expressed their satisfaction with.

The County Design Division reviewed the proposal and required that the project shall pay for a pro-rata share for future off-site improvements (road improvements, widening, and new traffic signals) to mitigate potential traffic impacts to the County maintained roads. The fee will be collected prior to the recordation of map or issuance of building permit.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?**

FINDING: NO IMPACT

No substantial adverse impacts on human beings were identified in the analysis.

CONCLUSION / SUMMARY

Based upon the Initial Study prepared for Tentative Tract Map No. 5430 and Classified Conditional Use Permit Application No. 3136, staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to agricultural resources, hazards and hazardous materials, land use and planning, mineral resources, and population and housing. Impacts related to aesthetics, air quality, geology and soils, noise, recreation, and utilities and service systems have been determined to be less than significant. Impacts related to public services, biological resources, cultural resources, and transportation and circulation have been determined to be less than significant with adherence to the proposed mitigation measures.

Potential impacts relating to air quality have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution

Control District. Impacts to hydrology and water quality have been determined to be less than significant with adherence to the provisions set forth by the Regional Water Quality Control Board and Title 22 of the California Code of Regulations.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Fresno, CA.

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

LAND USE AND ZONING

1.a	From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound, comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design.	PW&P	8	Once	Once		
1.b	Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.	PW&P LAFCo	1, 2	Once	Once		
1.c	The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan	PW&P	1	Once per phase	Once per phase		
1.d	Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100.	PW&P	1, 2	Once per phase	Once per phase		
1.e	Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence; operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15687 Auberry Road.	PW&P	1, 2	Once per phase	Once per phase		

TRAFFIC AND CIRCULATION

2.a	Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths.	PW&P	8	Once	N/A		
2.b	Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection.	PW&P	2, 6	Once per phase	Once per phase		

Responsible Person/Agency

MM = Mitigation Monitor
 PW&P = Public Works & Planning, Dept.
 FCFPD = Fresno Co. Fire Protection Dist.
 FCSO = Fresno Co. Sheriff's Department
 LAFCo = Local Agency Formation Comm.
 FCEH = Fresno Co. Environmental Health
 CSA = County Service Area No. 34
 CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, con't

WQCB = CA Regional Water Qual. Control Bd.
 APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.
 CUSD = Clovis Unified School District
 SUSD = Sierra Unified School District
 NRCS = Natural Resource Conserv. Serv., USDA
 F&G = Calif. State Dept. of Fish & Game
 FCRD = Fresno Co. Resource Div., DPW&P
 DOHS = CA Dept. of Health Services

Mitigation Phase Key

1 - Site Plan Review
 2 - Prior to Recording Final Map
 3 - Prior to Issuance of Bldg. Permit
 4 - Prior to Occupancy
 5 - During Grading Activity
 6 - During Construction
 7 - Other
 8 - SP/CUP/TM
 n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
 CDC - Continuous during construction
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Exhibit 8 - Page 1

EXHIBIT 8

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

TRAFFIC AND CIRCULATION, con't.

2.c	Install an eastbound left turn lane in Auberry Road at Marina Drive	PW&P	2, 6	Once per phase	Once per phase		
2.d	Widen Millerton Road to provide left and right turn lanes at all intersections within the project.	PW&P	2, 6	Once per phase	Once per phase		
2.e	Relinquish direct access to residential properties fronting on Millerton Road.	PW&P	2	Once per phase	Once per phase		
2.f	Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses.	PW&P	1, 2, 6	Once per phase	Once per phase		
2.g	Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted.	PW&P	1, 2	Once	Once		
2.h	<p>The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan:</p> <p>A. Marina Drive Extension to the south: i. Four-lane roadway: approximately one mile ii. Two-lane roadway: approximately two miles</p> <p>B. Auberry Road/Marina Drive Turn Lane</p> <p>The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.</p>	PW&P	2, 3	@BP	Annual		

Exhibit 8 - Page 2

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

TRAFFIC AND CIRCULATION, con't.

2.l	The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index. NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.	PW&P	2, 3	@BP	Annual		
2.j	The pro-rata share of \$310,000 for improvements at the State Route 41/Friant Road Interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.	CALTRANS PW&P	2, 3	@BP	Annual		
2.k	Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the areawide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.	PW&P	1, 2, 8	Once per phase	Once per phase		

WASTE WATER DISPOSAL

3.a	All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level.	PW&P WQCB	1, 2 7	Once per phase OGAP	Once OGAP		
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 n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
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Exhibit 8 - Page 3

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

WASTE WATER DISPOSAL, con't

3.b	Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.c	The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.	PW&P CSA	7	OGAP By CSA	OGAP		
3.d	An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.	WQCB (CSA)	2, 7	OGAP	OGAP		The Waste Discharge Requirements (Order No. R5-2002-0193) contain a Monitoring and Reporting Program that is acceptable to the Regional Water Quality Control Board.
3.e	Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.f	Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.	PW&P	1, 2, 6	Once per phase	Once per phase		

Exhibit 8 - Page 4

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Frequency

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 Annual - Annually
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**Millerton Pacific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

WASTE WATER DISPOSAL, con't

3.g	The management plan for storing treated effluent consists of two operational modes – wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions	CSA RWCB	7	OGAP	Annual		
3.h	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P FCRD	1, 2, 3	Once per phase	Once		Infrastructure Plan for water, sewer and drainage adopted by Bd. of Supervisors Dec. 2000
3.i	The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.	PW&P	3	Once per phase	Once per phase		
3.j	To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.	CSA WQCB	7	OGAP	Annual		
3.k	The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.	PW&P	1, 2	Once	Once		Plan for reclaimed water included in Adopted Infrastructure Plan

Exhibit 8 - Page 5

Responsible Person/Agency

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Frequency

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

WASTE WATER DISPOSAL, con't

3.i	For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a 50 foot setback from adjacent properties, irrigation at night, positive controls to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water.	WQCB FCEH	2, 7	OGAP	Annual		On October 18, 2002, the Regional Water Quality Control Board issued Waste Discharge Requirements (Order No. R5-2002-0193) for County Service Area No. 34- Millerton New Town. The Order allows the discharge of treated wastewater from the tertiary wastewater treatment plant to the effluent spray fields.
3.m	The wastewater treatment facility(ies) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).	PW&P FCRD FCEH WQCB DOHS	1, 2	Once	Once		
3.n	A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no.1 for the Brighton Crest development. It shall include subsurface concrete tankage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscape based on the elevation drawings and preliminary landscape plans in the "Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc.	PW&P WQCB FCEH	1, 2, 3	OGAP during construction	Once		CUP 2979 approved by Fresno Co. PC for construction of tertiary treatment facility and related landscape features
3.o	Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands.	PW&P CSA	1, 2, 6	OGAP during construction	Once		

Exhibit 8 - Page 6

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WASTE WATER DISPOSAL, con't

3.p	Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit.	PW&P CSA	1, 2, 6	OGAP	Annual		
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COMMUNITY WATER

4.a	The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.	PW&P FCEH	1, 2	Once per phase OGAP	Once per phase OGAP		
4.b	A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.	PW&P FCEH	1, 2, 3	Once	Once		
4.c	Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.	PW&P	1, 2, 8	Once	Once		
4.d	Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
4.e	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.	PW&P FCRD	1, 2, 3	Once	Once		Infrastructure Plan adopted by Bd. of Supervisors December 2000
4.f	Prior to the recordation of a final map or Site Plan Review approval, a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent.	PW&P CSA	1, 2	Once	Once		Water Agreements in place to provide adequate water supply to approved Projects
4.g	Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.	FCRD PW&P CSA	4	@Occ	Annual		

Exhibit 8 - Page 7

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COMMUNITY WATER con't.							
4.h	Prior to recordation of a final map or site plan review, a tiered rate schedule for the Irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of Irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for Irrigation services.	CSA	2	Once	Once		
4.i	Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.	CSA	2, 7	OGAP	Annual		
4.j	Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.	PW&P FCRD	3	@Occ	Once per phase		Water treatment plant constructed and being operated by CSA-34
4.k	Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, education programs, and incentives for conservation, shall be implemented for the Clarksfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.	PW&P CSA	7	OGAP	Annual		
4.l	Prior to recordation of a Final Tract Map or Site Plan Review, the developer shall provide evidence of adequate water supply to serve that development to include a volume of water to serve as a safety factor over and above the calculated demand.	PW&P CSA	1, 2	Once	Once		
LAW ENFORCEMENT							
5.a	The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	FCSD	1	@BP	Once		

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LAW ENFORCEMENT, con't

5.b	Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.	FCSD PW&P	1, 2	Once	Once		
5.c	Prior to recordation of a final map or approval of a site plan review, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.	FCSD PW&P	1, 2	Once	Once		CFD being established for Sheriff Protection Services

FIRE PROTECTION

6.a	The Specific Plan includes several standards to reduce fire protection impacts: 1. Requirement for two points of access for each development 2. Design of water system with adequate fire flows, fire hydrant, and storage facilities. 3. Fire retardant construction. 4. Fuel modification zones around development. 5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet. 6. A fire station location with an engine within the government center complex.	PW&P	8, 1, 2, 3	Once in each processing phase	Once		
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FIRE PROTECTION, con't

6.b	Prior to recordation of a final map or approval of a site plan review, a fee shall be established through the Millerton New Town and Surrounding Area Fire Protection Benefit Assessment District CSA No. 34 for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need.	PW&P CSA	1, 2	Once	Once		Fresno County Fire Protection District has established a fee to be subject to covenants being recorded on each Project providing for payment of fee at the time of Building Permit issuance.
6.c	Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.	PW&P CSA	1, 2	Once	Once		FCFPD has established Millerton New Town and Surrounding Area Fire Benefit Suppression Assessment District
6.d	All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.	PW&P FCFPD	2	Once per phase	Once per phase		
6.e	Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <u>Fire Safe Guides for Residential Development in California</u> (1980), should be used in project site planning and design.	PW&P FCFPD	1	Once	Once		

Exhibit 8 - Page 10

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SCHOOLS							
7.a	Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district).	PW&P CUSD SUSD	8	Once	Once		CUSD has acquired 20-acre site within Specific Plan area south of Millerton Road
7.b	The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.	PW&P	7	Annual	Annual		
7.c	The developer shall pay adopted school impact fees. If there is a temporary unmet need temporary facilities fees or other fee structures satisfactory to all parties involved may be utilized.	CUSD SUSD	1, 2	Once	Once		
SOLID WASTE MANAGEMENT							
8.a	A community recycling center should be considered in overall project design.	FCRD PW&P	1, 2	Once	Once		
8.b	Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers.	FCRD	1	Once	Once		
8.c	The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility.	PW&P FCRD	1	Annual	Annual		
PARKS AND RECREATION							
9.	Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive).	PW&P	8	Once	Once		
ELECTRICAL AND TELEPHONE SERVICES							
10.	Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.	PW&P	1, 2	Once per phase	Once per phase		

Exhibit 8-- Page 11

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VISUAL QUALITY

11.	The degree of impact on the visual environment will be softened somewhat by standards within the Specific Plan, including: 1 Building sites located below or beside ridgelines, rather than on top, to preserve vistas. 2 Provisions calling for submittal of landscaping plans to the County for all planned developments or commercial site plans. 3 Establishment of a design review committee to make recommendations to the County on architectural style, building materials, lighting, fencing and signs. 4 Grading and erosion control requirements. 5 Scenic roadways along Millerton Road and Winchell Cover Road (Marina Drive). 6 Park development including White Fox Parkway.	PW&P	1, 2, 8	Once per processing phase	Once per processing phase		
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HISTORIC/CULTURAL RESOURCES

12.a	Archeological resources occurring Allocation Area E are potentially significant. Final design of the tentative tract map or other mapping should incorporate these features into the open space system. If such design is not possible, detailed investigation to determine significance shall be required prior to development entitlement and appropriate mitigation measures instituted.	PW&P	1, 2, 8	Once	Once		
12.b	Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, Archeological Sites No. CA-FRE-2184 and CA-FRE-2185 shall be placed in open space easements. The legal description of the boundaries of these sites shall be based on the staking done by Donald G. Wren, Consulting Archeologist, as described in his report, "ARCHEOLOGICAL MITIGATION OF CULTURAL RESOURCES NEAR MILLERTON, CALIFORNIA", dated May 1997.	PW&P	1, 2	Once	Once		

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12.c	In the event cultural resources are unearthed during grading or construction all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Heritage Commission within 24 hours. This requirement shall be shown on the Waiver Certificate and on all approved parcel maps associated with the project site.	PW&P	5, 6	CDC	Once		
12.d	An Open Space Easement Indenture Agreement shall be executed between the County and the property owner to protect the two significant archaeological resources identified as P-10-002183 and P-10-002188 in the archaeological survey entitled, Twins Hills Project, A Resurvey of 160 Acres Fresno County, California prepared by Donald G. Wren, consulting Archaeologist, dated October 2002. This requirement shall be shown on all final maps associated with the project site.	PW&P	1, 2	Once	Once		

GEOLOGY AND SOILS

13.a	No disturbance on cut and fills on slopes over 30 percent shall be allowed without a geotechnical analysis.	PW&P	1, 2, 3	Once per phase	Once per phase		
13.b	Shallow (less than 2 feet) road cuts should be designed with slopes of 1:1.	PW&P	1, 2	Once per phase	Once per phase		
13.c	Fill slopes should be no steeper than 2:1.	PW&P	1, 2	Once per phase	Once per phase		
13.d	Road cuts greater then 6 feet should be designed with slopes of 2:1 and permanently stabilized.	PW&P	1, 2	Once per phase	Once per phase		
13.e	Implement the California Uniform Code for Seismic Zone 3.	PW&P	3	@BP	Once per phase		
13.f	Attention shall be given at time of construction to building pads and driveways in order to lessen erosion or similar problems.	PW&P	3	CDP	Annual		

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13.g	A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation, and drainage. The control program shall: a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control. b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage. c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover. d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes. e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust, until erosion control plantings become established.	PW&P	1, 2, 5	CDC	N/A		
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HYDROLOGY

14.a	The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area.	CSA	7	OGAP	Annual		
14.b	Groundwater shall only be used for backup or emergency purposes, or for groundwater management.	CSA	7	OGAP	Annual		

DRAINAGE AND FLOODING

15.a	Natural drainage courses shall be preserved through density allocation and dedication of drainage easements.	PW&P	1, 2, 8	Once per phase	Once per phase		
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				Monitoring	Reporting	Date Repts. Rec'd	Notes
DRAINAGE AND FLOODING, con't							
15.b	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P	1, 2, 3	Once	Once		Infrastructure Plan adopted December 2000
15.c	Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".	PW&P	2, 5	CDC	Once		
15.d	The County Service Area should implement the drainage plan, maintain drainage easements and facilities.	CSA	7	OGAP	Annual		
VEGETATION AND WILDLIFE							
16.a	Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.	PW&P	1, 2, 3, 5, 6	CDC	OGAP		
16.b	Habitat will be enhanced through development of parkways and other urban landscape area.	PW&P	8	Once	N/A		
16.c	Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.	PW&P CUSC	1, 2, 3	Once	Once		
16.d	"No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.	PW&P	1, 2	Once	Once		
16.e	The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.	PW&P	1	Once	Once		

Exhibit 8 - Page 15

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 6 - During Construction
 7 - Other
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 n/a - Not Applicable

Frequency
 Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes
16.f	<p>Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish & Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U. S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game, and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:</p> <ol style="list-style-type: none"> 1 Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. 2 Address long-term management issues of the recreational open space after mitigation monitoring has been completed. 3 Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval. 4 Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. 5 A Monitoring Program shall be approved that provides for the following: <ul style="list-style-type: none"> - Measurable mitigation objectives. - Measures which will result in the objectives being met. - Monitoring protocol for measuring the success of the plan which identifies: <ul style="list-style-type: none"> - When the monitoring shall occur - Survey method to be used. - Reporting requirements. 	<p>PW&P F&G NRCS CSA</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1, 2	Annual	Annual		

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n/a - Not Applicable

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Exhibit 8 - Page 16

Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix							
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				Monitoring	Reporting	Date Repts. Rec'd	Notes
VEGETATION AND WILDLIFE, con't							
16f con't	6 The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan.						
16.g	The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.	F&G	7	Once	Once		OSNRP has been formed
16.h	The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$.10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index.	F&G	1, 2, 3	TO BE DETERMINED BASED ON PLAN			Mitigation Fees have been adopted by the OSNRP for both residential and commercial projects

Exhibit 8 - Page 17

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**Millerford Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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VEGETATION AND WILDLIFE, con't

16.1 Added 2-3-00 TT 4870	<p>Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for those lands identified in Figure No. 3 of the Mitigation Plan, Westcal Project Site, Fresno County by Hartesveldt Ecological Consulting Services dated December 22, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum:</p> <p>a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof.</p> <p>b. Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary.</p> <p>c. Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek.</p> <p>d. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them.</p> <p>e. Create two vernal pools that together will be approximately 0.01 acres in size.</p> <p>f. Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands.</p> <p>g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</p> <p>h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</p> <p>i. The plan shall be submitted to the U.S. Army Corps of Engineers for review.</p> <p>j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</p> <p>Con't next page.</p>	<p>P & RM F & G. NRCS</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1, 2	Annual	Annual		Revised Wetland Open Space Mitigation and Management Plan and Monitoring Program has been revised and submitted to Department of Fish and Game for review and approval
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Exhibit 8 - Page 18

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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				Monitoring	Reporting	Date Repts. Rec'd	Notes

VEGETATION AND WILDLIFE, con't

16.i con't.	k. The Monitoring Program shall at a minimum include: <ul style="list-style-type: none"> - Measurable mitigation objectives. - Measures which will result in objectives being met. - A monitoring protocol by which the success of the plan can be measured that identifies: - When monitoring will occur - Survey methods - Reporting requirements i. Confirmation of a funding source for plan implementation.						
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CLIMATE AND AIR QUALITY

17.a	The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System.	PW&P	1, 2, 8	Once per phase	Once per phase		
17.b	A centralized location for a park and ride lot is established in the project within the central commercial area.	PW&P	1, 8	Once	Once		
17.c	To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.	PW&P APCO	5, 6	CDC	N/A		
17.d	Installation of emission reduction catalyst devices on all fireplace flues is recommended; they are effective in reducing carbon monoxide and particulate emissions.	APCD PW&P	3	@BP	N/A		
17.e	Express bus service should be provided for commuters going to the FCMA.	FCRTA	7	Annual	N/A		
17.f	Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.	PW&P	4	@ OCC	Annual		
17.g	All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.	PW&P	1, 2	Once	Once		

Exhibit 8 - Page 19

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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CLIMATE AND AIR QUALITY, con't

17.h	The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.	APCD PW&P	3, 4	@BP	@BP		
17.i	Bicycle parking facilities shall be installed for employees and guest/visitors at the Inn, Conference Center, and Retail Site B.	PW&P	1, 4	@BP	@BP		
17.j	Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.	PW&P	1, 4	@BP	@BP		
17.k	If fireplaces are used for the Inn or Conference Center, natural gas fireplaces or EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).	PW&P APCD	1, 4	@BP	@BP		

Exhibit 8 - Page 20

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CLIMATE AND AIR QUALITY, con't

17.1	<p>The following measures shall be implemented in Allocation Area H, the 160 acre Southeastern Expansion Area.</p> <ol style="list-style-type: none"> No wood-burning fireplaces, wood stoves, or chimneys shall be allowed within the Twin Hills Project Amendment Area. Natural gas, propane, electrical, or other EPA certified gas fireplaces or stoves shall be installed as opposed to conventional open-hearth wood-burning fireplaces. The Neighborhood Commercial Center shall provide space available for lease for development of a telecommunicating center for employment purposes. A park-and-ride facility shall be included in the Neighborhood Commercial Center. All homes shall be wired for telecommuting, computers, and electronic meter reading; and have outdoor electrical and propane hookups. A transit stop shall be located within the site, the location of which is to be coordinated with the regional transit provider. The Project design shall provide for pedestrian and bike facilities such as sidewalks or paths, street trees to shade walkways, bikeways/paths connecting to a bikeway system in accordance with the Millerton Specific Plan Circulation Element and bicycle parking. The Project shall be subject to Air Quality Mitigation Measures, both during Project construction and thereafter, as described in the Air Quality Impact Assessment for the Millerton Specific Plan dated December 11, 2003. The 207 residential units in Allocation Area H shall pay at time of Building Permit a one-time Air Quality Impact fee of \$500 per residence to Fresno County or as directed by Fresno County. This fee is not in lieu of any Indirect Source Fee adopted by the San Joaquin Valley Air Pollution Control District, but may be allowed as a credit toward such fee. All other conditions related to air quality currently found in the Millerton Specific Plan and Fresno County General Plan shall be applicable to the Twin Hills Project. 	PW&P; APCD:	1, 2, 3	OGAP	Annual		
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Exhibit 8- Page 21

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Mitigation Measures and Monitoring Program Matrix**

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CLIMATE AND AIR QUALITY, con't

17.m	Each project will complete an Air Quality Impact Assessment under the guidelines of the San Joaquin Valley Air Pollution Control District and include in the Project Conditions, Air Quality Mitigation Measures, both during Project construction and thereafter, including any Indirect Source Fee as may be adopted and required by the San Joaquin Valley Air Pollution Control District or the County of Fresno. Project Proponents shall work with representatives of Fresno County and the San Joaquin Valley Air Pollution Control District to encourage any Indirect Source Fees imposed to be used within the Project and surrounding area to reduce emissions.	APCD : PW&P :	1, 2 :	Once	Once		
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ENERGY RESOURCES

18.a	The Specific Plan contains standards to reduce energy consumption including: 1. Public building design requirements; 2. Solar access provisions; 3. Parking lot shading; 4. Requirement for project level energy efficiency and evaluation; 5. Provisions for mixed land use and compact form; 6. A bikeways and pedestrian trail plan; 7. Proposal for a community recycling center; 8. Water conservation programs; 9. Requirement for bus, car, and van pooling facilities within the community core.	PW&P.	1, 2, 8	Once per phase	Once per phase		
18.b	The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.	PW&P	1, 3	@BP	N/A		

Exhibit 8--Page 22

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NOISE							
19.a	Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L _{dn} 60 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L _{dn} 45 dBA or below.	PW&P	1, 2, 3	Once per phase	Once per phase		
19.b	Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses.	PW&P	1, 3	@BP	Once per phase		
19.c	Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance).	FCEH	5, 6	CDC	N/A		
19.d	Each commercial development shall be conditioned to require that under Site Plan Review there shall be verification that the development and use of the property will be in compliance with the County Noise Ordinance. Conditions of the SPR may include but are not limited to design features and operational controls.	FCEH	1	Once	Once		

Exhibit 8 - Page 23

G:\4360Devs&Pln\EA\Std. Mitigation Measures\Millerton Specific Plan\4394MMPM 120704 adopted.doc
 April 20, 1999
 Rev. February 3, 2000
 Adopted December 7, 2004

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Subdivision Review Committee Report Agenda Item No. 4 July 17, 2008

SUBJECT: Initial Study Application No. 5409, Site Plan Review Application No. 7655, and Vesting Tentative Tract Application No. 5430

Allow a planned residential development consisting of 561 single-family residential lots, 10 outlots with designated uses, and one remainder lot on approximately 179.57-acres in the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) District and R-1-C (c) (Single-Family Residential, 9,000 square-foot minimum-parcel-size, conditional) District.

LOCATION: The subject property is located within the Millerton New Town Specific Plan, north of Millerton Road between the Winchell Cove Road and the Friant-Kern Canal, approximately 1.8 miles east of the unincorporated community of Friant (APN: 300-021-27S, 300-032-12S, 300-032-57S, 300-340-01S, 03S, 15S, 06S, and 07S).

Applicant/Owner: Clarksfield Company, Inc.

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 262-4321

Chris Motta, Senior Planner
(559) 262-4870

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 5409; and

- Approve Vesting Tentative Tract Map Application No. 5430 with recommended findings and conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The commission's action will not have any substantial effect on the long-term objective of the creation of jobs in Fresno County. Housing construction and other improvement activities associated with approval of this application may provide for some short-term job opportunities.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Existing Zone Map
4. Land Use Designation Map
5. Vesting Tentative Tract Map No. 5430
6. Summary of Initial Study Application No. 5409
7. Millerton Specific Plan - Mitigation Measures & Monitoring Program Matrix

PROJECT DESCRIPTION AND SUMMARY:

Listed below are key features of the project based on information contained in the application and tentative tract map (Exhibit 5).

Proposed Use:

- Planned Residential Development consisting of 561 single-family residential lots of which 180 lots are located within two gated communities served by a private road system with access points to public streets, ten outlots with designated uses, and one remainder lot.

Project Site:

- 179.57-acres

Existing Improvements:

- None

Proposed Improvements:

- 561 single-family lots
- Ten outlots (Outlot A for storm drainage; Outlots B and C for parks; Outlot D for spray re-use; Outlots, E - G for open space; Outlots H - J for private roads/amenities)
- One remainder lot (2.88-acre)
- Interior road system (minor collector, local & private)
- Peripheral road system (Millerton Road and Winchell Cove Road/Marina Drive as arterial and collector)
- Community water and sewer service through County Service Area No 34 (CSA No. 34)
- Fire protection improvements
- Drainage facilities

ENVIRONMENTAL ANALYSIS:

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix (See Exhibit 7) was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in December 1984. Several additional environmental studies have been prepared since the 1984 certification; the most recent being in December 2004.

Section 15162 of the CEQA Guidelines provides that a new EIR is not required for a project unless specified events have occurred.

An Initial Study was prepared for the project under the provisions of CEQA to determine if the existing EIR is adequate for the current project. In accordance with Sections 15162 and 15183 of the CEQA Guidelines, the purpose of the Initial Study was to identify environmental effects peculiar to the parcel or project which were not addressed as significant effects in the EIR or provide substantial new information demonstrating that these effects would be more significant than described in the EIR. Within the context of the review, the Initial Study did not identify any significant effects nor was any new information submitted showing the previously identified effects to be more significant. Based on this assessment staff has concluded that preparation of a subsequent EIR, supplement or addendum to the Millerton Specific Plan EIR is not required and that the existing EIR is adequate for the project. Initial Study Application No. 5409 was prepared for the project by County staff in conformance with the provisions of CEQA. Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate for the project. A summary of the Initial Study and Mitigation Measures are included as Exhibit 6.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: June 6, 2008.

PUBLIC NOTICE:

Notices were sent to 32 property owners within a quarter-mile of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Tentative Tract Map Application may be approved only if findings specified in the Subdivision Map Act and County Subdivision Ordinance are made. These findings are included in the body of the Subdivision Review Committee Report. Classified Conditional Use Permit Application No. 3136 is being considered concurrently to allow a planned unit development and Site Plan Review Application No. 7655 as it relates to proposed Vesting Tract Map No. 5430. The proposed tentative tract map cannot be approved unless the concurrent conditional use permit application is also approved. Approval of the Tentative Tract Application is final unless appealed to the Board of Supervisors within 15 (fifteen days) of the approval action.

BACKGROUND INFORMATION:

The Millerton Specific Plan was originally approved in December of 1984 as a "New Town" as provided for in the Sierra-North Regional Plan policies (Residential Development Allocation Area A - F). The Specific Plan was amended in 1999 and 2004 which expanded the boundaries of the Plan area. The Millerton Specific Plan today is a planned community on 1,420 acres planned to accommodate a population of 8,000 to 10,000 in approximately 3,499 residential units. The Plan provides for commercial and public facilities, recreation areas and open spaces, and describes standards and implementation methods to be used to develop the site.

The first amendment to the Plan (General Plan Amendment No. 455) was approved by the Board in April 20, 1999, to re-designate and rezone 440 acres (Residential Development Allocation Area G), and reallocate 795 of the previously approved 3,499 residential lots with no overall increase in units within the Specific Plan area.

Likewise, the second amendment to the Plan (General Plan Amendment No. 489) was approved by the Board in December 7, 2004, to re-designate and rezone 156 acres (Residential Development Allocation Area H); reallocate 207 residential units from existing areas of to the Specific Plan; designate a site for the Fresno County Library; allow "resort units" within the hotel/conference center; revise school site location and size; establish/clarify procedures/criteria for various facets of Specific Plan implementation; amend text sections and figures of the Specific Plan as appropriate to bring into consistency with the General Plan to be internally

consistent with other changes in the Specific Plan; and approve Unclassified Conditional Use Permit Application No. 3035 amending Unclassified Conditional Use Permit No. 2865 to allow sixty-six (66) resort units in conjunction with the Hotel / Conference Center in the C-6(c) District in the White Fox Creek Sub-Unit area southeast of the planned intersection of Millerton Road and Marina Drive, and a library in the southwest quadrant of the White Fox Creek Sub-Unit Plan.

Since the adoption of the Specific Plan in 1984, and the most recent Specific Plan Amendment in December 2004 by Board action, the Planning Commission and Board of Supervisors have approved five vesting tentative tract maps (total 1,132 residential lots on approximately 551.80-acres of land) and four conditional use permits for the Specific Plan area. They are as follows:

- Classified Conditional Use Permit Application No. 2865 authorizing a three-par golf and exercise course, a Planned Commercial Development including a hotel/conference center, a service station/convenience store, and 8,400 square feet of retail space approved on April 20, 1999.
- Vesting Tentative Tract No. 4870, Classified Conditional Use Permit Application No. 2905, and Site Plan Review No. 6970, authorizing a Planned Residential Development consisting of 165 single-family homesites on 49-acre portion of 83-acres parcel of land approved on February 3, 2000.
- Vesting Tentative Tract No. 4934, Conditional Use Permit Application No. 2935, and Site Plan Review No. 7044, authorizing a Planned Residential Development consisting of 200 single-family homesites on 77.80-acres property approved on September 7, 2000.
- Conditional Use Permit Application No. 2942, authorizing an 18-hole golf course and related golf shop, and allowing application of treated wastewater on the 172-acre parcel approved on September 7, 2000.
- Vesting Tentative Tract No. 4976, Conditional Use Permit Application No. 2955, and Site Plan Review No. 7081 authorizing a Planned Residential Development consisting of 184 single-family homesites on 55-acre portion of a 164-acre parcel of land approved on November 30, 2000.
- Vesting Tentative Tract No. 4968, Conditional Use Permit Application No. 2956 and Site Plan Review No. 7082 authorizing a Planned Residential Development consisting of 308 single-family homesites on a 146-acres of land approved on December 14, 2000.
- Unclassified Conditional Use Permit Application No. 2979, authorizing a tertiary-level wastewater treatment plant to serve the portion of the Millerton

Specific Plan Area and Brighton Crest Subdivision approved on October 9, 2003.

- Unclassified Conditional Use Permit Application No. 3035, authorizing 66-resort units in conjunction with the hotel/conference room approved on December 7, 2004.
- Vesting Tentative Tract No. 5393, Conditional Use Permit Application No. 3113, and Site Plan Review No. 7654, authorizing a Planned Residential Development consisting of 275 single-family residential lots, two commercial lots, two lots for future use, and other outlots on an approximately 224-acres of land approved on May 8, 2008. The Planning commission's decision was not appealed.

The current proposal which is being considered concurrently with Classified Conditional Use Permit Application No. 3136, proposes to allow a planned unit development consisting of 561 single-family residential lots, plus outlots, and one remainder lot on approximately 179.57-acres. The tentative subdivision map may only be approved if the above-referenced conditional use permit application is also approved.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

- Date of Subdivision-Review Committee Meeting: May 16, 2008
 - Subdivider: The Clarksfield Company, Inc.
 - Engineer: Provost & Pritchard
 - Project Location: On the north side of Millerton Road between the Winchell Cove Road and the Friant-Kern Canal
 - Nearest City Limits: Approximately 1.8 miles east of the unincorporated community of Friant
 - Number of Acres: 179.57-acres
 - Number of Lots: 561 Single Family Residential lots, 10 outlots and one remainder lot
- Minimum Lot Size: 6,000 square-foot [R-1 (c)]
4,500 square feet (proposed)

- 9,000 square-foot [R-1-C (c)]
 - 6,000 square feet (proposed)
- Proposed Source of Water: Community water system (County Service Area No. 34)
- Proposed Means of Sewage Disposal: Tertiary-level Wastewater Treatment Facility (County Service Area No. 34)
- General Plan Designation: Medium Density and Medium Low Density Residential (Millerton Specific Plan)
- Zoning on Subject Property: R-1(c) and R-1-C (c) (Single-Family Residential, conditional) Districts. See Existing Zone Map, Exhibit 3)
- Surrounding Zoning: AE-20, AL-40, R-1(c), R-2(c), R-E(c)
- Proposed Use: Single Family Residential Uses
- Land Use on Subject Property: Vacant
- Surrounding Land Use: Grazing, rural residential development, golf course, casino, Millerton Lake
- **ANALYSIS / DISCUSSION:**

Finding 1: General Plan Consistency

The subject 179.57-acre site is located within the Millerton Specific Plan designated Medium Density and Medium Low Density Residential. The project is comprised of 561 single family lots, 10 outlots designated for storm drain/spray re-use, park, open space, private road/amenities and one remainder parcel. Out of total 179.57-acres of the proposed subdivision, approximately 111.89-acres is designated Medium Density Residential and is zoned R-1(c). The remaining approximately 67.68-acres is designated Medium Low Density Residential and is zoned R-1-C (c). Both R-1(c) and R-1-C (c) Districts are consistent with the Medium Density and Medium Low Density Residential land use designation of the Specific Plan.

The Millerton Specific Plan contains policies, standards and criteria that must be addressed through the design of the subdivision or through conditions of approval and mitigation measures. These policies, standards and criteria are addressed in the following discussion:

Land Use Element

The Millerton Specific Plan provides that all residential development within the plan area shall be through the Planned Unit Development process. The Millerton Specific Plan is divided into Residential Development Allocation Areas. The subject property is located within Allocation Areas A and B. Allocation Area A is limited to a maximum of 513 residential lots, and Allocation Area B is limited to a maximum of 57 residential lots. 508 residential lots are located in Allocation Area A and 53 residential lots are located in Allocation Area B. The total number of lots combined in both Allocations area are 561 lots, not counting 10-outlots and one remainder lot.

The Millerton Specific Plan indicates that areas designated Medium Low Density Residential shall be developed at a density not to exceed one dwelling unit per 10,000 square feet (net) or 3.5 units per acre (gross) and areas designated Medium Density Residential shall be developed at a density not to exceed one dwelling unit per 6,000 square feet (net) or seven units per acre (gross).

As mentioned above a total of 561 residential lots are proposed for this tract on an area of 179.57-acres. Under this request, 508 residential lots are located in Allocation Area A of the Specific Plan and are in Medium Density and Medium Low Density area. Out of 508 lots, 229 lots would be developed on an approximately 67.68 acre area designated Medium Low Density [R-1-C (c)] district and would provide the density of 3.38 units/gross acre. The remaining 332 lots located in Medium Density Residential area [R-1 (c)] district for the remainder of Allocation Area A, including 53 lots from Allocation Area B would be developed on approximately 111.89 acre and would provide the density of 2.96 units/gross acre. The proposed 561 residential lots will meet the density requirement of the Specific Plan for this tract.

The conditional zoning requires that all projects within the Millerton Specific Plan be implemented as a Planned Unit Development by a Conditional Use Permit and provide improved design features through increased flexibility in development siting, and preservation of open space and significant natural features. The Specific Plan states that a minimum of three percent of a project shall be used for open space purposes in addition to those areas already reserved for public facilities and the areas subject to 100-year flood in the Specific Plan. The proposed lots have been planned with physical or visual access to open space to ensure that development will be sensitive to the area's rolling topography, grassland valleys, and prominent knolls. As previously noted, the project proposes ten outlots to remain as open space totaling 43.31-acres, which comprises approximately 24.11 percent of the project site. In addition, this development is part of the Millerton Specific Plan, which provides for substantial community-wide open space and recreation areas to be developed for the residents of the Specific Plan area including those of the proposed project.

Under the planned unit development process, the applicant has requested modification of property development standards for R-1(c) and R-1-C (c) districts, and includes lot sizes to be allowed a minimum of 4,500 square-feet and 6,000 square feet depending upon their location in the Residential Development Allocation Area A and B of the tract.

Transportation Element

The standards and criteria of the Transportation Element set forth specific design standards for the interior roads within the subdivision, as well as the system of primary and secondary roads designed to carry local traffic within the Millerton townsite and to connect with the existing County road network. The Plan requires that all road improvements be constructed in accordance with Fresno County Improvement Standards, except if modified by the Plan. All primary, secondary interior roads of the subdivision will be constructed to County public road standards in accordance with the Specific Plan and provision made for their maintenance.

As discussed in Finding 2 of the Staff Report for Classified Conditional Use Permit No. 3136, the increased traffic generated by the proposed development will have an impact on the circulation system outside the project boundary. In order to address the impact, mitigation measures specified in the EIR and Addendum for the Millerton Specific Plan, and pro-rata percentage calculation for impacts to intersections and road segments based on Clarksfield Traffic Impact Study will be applied to this development requiring that prior to recordation of a final map, the project will be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the area wide improvements and the developer will be required to participate on a pro-rata basis in the funding for road improvements and new traffic signals. The pro-rata mitigation requirements for off-site improvements and traffic signalization have been included as mitigation measures of the project.

Environmental Resources Management Element

The Environmental Resources Management Element of the Millerton Specific Plan addresses land resources, flooding and drainage, open space and recreation, recreation corridors, water conservation, energy conservation, archaeological resources, habitat preservation, and air quality. The policies, standards and criteria relating to these topics provide guidance in the developing the community's overall semi-rural character and are intended to reinforce those other elements of the Specific Plan such as Land Use, Transportation, Community Design, and Public Facilities. The policies, standards and criteria in this section of the Plan that are applicable to the proposed subdivision have either been addressed by being incorporated in the project design, recommended as conditions of approval, or are mitigation measures of the EIR.

The policies and standards relating to land resources ensure that there will be a proper grading design by requiring that a detailed erosion and drainage control program be developed and that certain grading standards be met. Flooding and drainage policies require that prior to recordation of a final map, drainage plans be submitted that demonstrates compatibility with adjacent properties within the sub-watershed. Open space and recreation policies require that each proposed planned development contain open space free of buildings, streets, driveways, or parking areas. As noted previously, in addition to individual lot yard area, open space will be provided through ten open space outlots totaling 43.31-acres which will remain as areas for storm drain/spray re-use, park, open space, private road/amenities. Policies, standards, and mitigation measures relating to water and energy conservation, in part, will require that water conservation devices be used and water meters be provided for all residences and that site planning and building design provide for solar access and a street tree planting program irrigated with treated effluent. Wildlife habitat and resources occur in the project area that are potentially significant and should be protected. A mitigation measure requires that prior to recordation of a final map, a wetland and open space mitigation and management plan and monitoring program be prepared by the developer and approved by the County in consultation with the California Department of Fish and Game. Mitigation measures for the Specific Plan also have been imposed which will address air quality impacts.

Public Facilities Element

The proposed project will require community facilities and services including a community water system, a community sewer system, fire protection, schools, and law enforcement. The Millerton Specific Plan requires that urban services and related infrastructure be implemented in accordance with an approved infrastructure plan to be financed by property owners within its boundaries.

Although projects such as the proposed subdivision can be initially approved, the Specific Plan requires that an infrastructure plan for water, sewer, and drainage be adopted before a final tract map is recorded or a building permit is issued. In order to ensure that the infrastructure requirements of the Specific Plan are met, staff is recommending that a condition be imposed requiring that an infrastructure plan in accordance with the policies of the Specific Plan be adopted prior to recordation of a final map and the appropriate infrastructure required for this project be constructed prior to issuance of building permits. In addition, the policies, standards, and EIR mitigation measures relating to the community water and sewer facilities ensure that the facilities will be adequately designed, operated, and maintained. The water and sewer facilities will be required to be designed and operated in accordance with state and local standards. Both systems will be required to be operated and maintained by County Service Area No. 34.

The Resources Division of the Fresno County Department of Public Works and

Planning reviewed the project and expressed no concerns with the proposal provided that prior to recordation of final map a separate zone of benefit and financing is finalized, and tiered water rates for potable and landscape irrigation purposes are established. Likewise, water and wastewater facilities (including capacity) necessary to serve the development be constructed and operational, and information to obtain/amend a water system permit be provided to county staff prior to issuance of building permits. These requirements have been included as a condition of approval of the project.

The project area is located within the State Responsibility Area. Fire protection services for the proposed development will be provided by the Fresno County Fire Protection District a subsidiary of California Department of Forestry and Fire Protection (CAL-Fire). The District has indicated that the proposed project will be subject to various mandatory fire protection measures including those specified in the Specific Plan. According to the approved Millerton New Town Specific Plan, the applicant must adhere to Fire Protection Mitigation Measures Nos. 6.a – e listed in the Mitigation Measures and Monitoring Program Matrix, one of which requires a funding mechanism be established for the maintenance and replacement of fire equipment and staffing of the Millerton New Town Fire Station when it can be demonstrated that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project shall also comply with specific Articles and Sections of 2001 California Fire Code and these requirements has been included as a project note.

According to Millerton Specific Plan, the Fresno County Sheriff should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. According to the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, Law Enforcement, the applicant must adhere to all law enforcement Mitigation Measures (Nos. 5.a - c) in order reduce public safety protection impacts. Mitigation Measure No. 5.c is consistent with General Plan Policy PF-G.2 which requires that a funding mechanism be established to provide for minimum level manning of Sheriff's services in areas experiencing new residential growth which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A mitigation measure has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents.

Community Design Element

The policies and standards regarding the community design are intended to help enhance the natural features which contribute to the scenic qualities of the Plan area, including preserving the visual quality of prominent ridgelines; and to strengthen the individuality of and enhance overall community identity of Millerton

New Town. The policies and standards specifically requires site planning and building design that will preserve the natural character of ridgelines, and that an Architectural Review Committee be formed to establish and implement standards for architecture, lighting, fencing, and signage. The Community Design Element also includes policies and standards relating to undergrounding of utilities, landscaping including the use of drought resistant trees and plants, lighting, signage, and structure characteristics.

The tentative map submitted by the applicant indicates that the project has been designed so that the proposed lots will be located off the steepest slopes due to the terrain and to preserve the major oak trees, native stands of trees, and other significant vegetation on the property. The operational statement submitted by the applicant indicates that the homes proposed for the development will create a strong indoor/outdoor relationship through the use of windows, doors and landscaping which the Plan deems appropriate for Millerton New Town. Building setbacks may vary for maximum flexibility with the goal of creating a comfortable street edge for pedestrians. Residential units will be provided with porches and/or courtyards in order to create a strong relationship between the front of the building and the public street, as well as to capture views of natural setting. Exterior wall materials with stone accents will reflect the character of the region. Exterior wall colors will be subdued with brighter accent colors to accentuate architectural details. Provided the development occurs as specified in the project description, the proposed project will be consistent with policies and standards of the Community Design Element.

Finding 2: Suitability of Site

The subject property is located within the low foothills just south of Millerton Lake at elevations ranging from approximately 610 to 720 feet above sea level. As depicted in "Slope Plan" of the Millerton Specific Plan, the subject site varies in grades from flat to in excess of 30 percent. The residential development is proposed on varying grades and the areas with steep grades left as open space outlots. According to EIR prepared for the Millerton Specific Plan, there is no geomorphic evidence of past land-slides, slumps or mudslides on the site or adjacent property and the core area and the surrounding region appears to be very stable. However, grading, and erosion impacts associated with development could occur on the project site. The Specific Plan Mitigation Measures and Monitoring Program included mitigation measures, which require the applicant to provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage. The Development Engineering Section of the Public Works Department is recommending that provisions be made to maintain the natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. Provisions must also be made to retain all stormwater generated from this tract on-site. To ensure this will occur, all additional runoff generated from this development will be retained on-site within drainage ponds or other acceptable facilities subject to approval of

Grading and Drainage Plan.

The proposal will be served with surface water from Millerton Lake to be delivered through County Service Area (CSA) No. 34. The water for Tract 5430 comes from the Cross-Valley Contract (CVC) water which will be delivered to Fresno County by the Arvin-Edison Water Storage District under Agreement with Fresno County and is made firm by the Lower Tule River Irrigation District Agreement made between the Lower Tule Irrigation District and the County of Fresno.

A total of 1,520 annual acre feet of water is reserved under Cross Valley Contract (CVC), of which 313 acre feet is reserved for the subject 179.57-acre tract. A number of factors can be cited to support the adequacy of potable water for this project. This includes residential water use based on 0.55-acre feet per year per residence; additional water available to this tract due to the water saved by using tertiary treated recycled water on the Brighton Crest Golf Course; and 20-acre feet back-up water supply from the Deer Creek to be used for approved Clarksfield commercial projects. Additionally, to minimize waste of potable water, the project will be subject to all the restrictions of Millerton Specific Plan such as dual water meters, tiered water rates, drought tolerant landscape provisions, and the use of reclaimed water for irrigation purposes.

The Resources Division of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns with the proposal provided that prior to recordation of a final map a separate zone of benefit and financing is finalized, and tiered water rates for potable and landscape irrigation purposes are established. Likewise, water and wastewater infrastructure (including capacity) necessary to serve the development is constructed and operational, and information to obtain/amend a water system permit is provided to county staff prior to issuance of building permits. These requirements will be included as project notes.

The County Water-Geology Unit and the California Department of Water Resources reviewed the project and expressed satisfaction with Lower Tule River Irrigation District Agreement which backs up the 313 acre feet water to be provided to this tract under Central Valley Contract (CVC).

Based on the above factors, the project site can be considered suitable for the proposed development.

Finding 3: Environmental Effects

The Subdivision Ordinance requires that a tentative map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is vacant and is located in a foothill setting within the Millerton Specific Plan. Millerton Lake is located approximately half a mile north from the nearest boundary of the site. Surrounding parcels range in size from under 19.11 acres to 80 acres in size. Surrounding the project site is farm land with scattered home to the north and west, vacant land for future development to the east, and Millerton Newtown residential development to the south. Farther to the east approximately a mile from the project site is the Table Mountain Casino. The Sierra National Forest is located further east.

The Initial Study identified a number of less than significant potential environmental impacts related to geology and soils. Potential impacts related to absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage and building roofs and new paved parking and circulation areas will be addressed by mandatory adherence to the County's Grading and Drainage Ordinance and County Building Code.

The air quality effects of development in the Specific Plan area have been previously analyzed in the EIR prepared for the Millerton Specific Plan and mitigation measures were approved to reduce the impacts to air quality to a level not considered significant. The San Joaquin Valley Unified Air Pollution Control District reviewed the project and indicated that the proposal may contribute to the overall decline in air quality due to the increase in traffic to the Millerton New Town Specific Plan. Therefore, in addition to Mitigation Measures Nos. 17.a- m, Climate and Air Quality, listed in the Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, the applicant must also adhere to the various District's rules and regulations in order to reduce emission in the San Joaquin Valley including Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510, adopted to reduce the impacts of growth in emissions from new land development in the San Joaquin Valley Basin, an Indirect Source Review (ISR) was required due to the proposal exceeding 50 residential lots. An Air Assessment Application for ISR was applied for and approved by the District on January 31, 2008.

The Air District encourages other measures to reduce the project's overall level of emissions. These include careful selection and installation of sidewalks and bikeways connecting to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas to encourage walking and bicycling, and limiting construction activities during certain hours and seasons. Information on these measures has been provided to the applicant.

The proposed 179.57-acre site is located within an area noted for protected wildlife and wetlands as previously indentified in the Environmental Impact Report (EIR) and Amendments certified for the Millerton New Town Specific Plan Area. Both California Department of Fish and Game and United States Department of Fish and Wildlife Service reviewed the proposal and indicated that the applicant shall adhere to the Mitigation Measures Nos. 16.a – 16i listed in the Vegetation and Wildlife

Section of the Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix, in relation to the preservation of oaks, participation in the formation of a Open Space and Natural Resource Plan, Development of a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program. In addition to the above noted mitigation measures, an additional mitigation measure was included that addresses the concerns raised by the United States Fish and Wildlife Service, and requires that the applicant complete a Biological Assessment which may conclude in additional mitigation and avoidance measures for plants and animals acceptable to the United States Fish and Wildlife Service and compliance with the Endangered Species Act.

The U.S. Army Corps of Engineers also reviewed the project and stated that the study area is under the authority of Section 404 of the Clean Water Act which regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The subject site has numerous wetlands, drainages and vernal pools which could be negatively affected over the long-term by surface water runoff during rain events in absence of proper permitting, therefore, the proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance and mitigation requirements of the US Army Corps of Engineers. Included as a project note, the 404 permit will be required prior to ground disturbance.

The California Regional Water Quality Control Board (Water Board) reviewed the project and stated that since the project will disturb one acre or more, compliance with the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. A note has been included indicating that the applicant shall submit a Notice of Intent (NOI) to the State Water Resource Control Board and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared.

Impacts related to traffic noise were identified in 1984 EIR from Millerton Road and Marina Drive (Winchell Cove Road) as an impact. To reduce the noise impact related to traffic along these roads the project will adhere to Mitigation Measure No. 19. a and 19. c. listed in the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix in relation to noise barriers (walls, berms, etc) to protect outdoor activity areas, acoustical analysis to mitigate exterior and interior noise levels to an acceptable levels, and compliance with Fresno County Noise Ordinance related to construction activities. A condition of approval has been added requiring that prior to the recording of final map, the applicant shall provide acoustical analysis for review and approval by the Fresno County Department of Public Health, Environmental Health Division, and its findings related to noise attenuation will be incorporated into the final map.

A Transportation Impact Analysis was prepared for the purpose of analyzing traffic conditions related to proposed development at the Millerton Specific Plan Area (October 1998). Design Division of the Department of Public Works and Planning reviewed the proposal and indicated that in the Millerton New Town Clarksfield and Westcal Traffic Studies, the scope of studies should be broadened to include impacts to interstate and road segments outside the original 1984 TIS. However, in lieu of traffic study, the Design Division required that a pro-rata percentage calculation for impacts to intersections and road segments based on Clarksfield Traffic Impact Study (TIS) shall be provided. The Design Division reviewed the information and identified need for future off-site improvements related to road widening and traffic signalization which has been included as mitigation measures of the project.

Additionally, the EIR for the Millerton Specific Plan identifies potential impacts related to aesthetics, cultural resources, and public services. Mitigation measures were developed to reduce these impacts to less than significant levels. Based on this, the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

Finding 4: Public Utilities and Easements

The Subdivision Ordinance requires that a finding be made that the design of the subdivision and the type of improvements proposed by this project will not conflict with any easements required by the public at large for access through or use of the property. There are no known public easements traversing the subject property. All proposed utilities will be required to be placed underground in accordance with County requirements. Easements for these utilities including public Utility Easement asked for by PG & E will be incorporated within all access easements and will be required as a condition of this map.

Finding 5: Public Health

Neither the design of the subdivision nor the type of improvements that are proposed is likely to cause any serious health problems. Both community water and sewer facilities will be provided for this development. These facilities will be designed and constructed in accordance with County requirements, and will be owned and operated by a County Service Area 34.

The Fresno County Fire Protection District reviewed the project and indicated that the proposal shall comply with Sections of 2001 California Fire Code which relates to fire flow requirements for building, apparatus access, hydrant system, and access road design, and fire plans approval by the Fire District. These requirements have been included as project note. The project area is located within the State Responsibility Area (SRA) and will also adhere to Mitigation Measures Nos. 6.a - e

listed in the approved Millerton New Town Specific Plan, Mitigation Measures and Monitoring Program Matrix. These mitigation measures relate to special standards to reduce fire protection impacts, fee establishment for Fire Protection Benefit Assessment District for new fire station, cost support for fire protection services, road design to accommodate fire-fighting equipments, and site planning as it relates to fire protection measures incorporated into the project design.

The standards and criteria regarding police protection indicate that the Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. Mitigation measures of the EIR also require that prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

Based on these considerations, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with mitigation measures, conditions of approval and project notes. Additional discussion concerning these facilities is included in the staff report for Classified Conditional Use Permit Application No. 3136.

STAFF RECOMMENDATION:

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

Staff believes the required findings can be made based on the factors cited in the analysis and the recommended conditions and notes regarding mandatory requirements. Staff therefore recommends that the project be approved. If the Commission approves concurrent Conditional Use Permit Application No. 3136, staff recommends that the Commission adopt the required findings and approve Vesting Tentative Subdivision Map No. 5430, subject to the following conditions:

PLANNING COMMISSION MOTIONS:

RECOMMENDED MOTION (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5409; and
- Adopt findings noted in the staff report and approve Tentative Tract Map

Application No. 5430, subject to conditions and notes as stated below; and

- Move to determine the required Exception Request findings can be made; subject to the recommended conditions listed below; and
- Direct the secretary to prepare a resolution documenting the Commission's action.

ALTERNATIVE MOTION (Denial Action)

- Move to determine one or more of the required Tract map findings cannot be made for the following reasons (state which finding(s) and reasons), and move to deny the project.
- Direct the Secretary to prepare a resolution documenting the Commission's action.

CONDITIONS:

A. **MILLERTON ROAD:**

1. Shall be constructed to an Arterial Public road standard as shown in Figure SP1-6 of the Millerton Specific Plan adjacent to the project.
2. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the landscape median.

B. **MARINA DRIVE (WINCHELL COVE ROAD):**

1. Shall be developed as four-lane divided roadway, in a 106-foot right-of-way, through the commercial area. North of the commercial area to the Park Boundary, Marina Drive shall be constructed as a two-lane undivided road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant. Development of Marina shall be in accordance with Figure SP1-7 and policy C.1c(3)e of the Millerton Specific Plan.
2. Left-turn lanes shall be provided on Marina Drive at all intersections.
3. The applicant shall provide a 50-foot wide landscaped setback along both sides of Marina Drive within the boundaries of the proposed subdivision. No structures or advertising signs shall be allowed within the setback, except for temporary real estate or directional signs.

4. Thirty-foot by thirty-foot corner cutoffs shall be provided at all intersections.
5. A Class III bicycle path (Bike Route) shall be provided having a minimum paved width of five feet along each side of the roadway and signed for no on-street parking.

C. ROAD 'A' SOUTH OF ROAD 'M' (SUBRICE AVENUE):

1. Shall be developed as a Collector road in accordance with Figure SP1-8 of the Millerton Specific Plan.
2. Shall provide for relinquishment of direct vehicular access rights to and from Lots as indicated on the tentative map.

D. ROADS 'M' & 'T':

1. Shall be developed as Collector roads in accordance with Figure SP1-8 of the Millerton Specific Plan.
2. Shall provide for relinquishment of direct vehicular access rights to and from Lots as indicated on the tentative map.
3. Shall provide for onsite turnarounds for Lots fronting the roads.

E. INTERIOR ROADS:

1. Shall be constructed to a 25 M.P.H. local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 M.P.H. design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.
2. 20' x 20' corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25- MPH design speed for the interior streets.
3. Shall intersect at approximately 90-degree angles.
4. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
5. All cul-de-sac streets in excess of 300 feet in length require a fire hydrant installed at the end of the street.
6. Shall provide for relinquishment of direct vehicular access rights to and

from Lots as indicated on the tentative map and Lot 180 for Road A.

F. INTERIOR GATED ROADS:

1. The call box or actuator shall be located a minimum of 25 feet from the public right-of-way.
2. A turnaround shall be provided so that a vehicle which is denied access can exit in a continuous forward motion.
3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% or less chance of a vehicle stopping in the right-of-way due to another vehicle waiting to be granted access to the development. For each gate, the queuing analysis shall use a five minute delay for the peak-hour traffic entering the gate. In the analysis of the 1% failure rate, a Poisson process and the use of Poisson distribution cumulative terms will be considered an acceptable approximation. In addition, each vehicle shall be given a 25 foot envelope in determining the right-of-way setback.
4. If a by pass lane with a separate call box or actuator is provided for the residents, these vehicles may be deducted from the analysis. This is assumed to be 90% of the peak-hour traffic.
5. The gate at Road Y shall be for emergency ingress and egress only.
6. Shall be constructed to a 25 M.P.H. local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 M.P.H. design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.

NOTE: The subdivider requests exception to the above Subdivision Ordinance Improvement Standard and seeks approval of modified 35-foot and 30-foot private local residential street. If the exception is granted, the Condition No. 6 shall read as follows:

Shall be constructed to a 15 M.P.H. design speed private road in accordance with County Improvement Standard A-18 (26 feet of base and pavement with concrete curb and gutter) except that roads serving less than six lots may be developed in accordance with the A-18a Standard. These standards shall be complied with as modified by Conditional Use Permit allowing on-street solid waste pick-ups.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that effect said property for the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In support of Findings 1 and 2, the applicant states exceptional circumstances within the Specific Plan policies related to providing affordable housing to those of moderate income by providing a variety of dwelling types, including apartments, townhouses, single-family attached and detached dwellings, and mobile homes. The applicant further states that 35 and 30 feet wide Private Street will allow preserving the property rights and furthering the ability to provide smaller lot affordable housing.

According to Millerton Specific Plan, Section C.1c. 6b, private streets may be acceptable if proposed as a part of a Planned Unit Development or under CUP process and designed according to Fresno County Improvements Standards, except as may be modified in an approved PUD or CUP.

The Millerton Specific plan provides that all residential developments within the plan area shall be through Planned Unit Development process as is the case for the proposed tract. The subject tract is for a Planned Unit Development (PUD) which allows improved design features with increased flexibility in development setting and standards. The proposed modified 35 feet and 30 feet private local residential roads are allowed in the county Improvements Standards for an urban type setting, though not in the Millerton Specific Plan. However, given the fact that this tract will have two gated communities with controlled access having small size lots ranging from 4,500 square feet to 9,000 square feet in size (total 180 lots) in a rural setting of Millerton area, the project will be well-served with 30 feet and 35 feet wide private residential street with no on-street parking. Specific Plan Goals A. 4, SP1-D does allow a mix of small residential units. Therefore, subject private roads with no on-street parking serving small residential lots will meet the intent of the Specific Plan.

Based on this information, staff believes that an exceptional circumstance exists and that a substantial property rights issue is at stake.

Finding 3: *That the granting of the exception will not be detrimental*

to the public safety, health and welfare.

In support of Findings 3, the applicant states that the proposed private street will conform to County Road improvement standards and fire exit standards. Staff notes that the granting of the exception will not be detrimental to public safety, health and welfare in that the proposed road construction will conform to County Road Standards A-18 and A-18a; exceeds the minimum nine-foot travel lane required by Cal Fire/CDF for emergency vehicles; and meets the safe solid waste pick-up requirements and provides the gated communities with seclusion, unimpacted by other improvements in the tract.

Finding 4: *That the granting of the exception will not be injurious to or prevent the logical development of other property in the immediate area.*

In support of Finding 4, the applicant states that the proposed circulation layout of the private road placement of Tract 5430 is internal to the gated communities with no connections to adjacent properties. The gated portion of the tract served by proposed private roads does not compromise the Circulation Element of the Specific Plan which contains Millerton Road and Winchell Cove Road (Marina Drive) as major thoroughfares serving the tract. Access between Millerton Road, Winchell Cove Road (Marina Drive), and minor collectors (Roads A, M & T) will not be impacted, including access to any nearby properties.

Based on the above analysis, staff believes that the findings for modified 35-foot and 30-foot private local residential streets can be made and recommends approval of the exception request subject to Condition No. 6, stated above.

7. 20' x 20' corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 M.P.H design speed for the interior streets.
8. Shall intersect at approximately 90-degree angles.
9. Shall be contained within non-exclusive private road easements or outlots for the same purpose.
10. A Homeowners Association or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the private roads, parking and landscaped areas

and gates.

11. The subdivider will be required to secure the maintenance of the private roads for a period of two years after the acceptance thereof.

G. ROADS GENERAL:

1. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
2. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report which shall identify a recommended traffic index, R-value, and pavement structural section. If significant cuts and fills are involved, subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.
3. Direct access to each lot shall be certified by a licensed civil engineer.

H. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
2. Additional runoff generated by the development including full residential build-out of the subdivision shall be retained on-site within drainage ponds or approved pipe storage systems or other facilities acceptable to the Director of the Department of Public Works & Planning. Fresno County shall review and approve the Grading and Drainage Plan for the project.
3. A drainage study inclusive of both hydrology specific to the area (Rational method will most likely not be appropriate due to excessive topography) and hydraulics will be needed to determine sizes and locations of culverts and/or relocated drainage channels.
4. Proposed basins in excess of eighteen inches in depth shall be fenced. Type of fencing shall be chain link or other form that would discourage public access.
5. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels and a maintenance organization to maintain them will be required. Said work will require that the applicant obtain a Stream Bed Alteration Agreement with the State Department of Fish

and Game, and/or a Section 404 Permit from the US Army Corps of Engineers.

6. Liberal drainage easements and building setbacks shall be provided for all natural watercourses.
7. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
8. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent [NOI] shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencement of any grading activities.
9. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities.
10. Design of individual building pads with specific areas of grading for each lot shall be provided as part of the drainage improvement plans submitted for this development.

I. MAINTENANCE:

1. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the new roads lying outside the gated area.
2. The subdivider will be required to secure the maintenance of the new roads for a period of two years after the acceptance thereof.

J. FIRE PROTECTION:

1. The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of Public Works after consideration of the recommendations of the fire district having jurisdiction of the area.

K. WATER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed water facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.

L. SEWER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed sewer facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.

M. STREET NAMES:

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to the final map approval.

N. EMERGENCY ACCESS ROADS:

1. Shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Crash gates shall be provided at the end of the easements.

O. SOILS:

1. A soils investigation report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required with the submittal of the final map.

P. OUTLOTS:

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all outlots shall be by CSA 34 for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No outlot shall be developed,

except as allowed by the Fresno County Zoning Ordinance, nor shall any outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgages. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

Q. OTHER CONDITIONS:

1. All conditions of Classified Conditional Use Permit Application No. 3136 shall be complied with.
2. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.
3. The project shall comply with all the applicable provisions of Specific Plan related to Land Use, Transportation, Housing, Environmental Resources Management, Public facilities, Community Design Elements and implementation.
4. Pursuant to Specific Plan, Section F. 4, F.4c (4), a pedestrian grade separated crossing or area for other suitable access features shall be provided.
5. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
6. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer.

NOTE: In order to discourage the over use of water, a tiered rate structure must be included for review and approval. The tiered rate structure must be significantly tiered to encourage water conservation.

7. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be

- submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage over-use of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
8. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.
 9. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
 10. An Infrastructure Plan for water, sewer, and drainage that addresses the policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. Prior to issuance of any building permit, all appropriate infrastructures required for this project by the approved Infrastructure plan including the wastewater and water facilities shall be completed and accepted by the Resources Division of the Department of Public Works and Planning.
 11. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
 12. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 7) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
 13. Prior to the recording of final map, the applicant shall provide acoustical analysis for review and approval by the Fresno County Department of Public Health, Environmental Health Division, and its

findings related to noise attenuation will be incorporated into the final map.

- *14. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.
- *15. The applicant shall comply with the Endangered Species Act. The applicant shall complete and submit a Biological Assessment and resulting Biological Opinion acceptable to the United States Fish and Wildlife Service which shall include Mitigation and Avoidance Measures for plants and animals.
- *16. In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- *17. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.
- *18. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.
 - a. Signalization at the intersection of Friant Road and Willow Avenue. The project's maximum share for the 2025 scenario is 4.12 % or \$17,245.00.

- b. Signalization at the intersection of Friant and North Fork Roads. The project's maximum share for the 2025 scenario is 3.92 % or \$16,431.00.
- c. Signalization at the intersection of Willow and Copper Avenues. The project's maximum share for the 2025 scenario is 1.44 % or \$6,036.00.
- d. Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2025 scenario is 1.04 % or \$4,358.00.
- e. Signalization at the intersection of Millerton Road and Sky Harbor Drive. The project's maximum share for the 2025 scenario is 2.35 % or \$9,825.00.
- f. Signalization at the intersection of Millerton and Brighton Crest Roads. The project's maximum share for the 2025 scenario is 2.63 % or \$11,025.00.
- g. Signalization at the intersection of Millerton Road and Marina Drive. The project's maximum share for the 2025 scenario is 9.26 % or \$38,791.00.
- h. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2025 scenario is 3.49 % or \$14,624.00.
- i. Signalization at the intersection of Auberry Road and Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.49 % or \$22,976.00.
- j. Road widening from two (2) lanes to four (4) lanes arterial of 1.2 miles of Friant Road from Lost Lake Park Road to North Fork Road. The project's maximum share for the 2025 scenario is 4.15% or \$145,127.00.
- k. Road widening from two (2) lanes to four (4) lanes arterial of 3.3 miles of Millerton Road from North Fork Road to Marina Drive. The project's maximum share for the 2025 scenario is 5.45% or \$ 1,485,890.00.
- l. Road widening from two (2) lanes to four (4) lanes of one-mile of Millerton Road from Marina Drive to Sky Harbor Road. The project's maximum share for the 2025 scenario is 2.91% or \$

240,580.00.

- m. Road widening from two (2) lanes to four (4) lanes of 2.2 miles of Millerton Road from Sky Harbor Road to Auberry Road. The project's maximum share for the 2025 scenario is 3.58% or \$ 650,184.00.
- n. Friant Kern Canal Bridge improvement on Millerton Road [two (2) to four (4) lanes]. The project's maximum share for the 2025 scenario is 5.45% or \$170,415.00.
- o. Road widening from two (2) lanes to four (4) lanes of 1.85 miles of Willow Avenue from Friant Road to Copper Avenue. The project's maximum share for the 2025 scenario is 0.90% or \$ 59,519.00.
- p. Road widening from two (2) lanes to four (4) lanes of 5.5 miles of Auberry Road from Copper Avenue to Winchell Cove Road/Marina Drive. The project's maximum share for the 2025 scenario is 5.02% or \$ 981,114.00.

The above represents per lot cost of \$ 6,906.00 (a total of \$ 3,874,140.00 for 561 lots). The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

NOTES:

The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.

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

has been paid. The County will provide an official certification form when application is made for a building permit.

2. The proposal is subject to 404 permitting, including any required wetland delineation and verifications, permitting, and avoidance and mitigation requirements of the US Army Corps of Engineers. The 404 permit is required prior to ground disturbance.
3. The proposal is located in state Responsibility Area and shall comply with Sections of 2001 California Fire Code which relate to fire flow requirements for building, apparatus access, hydrant system, and access road design, and fire plans approval by the Fire District.
4. The proposed project will be subject to the San Joaquin Valley Air Pollution Control District's rules and regulations in order to reduce emission in the San Joaquin Valley including Rule 9510 (Indirect Source Review).
5. The applicant shall obtain a Section 401 Water Quality Certification from the Water Board and a permit pursuant to Section 404 Clean Water Act from US Army Corps of Engineers to ensure that discharges will not violate water quality standards or disturb jurisdictional wetlands due to construction activity. Any avoidance and minimization measures will be incorporated in accordance with the required permits.
6. Compliance with the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity will be required for potential discharges to surface waters, including ephemeral and intermittent drainages. Prior to construction, the District shall be submitted with a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resource Control Board and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared.
7. The proposed development shall implement all applicable Best Management Practices presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, to reduce the release of pollutants in storm water runoff to the maximum extent practicable.
8. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

EJ:
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ASSEMI GROUP, INC.
1396 West Herndon, Suite 110
Fresno, Ca 93611

January 25, 2019

Steven E. White, Director
Department of Public Works and Planning
2220 Tulare St. Sixth Floor
Fresno, calif. 93721

Subject: tentative Tract No. 5430 – Request for Time Extension

Dear Director White,

On behalf of the property owner, I am requesting a time extension for the Tentative Tract Map referenced above. This property lies within the Millerton Specific Plan area and as you are aware, we have been working on a variety of infrastructure and governance issues to prepare this property for development. These items include the following:

1. Development of intersection plans for Millerton and Morningside
2. Work on a Zone of Benefit for CSA 34
3. Work on a comprehensive plan for Open Space, Wetland, and Cultural areas within the Specific Plan
4. Work on a Plan Amendment that will better define needed Millerton Road Improvements
5. Work with the Council of Governments and the County on federal Funding opportunities for Millerton Road.
6. Development of plans for Tertiary Treated Effluent storage

Please feel free to contact me if you have any questions or need further clarification.

Thank you.



Jeffrey T. Roberts
Assemi Group, Inc.
1396 W. Herndon Suite 110, Fresno, CA 93711
559.440.8308 / fax 559.436.1659 / cell 559.288.0688



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 2 March 28, 2019

SUBJECT: Unclassified Conditional Use Permit No. 3549 – First One-Year Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3549, which authorizes up to three exploratory oil and natural gas wells and related production facilities on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District

LOCATION: The subject parcel is located on the West Floral Avenue alignment between Howard Avenue and South Goldenrod Avenue, approximately seven miles southwest of the unincorporated community of Raisin City, CA) (Sup. Dist. 4) (APN 041-020-21S).

OWNER: DLM Partners
APPLICANT: The Termo Company

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit No. 3549; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated March 30, 2017
5. Applicant's correspondence requesting a first one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No.7223 was adopted by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Unclassified Conditional Use Permit No. 3549 on March 30, 2017.

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

PUBLIC NOTICE:

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

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years following approval. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4), one-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time

limitation. The request for a time extension must be filed prior to the expiration date of the Conditional Use Permit.

The decision of the Planning Commission on a Time Extension for an Unclassified Conditional Use Permit is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) No. 3549 was approved by the Planning Commission on March 30, 2017 and became effective 15 days later, as prescribed by law.

The Applicant filed the subject time extension request on December 10, 2018, within the time limit noted above. If this first one-year time extension is granted, the Applicant will have until March 30, 2020 to achieve substantial development of the exploratory petroleum oil and natural gas wells and production facilities.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) No. 3549 was approved by the Planning Commission based upon the determination that the required Findings could be made. A copy of the Planning Commission Resolution is attached as Exhibit 4, which includes the Conditions imposed on the project.

According to the Applicant's letter requesting the time extension, additional time is needed to exercise the Conditional Use Permit due to economic uncertainty at the time the CUP was approved, and a desire by the Applicant to maintain and improve previously-drilled and completed oil and natural gas wells in the County; additionally, due to currently favorable market conditions, the Applicant desires to implement this project.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's authority in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the Conditional Use Permit as approved.

This time extension request was routed to the same agencies that reviewed the original CUP application. None of the reviewing agencies identified any concerns or recommended any additional Conditions with this proposed time extension.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes that this first one-year time extension for Unclassified Conditional Use Permit No. 3549 should be approved, based on factors cited in the analysis. Approval of this Time Extension will extend the expiration date to March 30, 2020.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve this first one-year Time Extension request to exercise Unclassified Conditional Use Permit No. 3549; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

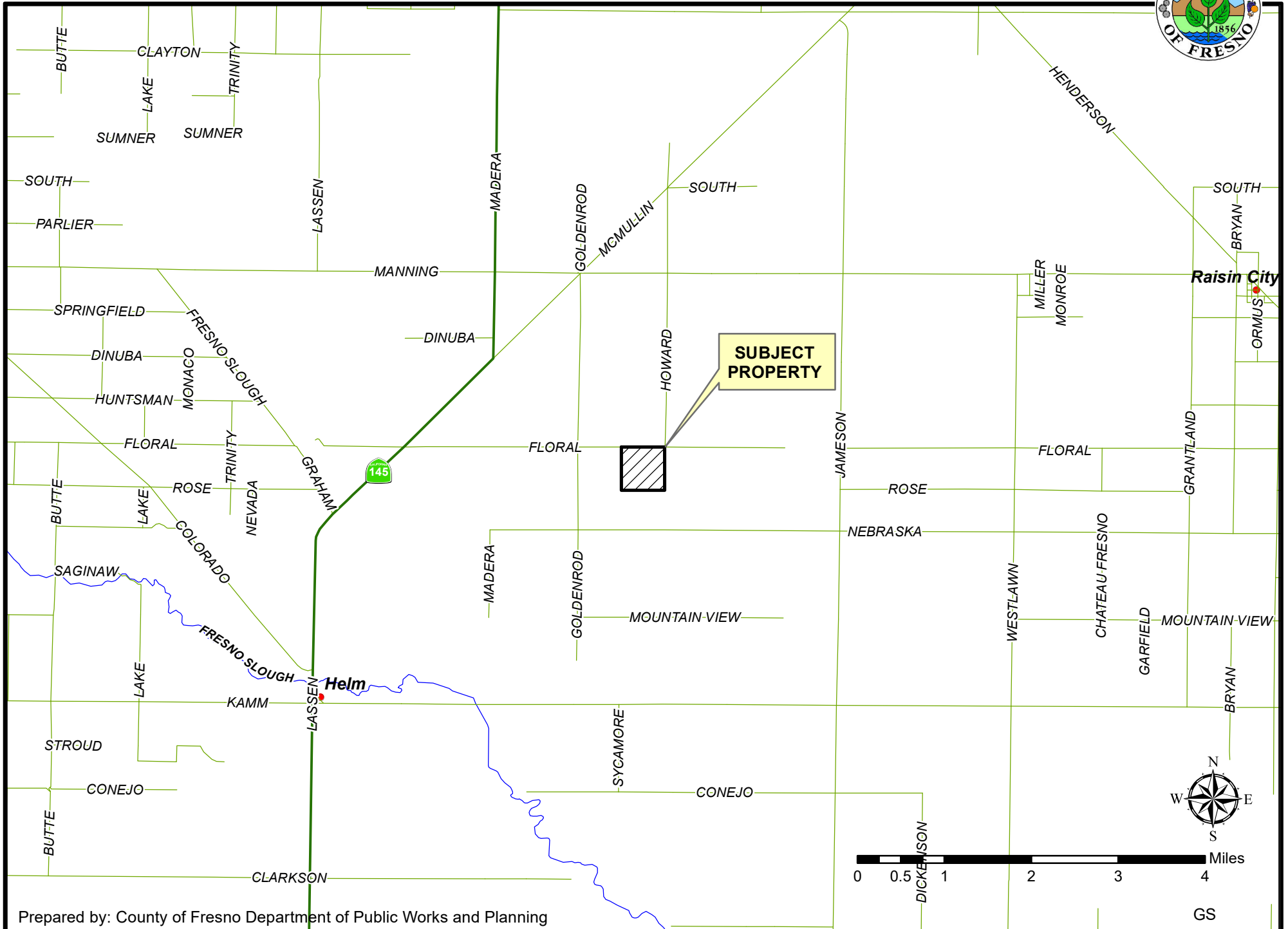
Alternative Motion (Denial Action)

- Move to deny Unclassified Conditional Use Permit No. 3549 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

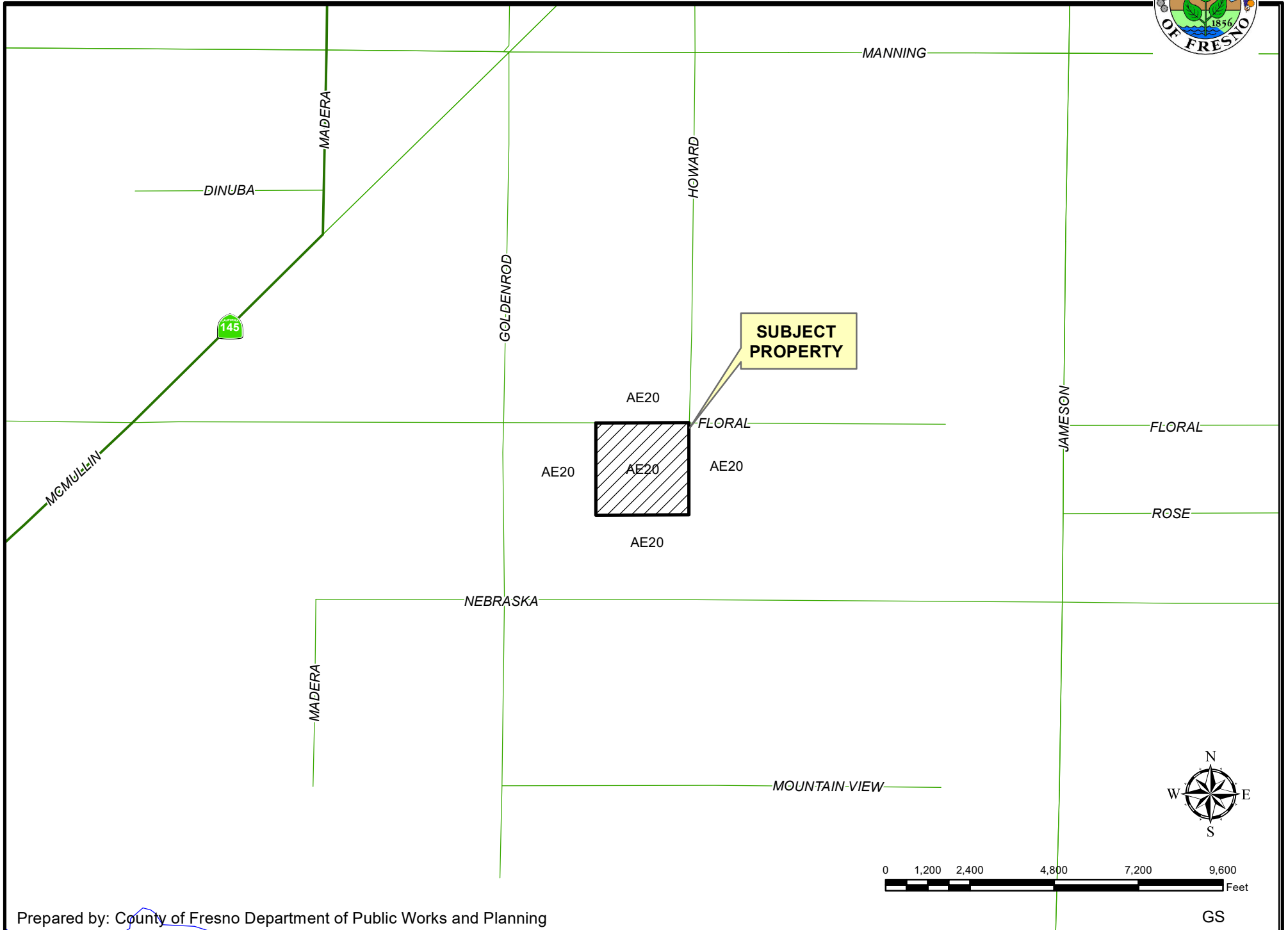
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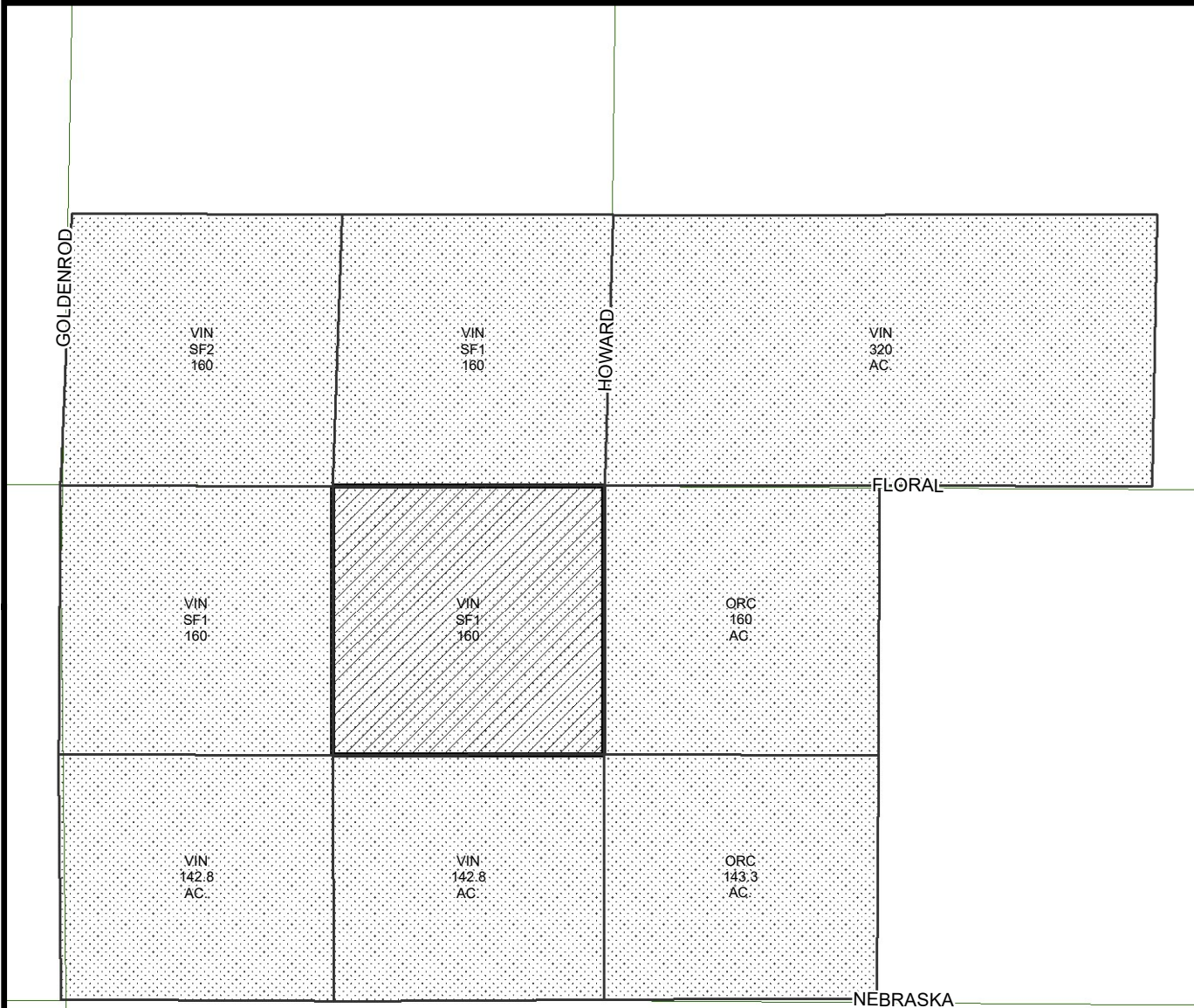
LOCATION MAP



EXISTING ZONING MAP



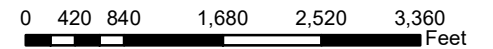
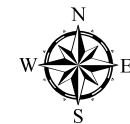
EXISTING LAND USE MAP



LEGEND
ORC - ORCHARD
VIN - VINEYARD
SF# - SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

- Subject Property
- Ag Contract Land





Inter Office Memo

DATE: March 30, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12639 - INITIAL STUDY APPLICATION NO. 7223 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3549

APPLICANT: The Termo Company

OWNER: DLM Partners

REQUEST: Allow up to three exploratory petroleum oil and natural gas wells with the possibility of related production facilities on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the West Floral Avenue Alignment between Howard Avenue and South Goldenrod Avenue, approximately seven miles southwest of the unincorporated community of Raisin City, CA (Sup. Dist. 4) (APN 041-020-21S).

PLANNING COMMISSION ACTION:

At its hearing of March 30, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3549, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7223
Unclassified Conditional Use Permit Application No. 3549

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 30, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- We understand the Commissioners' concerns about limits to flexibility if too specific a well location is requested, and the need to submit a subsequent application.
 - We have been attempting to file for multiple well sites over a broader area.
 - We could drill in the middle of the 160-acre parcel and then drill horizontally, but that would have a greater impact on the existing farmland.
 - The drilling is termed directional drilling.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program
Conditional Use Permit (CUP) Application No. 3549
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be directed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Ongoing
*3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.	Applicant	Applicant/PW&P	Ongoing
*4.	Agricultural and Forestry Resources	When drilling operations are completed, or production activities cease, the Applicant shall return the project site (as much as is practical) to its original condition within 90 days of termination of the drilling operations, and remove all drilling equipment.	Applicant	Applicant/PW&P	Ongoing
*5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				

EXHIBIT B

2.	Contact the Building and Safety Section of the Development Services Division at (559) 600-4560 regarding permits for siting, construction and electrical work.
3.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at the exiting driveway onto Howard Avenue.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labelling, storage and handling of hazardous waste.
2.	If oil or gas is not discovered in economically viable amounts, the well shall be plugged and abandoned in compliance with California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) regulations.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 Hearing Date, March 30, 2017

SUBJECT: Initial Study Application No. 7223 and Unclassified Conditional Use Permit Application No. 3549

Allow up to three exploratory petroleum oil and natural gas wells with the possibility of related production facilities on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the West Floral Avenue Alignment between Howard Avenue and South Goldenrod Avenue , approximately seven miles southwest of the unincorporated community of Raisin City, CA) (Sup. Dist. 4) (APN 041-020-21S).

OWNER: DLM Partners
APPLICANT: The Termo Company

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7223; and
- Approve Unclassified Conditional Use Permit No. 3549 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7223

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	160 acres	No change
Project Site	Two single-family residences surrounded by vineyards	Up to three exploratory oil and natural gas wells on a 0.98-acre portion of a 160-acre parcel. The 0.98-acre drill site to be cleared of vegetation and graded to level
Structural Improvements	Two 1,012 square-foot single-family residences; three 1,600 square-foot storage buildings; one 18,000 square-foot storage building	Drilling and testing phase: <ul style="list-style-type: none"> • 158-foot-tall drilling rig • Up to three wellheads: <ul style="list-style-type: none"> ○ Proposed oil well head location DH 4-5 ○ Proposed oil wellhead location DH 5-5 ○ Proposed oil wellhead location DH 6-5 each with the following: <ul style="list-style-type: none"> • A trap/separator; pump jack; pipelines to offsite tanks; mud tank; draw-works; catwalk • A 100 square-foot by 6-foot-deep cellar with guardrail

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • Mud pump • Standby pump • Diesel-powered generator • Water tank • Mud tank • 266 square-foot mud dock • Two 236 square-foot pipe racks • Two fluid tank systems • Doghouse (driller's office) • Four 200 square-foot employee parking spaces • Driller's House • Parking for short-term accommodation trailers
Nearest Residence	Approximately 1,320 feet north of the proposed drill pad site	No change
Surrounding Development	Farming and Agricultural Operations	No change
Operational Features	Raisin Vineyards	Up to three exploratory oil and natural gas wells, with the possibility of a production facility
Employees	N/A	<ul style="list-style-type: none"> • Site preparation phase: Up to five (5) employees • Drilling and Testing Phase: Up to 15 employees • Production Phase: One worker to inspect the site daily
Customers	N/A	No customers on site
Traffic Trips		<ul style="list-style-type: none"> • Site Preparation Phase: Ten one-way employee trips per day (five round trips per day) for up to five days • Drilling and Testing Phase: 100 total one-way truck trips (50 round trips) to deliver equipment and supplies to the site; 30 one-way employee trips per day (15 round trips per day) for up to 63 days • Production Phase: 20 one-way employee trips per day (ten round trips per day) for up to 15 days for production site preparation; two

Criteria	Existing	Proposed
		one-way employee trips per day (one round trip per day) year-round inspection; 12 one-way truck trips per week (six round trips per week) year-round to remove oil from the site
Lighting	N/A	<ul style="list-style-type: none"> • Temporary directional lighting will be used during drilling operations. • Lighting and marking of the drilling tower in order to reduce potential conflicts with nighttime aerial application of herbicides and pesticides
Hours of Operation	N/A	24 hours per day for the life of the project

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County Staff pursuant to the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 15, 2017

PUBLIC NOTICE:

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

PROCEDURAL CONSIDERATIONS:

Pursuant to the Zoning Ordinance, Sections 853-B.11 and 857-C1.a, an Unclassified Conditional Use Permit is required to allow for oil and gas exploration and drilling in the AE-20 Zone District.

An Unclassified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on an Unclassified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The project proposal entails the drilling of up to three exploratory oil and gas wells on a 0.98-acre portion of a 160-acre parcel, identified as Assessor's Parcel Number 041-02-21S. The

proposed oil and gas well(s) would be located on a level earthen drilling pad (the "drill site") which is surrounded by existing vineyards. On August 21, 2014 the Planning Commission approved Unclassified Conditional Use Permit (CUP) No. 3459 to allow three exploratory petroleum oil and natural gas wells on 1.72-acre portion of a 605.60-acre parcel. The Walrond 2-5 well, which was approved by CUP No. 3459 (APN 041-020-24S), is in currently in operation on a 143-acre parcel located adjacent to and south of the subject parcel.

***Finding 1:** That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	No change	
Parking	No requirements	N/A	N/A
Lot Coverage	No requirements	N/A	N/A
Space Between Buildings	Six feet minimum	N/A	N/A
Wall Requirements	No requirements	N/A	N/A
Septic Replacement Area	100 Percent	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit/cesspool: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plan indicates that the proposed facilities meet the minimum building setback requirement of the AE-20 Zone District. The proposed 42,688 square-foot drill site will be set back approximately 1,300 feet from the Floral Avenue alignment to the north, approximately 2,400 feet from the eastern property line, approximately 3,780 feet from the southern property line and approximately 2,600 feet from the western property line. Staff finds

that the project site is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion:

Finding 1 can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

		Existing Conditions	Proposed Operation
Private Road	Yes	Floral Avenue alignment: Unpaved Howard Avenue alignment: Unpaved Nebraska Avenue alignment: Unpaved Goldenrod Avenue alignment: Unpaved	No change
Public Road Frontage	No	Nearest public road is Jameson Avenue, located two miles east of the subject parcel	No change
Direct Access to Public Road	No	N/A	Access to the project site will be from Jameson Avenue where it intersects with the Floral Avenue alignment and the Howard Avenue alignment, and an existing 20-foot-wide access road will connect the project site to the Floral Avenue alignment.
Road ADT		Floral, Howard, Nebraska and Goldenrod Avenues: unknown (private roads).	Minimal traffic increase during the life of the project
Road Classification		Floral, Howard, Nebraska and Goldenrod Avenues: private roads	No change

		Existing Conditions	Proposed Operation
		private roads	
Road Surface		Floral, Howard, Nebraska and Goldenrod Avenues: private roads	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> • Site Preparation Phase: Ten one-way employee trips per day (five round trips per day) for up to five days • Drilling and Testing Phase: 100 total one-way truck trips (50 round trips) to deliver equipment and supplies to the site; 30 one-way employee trips per day (15 round trips per day) for up to 63 days • Production Phase: 20 one-way employee trips per day (ten round trips per day) for up to 15 days for production site preparation; two one-way employee trips per day (one round trip per day) year round inspection; 12 one-way truck trips per week (six round trips per week) year-round to remove oil from the site
Traffic Impact Study (TIS) Prepared	No	N/A	Not required
Road Improvements Required		N/A	None required

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

Access to the project site will be from Jameson Avenue via the Floral Avenue alignment and the Howard Avenue alignment, and an existing 20-foot-wide access road will connect the project site with the Floral Avenue alignment.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	160 acres	Vineyards/Single Family Residence	AE-20	Approximately 1,320 feet from the proposed drill site
South	142.8 acres	Vineyards	AE-20	None
East	160 acres	Orchard	AE-20	None
West	160 acres	Vineyard	AE-20	None

Reviewing Agency/Department Comments:

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No water quantity issues were expressed with this project. All water used in conjunction with this proposal will be trucked to the site daily.

Fresno County Department of Agriculture: The Fresno County "Right to Farm" Ordinance 17.04.100 and 17.72.075 shall be presented to the Applicant so that any necessary mitigation measures can be considered by the facility to minimize any potential discomfort or risk to employees.

Fresno County Department of Public Health, Environmental Health Division: All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous waste. This requirement shall be included as a Project Note.

Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

In an effort to protect groundwater, all abandoned water wells (not intended for use or future use) within the 1.6-acre project area shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of

fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

This proposal entails the drilling of up to three exploratory petroleum oil and natural gas wells on a 0.98-acre (42,000 square feet) portion of a 160-acre parcel identified as Assessor’s Parcel Number (APN) 041-020-21S. If exploratory drilling is not successful, the wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations. This requirement shall be included as a Project Note.

If oil and/or gas are discovered in economically viable amounts, a production facility will be established on a 0.98-acre (42,000 square feet) portion of said 160-acre parcel.

With regard to the drilling and testing phase of the proposal, a 158-foot-tall drilling rig will be operated 24 hours per day for up to 21 days to drill the first exploratory well, utilizing directional drilling techniques. If oil or gas is not discovered in economically viable amounts, the well will be plugged and abandoned in compliance with DOGGR regulations, and the Applicant may drill up to two more exploratory wells, also utilizing directional drilling techniques. Each of these two subsequent exploratory wells would utilize the same 158-foot-tall drilling rig that was used to drill the first exploratory well. As with the first exploratory well, the drilling rig would be operated 24 hours per day for up to 21 days for each of the two subsequent exploratory wells. If oil or gas is not discovered in economically viable amounts, the subsequent exploratory wells would be plugged and abandoned in compliance with DOGGR regulations.

Each of the three exploratory wells would have a wellhead contained within a 100 square-foot by six-foot-deep cellar with a driller’s house, draw-works, and catwalk. Support facilities to be shared by the three exploratory wells include: mud pump; standby pump; diesel-powered generator; water tank; mud tank; 266 square-foot mud dock; two 236 square-foot pipe bins; two pipe racks; two fluid tank systems; doghouse (driller’s office); four employee parking spaces; and up to five travel trailers for accommodations.

The production phase of the proposal would be initiated if oil or gas is discovered in economically viable amounts during the drilling and testing phase of the project. Depending upon the amounts of oil or gas discovered, the Applicant may utilize one or more of the three exploratory wells for production. Each of the three wells would have a 30-foot-tall electric pumping unit and on-site piping to connect the pumping units to production facilities. Support facilities to be shared by the three wells for production include: oil and water heater/separator unit; dehydrator unit; two 20-foot-tall oil storage tanks; 25-foot-tall wash tank; 25-foot-tall water tank; and four employee parking spaces.

The project site is located in an agricultural area marked by relatively large parcel sizes and few residential land uses. The unincorporated community of Raisin City is located approximately seven miles northeast of the subject parcel, and the unincorporated community of Helm is located approximately four and three quarter-miles to the southwest. The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

Based on the above information with adherence to the recommended Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this staff report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: That the proposed development is consistent with the General Plan.

Relevant Policies:	Consistency/Considerations:
General Plan Policy OS-C.13: The County shall require a special permit for oil and gas activities and facilities due to their potential adverse effects on surrounding land or land uses.	The subject discretionary land use application (Conditional Use Permit Application No. 3459) satisfies Policy OS-C.13. With conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study prepared for this project and discussed under Finding 3 of this Staff Report, staff believes this proposal is consistent with the General Plan.
General Plan Policy OS-C.17: County shall require timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan.	A Mitigation Measure has been included requiring the Applicant to remove all drilling equipment and return the project site to its original condition within 90 days of terminating operations.
General Plan Policy OS-C.20: County shall not allow any building intended for human occupancy to be located near any active petroleum well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District.	The nearest dwelling unit is located on the subject parcel, approximately 2,875 feet northwest of the nearest proposed well location. Further, the Fresno County Fire Protection District reviewed this proposal and expressed no concerns with the project
General Plan Policy PF-C.17: The County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	This proposal was reviewed by the Water/Geology/ Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as it relates to water quantity, as the subject parcel is not located in a water-short area, and no use of on-site ground water is proposed, as the Applicant will truck water to the project site for operational purposes.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated Agriculture in the General Plan. The Agriculture and Land Use Element of the General Plan lists mineral extraction and oil and gas development as non-agricultural uses permitted in areas designated Agriculture, subject to Policies listed in Section OS-C of the General Plan. Policy OS-C.13 requires a special permit for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses. Policy OS-C.17 requires timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan. Policy OS-C.20 requires no human occupancy to be located near any active petroleum or natural gas well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District. The subject parcel is currently enrolled under Williamson Act Contract No. 7455; however, exploratory oil and gas wells are a compatible use with the Williamson Act Contract.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

As discussed above, this proposal is consistent with the General Plan Policies applicable to the project. The Applicant has requested approval of the proposed use through the subject discretionary land use application and associated Initial Study environmental analysis, a Mitigation Measure has been included requiring the Applicant to remove all drilling equipment and return the project site to its original condition within 90 days of terminating drilling operations, the nearest dwelling unit is located on the subject parcel approximately 2,875 feet northwest of the nearest proposed well location, the Fresno County Fire Protection District reviewed this proposal and expressed no concerns with the project, and the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning expressed no concerns with the proposal as it relates to water quantity, as the project site is not in a water-short area and no use of on-site groundwater is proposed, as the Applicant will truck water to the project site for operational purposes.

Because the subject property is restricted under Williamson Act (ALCC) Contract No.7455, the Applicant, as required, submitted a Statement of Intended Use, signed by the property owner(s), which indicated that the subject property is currently engaged in a commercial agricultural operation. Exploratory oil and natural gas wells are a compatible use to the extent that they do not significantly displace farmland on the restricted land. Based on the 0.98-acre size of the proposed lease area out of the 160-acre parcel, staff does not believe this is a concern.

Based on these factors, staff believes the proposed project is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit (CUP) can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit (CUP) No. 3549, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7223; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit (CUP) No. 3549, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit (CUP) No. 3549; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:

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**Mitigation Monitoring and Reporting Program
Conditional Use Permit (CUP) Application No. 3549
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be directed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Ongoing
*3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.	Applicant	Applicant/PW&P	Ongoing
*4.	Agricultural and Forestry Resources	When drilling operations are completed, or production activities cease, the Applicant shall return the project site (as much as is practical) to its original condition within 90 days of termination of the drilling operations, and remove all drilling equipment.	Applicant	Applicant/PW&P	Ongoing
*5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission within 24 hours.	Applicant	Applicant/PW&P	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Contact the Building and Safety Section of the Development Services Division at (559) 600-4560 regarding permits for siting,				

	construction and electrical work.
3.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at the exiting driveway onto Howard Avenue.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labelling, storage and handling of hazardous waste.
2.	If oil or gas is not discovered in economically viable amounts, the well shall be plugged and abandoned in compliance with California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR) regulations.

JS:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3549\SR\CUP3549 MMRP (Ex 1).docx

LOCATION MAP

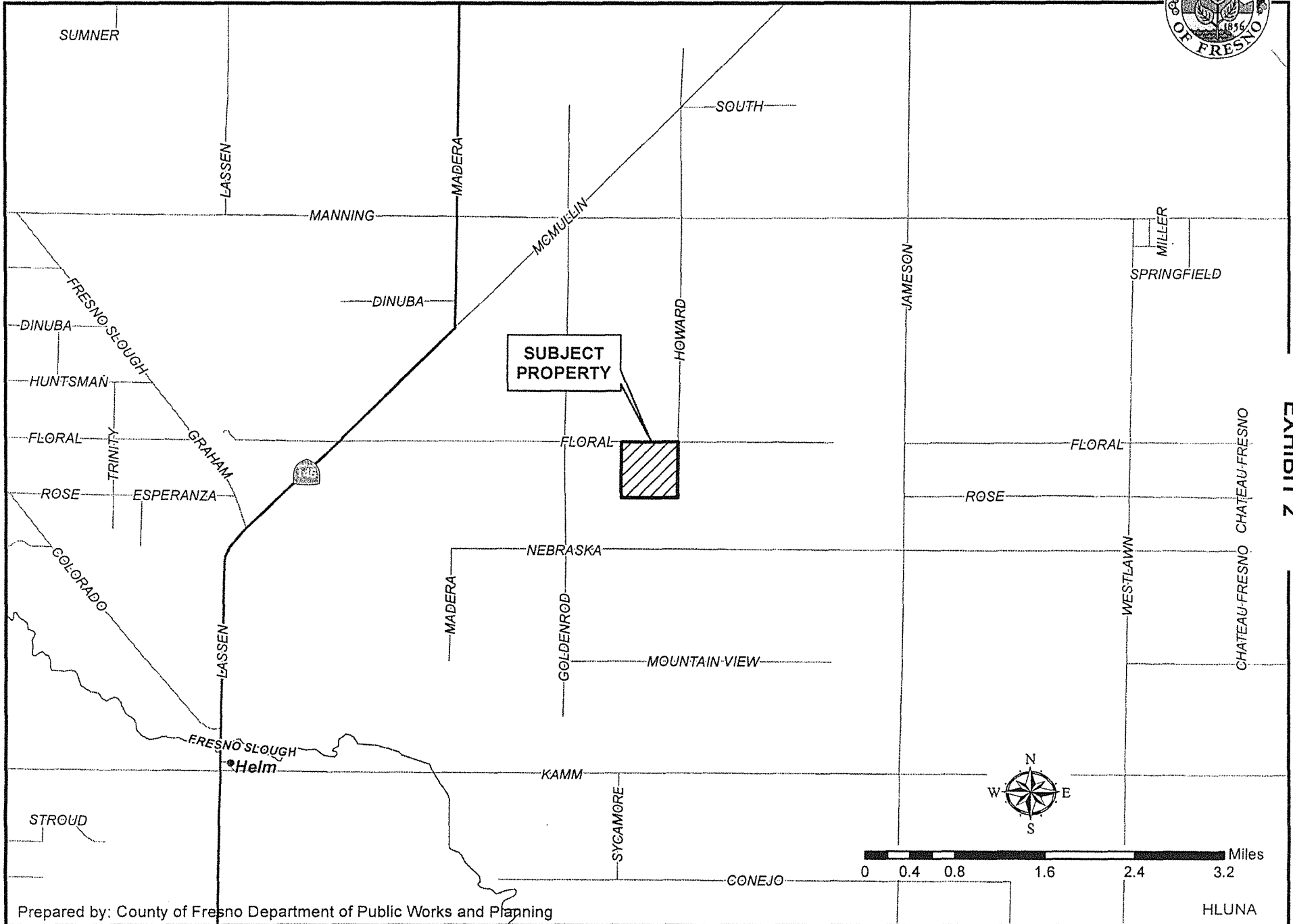


EXHIBIT 2

EXISTING ZONING MAP

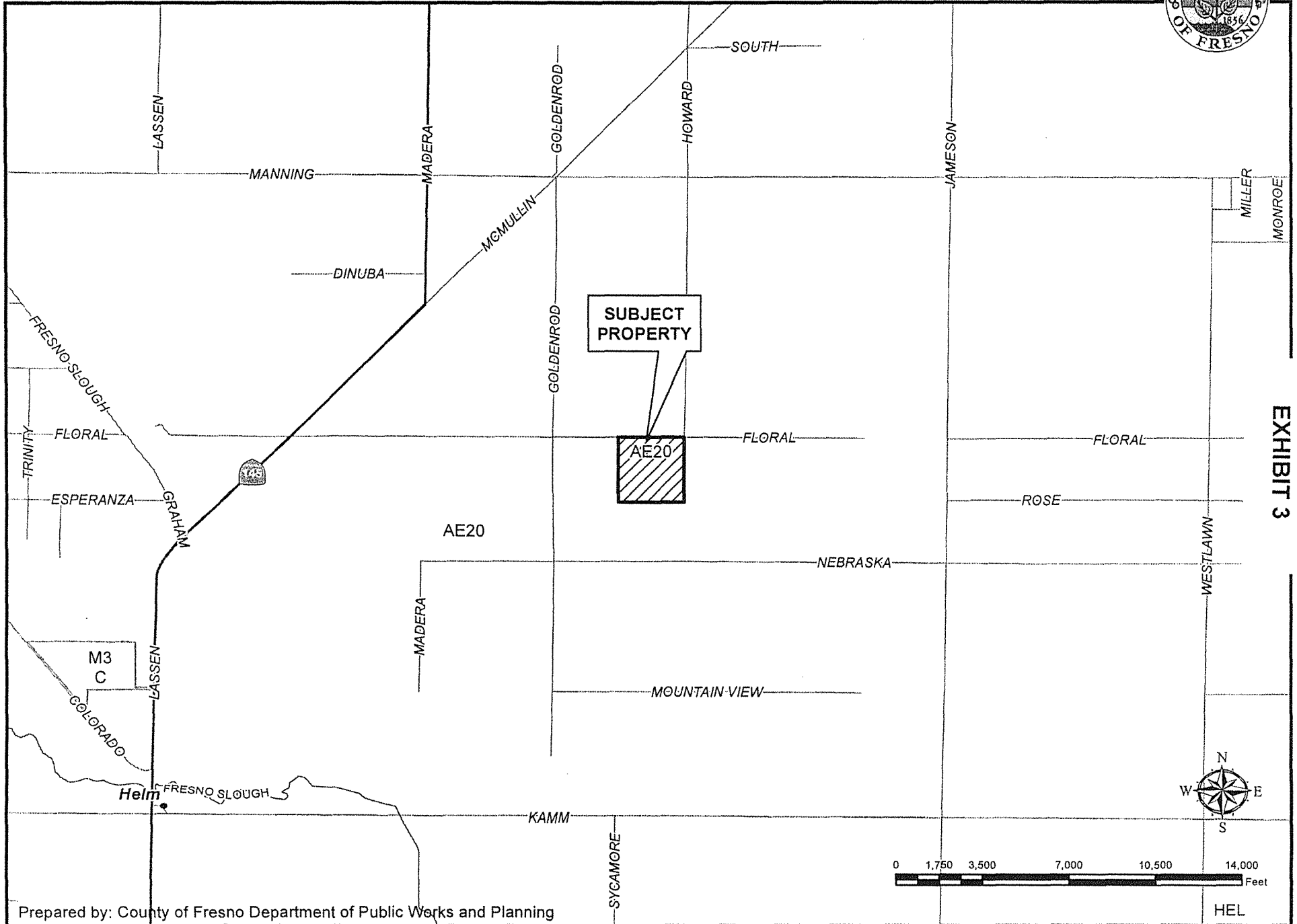
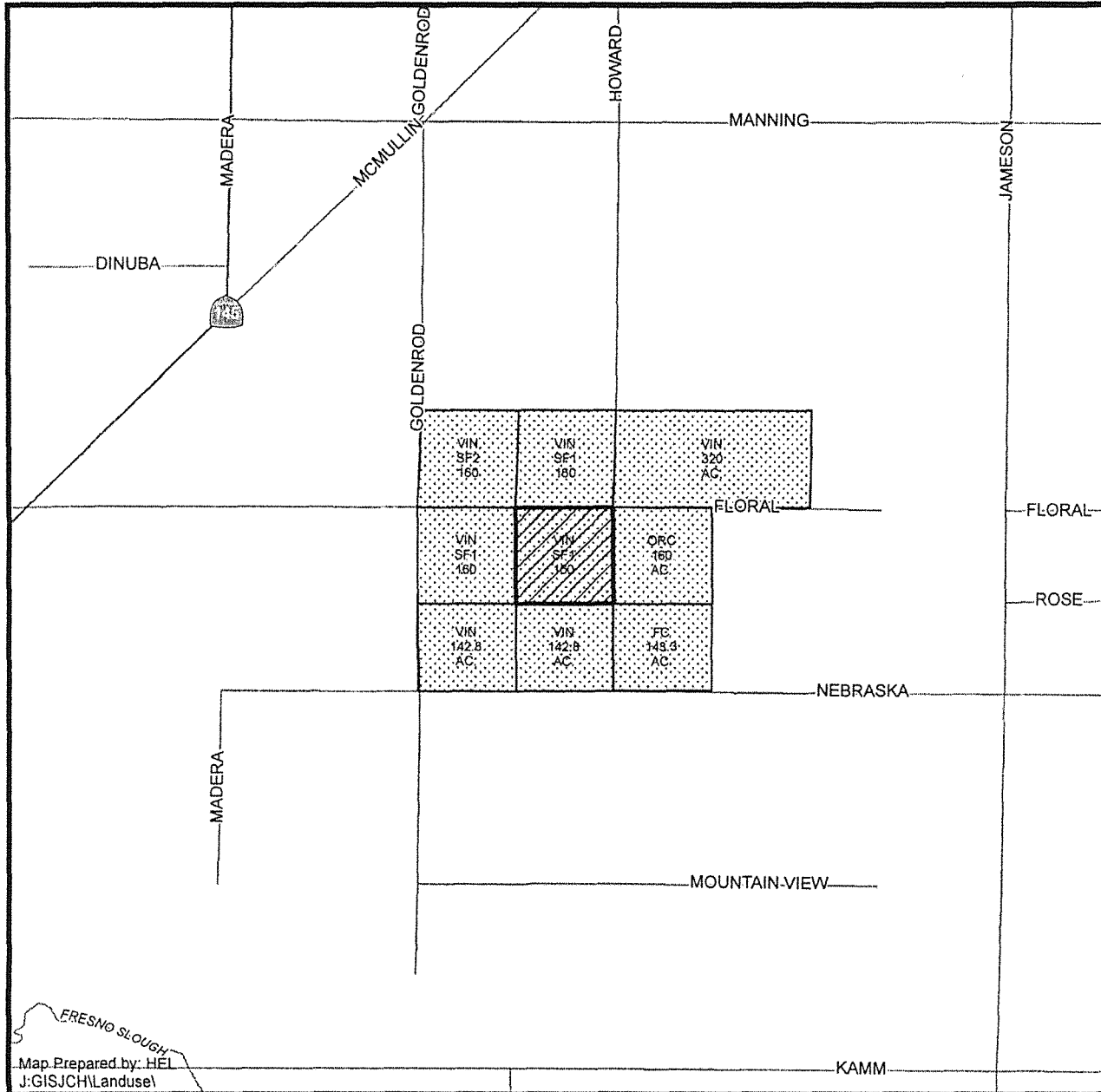


EXHIBIT 3

CUP 3549

EXISTING LAND USE MAP

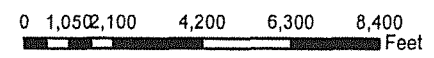
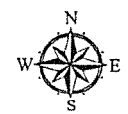


LEGEND
FC - FIELD CROP
ORC - ORCHARD
VIN - VINEYARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

Subject Property

Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXHIBIT 4

FRESNO SLOUGH
Map Prepared by: HEI
J:GISJCH\Landuse1

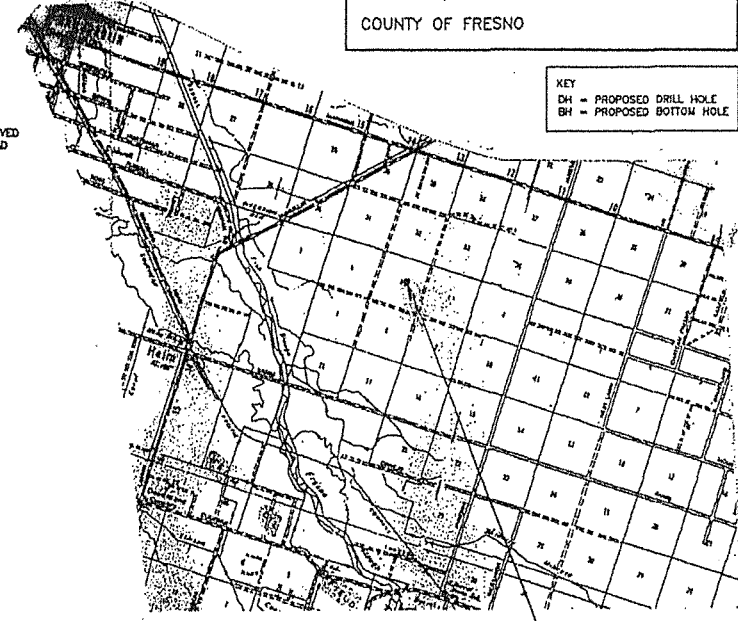
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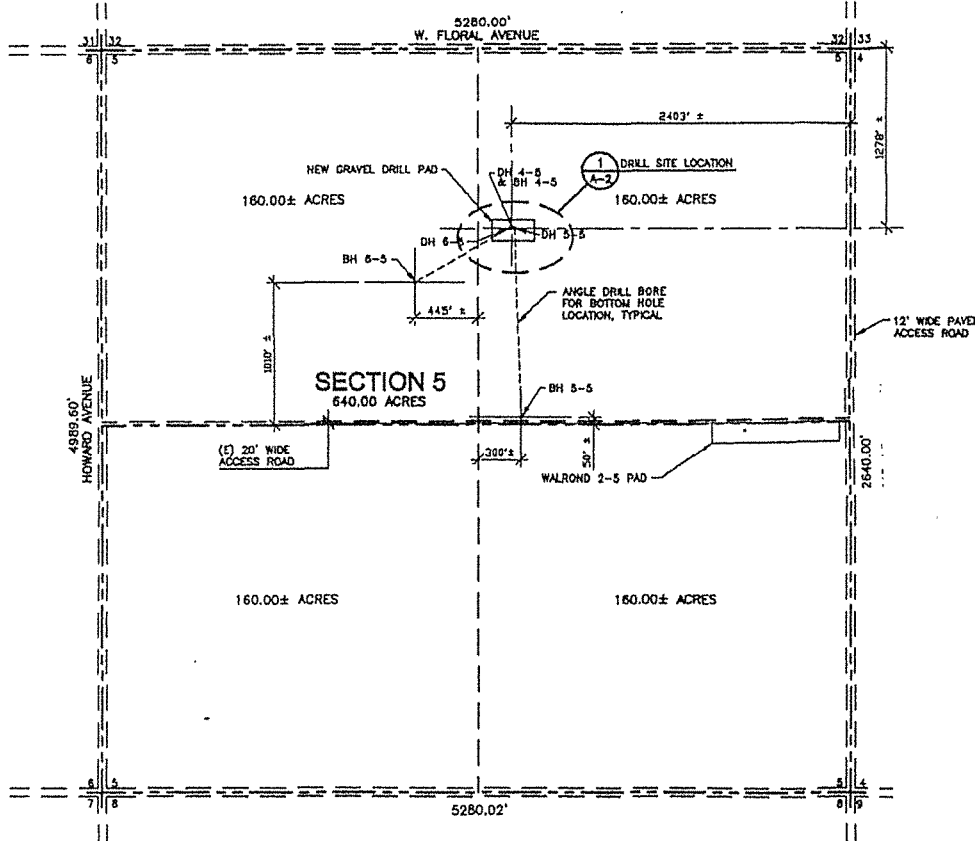
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3549
IS 7223

LEASEE: THE TERMO COMPANY
OWNER: DLM PARTNERS
WELL: WALROND #4-5
SECTION 5 T.16S. R.18E., MDBM
APN: 041-02-215
RIVERDALE, CA
COUNTY OF FRESNO

KEY
DH = PROPOSED DRILL HOLE
BH = PROPOSED BOTTOM HOLE



DRILL PAD LOCATION



SITE PLAN
SCALE: 1"=800'



VICINITY MAP
SCALE: NONE

DRAWING SCHEDULE	
A-1	SECTION SITE PLAN
A-2	PAD SITE PLAN
A-3	EXPLORATORY OIL WELL ELEVATIONS
A-4	PROPOSED PRODUCTION OIL WELLS
A-5	PRODUCTION OIL WELL ELEVATIONS

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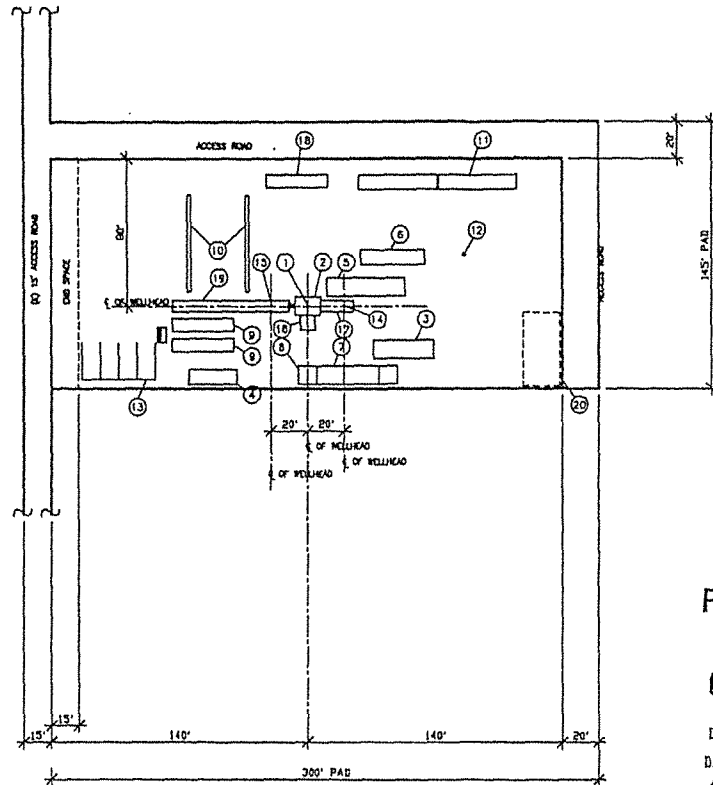
SITE PLAN FOR
WALROND #4-5
FRESNO COUNTY, CA

job no.	date	dr. by
D.C. 1873 71-150000	06-29-2015	J. JOHNSON
Revisions		
1	04-04-2016	PLAN CHECK

sheet no.
A-1
of _____

Exhibit 5 - Page 1

EXHIBIT 5



A
A-2
SCALE 1"=80'

PROPOSED EXPLORATORY OIL WELLS

LEASEE: THE TERMO COMPANY
 OWNER: DLM PARNTERS
 WELL: WALROND #4-5
 SECTION 5 T.16S. R.18E., MOBDM
 APN: 041-02-21S
 RIVERDALE, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

- KEY**
- ① PROPOSED OIL WELLHEAD LOCATION DH 4-5
 - ② CELLAR 10'-0" SQUARE X 8' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 - ③ MANK MUD PUMP, 10' WIDE X 33'-6" LONG
 - ④ STANDBY PUMP, 8' WIDE X 26'-2" LONG
 - ⑤ GENERATOR, 10' WIDE X 42'-8" LONG
 - ⑥ WATER TANK, 8' WIDE X 35' LONG
 - ⑦ MUD TANK, 6'-4" WIDE X 40' LONG
 - ⑧ MUD DOCK, 8' WIDE X 33'-3" LONG
 - ⑨ PIPE BIN, 7' WIDE X 33'-8" LONG
 - ⑩ PIPE RACK
 - ⑪ FLUIDS TANK SYSTEM, 8' X 43', QTY-2
 - ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE
 - ⑬ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4)
 - ⑭ PROPOSED OIL WELLHEAD LOCATION DH 5-5
 - ⑮ PROPOSED OIL WELLHEAD LOCATION DH 6-5
 - ⑯ DRILLER'S HOUSE
 - ⑰ DRAINWORKS
 - ⑱ DOGHOUSE
 - ⑳ CATWALK
 - ㉑ SHORT TERM ACCOMMODATION TRAVEL TRAILERS PARKING

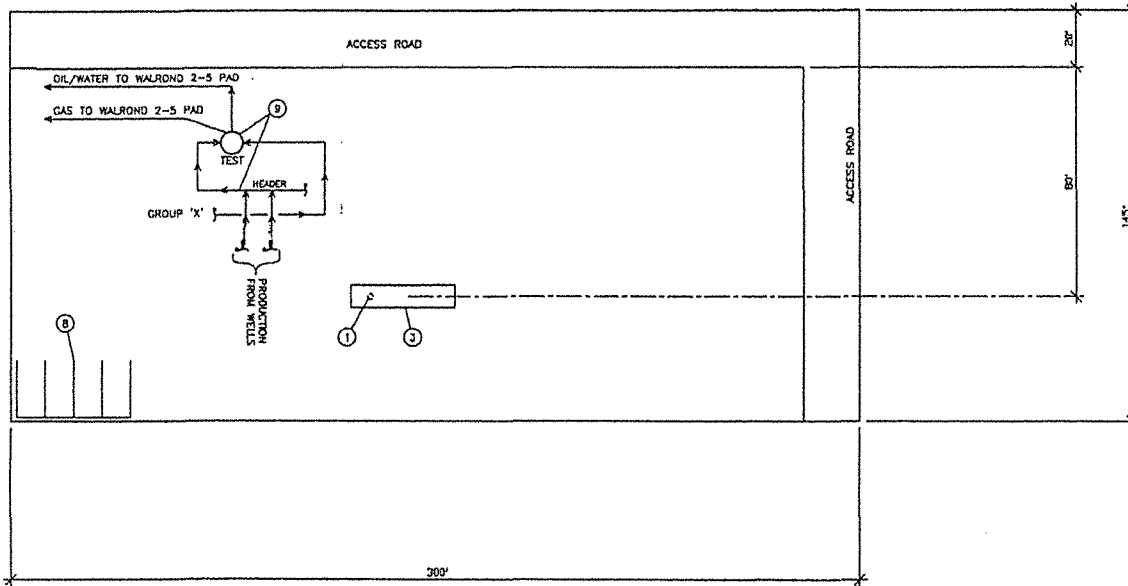
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 CUP3549
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 FAX: (509) 923-7198
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SITE PLAN FOR
WALROND #4-5
 FRESNO, CA

job no. S.C. 21874	date 06-28-2015	dr. by J. JOHNSON
revisions		

sheet no.
A-2
 of _____





SITE PLAN DETAIL "A"
 SCALE: 1"=40'
PROPOSED PRODUCTION OIL WELLS

LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: WALROND #4-5
 SECTION 5 T.16S. R.18E., MDBM
 APN: 041-02-215
 RIVERDALE, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

KEY
 ① PRODUCTION OIL WELL LOCATION DH 4-5
 ② THIS NUMBER NOT BEING USED
 ③ (H) PUMPING UNIT FOR DH 1-32
 ④ THIS NUMBER NOT BEING USED
 ⑤ THIS NUMBER NOT BEING USED
 ⑥ THIS NUMBER NOT BEING USED
 ⑦ THIS NUMBER NOT BEING USED
 ⑧ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).
 ⑨ TRAP SEPARATOR

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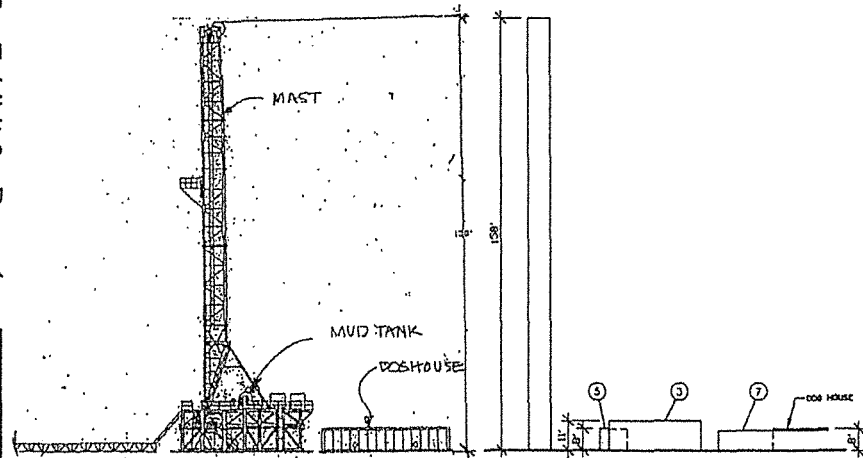
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 CUP 3549
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 FAX: (559) 323-7194
 E-MAIL: cdraw@cdrawing.com

SITE PLAN FOR
WALROND #4-5
 FRESNO COUNTY, CA

job no. 04-04-2016
 date 08-29-2015
 dr. by J. JOHNSON
 REVISIONS
 04-04-2016, PLAN CHECK

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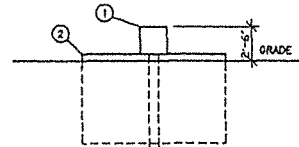


**FRONT VIEW
RIG ELEVATION**
SCALE: 1"=40'

EXPLORATORY OIL WELL

**SIDE VIEW
RIG ELEVATION**
SCALE: 1"=40'

EXPLORATORY OIL WELL



**EXPLORATORY OR PRODUCTION
WELLHEAD ELEVATION**
SCALE: 1/8"=1'-0"

LEASEE: THE TERMO COMPANY
OWNER: DLM PARTNERS

WELL: WALROND #4-5
SECTION 5 T.16S. R.18E., MDBM
APN: 041-02-21S
RIVERDALE, CA
COUNTY OF FRESNO

LEGEND
(E) EXISTING
(N) NEW

- KEY**
- ① OIL WELLHEAD
 - ② CELLAR 10'-0" SQUARE X 6' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 - ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
 - ④
 - ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
 - ⑥
 - ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
 - ⑧
 - ⑨
 - ⑩
 - ⑪
 - ⑫ (C) CLEARED, LEVEL SITE WITH DIRT BASE

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CUP 3549
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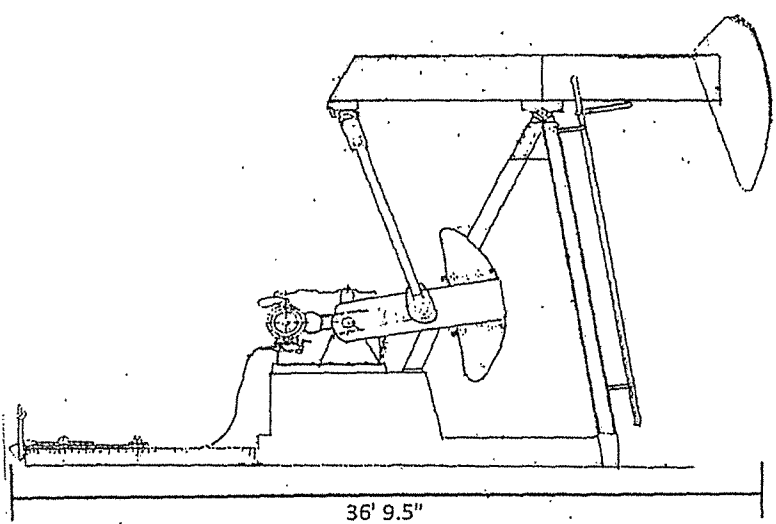
**SITE PLAN FOR
WALROND #4-5**
FRESNO COUNTY, CA

job no. 041-02-21S	date 08-29-2015	dr. by J. JORRAN
revisions		

sheet no.
A-3
of _____

LEASEE: THE TERMO COMPANY
OWNER: DLM PARTNERS
WELL: WALROND #4-5
SECTION 5 T.16S, R.18E., MOB
APN: 041-02-21S
RIVERDALE, CA
COUNTY OF FRESNO

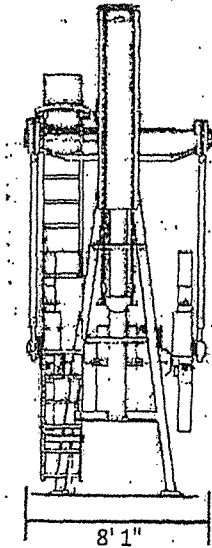
LEGEND
(E) EXISTING
(N) NEW



PRODUCTION
SIDE VIEW PUMPING UNIT
SCALE: NONE



29' 3"



PRODUCTION
FRONT VIEW PUMPING UNIT
SCALE: NONE

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OCT 25 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CVP 3549
IS 7223

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CLOVIS, CA 95612
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FAX: (530) 323-7184
E-mail: drawing@the-drawing.com

SITE PLAN FOR
WALROND #4-5
FRESNO COUNTY, CA

job no. 04-11274
date 04-28-2016
dr. by A. Jarama
revisions
Δ 04-04-2016, PLAN CHECK

sheet no.
A-5
of _____

EXHIBIT 7

The Termo Company "Applicant"
Oil Well Project
Operational Statement

The proposed project includes drilling an exploratory oil and natural gas well called the Walrond 4-5, to a depth of approximately 7,000 feet, on a 0.98 acre, level earthen drilling pad (the "drill site"). If drilling is successful, the applicant proposes to construct limited production facilities to process the oil and gas production. If oil or gas production and economics warrant, two or more wells, the Walrond 5-5 and Walrond 6-5, may be drilled from the same drill site using directional drilling techniques. If either well is completed as a producer it would use the same limited production facilities.

The proposed project's purpose is to develop additional oil and natural gas reserves for the State of California. The objective of the proposed project is to locate possible untapped oil and/or natural gas resources with the potential for drilling additional wells from the drill site.

If the initial test well is not successful, the Applicant may or may not elect to drill the second or third test well. In the event that one or all of the wells are not successful, the production facility phase will be cancelled and the well or wells would be plugged and abandoned in compliance with the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations. The drill site and any newly built access roads would then be restored to their original condition as nearly as practical, or to a condition matching current usage.

The proposed project is located approximately 7 miles west by southwest of Raisin City in 160 acres of the northeast quarter in Section 5, Township 16 South, Range 18 East, MDBM (APN: 041-020-21). The location of the proposed drill site and the proposed bottom hole locations are identified on the attached vicinity and location map.

Access to the location will be from South Jameson Avenue, then West on a farm road roughly aligned with West Floral Avenue, then South on a farm road roughly aligned with Howard Avenue, then West on a farm road roughly aligned with West Rose Avenue, then North on a farm road roughly aligned with South Bishop to the drill site. Gravel and sand may be used to surface the access road if necessary. Access to the site is shown on the attached location map.

The proposed drill site will encompass an area not greater than 140 feet by 297 feet (approximately 0.98 acres). Photographs representative of the proposed project areas are attached.

The proposed project includes three phases: (1) a site preparation phase, (2) a drilling and testing phase, and (3) a production phase. A description of each phase of the operation is provided below. An additional phase (4), a subsequent well drilling and testing phase would occur if the second and/or third well is drilled.

Site Preparation Phase

The drill site boundaries will be clearly delineated to ensure all activities are confined to the project site. The proposed drill site will be cleared of vegetation, and the drill pad will be graded to level an area not greater than 0.98 acres in size. Gravel may be used to improve the surface of the access road to the drill site and on the drill site work areas.

Site Preparation Phase cont.

The Applicant estimates that up to five (5) days will be needed to prepare the access road and the drill site. Approximately 3 to 5 contractors and employees will be onsite during the site preparation phase. Contractors or employees will operate heavy equipment needed to grade and level the drill site.

Construction related equipment operated onsite during this phase will include a crane, dozer, front end loader, grader/scrapper, roller, and water truck.

Site preparation activities will be conducted during daylight hours and will not produce glare.

Emissions resulting from the operation of diesel powered construction equipment may produce odors. However, these activities are short term and should not exceed five (5) days.

Site preparation activities may produce dust. The applicant proposes the following to minimize dust during site preparation:

- Water all active road and construction area as needed to reduce or eliminate dust from traffic and construction.
- Cover all trucks hauling soil, sand or other loose materials or require all trucks to maintain at least two feet of freeboard.

Operation of construction related equipment will generate noise. The United States Environmental Protection Agency has found that the noisiest equipment types operating at construction sites typically range from 88 dBA to 101 dBA at a distance of 50 feet. The following table lists noise levels typically generated by construction equipment that may be used during the Site Preparation Phase.

NOISE LEVELS GENERATED BY CONSTRUCTION EQUIPMENT

Type of Equipment	Typical Sound Level (dBA at 50 feet)
Generator	76
Air Compressor	81
Pneumatic Tools	85
Backhoe	85
Excavator	86
Dozer	87
Front-End Loader	88
Dump Truck	88
Scraper	88

Based on sound levels presented in the above table, equipment associated with the construction of the drill site could produce noise levels in excess of 88 dBA at a distance of 50 feet from the proposed drill site. However, the nearest residence is located approximately 1,365 feet north from the proposed project site. Using an attenuation algorithm of 6 dBA per doubling of distance, (accepted technical standard) maximum outdoor noise levels are expected to be well below 59.28 dBA to non-existent at the nearest residence.

No solid or liquid wastes will be generated during the site preparation phase. No outdoor lighting or outdoor sound amplification system will be used during the site preparation phase.

Drilling and Testing Phase:

The drilling and testing phase of the project will require approximately 30 to 35 truck trips to mobilize the drilling rig and associated equipment to the drill site. An additional 10 to 15 trucks will be required to transport supplies and service contractor equipment to the site and not more than 5 short term accommodation travel trailers will be set up on the site during drilling and completion operations. It is anticipated that not more than 2 hydraulic cranes will also be transported to the site to set up the drilling rig, raise the drilling mast and set the associated drilling equipment and supplies. After a well is drilled, and the well is either completed or abandoned, the drilling rig is promptly disassembled and removed from the drill site.

Drilling operations for each well will be conducted 24 hours per day for an anticipated period of 15 to 21 days per well. Approximately 5 to 15 personnel will be on site at any given time during drilling operations.

Approximately 3 to 5 truck trips per day will be required to support drilling operations. All drilling and production testing equipment (i.e., drilling rig, mud pumps, mud system equipment, portable water tanks, waste tanks, fuel tanks, portable toilets, pipe racks, and pipe baskets, etc.) will be temporarily installed and contained within the proposed drill site. Drilling equipment is identified on the drill site plot plan included with this application. An above ground portable fluids tank system will be used for drilling and completion operations. All drilling fluids and earthen cuttings will be contained within the tank system.

The estimated volume of cuttings and/or drilling fluids generated per day is approximately 5,000 gallons. Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

No hazardous materials (as classified by state and county regulatory definitions) will be used in the drilling fluid system. All drilled cuttings will be separated from the mud system, de-watered and stored on the location until drilling is completed. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. Liquid waste will be transported to a licensed disposal facility at the end of the Drilling and Testing Phase.

Approximately 10,500 gallons of water per day will be required during drilling operations. Water will be purchased from a private commercial supplier and trucked to the drill site. Bottled water will be purchased and transported onsite for human consumption.

Temporary directional lighting will be used during drilling and completion operations but lighting is not required for the limited production facility. Directional lighting is used to minimize impacts of lighting to nocturnal animals. The temporary drilling rig will be obstruction flagged and lighted in accordance with FAA Advisory Circular 70/7460-1K "Obstruction Marking and Lighting".

Well drilling, testing, completion and production activities will not produce glare.

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature.

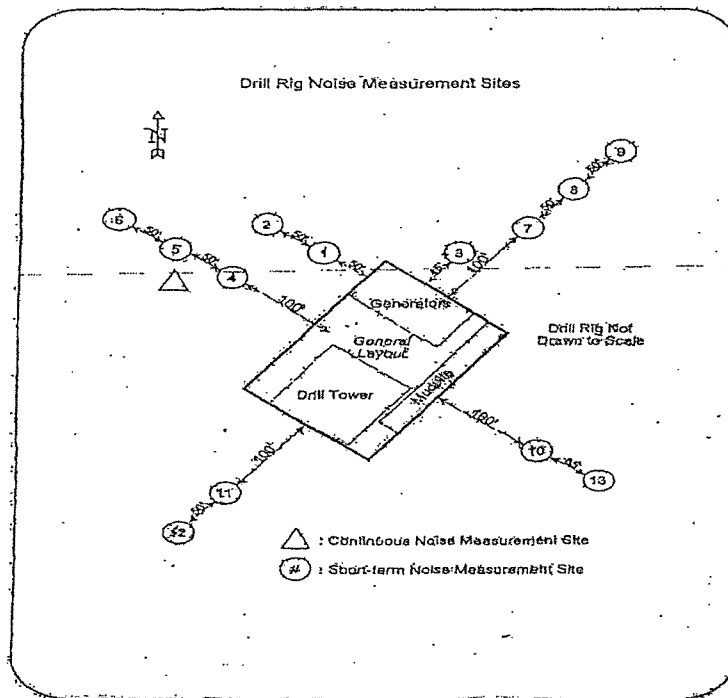
Vehicle trips to the site may produce dust. The Applicant will incorporate the same operational procedures identified in the Site Preparation Phase to minimize the generation of dust.

Drilling and Testing Phase (cont.):

Short-term noise increases would be anticipated on and around the project site during the Drilling and Testing Phase. These activities would last for approximately one to three weeks depending upon the time necessary to actually drill and test the well(s) using the temporary drilling rig.

In order to quantify the noise generated by a drilling rig, drilling companies have conducted noise level measurement surveys. These surveys include noise level measurements at numerous locations surrounding the drilling rig during normal operating conditions. Field observations indicate that there are a number of noise sources associated with drilling rig operations including power generators, mud pumps, and the derrick (labeled as the drill tower in the diagram) itself. However, of all these noise sources, the generators were identified as the dominant noise-producing component. The results of the survey are presented in the following table.

Monitoring locations are shown in the following figure 1



Drilling and Testing Phase (cont.):

Drilling Rig Noise Level Measurement Data		
Site #	Description	Measured Leq (dB)
1	50' northwest of generators fans	91
2	100' northwest generators fans	83
3	45' northeast of generators	80
4	100' northwest of facility	85
5	150' northwest of facility	80
6	200' northwest of facility	76
7	100' northeast of facility	66
8	150' northeast of facility	64
9	200' northeast of facility	62
10	100' southeast of facility	71
11	100' southwest of facility	69
12	150' southwest of facility	67
13	165' southeast of facility	67
Figure 1 shows the location of these noise measurement sites		

In addition to the short-term noise level measurement survey, continuous hourly noise level monitoring was performed. The purpose of this monitoring was to quantify drilling rig related noise levels over a 24-hour period, and to identify periods of increased noise level generation. The results of this monitoring are shown numerically in the following table. It should be noted that the recording unit was located approximately 135 feet from the generator fans, the major-noise producing component of the drilling rig.

Statistical Summary of Ambient Noise Measurement Results					
Location	Daytime (7a.m.-10p.m)		Nighttime (10p.m-7a.m)		CNEL
	Average (Leq)	Maximum (Lmax)	Average (Leq)	Maximum (Lmax)	
In vicinity of residences nearest to the project site	35	57	37	59	48

Based on sound levels presented in above table, equipment associated with drilling operations could produce noise levels in excess of 79 dBA at a distance of 135 feet from the proposed drill site. However, the nearest residence is located approximately 1,365 feet north of the proposed project site. Based on an attenuation algorithm of 6 dBA per doubling of distance, maximum outdoor noise levels are expected to be well below 58.9 dBA to non-existent at this residence.

Production Phase

If economic quantities of oil and/or natural gas are discovered in the initial or subsequent test wells, the well will be completed and limited production facilities will be installed. The entire drill site area will be maintained to facilitate the drilling of a second and or third exploratory test well, if the Applicant chooses. After the drilling of the second and or third test well, any portion of drill site not required by the Applicant will be returned to natural grade and restored to the same condition previous to the proponent's activity.

Limited production facilities will include a well head, a trap/separator, a pumping unit, and pipelines to offsite tanks on the approved Walrond 2-5 production site. Processed water will mix with process water from the Walrond 2-5 production site and then be piped to the Termo's Vie Del 4-1 injection well. A copy of the production site plot plan and the oil production unit schematic are attached.

Operation of production equipment could result in long-term noise. The primary source of noise associated with operating production equipment is from the pump jack, including its electric motor. Use of a natural gas compressor may be required, depending on the pressure of the produced natural gas. Accordingly, until the well pressure is tested, the need for compression at the well site cannot be determined. Likewise a well that does not require compression early in its life cycle may require compression at some later point in time.

Noise levels recorded at the production drill site are presented in the following table:

Oil Well Measurement Results

Site #	Distance	Location	Comments	Sound Level, Leq (dBA)
1	1'	Pumping Unit	Noise source was primarily engine noise	78.2
2	50'	50-feet from site	Noise source was operations of well site	69.7
3	100'	100-feet from site	Noise source was operations of well site	63.5
4	200'	200-feet from site	Noise source was operations of well site	56.3
5	700'	700 feet from site	Primary source included well site, distant traffic	46.6
6	1,365	Nearest Residence	Well barely audible. Primary noise distant traffic	40.98

Based on sound levels presented in the above Table, equipment associated with long-term oil production operations could produce maximum noise levels of 69.7 dBA at a distance of 50 feet from the proposed production facility. As previously stated, the nearest residence is located approximately 1,365 feet north of the proposed project site. Based on an attenuation algorithm of 6 dBA per doubling of distance, maximum outdoor noise levels are expected to be less than 40.98 dBA at this residence.

Production Phase Cont.

The Applicant proposes to use non-reflective production equipment.

Approximately 3 to 5 personnel will be required to operate equipment and install the proposed permanent limited production facility. Approximately 5 to 10 days will be required for installation of the permanent production equipment.

Emissions resulting from the operation of construction equipment used to install the production facility may produce odors. However, these activities are very short term and temporary in nature.

Vehicle trips to the site during construction of the limited production facility may produce dust. The Applicant proposes to incorporate the same operational procedures identified in the Site Preparation Phase to minimize the generation of dust.

Produced oil and natural gas will be metered for sales and the production facility will be inspected on a daily basis. Produced fluids will be piped offsite to the approved Walrond 2-5 site for further processing.

The production equipment will not generate hazardous waste as defined by Title 22, Division 4.5, Chapter 11, but any waste that may be created will be handled in accordance with both county and state requirements and will be disposed of in a licensed facility by licensed handlers.

Typically a maximum of one truck trip per day will be required to inspect the well during the producing life of the well(s). At least four employee parking spaces will be provided on the drill pad.

It is sometimes necessary to bring in a daylight workover rig for downhole repairs during the production life of a well. The rig and all associated equipment will be contained within the boundaries of the well site and the average workover rig height is less than 100 feet

No night lighting will be required for the production facility. Fencing may be installed at the discretion of the applicant or the request of the Division of Oil and Gas to secure the production facility.

At the end of the well(s) economic life (defined as sufficient production to pay for operating expenses), the well(s) will be plugged and abandoned according to the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations. The site will be cleared of all equipment and returned to its previous conditions as nearly as practical.



EXHIBIT 8

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** The Termo Company
- APPLICATION NOS.:** Initial Study Application No. 7223 and Conditional Use Permit Application No. 3549
- DESCRIPTION:** Allow drilling of up to three exploratory oil and gas wells and related production facilities, if oil and gas resources are discovered, on a 0.98-acre portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The project site is located on the south side of the Floral Avenue alignment between the Howard Avenue alignment and South Goldenrod Avenue approximately seven miles southwest of the unincorporated community of Raisin City and four and one-half miles northeast of the unincorporated community of Helm (SUP. DIST.: 4) (APN: 041-020-21S). (Section 5, Township 16 South, Range 18 East).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project includes the drilling of up to three exploratory oil and gas wells to a depth of approximately 7,000 feet utilizing directional drilling techniques, on a 0.98-acre portion of a 160-acre parcel. If drilling of the first well is successful, and oil and gas resources are discovered, production facilities will be installed to process the oil and /or natural gas. Up to two additional wells may be drilled on the same site utilizing the same 158-foot tall drilling rig that was used to drill the first exploratory well. The total number of exploratory wells allowed with this project, will be limited to three.

The proposed exploratory wells will be located on a level earthen drilling pad (the “drill site”). Each exploratory well will consist of a wellhead contained within a 10-foot by 10-foot by six-foot deep cellar with a guardrail surrounding it, a driller’s office, a draw works, a catwalk. Additional equipment will include a mud pump, a standby pump, a diesel powered generator, a water tank, a 9-foot by 40-foot mud tank, mud dock, two pipe bins, two pipe racks, two fluid tank systems, four employee parking spaces, and up to five travel trailers for temporary employee accommodations.

If drilling is not successful the production phase will be cancelled and the well or wells will be plugged and abandoned in compliance with the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations.

The project will consist of three phases, the site preparation phase, the drilling and testing phase and the production phase. The site preparation phase will last up to 5 days and involve clearing of vegetation from, and the leveling of 0.98-acre drill site.

The Drilling and Testing Phase of the operation will include the construction of a temporary 158-foot-tall drilling rig, which will be operated 24 hour per day for up to 21 days for the drilling of the well and for each subsequent well if warranted. At least two hydraulic cranes and various other pieces of construction equipment will be used in setting up the temporary drill rig.

If drilling is successful, the production phase will be initiated. The production phase involves the removal of the 158-foot tall temporary drilling rig and the installation of a 29-foot tall pumping unit (pump jack) on the same 0.98-acre site used for exploratory drilling. The pumping unit will be connected by pipeline to nearby (off site) production facilities located at the existing and previously approved Waldron 2-5 site. The Waldron 2-5 site is located on an adjacent parcel southeast of the subject parcel and includes a trap/ separator and above ground storage tanks.

The subject parcel is located in an area of characterized by large agricultural lots with few residential dwellings. The subject parcel does not have direct public road access, is not located near a State scenic highway and there are no known scenic resources in the vicinity, nor are there trees, rock outcroppings or historic buildings located in the vicinity.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will utilize temporary directional lighting during the drilling and completion phase of the operation, but will not be necessary for the production facility. The use of the lighting has the potential for creating glare, which could adversely impact nighttime visibility, and views of the surrounding area, Directional lighting will be used to minimize any adverse effects on the surrounding area, including any nocturnal animals. Well drilling, testing, completion and production activities will not produce glare.

* **Mitigation Measure(s)**

1. *All lighting shall be directed hooded or directed downward so as not to shine toward adjacent properties and public streets.*
2. *All drilling towers shall be marked and lighted in such a manner so as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent parcels.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is classified as Prime and Unique Farmland on the California Department of Conservation, State Important Farmlands Map, and is enrolled in Agricultural Land Conservation Contract (Williamson Act) ALCC No. 7455. The project entails the clearing of existing vineyards from a 0.98-acre portion of a 160-acre parcel. There is no forestland, timberland or timberland zoned for timber production on the near the project site or in the vicinity of the subject parcel.

According to the Policy Planning Section of the Department of Public Works and Planning, exploratory and production, drilling of oil wells is a compatible use subject to special permit, and to the extent that they do not significantly displace farmland on the ALCC restricted land. In this case, the size of the proposed lease area is 0.98-acres, out of a total of 160-acres. The Policy Planning Section did not identify any concern with the project resulting in the conversion of Farmland to non-agricultural use.

* **Mitigation Measure(s)**

1. *When drilling operations are completed, or production operations cease, the Applicant shall return the project site (as much as practical) to its original*

condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was reviewed by the San Joaquin Valley Air Pollution Control District. The Air District did not express any air quality related concerns with this project. During the site preparation phase of the project, the drilling site will be cleared of vegetation and graded to level the area; additionally the access road surface may be improved with the addition of gravel. The use of diesel powered construction related equipment onsite may produce dust and odors. The applicant estimates that site preparation activities will be short term and not exceed five (5) days. During the drilling and testing phase the applicant estimates that approximately 3-5 truck trips per day will be required to support drilling operations. The applicant will incorporate the same operational procedures identified in the Site Preparation Phase to minimize the generation of dust. All drilling and production testing equipment (drilling rig, mud pumps, mud system equipment, portable water tanks, waste tanks, fuel tanks, portable toilets, pipe racks, and pipe baskets), will be temporarily installed and contained within the proposed drill site. Additionally, the project will be subject to Air District Regulation VIII (Fugitive Dust Rules), and Air District Rule 2280 (Portable Equipment Registration) requiring all portable emission units (including drilling rigs) to be registered with the California Air Resources Board (CARB) or with the Air District. These requirements will be included as Project Notes. Compliance with Air District Regulations and Rules will reduce air quality impacts from the project proposal to a less than significant impact.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or

by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed by agricultural cultivation, both currently and historically. In addition, neighboring parcels have also been historically utilized for agricultural cultivation. No impacts were identified relating to any candidate, sensitive, or special status species, any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDWF). The project is not located in the vicinity of any Federally-protected wetlands as defined by Section 404 of the Clean Water Act, nor would it interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none are located in the vicinity of the subject property.

This project will not conflict with any local policies or ordinances protecting biological resources, tree preservation policy or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

This project will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or

- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:**

The project site is located in an agricultural area and has been previously disturbed, as it has been used for agricultural cultivation. Adjacent parcels have also been historically used for agricultural cultivation.

Policy OS-J.1 of the Fresno County General Plan states that the County shall require that discretionary projects, as part of any required CEQA review, identify and protect important historical, archeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable”.

The project site has not been identified as an area designated as either moderate or high sensitivity for archaeological resources, however a mitigation measure would require that in the event cultural resources are unearthed during ground disturbing activity, all work would be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

*** Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

Per the Fresno County General Plan Background Report figures 9-5 and 9-6, the subject parcel is not in an area subject to substantial adverse effects involving 1) Rupture of a known earthquake, 2) Strong seismic ground shaking, 3) Seismic-related ground failure, including liquefaction, or 4) Landslides. The project site is in an area designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Development of the project will be subject to the Seismic Design Category C Standards.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Grading and leveling activities may increase the likelihood that some erosion will occur at the project site, however the proposed site is predominately flat and is surrounded by actively cultivated and irrigated vineyards and any erosion or loss of topsoil will have a less than significant impact on the surrounding area. The subject parcel is not located in an area of Generalized Erosion Hazard, as identified in figure 7-4 of the County General Plan Background Report, which identifies Erosion Hazards in Western Fresno County. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, excavations performed under the direction of a registered design professional are exempted work, and a Grading Permit is not required per Fresno County Ordinance Code. However, in instances where a Grading Permit is not required, but where there may be an impact on surrounding properties, a Grading Voucher may be required.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located in an area of known risk of landslide, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

The project does not entail the use of any on-site septic system. Chemical toilets will be utilized on-site during the drilling and testing phase and all sewage will be transported off-site to an appropriate licensed disposal facility. Additionally, the applicants operational statement indicates that an above ground portable fluids tank system will be utilized for drilling and completion operations and that all drilling fluids and earthen cuttings will be contained within the tank system. The estimated volume of cuttings and or drilling fluids is estimated to be approximately 5,000 gallons per day. After drilling is completed, all drilled cuttings will be hauled by truck to a licensed waste disposal facility that handles non-hazardous waste. Liquid waste will be transported to licensed disposal facility after the Drilling and Testing Phase is complete.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District has reviewed this project and expressed no concerns with this project proposal. The applicant's operational statement indicates that although the project will produce emissions from diesel-powered construction equipment during the site preparation phase, and diesel-powered generators during the drilling and testing phase, the use of said construction equipment and generators will be short term and temporary, not more than five days for site preparation and approximately 15-21 days per well for drilling and testing.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicants submitted operational statement; during the Drilling and Testing Phase of the proposed project an above ground portable fluids tank system will be used for drilling and completion operations. All drilling fluids and earthen cuttings will be contained within the tank system. No hazardous materials (as classified by state and County regulatory definitions) will be used in the drilling fluid system.

The Environmental Health Division of the Department of Public Health has reviewed this project and offered the following comments: Facilities proposing to use and/or store hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. *This comment shall be included as a project note.*

In an effort to protect groundwater, all abandoned water wells (not intended for use or future use) within the 1.6-acre project area shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. *This comment shall be included as a project note.*

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

There are no schools located within one-quarter mile of the project site, however the nearest school is Helm Elementary which is located in the Unincorporated Community of Helm approximately four and one-half miles southwest of the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites are located within the boundaries of the subject parcel.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The subject parcel is not located within and Airport Land Use Plan or within two miles of a public or private use airport, however, according to the applicants operational statement , the temporary drill rig will be obstruction flagged and lighted in accordance with FAA Advisory circular 70/7460-1K " Obstruction Marking and Lighting".

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This project proposal will not impair the implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not located in a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicants operational statement, processed water will be mixed with processed water from the existing Walrond 2-5 well, and subsequently be transferred by pipeline offsite to the Termo Company's existing Vie Del 4-1 injection well.

The Environmental Health Division of the Fresno County Department of Public Health had the following comments; In an effort to protect groundwater, all abandoned water wells (not intended for use or future use) within the 1.6-acre project area shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. *This comment shall be included as a project note.*

According to the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR), applicants for oil and gas development projects shall submit detailed drilling proposals to DOGGR in order to obtain specific drilling requirements for their projects. This requirement, as well as a standard DOGGR requirement for all hazardous and non-hazardous wastes and materials generated by the exploratory well drilling operation to be hauled off to an approved waste disposal facility, will be included as Project Notes.

The California Regional Water Quality Control Board (RWQCB) has consistently commented that the requirement to file a Report of Waste Discharge with said agency for the temporary discharge of drilling muds/boring wastes to an unlined sump may be waived subject to the following criteria: a) drilling mud can remain in a sump only if the discharger can demonstrate the mud is non-hazardous and does not contain halogenated solvents; b) drilling mud must first be dried (fluids removed), then the site must be restored to pre-sump conditions within 60 days of well completion or abandonment, and the backfilled sump must be covered with at least one foot of clean soil; c) the sump must be greater than 100 feet from the nearest surface water and the bottom of the sump must be at least five feet above the highest groundwater elevation. Additionally, if the exploratory well becomes commercially productive, the Applicant shall identify an acceptable method for the disposal of water produced by operations. As such, the Applicant shall be required to contact the RWQCB for any permits needed for drilling fluids disposal prior to commencing operations. *This requirement will be included as a Project note.*

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project operational statement indicates that approximately 10,500 gallons of water per day will be required during drilling operations. Water will be purchased from a private commercial supplier and trucked to the drill site, for operational purposes, and bottled water will be provided for employee consumption. The project site is not located in a water short area, and no use of on-site groundwater is proposed.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

No streams or rivers are located near the subject parcel. The Fresno Slough is located approximately 2.8 miles southwest of the proposed drill site.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

No additional water quality impacts were identified in the project analysis.

- G. Would the project place housing within a 100-year floodplain; or

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or

- I. Would the project expose persons or structures to levee or dam failure; or

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No new housing is proposed with this project, other than the temporary employee accommodation trailers, which will be occupied during the drilling and testing phase identified in the applicant's operational statement. According to FEMA, FIRM Panel 2575H, the project site is not subject to flooding from the 100-year storm. Additionally, the project site is not prone to seiche, tsunami or mudflow. According to the Fresno County General Plan, Background Report (Figure 9-8), the subject parcel is in a Dam Failure Flood Inundation Area however there are no dams or levees in the vicinity of the subject parcel, and no reviewing agencies express concern over flood hazard or potential exposure to levee or dam failure at the project site.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide an established community. The unincorporated community of Helm is located approximately four and three quarter miles southwest of the project site.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the Fresno County General Plan. The Agriculture and Land Use Element of the General Plan lists mineral extraction and oil and gas development as non-agricultural uses permitted in areas designated as Agriculture, subject to Policies listed in Section OS-C of the General Plan.

Policy LU-A.4 of the General Plan requires that the recovery of mineral resources and the extraction of oil and gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element.

According to General Plan Policy OS-C.13, the County shall require a special permit for certain oil and gas activities and facilities as specifically noted in the Oil and Gas Development Matrix (Table OS-C.1) due to their potential significant adverse effects on surrounding land or land uses. In this case, the subject land use application, Unclassified Conditional Use Permit (CUP) Application No. 3549 satisfies this requirement.

Policy OS-C.17 requires timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan. In the case of this application, a Mitigation Measure has been included, discussed in Section II (Agricultural and Forestry Resources), requiring the Applicant to remove all drilling equipment and return the project site to its original condition within 90 days of terminating operations.

Policy OS-C.20 requires that no human occupancy be located near any active petroleum or natural gas well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District. In this instance, the nearest dwelling units are located approximately one quarter mile north of the proposed drill site.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally important mineral resource recovery site designated on a General Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area-designated Mineral Resource Zone (MRZ-1) in Figure 7-9 of the County General Plan Background Report. Areas designated MRZ-1 are areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicants Operational Statement, short-term noise increases would be anticipated on an around the project site during the drilling and Testing phase, due to operation of construction equipment. This phase would last approximately one to three weeks, however operation of production equipment could result in long-term noise. The primary source of noise associated with operating production equipment is from the pump-jack and its electric motor. Use of a natural gas compressor may also be required. The nearest residence to the proposed drill site is approximately 1,365 feet north. The applicant's Operational Statement indicates that continuous hourly noise level monitoring was performed over a 24-hour period to identify periods of increased noise level generation. The study concluded that ambient noise levels from the well at the nearest residence would be barely audible. According to General Plan Policy HS-G.6, the County shall regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County's Noise Control Ordinance. Section 8.40.060-H of the Fresno County Ordinance Code states that noise sources associated with the drilling and re-drilling of petroleum, gas, injection or water wells are exempt from exterior noise standards.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The subject parcel is not located in the vicinity of an airport or private airstrip and therefore not impacted by airport noise. There are a number of private airstrips surrounding the subject parcel. The nearest airport or private airstrip to the

project site is privately owned San Joaquin Airport- CA32 which is located approximately ten and one-half miles west northwest of the proposed drill site.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant's Operational Statement indicates that not more than five (5) short term accommodation travel trailers will be set up on site during the drilling and completion operations.

- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not result in an increase of housing or population either directly or indirectly, and is therefore not expected to result in the displacement of any housing or people in the vicinity of the project site.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District reviewed this proposal and expressed no concerns with the project.

2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

No new or physically altered public facilities will be necessitated by this proposal, and no other impacts on the provision of facilities or services were identified by any agencies in the project analysis.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No increase in the use of existing neighborhood and regional parks is anticipated, nor will the construction of or expansion of recreational facilities be required with this proposal.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicants operational statement there are three phases to the project proposal. First, the site preparation phase will take up to five days and require up to five employees. Accordingly, preparation of the site will generate up to ten one-way employee trips (five round trips per day) for up to five days.

The drilling and testing phase will take up to will generate up to 70 total one-way truck trips (35 round trips per day) to deliver equipment and supplies to the project site, including up to five short term accommodation travel trailers and two hydraulic cranes for setting up the drilling rig. Drilling activities will be conducted 24 hours per day for up to 21 days, per well, and up to 15 employees will be on-site at any given time during drilling operations. Up to 5 truck trips per day will be required to support drilling operations. The drilling of the exploratory wells will generate up to 30 one-way employee trips (15 round trips per day) for up to 63 days (up to 21 days for each well).

If drilling is successful, the subsequent installation of production facilities is expected to take up to 15 days and require up to ten employees and accordingly generate up to 20 one-way employee trips (ten round trips per day) for up to 15 days. During the subsequent production phase of the project, the site will be inspected on a daily basis and up to three trucks will be required to remove oil from the site twice per week. The production phase is expected to generate two one-way inspection trips per day (one round trip per day), year round, and up to 12 one-way truck trips per week (six round trips per week), year round to remove oil from the project site.

This project proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic related concerns with the project, and a Traffic Impact Study was not required by this agency.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project proposal will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or

- E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Road Maintenance and Operations Section, Development Services Division has reviewed this application and offers the following comments; The nearest County maintained public road is Jameson Avenue, which is located about two and one-half miles east of the project site. The applicant should demonstrate that appropriate access easements to the subject property exist or are provided. The applicants submitted operational statement indicates that access to the project site will be from Jameson Avenue and then west on a farm road roughly aligned with Floral Avenue.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The discussion of this project in section IV identified no potentially significant impacts to the quality of the environment, or potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No environmental impacts, which will cause substantial adverse effects on human beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3549, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, or Recreation.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation/ Traffic, and Utilities and Service Systems have been determined to be Less the Significant.

Potential impacts relating to Aesthetics, Athletics, Agricultural and Forestry Resources, and Cultural Resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration/Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

JS

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County of Fresno

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

May 9, 2017

The Termo Company
3275 Cherry Avenue
Long Beach CA 90807

Dear Applicant:

Subject: Resolution No. 12639 - Initial Study Application No. 7223 and Unclassified
Conditional Use Permit Application No. 3549

On March 30, 2017, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at jshaw@co.fresno.ca.us or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services Division

JS:ksn
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Enclosure



LONG BEACH CORPORATE OFFICE
P.O. Box 2767, Long Beach, CA 90801
562.595.7401 562.426.2730
MAIN | FAX
www.TERMOCO.com

December 10, 2018

Mr. Jeremy Shaw, Planner
Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Re: CUP #3549 – Walrond 4-5 Project - Application for Time Extension

Dear Mr. Shaw,

The purpose of this letter to outline The Termo Company's (Applicant) need for a one year time extension for the implementation of the above referenced Conditional Use Permit (CUP).

The Walrond 4-5 Project is for the drilling of between one and three exploratory oil and gas wells in an agricultural area and near other active oil and gas wells. The Project CUP was approved by County staff on March 30, 2017 and will expire on March 30, 2019. At the time of approval the price of crude oil was still recovering from its collapse in early 2016. This economic uncertainty made it too risky for Termo to develop this Project. In addition to the economic considerations, Termo was focused on maintaining and improving the wells it had already drilled and completed in Fresno County and building out our approved projects and infrastructure.

We now see an opportunity to implement this project as the market conditions are much more favorable and our existing and future operations in Fresno County continue to develop positive momentum. As such, we are hopeful the Planning Commission will grant us this extension.

Please do not hesitate to contact me with any questions or requests for additional information. My direct line is (562) 279-1955 or by email at ralphc@termoco.com.

Sincerely,

Ralph E. Combs
Manager of Regulatory and Government Affairs
The Termo Company

Encl: Application for Time Extension, Payment

Cc: DLM Partners, Landowner
Mr. Neil Ormond, Consultant



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 March 28, 2019

SUBJECT: Variance Application No. 4058

Allow the creation of a 3.1-acre parcel, a 3.0-acre parcel, and a 2.7-acre parcel from an existing 8.80-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Willow Bluff Road approximately three quarter-miles north of its intersection with North Willow Avenue, and approximately one mile northeast of the nearest city limits of the City of Fresno (13152 Willow Bluff Road) (SUP. DIST. 5) (APN 300-070-33).

**OWNER/
APPLICANT:** Brian Finegan

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4058; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances Map
6. Site Plan
7. Applicant's Findings and Operational Statement

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	8.80 acres	Proposed Parcel 1: 3.1 acres Proposed Parcel 2: 2.7 acres Proposed Parcel 3: 3.0 acres
Project Site	Vacant 8.80-acre parcel	See above
Structural Improvements	None	Future development would include one dwelling unit per lot
Nearest Residence	Approximately 85 feet south of the boundary of proposed Parcel 1	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 17 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

According to available records, the subject parcel in its current configuration was created as part of Parcel Map Exemption No. 3592 in 1976, at which time the parcel contained approximately 26.29-acres, and was divided into three parcels. The subject parcel was previously zoned A-1 (General Agricultural); subsequently, on March 8, 1977, the Board of Supervisors approved County-initiated Amendment Application No. 2898, which rezoned a portion of the surrounding area, including the subject parcel, to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is currently vacant, and available County Records indicate that a permit was issued for the demolition of the former single-family dwelling and septic system on December 13, 2017.

The current Variance request, submitted on September 18, 2018, proposes to divide the existing 8.80-acre parcel into three smaller parcels ranging in size from 2.7 to 3.1 acres. A portion of the surrounding area, to the south and southeast, consists of substandard-sized parcels, some of which were created as such, and some were allowed to divide through approval of a Variance. The area to the east and northeast of the subject parcel consists of larger parcels consistent with the minimum acreage designation for the AE-20 Zone District, while the area to the south and southeast contains a number of parcels which are less than 20 acres.

At least 27 variance requests have been processed within one-mile of the subject property for the creation of substandard-size parcels. Of those, 17 were approved and 8 were denied, and 2 were unrelated to a parcel division or mapping procedure. Those 25 variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 2847 – Allow the creation of a 5-acre and a 10-acre parcel from a 15-acre parcel in the AE-20 Zone District.	Denial	PC Approved	August 2, 1984
VA No. 2990 – Allow the creation of two 2.5-acre parcels from a 5-acre parcel in the AE-20 Zone District.	Denial	PC Denied	April 24, 1986
VA No. 3177 – Allow the creation of an 11.97-acre parcel and a 3.4-acre parcel, without public road frontage, in the AE-20 Zone District. (VA No. 3362)	Denial	PC Approved	January 5, 1989
VA No. 3285 – Allow the creation of two (2) two-acre parcels in the AE-20 Zone District.	Denial	PC Approved	September 20, 1990

		BOS Denied	November, 13, 1990
VA No. 3362 – Allow the creation of a 2.01-acre and a 10.05-acre parcel from a 12.06-acre parcel in the AE-20 Zone District. (VA No. 3177)	Denial	PC Denied BOS Denied	March 26, 1992 June 16, 1992
VA No. 3413 – Allow a Property Line Adjustment between a 38.50-acre parcel and 5.19-acre parcel resulting in the reduction of an existing 5.19-acre parcel to 4 acres in the AE-20 Zone District.	Approval	PC Approved	May 20, 1993
VA No. 3482 – Allow the creation of two 5-acre parcels from an existing 10-acre parcel in the AE-20 Zone District.	Denial	PC Approved	March 16, 1995
VA No. 3483 – Allow the creation of three 5.20-acre parcels and a 10.06-acre parcel (20 acres required) from a 25.66-acre parcel of land in the AE-20 Zone District.	Denial	PC Denied BOS Approved	March 16, 1995 April 18, 1995
VA No. 3509 – Allow the creation of nine lots from a 19.92-acre parcel with a minimum lot size of two acres, with no public road frontage, concurrent with AA No. 3654 (rezone from AE-20 to Rural Residential), TT No. 4710, and EA No. 4195.	Approval	PC Approved BOS Approved	January 11, 1996 February 13, 1996
VA No. 3556 – Allow the creation of two 5.0-acre parcels, a 5.1-acre parcel and a 5.2-acre parcel (20-acre minimum required) from a 20.30-acre parcel in the AE-20 Zone District. (VA No. 3815)	Denial	PC Approved	April 3, 1997
VA No. 3579 – Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, from an existing 5.17-acre parcel in the AE-20 Zone District. (VA No. 4012)	Denial	PC Approved Approval expired	July 10, 1997
VA No. 3590 – Allow creation of a 2.50-acre and a 5.10-acre parcel with the smaller parcel having no	Denial	PC Approved	November 6, 1997

public road frontage (20 acres and 165 feet required) from an existing 7.60-acre parcel of land in the AE-20 Zone District.			
VA No.3596 – Allow a property line adjustment between two 10-acre parcels, resulting in a 6.50-acre parcel and a 13.5-acre parcel, in the AE-20 Zone District. (VA No. 3932)	Deferred to Planning Commission	PC Approved	October 16, 1997
VA No. 3618 – Allow creation of a 3.53-acre parcel, a 2.57-acre parcel, and a 2.62-acre parcel (20 acres required), each parcel having no public road frontage (165 feet required), in the AE-20 Zone District. (VA No. 3255)	Deferred to Planning Commission	PC Denied BOS Denied	November 12, 1998 December 15, 1998
VA No. 3693 – Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District. (VA No. 3895, VA No. 3773)	Denial	PC Denied	August 22, 2002
VA No. 3771 – Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 4.85-acre parcel in the AE-20 Zone District, and allow the 1.74-acre parcel without road frontage. (VA No. 4025)	Denial	PC Denied	April 22, 2004
VA No. 3773 – Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District. (VA No. 3895, VA No. 3693)	Denial	PC Denied	March 4, 2004
VA No. 3815 – Allow the creation of four parcels, 3.9, 4.5, 4.6, and 5 acres in size (minimum 20 acres required), allowing three parcels without public road frontage (minimum 165 feet required), from an existing 18.03-acre parcel in the AE-20 Zone District. (VA No. 3556)	Denial	PC Approved	October 12, 2006
VA No. 3882 – Allow creation of a 5.88-acre parcel and a 6.29-acre parcel (minimum 20 acres required) from a 12.17-acre parcel in the AE-20 Zone District.	Denial	PC Denied BOS Upheld PC denial	September 18, 2008 November 4, 2008

VA No. 3895 – Allow the creation of two parcels, each approximately 2 acres in size (minimum 20-acres required), from an existing 4.00-acre parcel in the AE-20 Zone District. (VA No. 3773, VA No. 3693)	Denial	PC Approved	July 16, 2009
VA No. 3932 – Allow creation of an approximately 3.4-acre parcel and two approximately 4.9-acre parcels from an existing 13.09-acre parcel in the AE-20 Zone District. (VA No. 3596)	Denial	PC Approved	December 12, 2013
VA No. 3952 – Allow the creation of two approximately 5-acre parcels from an existing 9.81-acre parcel in the AE-20 Zone District	Denial	PC Approved	January 9, 2014
VA No. 4012 – Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, and a lot depth-to-width ratio greater than four-to-one, from an existing 5.17-acre parcel in the AE-20 Zone District. (VA No. 3579)	Denial	PC Approved	October 20, 2016
VA No. 4025 – Allow the creation of a 2.3-acre parcel and a 2.55-acre parcel from an existing 4.85-acre parcel in the AE-20 Zone District. (VA No. 3771)	Denial	PC Denied BOS Approved	August 10, 2017 October 17, 2017
VA No. 4039 – Allow the creation of two 5-acre parcels from an existing 10-acre parcel in the AE-20 Zone District.	Denial	PC Approved W/Cond BOS Upheld approved conditions on appeal	February 15, 2018 May 1, 2018

Note: A summary of VA Nos. 3255 and 3661 shown on the Variance Map (Exhibit 5), is not included in the table above, as both were unrelated to a parcel division or mapping procedure.

ANALYSIS/DISCUSSION:

Findings 1 and 2: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20 Zone</u> District: Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel 1 (Approx. 3 acres):</u> Front: 35 feet Side: 20 feet Rear: 20 feet <u>Parcel 2 (Approx. 2.7 acres):</u> Front: 35 feet Side: 20 feet Rear: 20 feet <u>Parcel 3 (Approx. 3.1 acres</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel 1:</u> Yes <u>Parcel 2:</u> Yes <u>Parcel 3:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	There is currently no septic system on site. There is an existing water well located on proposed Parcel No. 3. Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

Reviewing Agencies/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Willow Bluff Lane is a private road and is not County-maintained.

According to FEMA, FIRM Panel No. 1040H, the parcel is not subject to flooding from the one-percent-chance (100-year) storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject property.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

While staff acknowledges that other property owners in the vicinity have been granted variances allowing the creation of parcels that were less than the minimum 20 acres required, the approval of those other variances should not be considered precedent for the approval of this or subsequent variances, but rather each request should be considered on its own merits.

In support of Finding 1, the Applicant's findings describe the subject parcel and surrounding area as having an undulating topography, with former stream channels, and a disconnected system of roads, with larger parcels located east of the subject property. The subject property and others located along the west side of Willow Bluff Road form a transition between the larger parcels to the east and the San Joaquin Flood Plain to the west. The Applicant's findings also assert that while the Fresno County Farmlands Map indicates a grazing classification for much of the surrounding area, the subject parcel itself is classified as rural residential.

With regard to Finding 1, staff does not agree that the location or topography of the subject property creates an extraordinary physical characteristic or circumstance which would require approval of the requested Variance to correct. The creation of smaller parcels and subsequent residential development have the potential to increase residential density beyond what is allowed in the AE-20 Zone District, especially considering the potential for adding second residences by discretionary approval. Additionally, staff does not agree with the Applicant's finding that all ten (10) of the parcels on the west side of Willow Bluff Road have been designated residential; rather, the classification of the subject parcel and a number of parcels to the south and southeast along Reno Road as Rural Residential in the Fresno County Important Farmlands map is likely due to the fact the parcels in question have been historically developed with single-family residences, which precipitated the reclassification of the properties, and does not reflect any change in the underlying soil classification that resulted in the surrounding area being designated as grazing land, nor with the underlying agricultural Zoning designation.

Staff also does not concur with the Applicant's Finding 1, which asserts that the value of the ten (10) existing parcels along the west side of Willow Bluff Road indicates that they are not agricultural parcels. Regardless of the Farmlands map designation, or the current size of the parcel, the underlying Zone District is the primary consideration when considering allowable land uses and property development standards. The fact that Willow Bluff Road does not currently connect with Reno Road does not itself create an exceptional circumstance on the

subject property, and although staff does acknowledge that the existence of the sixty-foot-wide non-exclusive easement running along the east side of the subject property, known as Willow Bluff Road, establishes a boundary which limits the developable area of the property, this condition is common to many other properties in the vicinity.

The subject parcel is one of ten located along the west side of Willow Bluff Road which sit atop an elevated bluff overlooking North Friant Road and the San Joaquin River flood plain to the west. The western boundary of the subject parcel is curved as it follows the adjacent roadway below the bluff, which creates an asymmetrical shape. Additionally, there is an existing Railroad easement running along the bluff, the eastern edge of which forms the western boundary of the subject parcel.

In support of Finding 2, the Applicant's findings state that this request is consistent with such right granted to other property owners in the vicinity, some of which have had variances approved allowing the creation of smaller parcels. Staff does not consider the existence of other parcels in the area which are similar in size to those proposed with this Variance to be the realization of a substantial property right of those respective property owners, nor should it be considered precedent or justification for the approval of this or subsequent variance requests in the vicinity. The Applicant's findings also state that the soil type underlying the subject property and surrounding area is not ideal for agricultural uses.

The subject parcel is located on the west side of Willow Bluff Road approximately three quarter-miles north of its intersection with Willow Avenue. The subject parcel is currently vacant, and while there is no development proposed as part of this application, the Applicant's submitted Operational Statement indicates that should this Variance be granted, the intention is to develop each resultant parcel with one single-family dwelling. The AE-20 Zone District allows for a residential density of not more than one single-family dwelling per 20-acres, although, if this Variance is approved, the owner(s) of each resultant parcel would be allowed a second residence, if so desired, subject to discretionary approval through a Director Review and Approval application.

With regard to Finding 2, staff does not believe that further division of the subject parcel, because it is already substandard in size, constitutes an exceptional circumstance that would require a Variance to correct; additionally, this proposal is not consistent with the minimum parcel size designation. At 8.80 acres, the subject parcel is similar to the other parcels along the west side of Willow Bluff Road which range in size from 2.50 acres to 9.60 acres and share a western boundary with either North Willow Avenue or North Friant Road. By contrast, most of the parcels directly east are considerably larger, consistent with the AE-20 Zoning, and range in size from approximately 16 acres to approximately 80 acres, with sparse residential development and limited agricultural production. Suffice it to say there is considerable variation in parcel sizes in this area generally, and there are no obvious physical characteristics particular to the property that are exceptional or extraordinary. Additionally, the inability of the property owner to create a parcel or parcels less than the minimum 20 acres required in this zone district does not itself constitute the deficit of a substantial property right. Other property owners in the vicinity are subject to the same requirements and restrictions with respect to the creation of a substandard-size lot.

Staff also acknowledges that although the subject parcel and most of the surrounding area is agriculturally zoned, according to the 2014 Fresno County Important Farmland map, much of the area east of Friant Road is designated as Grazing Land, with some parcels designated as Rural Residential; additionally, review of recent area imagery shows increased residential development even on some of the larger parcels.

The minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if they do not qualify under the conditions listed in Section 816.5, or unless the substandard-size parcel is approved through the Variance process. The previous residential use and nonconforming status of the subject parcel does not exempt the property from the 20-acre minimum established to protect productive farming units and limit residential density to the standards of the Zone District.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, there are no other options for division of the existing parcel into smaller lots which meet the applicable criteria in Section 816 of the Fresno County Zoning Ordinance for the creation of substandard lots. The only other feasible option would be an Amendment Application to re-zone the property to a zone district which would allow the smaller parcel sizes without the approval of a variance; however, such a request would require additional land use evaluation and approval of the Planning Commission and Board of Supervisors.

Per the Applicant’s submitted findings, the stated intention, should the variance be approved, is to create three substandard parcels of similar size, with the potential for each subsequent parcel to be developed with a single-family dwelling, and sold or otherwise conveyed. While it is acknowledged that the subject parcel is already substandard in size, staff does not believe that the ability to further divide the parcel would constitute a substantial property right of the Applicant, the deficit of which would warrant the granting of the Variance to rectify.

Therefore, staff was unable to identify any unique or exceptional circumstances applicable to the subject property, nor the deficit of a substantial property right. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	8.74 acres	Vacant	AE-20	N/A
South	9.60 acres	Single-Family Residential	AE-20	Approximately 165 feet
East	79.72 acres	Single-Family Residence	AE-20	Approximately 1,500 feet (more than one quarter-mile)

Surrounding Parcels				
West		Vacant/RR Right-of-Way/ Friant Road Right-of-Way	AE-20	
	20.62 acres	Parcel on west side of Friant Road		Approximately one half-mile

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The subject property takes access from Willow Avenue, a public road, via Willow Bluff Road, a private non-exclusive easement, with a recorded 60-foot width. If this Variance is approved, Willow Bluff Road would serve 12 individual lots.

Willow Bluff Road is currently improved with asphalt paving, measuring approximately 12 to 14 feet in width. If this Variance is approved, any subsequent development of the resultant parcels will be subject to State Responsibility Area (SRA) standards.

If the Variance is approved, allowing the creation of the three proposed parcels, the Applicant would be required to execute a covenant, running with the land, agreeing to maintain their proportionate part of the private easement designated as Willow Bluff Road. This will be a Condition of Approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1040H, the parcel is not subject to flooding from the 100-year storm.

Any additional runoff generated by future development cannot be drained across property lines and must be retained or disposed of per County standards.

The subject site is located within an SRA (State Responsibility Area) boundary, and any future development shall be in accordance with the applicable SRA Fire Safe Regulations as they apply to driveway construction and access.

A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.

Fresno County Fire Protection District: No fire requirements at this time.

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity, due to the fact that although agriculturally zoned, adjacent parcels along Willow Bluff Road are not actively farmed, and contain residential development.

In regard to Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into three smaller parcels, which would likely be developed separately with single-family dwellings; as such, there would be an increase in residential density, necessitating the installation of additional domestic wells and septic systems to serve the future development.

As the subject parcel is within a water-short area, the potential for impacts to neighboring wells exists. Accordingly, a Condition of Approval has been included, requiring that the property owner of each resultant parcel is to provide a water well and Well Yield Certification prior to the issuance of Building Permits, subject to approval by the Fresno County Department of Public Works and Planning. Additionally, the Water and Natural Resources Division has determined that adequate water supply is available to serve the proposed parcels based on available records, review of previously-prepared groundwater evaluation reports, and well yield certifications in the area. These previous tests have confirmed moderate to high levels of well production with generally rapid recovery of water surface elevations after extended periods of pumping between 4 and 72 hours. These previous results and the fact that the subject property shares similar geology based on previous well driller logs support the Division's determination.

With regard to Willow Bluff Road, the County Parcel Map Ordinance provides that property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance. These requirements will be satisfied through recordation of a parcel map to create the subject parcels subsequent to the approval of the Variance. The Applicant may apply for an exception request from the road standards through the parcel map process.

Staff concurs that there will be no additional impact to surrounding properties, provided the newly-created parcels meet water supply requirements according to General Plan Policy PF-C.17 pertaining to areas identified as water-short, the Applicant obtains a well yield test certification prior to the issuance of building permits for any proposed development, and that subsequent development of the resultant parcels complies with all applicable State Responsibility Area (SRA) Fire Safe Regulations.

This Variance request, if granted, would allow the division of an 8.80-acre parcel into three smaller parcels containing 2.7, 3.0 and 3.1 acres, respectively. According to the Applicant's Operational Statement and Findings, if the Variance is approved, the resulting parcels would be developed with a single-family residence, each having its own well and septic system which would allow them to function independently of each other.

Staff believes that there will be no adverse impacts on neighboring properties; therefore Finding 3 can be made.

Recommended Conditions of Approval:

See recommended Conditions attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of the three smaller parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.9: The County may allow the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <ul style="list-style-type: none"> a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and b. One of the following conditions exists: <ul style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, and there is only one (1) gift lot per twenty (20) acres; or 	<p>Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot or homesite parcel.</p>

Relevant Policies:	Consistency/Considerations:
<p>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</p> <p>Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated. c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or 	<p>Review by the Water and Natural Resources Division has determined that, as the subject parcel is in an area defined as being water-short, any future development on the proposed parcels will require that at minimum a well yield certification be performed and approved for each well constructed on the three proposed lots, and may require a more thorough hydrologic investigation to determine impacts to surrounding water users prior to the issuance of Building Permits. Additionally, the Division has determined that adequate water supply is available to serve the proposed parcels based on available records, review of previously-prepared groundwater evaluation reports, and well yield certifications in the area. These previous tests have confirmed moderate to high levels of well production with generally rapid recovery of water surface elevations after extended periods of pumping between 4 and 72 hours. These previous results and the fact that the subject property shares similar geology, based on previous well driller logs, supports the Division’s determination.</p>

Relevant Policies:	Consistency/Considerations:
significant economic hardship to surrounding water users.	
General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.	Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcels are adequate to support individual on-site sewage disposal systems.

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agriculture in the General Plan. Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture. Additionally, General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject property is located within an area defined as being water-short. If this Variance request is approved, future requirements for any development on the subject parcel shall include that a well yield certification test be performed and approved prior to the issuance of building permits.

Analysis

In support of Finding 4, the Applicant states that development in the area has not been consistent with the General Plan and the Zoning Ordinance regarding restrictions on the creation of substandard-size parcels, and that this proposal would be consistent with the creation of “estate”-size lots which has taken place in the vicinity.

General Plan Goal LU-A is “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.” Staff acknowledges that the subject parcel is designated as Rural Residential in the 2014 Fresno County Important Farmland Map, however, this designation is reflective of its historic development with a single-family dwelling, and not a change in the General Plan Designation or underlying Zone District.

Staff does not concur with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. The General Plan contains certain policy provisions which allow for the creation of substandard-sized lots for the creation of home site parcels, subject to certain specific criteria; specifically, Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. The relevant policies and criteria are listed in the preceding table. In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot.

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, the Policy states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception. This parcel had been previously improved with a single-family dwelling, which has since been removed, and review of publicly-available historic aerial imagery dating from 1998 to present suggests that it has not been used for agricultural purposes recently.

The subject parcel is not restricted under a Williamson Act Contract.

Based on the above analysis, Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff does not believe Findings 1, 2, and 4, required for granting the Variance, can be made, based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4058.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4058; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4058, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1

**Variance Application (VA) No. 4058
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	A water well and Well Yield Certification shall be required prior to the issuance of Building Permits for any proposed parcel on which Building Permits are requested.
3.	The property owner shall execute a covenant, running with the land, agreeing to maintain their proportionate part of the private easement designated as Willow Bluff Road.

Conditions of Approval reference recommended Conditions for the project.

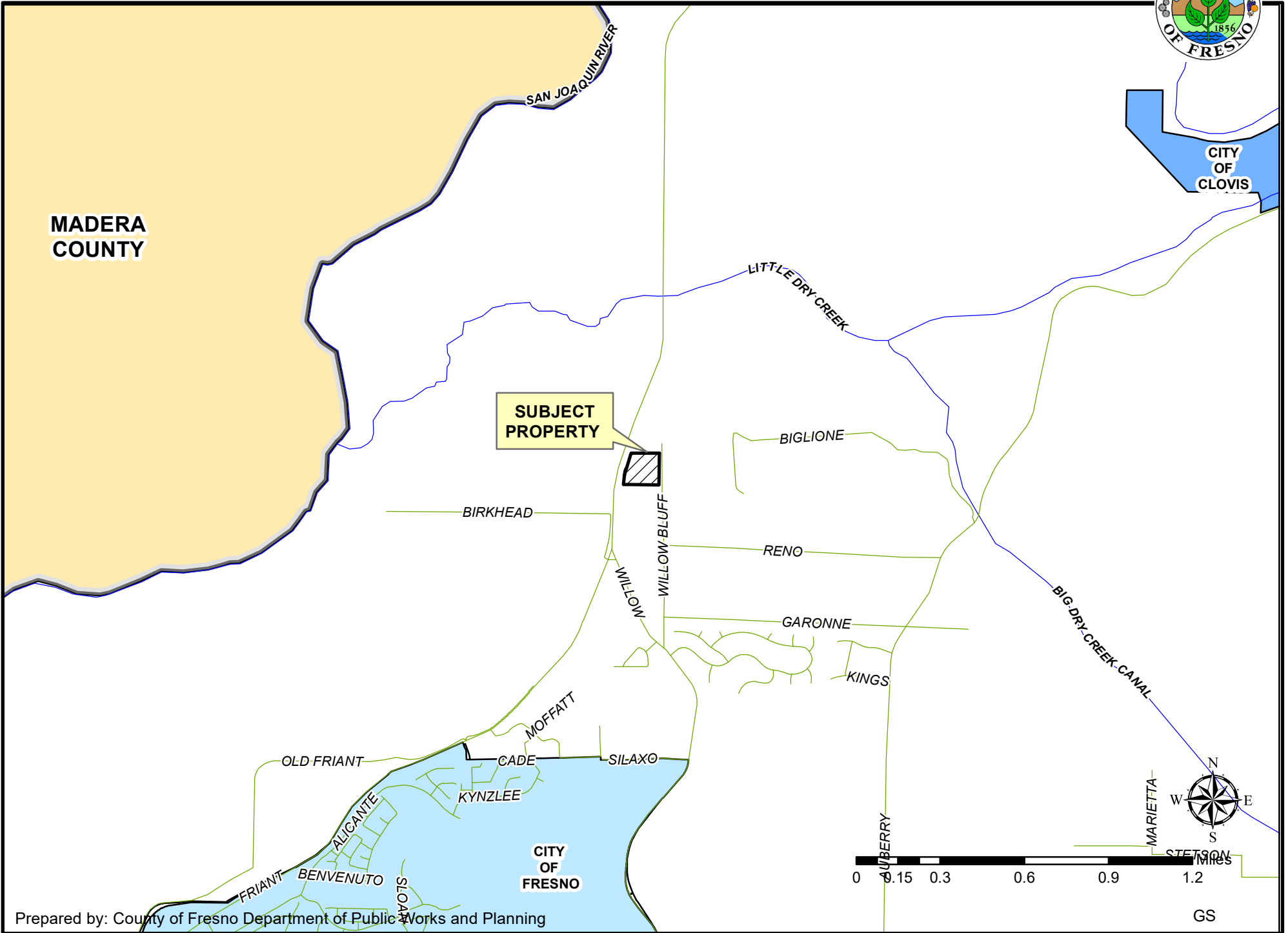
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the three proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately-licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
6.	The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance including dedication, acquisition of access easement, roadway improvements, and roadway maintenance."

EXHIBIT 1

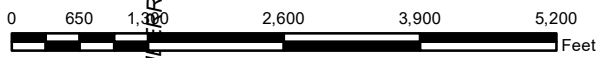
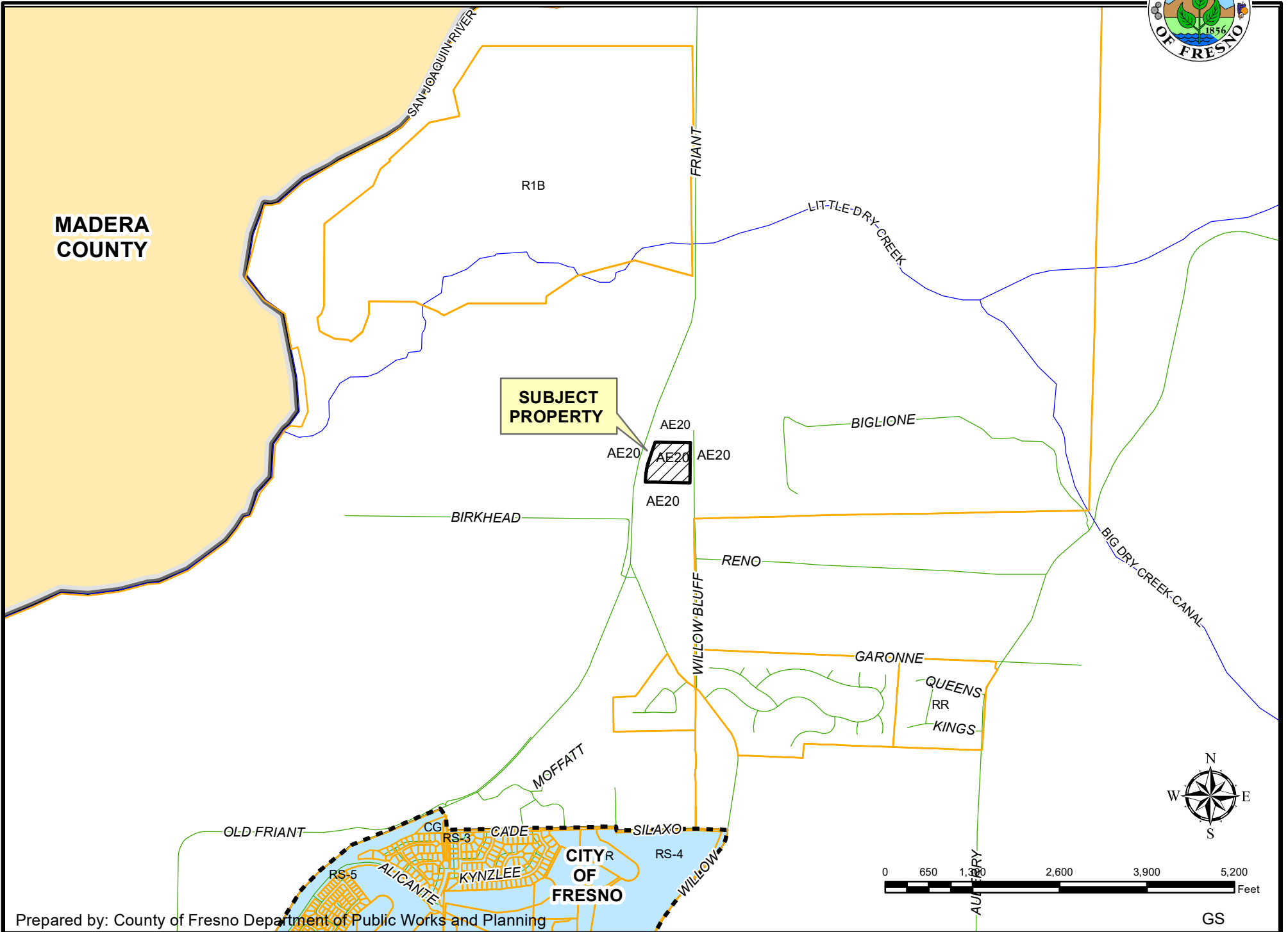
Notes

	These requirements will be satisfied through recordation of a parcel map to create the subject parcels subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.
7.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
8.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
9.	The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and is therefore subject to all applicable Fire Safe Regulations and standards, including, but not limited to, building setbacks, driveway construction, turnaround area, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. Accordingly, any future development of the property or resultant parcels shall be subject to applicable SRA Fire Safe Regulations.

LOCATION MAP



EXISTING ZONING MAP

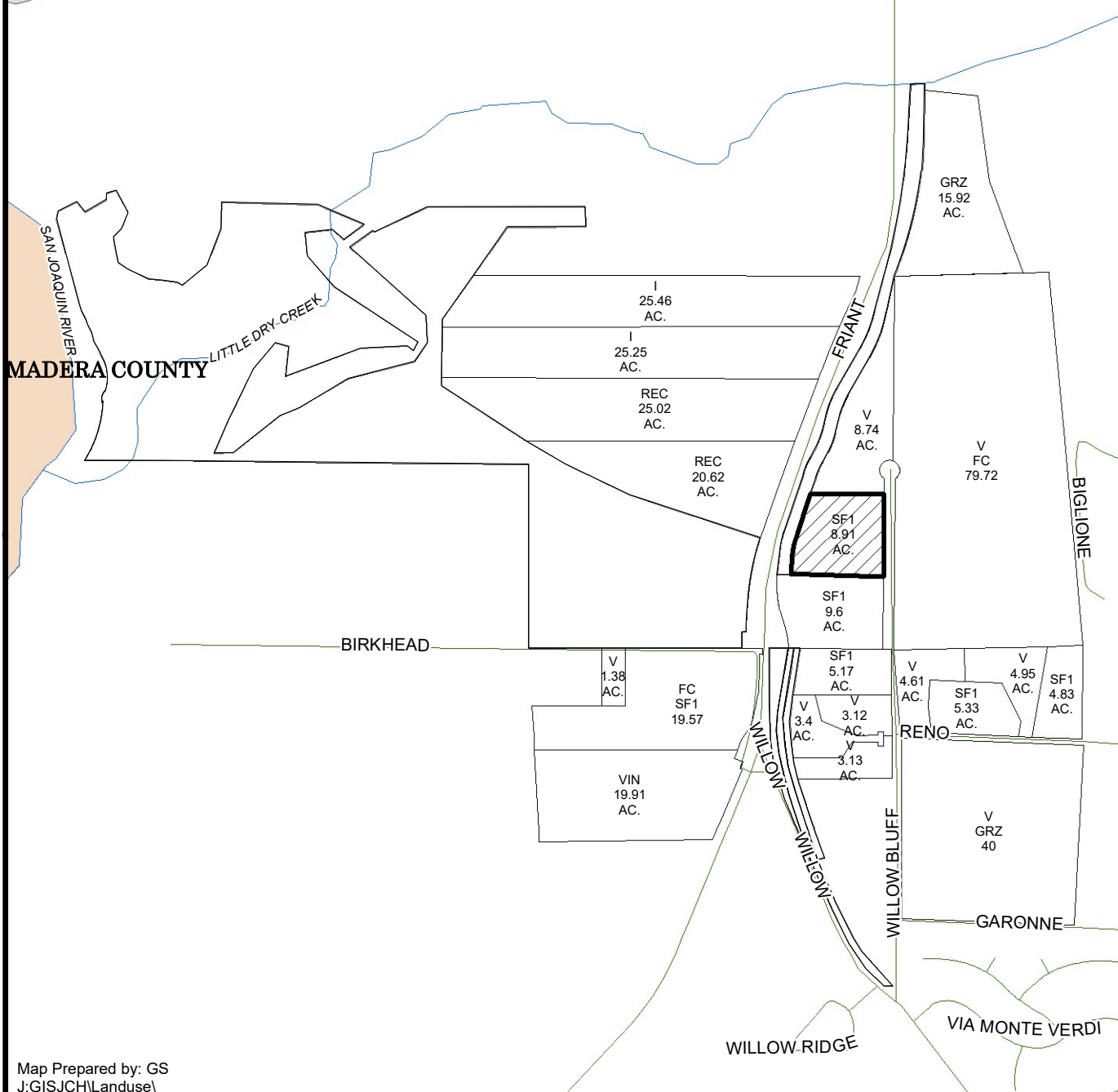


VA4058

EXISTING LAND USE MAP



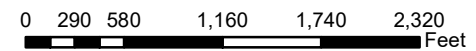
MADERA COUNTY



LEGEND	
FC	FIELD CROP
GRZ	GRAZING
I	INDUSTRIAL
REC	RECREATION
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

LEGEND:

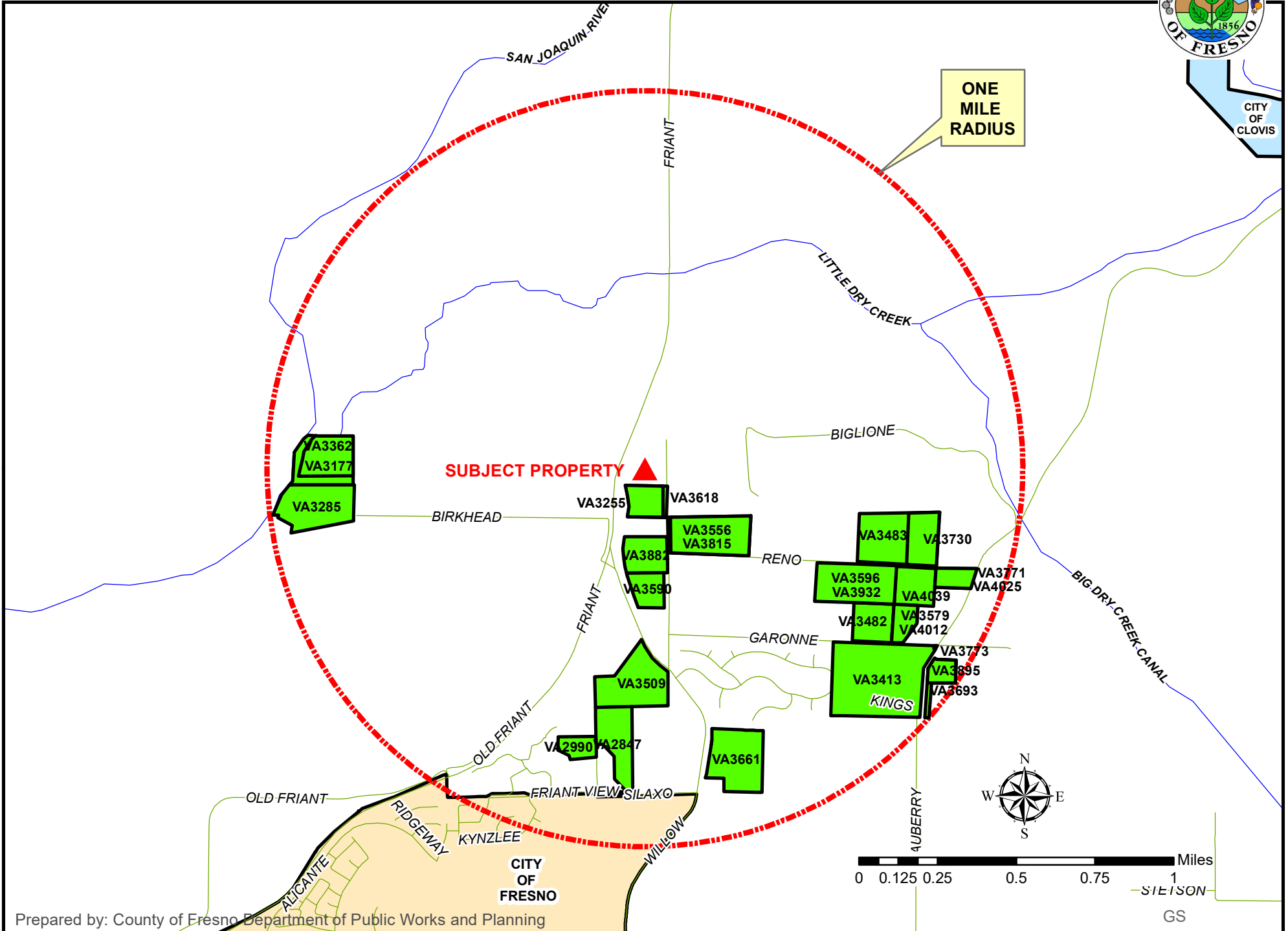
- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
J:GISJCH\Landuse1

APPROVED VARIANCES WITHIN A ONE MILE RADIUS



LEGEND

- WELL EXISTING WELL
- UP EXISTING UTILITY POLE
- CB EXISTING CABLE BOX
- GW EXISTING GUY WIRE
- BOUNDARY LINE OF SUBJECT PROPERTY
- - - - PROPOSED DIVISION LINE
- - - - RIGHT-OF-WAY LINE

NOTES

1. NO BUILDINGS EXIST ON SITE.
2. NO SPECIFIC IMPROVEMENTS ARE PLANNED FOR THIS SITE.
3. WATER WILL BE OBTAINED FROM ONSITE WELLS.
4. NO BUILDINGS ENCROACH OVER EXISTING OR PROPOSED PROPERTY LINES.
5. ALL PROPOSED PROPERTY LINES ARE AT LEAST 5" FROM ANY EXISTING FENCES.

SITE PLAN FOR VARIANCE APPLICATION

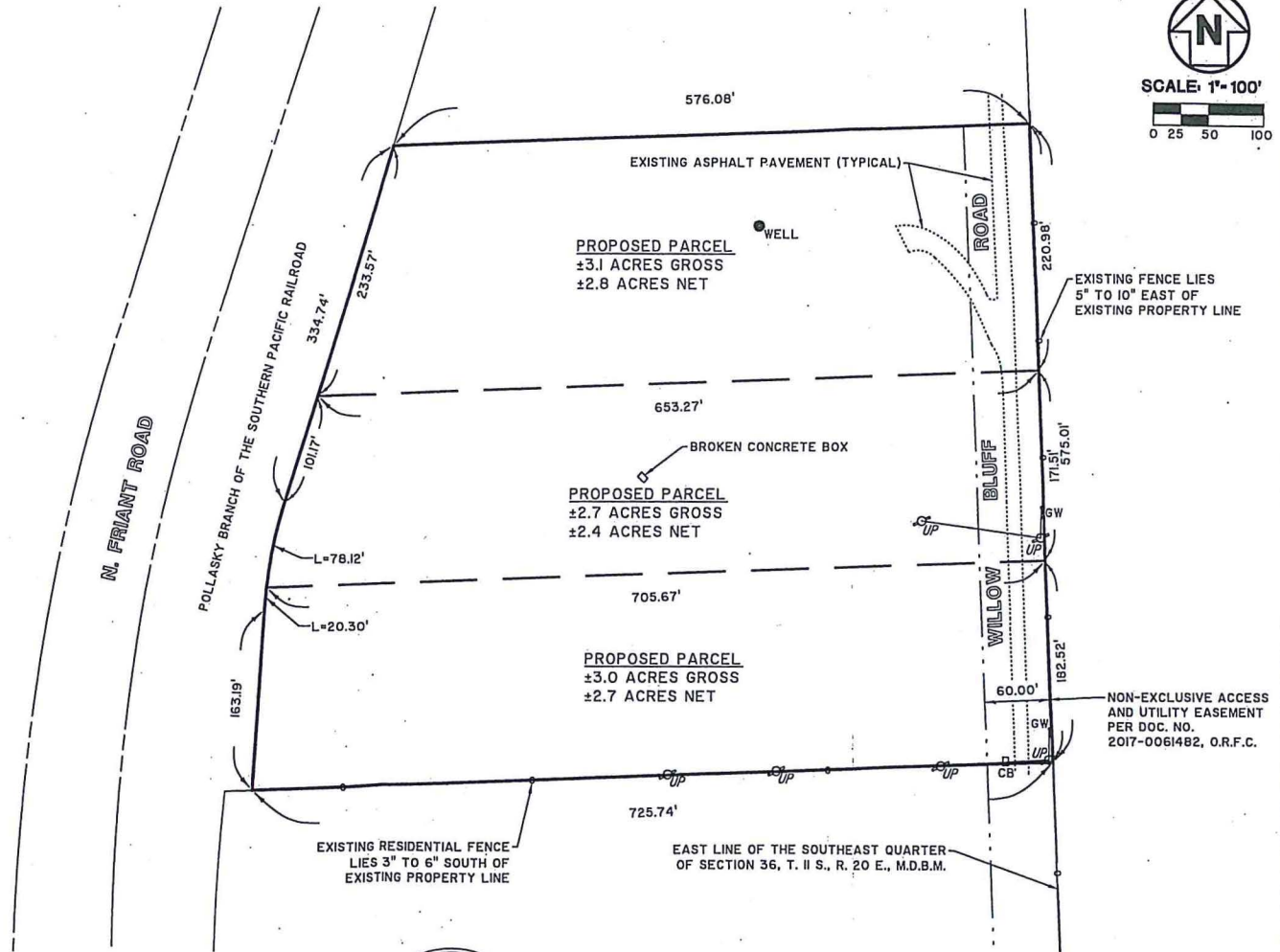
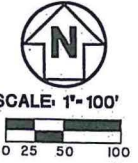
PREPARED FOR:
APN 300-070-33
 13152 N. WILLOW BLUFF ROAD
 CLOVIS, CA 93619



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DATE:	AUGUST 23, 2016
DRAWN BY:	RCS
CHECKED BY:	MSH
PROJECT NO.:	18-4706
DRAWING NO.:	VARIANCE SITE PLAN
SHEET NO.:	1
SHEET 1 OF 1 SHEET(S)	



VARIANCE FINDINGS

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

All of the land lying east of N. Friant Avenue alignment can be defined as undulating land with a number of former stream channels and the land east of the Willow Bluff Road is not connected to the Willow Bluff Road parcels because of the interruption of Reno Avenue. The eastern area has larger parcels than the Willow Bluff parcels even though both have underlying agricultural zoning. The 10 Willow Bluff properties are in a unique transition area between the larger parcels to the east and the San Joaquin River Flood plain area to the west and are smaller in size. These parcels also have a commanding 80' to 100' view shed over the river bottom that is not available to parcels to the east.

While the Fresno County Farmland Map suggests that the area be classified as grazing, the Fresno County Assessor designated all 10 parcels as residential and the parcel in question has a value of \$535,000; clearly not an agricultural parcel.

2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the application, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

A recent February Planning Commission discussion that analyzed this area in conjunction with parceling to the east primarily related to Reno Avenue frontage found that 19 variances have been processed and 14 have been approved, followed by the approval of the variance being considered.

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

The proposed variance will reflect the current land division trend now occurring in the area and the County will require improvements that will meet any service issues that may arise during their evaluation. The parcel in question had a home (which has been demolished) and that home had adequate sewer and water services. Several homes do exist south of the parcel in question with services, one of which was just constructed near the Willow Bluff Road entrance. A possible

extension of the private road may connect in the future to Friant Road at a designated location near the Volcan Sand and Gravel operation.

4. The granting of such a Variance will not be contrary to the objectives of the General Plan.

We have an unusual situation here in that the majority of development activity in the surrounding area over the last two decades has not been in keeping with the General Plan designation or underlying zoning. The Board of Supervisors has recognized this and has directed staff to “rethink” their area and make changes that are more reflective of the current activity in the area. We expect that there may be one new designation east of Willow Bluff Road and another on the transition area west of Willow Bluff Road.

Therefore this finding should be judged on the proposed intent of the Board of Supervisors.

Our request would generate 3 parcels, one parcel would be 3.1 gross acres, one would be 3.0 gross acres and one would be 2.7 gross acres. A review of the history of land division finds that the 10 parcels on the west side of N. Willow Bluff Road range in size from 2.5 acres to 9.49 acres at the present time. None of these parcels are reflective of the underlying AE-20 zone district and reflect an evolving change in the area to Estate Size Bluff View lots. The entry to N. Willow Bluff Road is bounded by the 81.60 ac, 125 lot Monte Verdi subdivision, zoned R-1-B, low density on the east side of the road and a rural residential subdivision on the west.

OPERATIONS STATEMENT

Pre-Application Review #39335
Submitted: November 16, 2017
Fees Paid

APN 300-070-33

Location: 13152 N Willow Bluff Road, Clovis, CA 93619

The proposal is to process a variance to reduce the Fresno County lot size requirements to allow the creation of three parcels from a 8.91 acre parcel in the existing AE-20 (Exclusive Agricultural, 20 acres minimum parcel size) Zone District. The three parcels would be developed with one residential unit per parcel. The residential use shall be 24-7 with no customers, employees or service or delivery vehicles. Access to the parcels would be from N. Willow Bluff Road, a private road. No commercial activity would occur on the new parcels. Therefore, no employee parking, goods sold, on site equipment or material storage will occur on site. The residential use will not cause an unsightly appearance and no solid or liquid wastes, other than normal residential amounts will be produced.

Water use is estimated to be 400 gallons per day from on-site pumping.

Construction on the parcels would be standard residential units, size and design to be determined by future owners. There will be no advertising on site and no structures are currently on the site. The previous residential unit has been removed. The future owners will also determine the extent of outdoor lighting, sound amplification, landscaping and fencing.

Ownerships – see attached Grant Deed, Title Report and 2017-18 tax statement.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 March 28, 2019

SUBJECT: Variance Application No. 4061

Waive the required six (6)-foot-high solid masonry wall (abutting residential zoning) to allow a six (6)-foot-high chain-link fence with privacy inserts on a 3.57-acre lot in the M-1(c) (Light Manufacturing, Conditional) Zone District.

LOCATION: The subject parcel is located south of Dudley Avenue approximately 1,072 feet west of its nearest intersection with Marks Avenue, westerly adjacent to the city limits of the City of Fresno (Sup. Dist. 1) (APN 449-110-23).

OWNER: Larry S. and Shelly R. Rompal, Trustees
APPLICANT: Larry Rompal

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance Application No. 4061; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variance One-Mile Radius Map
6. Site Plan and Fencing Plan
7. Fence Elevation
8. Correspondence
9. Resolution approving General Plan Amendment No. 551 and Amendment Application No. 3823
10. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Light Industrial	No Change
Zoning	M-1(c)	No Change
Parcel Size	3.57 acres	No Change
Project Site	N/A	N/A
Structural Improvements	No existing structural improvements	Storage building and six (6)-foot chain-link fence with privacy inserts
Nearest Residence	The project site is currently located between three residences. The closest is approximately twenty-five (25) feet to the east.	No Change
Surrounding Development	Single-Family Residences, Industrial and a Fresno Metropolitan Flood Control District (FMFCD) water basin	No Change
Operational Features	N/A	N/A
Employees	N/A	N/A

Criteria	Existing	Proposed
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL ANALYSIS:

The proposed use was evaluated by Initial Study Application No. 7298, and a Mitigated Negative Declaration was recommended. The Mitigated Negative Declaration was adopted by the Board of Supervisors with approval of General Plan Amendment No. 551 and Amendment Application No. 3823 on May 8, 2018. Minor impacts relating to noise, dust and aesthetics are identified with this project proposal, but based on existing Mitigation Measures and design features, staff has determined that no substantial change or new information of substantial importance has come to light. Additional environmental analysis is not required for this project under Section 15162 of the California Environmental Quality Act.

Section 15162 of the California Environmental Quality Act states that no subsequent Environmental Impact Report (EIR) shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation Measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or
 - d. Mitigation Measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative.

PUBLIC NOTICE:

Notices were sent to 78 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877.A are made by the Planning Commission.

The decision of the Planning Commission on a VA is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The Planning Commission, on March 15, 2018, recommended to the Board of Supervisors the approval of General Plan Amendment (GPA) No. 551 that would amend the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating the project from Rural-Density Residential to Limited Industrial, approval of Amendment Application (AA) No. 3823 which would rezone the subject parcel from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District. The Board of Supervisors hearing was held on May 8, 2018 during which the Board approved GPA No. 551 and AA No. 3823.

The proposed Variance will waive Section 843.5.H.1 of the Fresno County Zoning Ordinance that requires a six (6)-foot-high solid masonry wall be erected along the property line of an M-1 lot, which is a district boundary between the M-1 District and any residential district. The Applicant proposes to install six (6)-foot-high chain-link fencing with privacy inserts instead of the masonry wall to meet the required buffer between the industrial and residential districts.

The subject parcel was created as Lot No. 100 of the West Fresno Tract, which was recorded on May 2, 1905. At that time, the property was 4.75 acres in size and was zoned A-2 (General Agriculture). On April 7, 1980, the subject parcel and surrounding area were rezoned from A-2 to RR(nb) (Rural Residential, Neighborhood Beautification Overlay) by means of Amendment Application No. 3138, which was initiated by the County. On May 8, 2018, the Board of Supervisors approved GPA No. 551 and AA No. 3823 for the rezone of the project area from the RR(nb) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District and to amend the General Plan and County-adopted Fresno High-Roeding Community Plan to re-designate the subject parcel from Rural-Density Residential to Limited Industrial.

There are sixteen (16) past variance requests within a one-mile radius of the project site. No approved variance requests within a one-mile radius of the project site were related to the project proposal.

Although there is a history of variance requests within proximity of the project site, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity

having the identical zoning classification.

Finding 2: Such Variance is necessary for the preservation and employment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	<p>Front: On any street or highway that is a boundary between an M-1 District and any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading.</p> <p>When the side lot line in an M-1 District adjoins any residential district there shall be a front yard of not less than fifteen (15) feet. This yard shall not be used for parking or loading.</p> <p>Side: When the side lot line of a lot in an M-1 District adjoins any residential district there shall be a side yard of not less than fifteen (15) feet. Said side yard may be used for parking and storage provided no material therein exceeds a height of six (6) feet.</p> <p>Rear: None unless M-1 District is adjoining a residential district.</p>	<p>Front: No change</p> <p>Side: No change</p> <p>Rear: No change</p>	Y
Parking	<p>One (1) off-street parking space for each two (2) permanent employees. Such spaces shall be located within three hundred (300) feet of the property served. In addition, there shall be at least one (1) parking space</p>	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	for each truck operated by the concern and one (1) parking space for each sales person permanently employed.		
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No requirement	No change	Y
Wall Requirements	A six (6)-foot-high solid masonry wall shall be erected along the property line of an "M-1" lot which is a district boundary between the "M-1" District and any residential district.	Erect a six (6)-foot chain-link fence with privacy inserts along the property line of an "M-1" lot which is a district boundary between the "M-1" district and any residential district.	N
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Dudley Avenue is classified as a Local road with an existing 20-foot right-of-way south of the centerline along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way south of the centerline is 30 feet.

Dudley Avenue is a County-maintained road. Records indicate this section of Dudley, from 0.312 mile east of Valentine centerline to Valentine, has an ADT of 200, pavement width of 19.1 feet, structural section of 0.2 feet AC, and is in good condition.

Typically, any access driveway should be set back a minimum of 10 feet from the property line. **This shall be included as a Project Note.**

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. **This shall be included as a Project Note.**

For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. **This shall be included as a Project Note.**

10-foot x 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Dudley Avenue. **This shall be included as a Project Note.**

According to FEMA, FIRM Panel 06019C1565H, the parcel is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

The project is located within the FMFCD Boundary and Drainage Zone District UU3. FMFCD should be consulted for their requirements, and any additional runoff generated by development cannot be drained across property lines. **This shall be included as a Project Note.**

Typically, if the subject property is within the City Sphere of Influence (SOI), the City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line. **This shall be included as a Project Note.**

A grading permit or voucher may be required for any grading proposed with this application. **This shall be included as a Project Note.**

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Design Division of the Fresno County Department of Public Work and Planning: Screening shall be set back from the street-fronting property line to match the beginning of the adjoining residential side yards. This will ensure adequate sight distance for vehicles exiting the project site. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The fencing along the side yard should not obstruct the driveway visibility of the adjacent parcels. The side-yard fencing should stop at a point 20 feet behind the right-of-way line. **This shall be included as a Project Note.**

The gate for the site is shown at a distance of 149 feet from the right-of-way line. This setback should provide sufficient queueing length for any vehicles that may be stopped in the driveway to open the gate.

Any work within the road right-of-way will require an encroachment permit from this Division. **This shall be included as a Project Note.**

Zoning Section of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant states that other M-1 (Light Manufacturing) zone districts

in the vicinity of the project area have at most two property lines that are a district boundary with residential zone property. Additionally, the subject property is irregularly shaped compared to other similarly-zoned parcels in the vicinity of the project area. The Applicant also states that the subject property is potentially responsible to construct approximately 1,171+/- linear feet, while other M-1 parcels in the vicinity would be responsible for less than 350 linear feet.

In support of Finding 2, the Applicant states that no other M-1-zoned property on West Belmont that has property lines adjacent to residentially-zoned properties have masonry walls. Based on that knowledge, if the requested Variance is granted, the Applicant states that the proposal will be consistent with existing uses in the area.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the masonry wall requirement is unique in that alternatives are limited, essentially to building the wall as required or relocating the project to another site that is located in an area without adjacent residential zoning. Staff acknowledges, however, that the alternative may not be feasible.

In regard to Finding 1, staff concurs with the Applicant's statement that the project site is located on an irregular-shaped parcel compared to other similarly-zoned parcels in the vicinity and that the project site is subject to more residential property lines compared to similarly-zoned parcels in the vicinity. However, staff would like to note that the subject property was willingly rezoned from the R-R (Rural Residential) Zone District to the M-1(c) (Light Manufacturing, Conditional) Zone District. After the rezone was approved, the subject parcel would be subject to any and all development standards of the new zone district, and this was accepted by the Applicant of the rezone and the owner at the time. Although staff concurs with the Applicant's statement that the parcel is irregularly shaped and is subject to more residential property lines compared to other similarly-zoned properties in the area, staff does not believe there are extraordinary circumstances due to the previous rezone (GPA No. 551 and AA No. 3823) being applied for and subsequently approved. Therefore, staff does not believe Finding 1 can be made.

In regard to Finding 2, the Applicant states that other similarly-zoned parcels in the vicinity do not meet the Zoning Ordinance requirement, and if the Variance request is approved, the project site will be consistent with fencing on other similarly-zoned parcels. Staff does not necessarily agree that because other similarly-zoned parcels are not meeting the development standards of the zone district, the subject property should be held to standards of the vicinity instead of development standards in the Zoning Ordinance. Staff does not concur with the Applicant's finding that due to the aforementioned situation, a substantial property right is being encroached upon and the Variance request will rectify the situation. Therefore, staff does not believe Finding 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 and 2 cannot be made.

Finding 3: *The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	0.43 acre	Single-Family Residence	R-R(nb)	Approximately 27 feet
	1 acre	Single-Family Residence	R-R(nb)	Approximately 32 feet
	3.75 acres	Single-Family Residence and Vineyard	R-R(nb)	Approximately 146 feet
South	4.69 acres	Commercial/Professional Office	M-1	Approximately 877 feet
East	4.75 acres	Ponding Basin	City of Fresno	Approximately 1,046 feet
West	2.32 acres	Single-Family Residence	R-R(nb)	Approximately 52 feet

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: As noted in the Mitigation and Monitoring Reporting Program, Initial Study No. 7298 prepared for GPA No. 551 and AA No. 3823:

- Storage of trucks shall be prohibited on the subject parcel.
- The subject parcel shall be limited to a contractor storage yard and the owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as APN 449-110-12.
- Vehicular access to the subject parcel from Dudley Avenue will be for emergency vehicles only.

These will be included as a Project Note.

The operations on the subject parcel shall comply with the Fresno County Noise Ordinance.

This shall be included as a Project Note.

Fresno Irrigation District: Fresno Irrigation District (FID) does not own, operate, or maintain any facilities located on the subject property.

For informational purposes, Fresno Irrigation District’s active Victoria Colony – E. Br. No. 43 runs southerly and crosses Dudley Avenue approximately 650 feet west of the subject property. Should this project or any future project on the subject property require any street and/or utility improvements along Dudley Avenue or in the vicinity of this facility, FID requires it review and approve all plans. **This shall be included as a Project Note.**

Fresno Metropolitan Flood Control District: Future development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm

water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. **This shall be included as a Project Note.**

Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed. **This shall be included as a Project Note.**

Kings River Conservation District: No comment.

North Central Fire Protection District: No comment.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the proposal would provide a chain-link fence that meets height requirements set by the Zoning Ordinance, and that the privacy inserts will shield the use on the property from the adjoining properties in the same way a masonry wall would. Additionally, the Applicant states that on-site lighting on the project site is required to be shielded and contained within the project area, which is the case whether a masonry wall is required or not. With those factors, the Applicant states that the requested Variance should not be materially detrimental to the public welfare, or injurious to property and improvements in the area.

In regard to Finding 3, the masonry wall requirement is intended to create a physical barrier to reduce adverse impacts, such as noise, dust, and unfavorable aesthetics that may occur due to the nature of the industrial operation between the residential and industrial areas. The proposed six (6)-foot-high chain-link fence with privacy inserts will provide the visual screening that will separate the residential and industrial use, however, staff does have concerns about the potential noise and dust impacts that a solid masonry wall would mitigate compared to a chain-link fence with privacy inserts. Staff would like to note that the Applicant has submitted signed letters from three property owners of the adjacent residential properties supporting the Variance request.

While the adjacent residential property owners have provided support for the Variance, staff has reservations with regard to noise and dust impacts even though the chain-link fence and privacy inserts will provide a visual screen of the industrial use from the surrounding residential neighborhood. Although there is support from the adjacent residential property owners, they are not the only properties being affected by the Variance request. Considering the potential dust and noise impacts and the amount of residential properties in the vicinity of the project area, staff believes that the granting of the Variance could be materially detrimental to the public welfare. Therefore staff believes that Finding 3 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 cannot be made.

Finding 4: *The granting of such Variance will not be contrary to the objectives of the Fresno County General Plan.*

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning:
Review of the subject application indicates that there are no General Plan or Williamson Act issues.

Analysis:

In support of Finding 4, the Applicant states that there are no known General Plan objectives that would be in conflict with the approval of the requested Variance.

In regard to Finding 4, the project site was rezoned to the M-1(c) (Light Manufacturing, Conditional) Zone District by AA No. 3823 and designated limited industrial by approval of GPA No. 551. Staff analysis indicates that there are no conflicts with the General Plan and adopted Fresno High–Roeding Community Plan.

Based on these factors, staff believes that the Variance, if approved, will not be contrary to the objectives of the Fresno County General Plan; therefore, Finding 4 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

Staff received three letters of support for the Variance which are attached as Exhibit 8.

CONCLUSION:

Based on the factors cited in the analysis, staff believes that required Findings 1, 2, and 3 of the Variance Application cannot be made. Staff therefore recommends denial of Variance No. 4061.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4061; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4061, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:ksn

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**Variance Application No. 4061
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan and Elevations approved by the Planning Commission.
2.	All previously-approved Conditions of Approval and Projects Notes regarding General Plan Amendment (GPA) No. 551 and Amendment Application (AA) No. 3823 will still apply to the subject property.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and requires that:</p> <ul style="list-style-type: none"> • Typically, any access driveway should be set back a minimum of 10 feet from the property line. • Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. • Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. • For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. • 10-foot x 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Dudley Avenue. • The project is located within the FMFCD Boundary and Drainage Zone District UU3. FMFCD should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line. • Typically, if the subject property is within the City Sphere of Influence (SOI), the City of Fresno should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line. • A grading permit or voucher may be required for any grading proposed with this application.
2.	Screening shall be set back from the street fronting property line to match the beginning of the adjoined residential side yards. This will ensure adequate sight distance for vehicles exiting the project site.
3.	The fencing along the side yard should not obstruct the driveway visibility of the adjacent parcels. The side-yard fencing should stop at a point 20 feet behind the right-of-way line.
4.	Any work within the road right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.
5.	<p>The Department of Public Health, Environmental Health Division has reviewed the subject application and will require that:</p> <ul style="list-style-type: none"> • Storage of trucks shall be prohibited on the subject parcel. • The subject parcel shall be limited to a contractor storage yard and the owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as APN 449-110-12. • Vehicular access to the subject parcel from Dudley Avenue shall be for emergency vehicles only. • The operations on the subject parcel shall comply with the Fresno County Noise Ordinance.

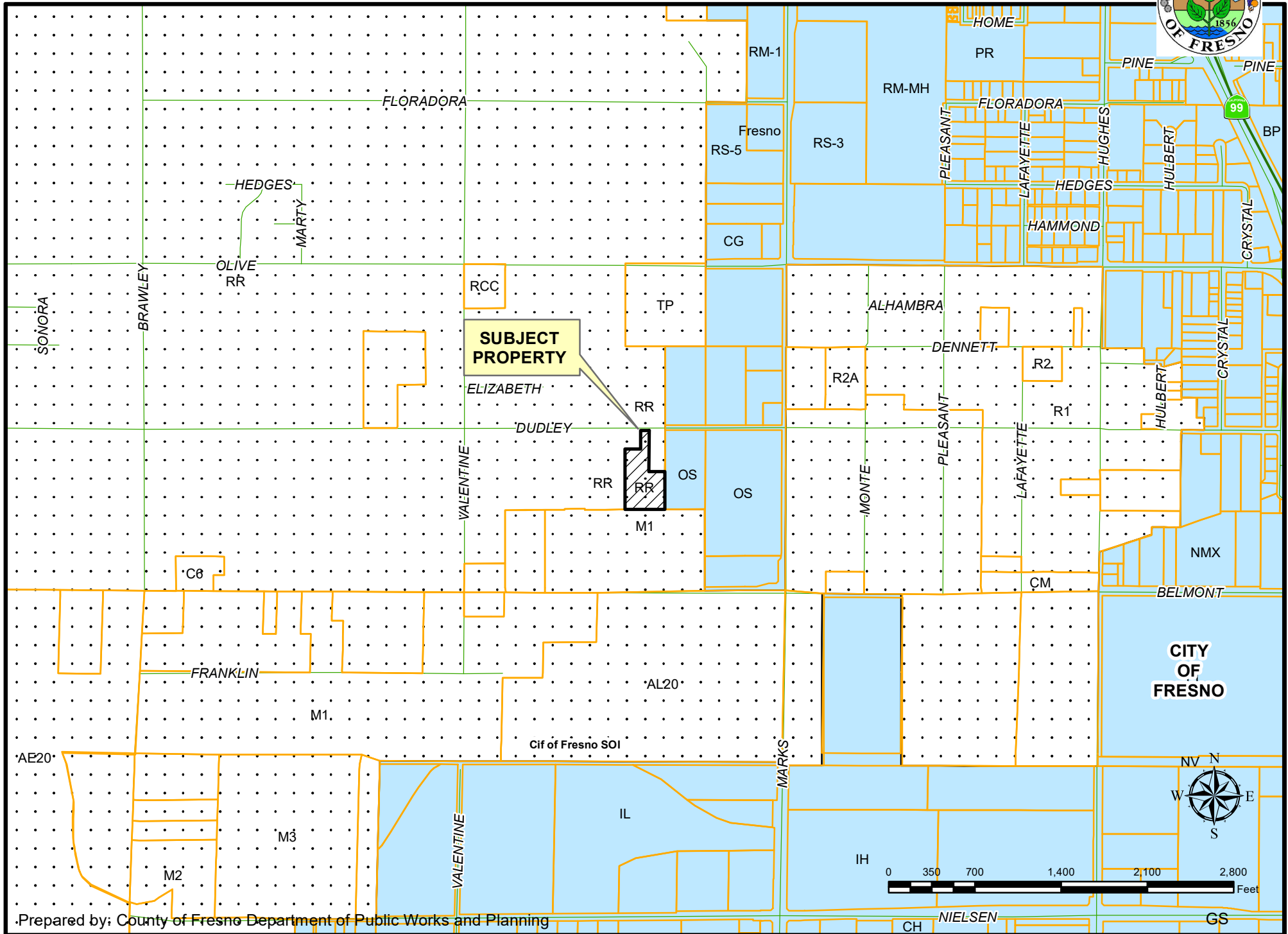
EXHIBIT 1

Notes	
6.	For informational purposes, Fresno Irrigation District's active Victoria Colony – E. Br. No. 43 runs southerly and crosses Dudley Avenue approximately 650 feet west of the subject property. Should this project or any future project on the subject property require any street and/or utility improvements along Dudley Avenue or in the vicinity of this facility, FID requires it review and approve all plans.
7.	Future Development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a site plan and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
8.	Due to the subject parcel being located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed.

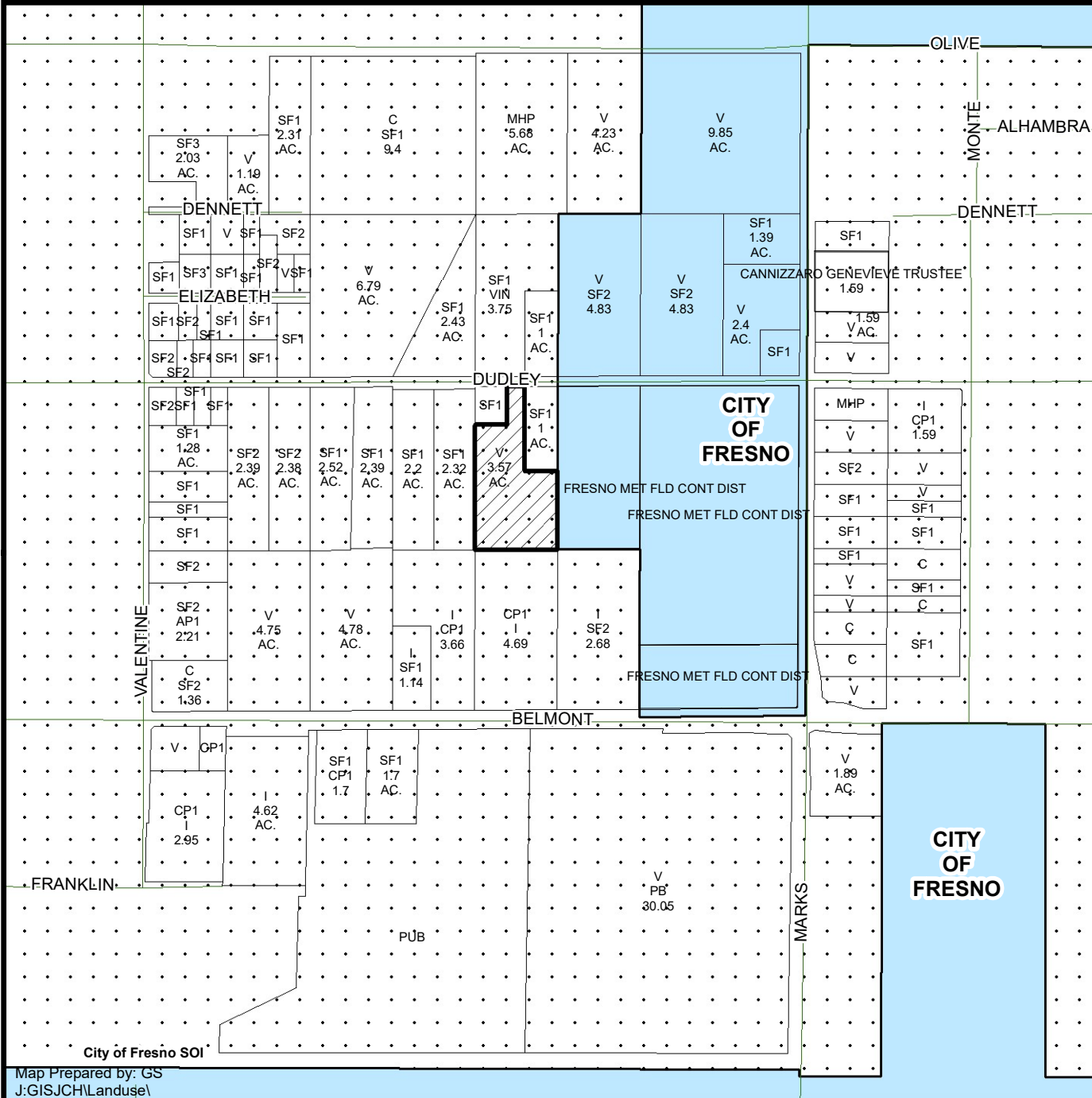
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EXISTING ZONING MAP



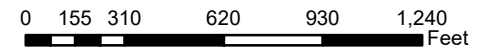
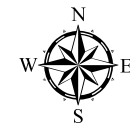
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
CP#	- OFFICE COMM./PROF
I	- INDUSTRIAL
PONDING BASIN	
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
PUB	- PUBLICLY OWNED
MHP	- MOBILE HOME PARK

LEGEND:

- Subject Property
- City of Fresno SOI



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
J:GISJCH\Landuse1

APPROVED VARIANCES WITHIN A ONE MILE RADIUS

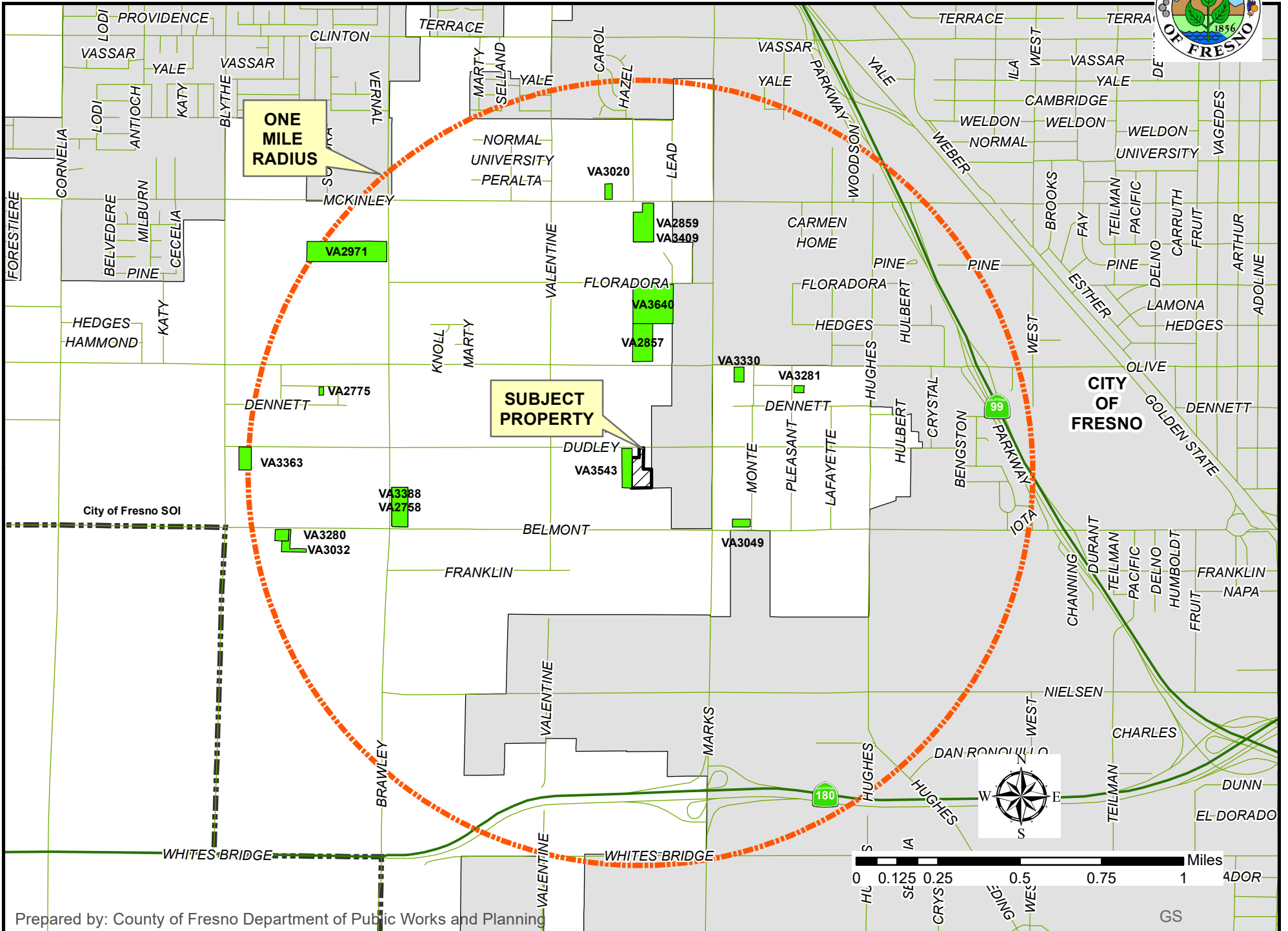
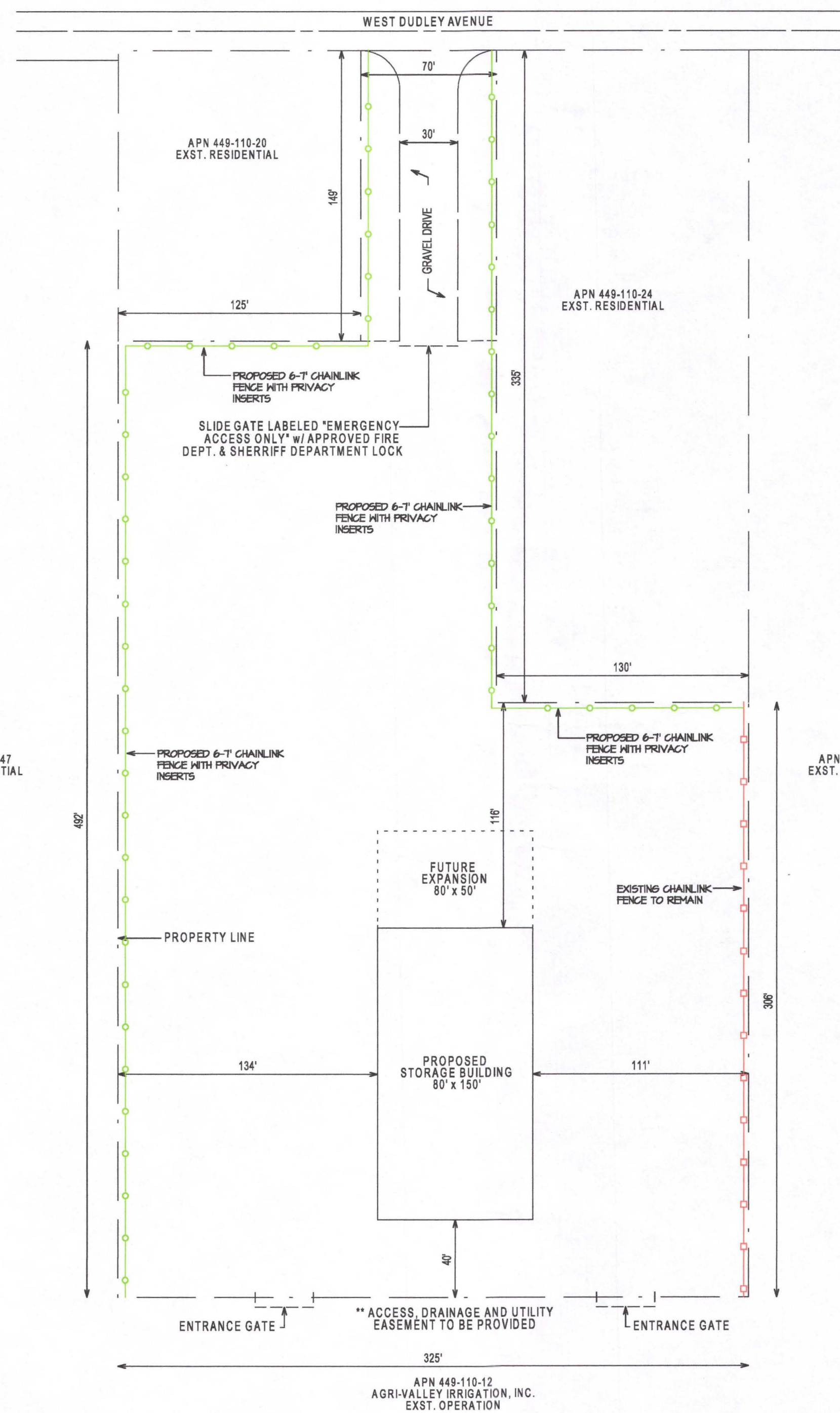
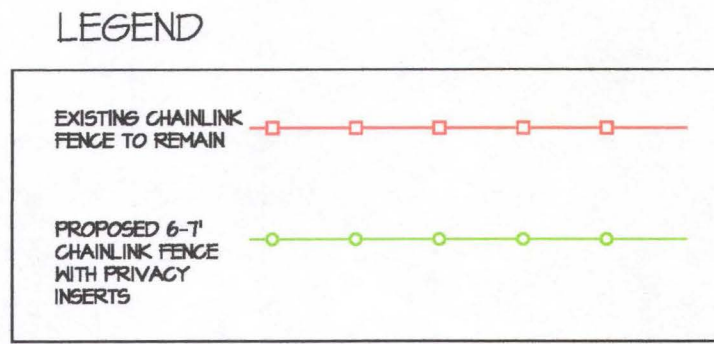


EXHIBIT 5



RECEIVED
 COUNTY OF FRESNO
 OCT 04 2018
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION



AGRI-VALLEY IRRIGATION INC. FRESNO FIVE POINTS FIREBAUGH MERCED VISALIA BAKERSFIELD
 CERTIFIED IRRIGATION SPECIALISTS 800-357-2269

AGRI-VALLEY IRRIGATION

FRESNO EXPANSION	SCALE: 1"=50'	DATE: 09-25-2018
DESIGNER :	DRAWING:	

REPRODUCTION OR USE OF THESE PLANS WITHOUT THE EXPRESSED WRITTEN CONSENT OF AVI IS PROHIBITED.

Example of Proposed
Chain Link Fence With Privacy Screening



EXHIBIT 7

RECEIVED
COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director
Fresno County
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: PROPOSED GENERAL PLAN AMENDMENT (GPA) 551 AND REZONING APPLICATION (AA) 3832 –
LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear Mr. Jimenez:

I own the properties located at 3157 W. Dudley which is next to the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,



Sang Vue

RECEIVED
COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director
Fresno County
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: PROPOSED FENCE VARIANCE REQUEST – LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear. Mr. Jimenez:

I own the property located at 3213 W. Dudley which is near the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,

Filadelfo Gonzalez

A handwritten signature in black ink, appearing to read "Filadelfo Gonzalez". The signature is written in a cursive style and is positioned above a horizontal line.

RECEIVED
COUNTY OF FRESNO

OCT 04 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Bernard Jimenez, Assistant Director
Fresno County
Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: PROPOSED GENERAL PLAN AMENDMENT (GPA) 551 AND REZONING APPLICATION (AA) 3832 –
LARRY ROMPAL PROPERTY – WEST DUDLEY AVENUE

Dear Mr. Jimenez:

I own the property located at 3189 W. Dudley which is next to the above property.

I do not object to Mr. Rompal's request to install a 6'-7' chain link fence with privacy panels in lieu of a masonry wall on the property lines adjacent to my property.

Please feel free to contact me if you have any questions.

Sincerely,

Miguel Quinteros

A handwritten signature in black ink that reads "Miguel A. Quinteros". The signature is written in a cursive style and is positioned above a horizontal line.



Inter Office Memo

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

DATE: March 15, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12704 - INITIAL STUDY APPLICATION NO. 7298,
GENERAL PLAN AMENDMENT APPLICATION NO. 551 AND AMENDMENT
APPLICATION NO. 3823

APPLICANT: Larry and Shelly Rompal

REQUEST: Amend the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating a 3.57-acre parcel from Rural Density Residential to Limited Industrial, and rezone the subject 3.57-acre parcel from R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) to M-1(c) (Light Manufacturing, Conditionally limited to Contractors Storage Yard).

LOCATION: The subject parcel is located on the south side of W. Dudley Avenue, between N. Valentine Avenue and N. Marks Avenue, westerly adjacent to the city limits of the City of Fresno (Sup. Dist. 1) (APN 449-110-23).

PLANNING COMMISSION ACTION:

At its hearing of March 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Vallis and seconded by Commissioner Eubanks to recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7298; recommend to the Board of Supervisors approval of General Plan Amendment Application No. 551 and Amendment Application No. 3823; and direct the Secretary to prepare a resolution recommending that the proposed changes to the County General Plan and approval of the proposed rezone are consistent with the Fresno County General Plan, subject to the Conditions as listed in Exhibit "B", with inclusion of an additional Condition to require a Cross-Access Agreement between the subject parcel and a southerly-adjacent parcel owned by the Applicants.

RESOLUTION NO. 12704

This motion passed on the following vote:

VOTING: Yes: Commissioners Vallis, Eubanks, Burgess, Ede, Lawson and
 Abrahamian

 No: Commissioners Delahay and Woolf

 Absent: None

 Abstain: None

 Recused: None

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

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

DC:
 G:\4360Devs&Pln\ADMIN\BOARD\Board Items\2010-2019\2018\5-8-18\GPA 551 AA 3823\GPA551 AA3823 AI Exhibit 1 (Reso).docx

Attachments

EXHIBIT A

Initial Study Application No. 7298
General Plan Amendment Application No. 551
Amendment Application No. 3823

Staff: The Fresno County Planning Commission considered the Staff Report dated March 15, 2018, and heard a summary presentation by staff.

Applicant: A representative of the Applicant disagreed with the Staff Report recommendation for denial. He described the proposal and offered the following information:

- Multiple letters of support have been provided for the proposed General Plan Amendment and rezoning (letters provided directly to Planning Commission at the March 15, 2018 Planning Commission Hearing).
- The area of the proposal has inconsistent General Plan designations for industrial and residential land uses.
- County staff referred the subject parcel to the City of Fresno for annexation; however, the City declined annexation while acknowledging the proposed General Plan Amendment and rezoning request proposed industrial zoning.
- The Applicants are willing to offer an additional Condition of Approval to require slatted chain-link fencing along the westernmost property line of the subject parcel.
- The owners of the subject parcel are also the owners and operators of a southerly-adjacent irrigation contractor's operation (Agri-Valley Irrigation) which plans to utilize the subject parcel as additional storage space for the existing irrigation contractor's operation.
- Different General Plan designations should be separated by roads, which is not the case with the subject parcel.
- Vehicular access to Dudley Avenue will be for emergencies only, and the Applicants are willing to offer an additional Condition of Approval to require a Cross-Access Agreement between the subject parcel and the southerly-adjacent parcel, which is the location of the Applicants' existing irrigation contractors operation.
- The land use to be allowed by this proposal is limited in scope to a Contractors Storage Yard.

Others: The Applicant provided additional testimony in support of the application stating:

RESOLUTION NO. 12704

- The existing irrigation contractors operation (Agri-Valley Irrigation) located on the property southerly-adjacent to the subject parcel has been growing and additional storage space is necessary.
- It is the intention of Agri-Valley Irrigation to remain in the Fresno area and this proposal will allow the business to grow without re-locating.
- Some materials from Agri-Valley Irrigation were stored on a neighboring property, with said property owner's permission, as a temporary emergency measure.

Others:

Three individuals representing property owners in the vicinity spoke in opposition to the proposal, offering the following testimony:

- The neighborhood is a rural farming area being encroached upon by industrial uses.
- The Applicants are currently utilizing the subject parcel for storage activities.
- The existing industrial uses in the area are aesthetically displeasing.

Correspondence:

No letters were presented to the Planning Commission in opposition to the applications. Seven letters in support of the proposal were presented to the Planning Commission by the Applicants' representative.

DC:

G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2010-2019\2018\5-8-18\GPA 551 AA 3823\GPA551 AA3823 AI Exhibit 1 (Reso).docx

Mitigation Monitoring and Reporting Program
Initial Study (IS) Application No. 7298 / General Plan Amendment Application No. 551 / Amendment Application No. 3823
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	During ground-disturbing activities
*3.	Geology and Soils	Only low water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the subject parcel is served by community sewer and community water systems, or adequate information is submitted to the Environmental Health Division of the Fresno County Department of Public Health and the Fresno County Department of Public Works and Planning to demonstrate that the subject parcel can accommodate higher volumes of liquid wastes.	Applicant	Applicant/Fresno County Department of Public Health/PW&P	Ongoing
*4.	Transportation/Traffic	Storage of trucks shall be prohibited on the subject parcel.	Applicant	Applicant/PW&P	Ongoing

EXHIBIT B

Conditions of Approval	
1.	The subject parcel shall be limited to the following use: Contractors Storage Yard
2.	The project developer shall construct all street frontage improvements along the subject parcel's Dudley Avenue frontage per City of Fresno development standards. This requirement shall include any right-of-way dedication necessary for the street frontage improvements.
3.	Only low water uses shall be permitted until such time that public water service from the City of Fresno public water system is available to the subject parcel. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the subject parcel. At such time when public water service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public water system within 60 calendar days; (b) destroy any on-site water well in accordance with State and County well destruction standards within 60 days; and (c) pay all City of Fresno water meter, service connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public water system within 60 calendar days of public water service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the water well destruction cost, water meter cost, service connection cost, and capacity fee cost.
4.	Only uses that generate small amounts of liquid waste shall be permitted until such time that public sewer service from the City of Fresno public sewer system is available to the subject parcel. Availability of public sewer service shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the subject parcel. At such time when public sewer service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public sewer system within 60 calendar days; (b) destroy any on-site wastewater disposal system in accordance with State and County wastewater disposal system destruction standards within 60 days; and (c) pay all City of Fresno sewer lateral, connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public sewer system within 60 calendar days of public sewer service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the wastewater disposal system destruction cost, sewer lateral cost, service connection cost, and capacity fee cost.
5.	<p>The owner of the subject parcel shall record a document irrevocably offering 10 feet of the subject parcel to the County of Fresno as future right-of-way for Dudley Avenue (20 feet existing). The southern edge of said offer shall establish the building setback line for future development.</p> <p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The property owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
6.	The owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as Assessor's Parcel Number (APN) 449-110-12. The Cross-Access Agreement shall be reviewed for approval by the Fresno County Department of Public Works and Planning.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.
2.	Future development shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Future development which handles hazardous materials or hazardous waste above the following State reporting thresholds shall be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances.
3.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
4.	Future development shall comply with the California Code of Regulations Title 24 – Fire Code.
5.	Future development may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
6.	Future development shall be subject to the Seismic Design Category D Standards, including the requirement to provide a Geotechnical Investigation to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits.
7.	Future development shall require a Grading Permit or Grading Voucher for any grading activities.
8.	Future development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
9.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed.
10.	Future development shall comply with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
11.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Dudley Avenue.

Notes	
12.	Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
13.	Any unpaved or gravel-surfaced driveway must be graded and asphalt concrete paved or treated with a dust palliative for the first 100 feet from the edge of the Dudley Avenue right-of-way.
14.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.

DC:ksn

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EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7298
General Plan Amendment Application No. 551
Amendment Application No. 3823

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

Initial Study Application	\$ 5,151.00 ¹
General Plan Amendment Application	\$ 7,000.00 ²
Amendment Application	\$ 6,214.00 ²
Public Health Department Review	\$ <u>1,180.00³</u>
Total Fees Collected	\$ <u>19,545.00</u>

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



County of Fresno
Board of Supervisors
Minute Order

Hall of Records, Room 301
2281 Tulare Street
Fresno, California
93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

May 8, 2018

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

Agenda No. 12.

Public Works & Planning

File ID: 18-0361

Re: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7298 including Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 551 and Amendment Application No. 3823, amending Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating 3.57-acre parcel from Rural Density Residential to Limited Industrial; approve Ordinance pertaining to Amendment Application No. 3823 thereby rezoning subject 3.57-acre parcel from R-R(nb) to M-1(c); and adopt Resolution approving General Plan Amendment Application No. 551 as First General Plan Amendment of Agriculture and Land Use Element of Fresno County General Plan for 2018, subject parcel is located on south side of W. Dudley Avenue, between N. Valentine Avenue and N. Marks Avenue, westerly adjacent to city limits of City of Fresno

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN BERGEAS, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

Ordinance No. R-481-3823, Resolution No. 18-186

REVISED COPY

RECEIVED
COUNTY OF FRESNO

FEB 11 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

VARIANCE REQUEST
LARRY AND SHELLY ROMPAL
APN 449-110-23
Updated February 11, 2019

APPLICANT

Larry and Sherry Rompal
P.O. Box 11881
Fresno, CA 93775
larry@agrivalley.com

REPRESENTATIVE

Joe Guagliardo
Comprehensive Planning Associates, Inc.
5414 E. Pitt
Fresno, CA 93727
Joe.guagliardo@comcast.net
559-259-5000

REQUEST

Variance to allow the construction of a six (6) foot chain link fence with privacy inserts in lieu of the six (6) foot high solid masonry wall for a portion of the property that abuts existing residentially zoned property as required in Fresno County Zoning Ordinance §843.5.H(1).

BACKGROUND

The subject property is an irregular "pan handled" shaped 3.57 +/- acre property generally located on the south side of West Dudley Avenue between North Marks Avenue and North Valentine Avenue. The subject property is proposed to be used as a storage yard for the adjoining irrigation business located immediately to the south. On May 8 2018, the Fresno County Board of Supervisors approved General Plan Amendment application GPA 551, to designate the property as Industrial and Amendment Application AA 3823 to rezone the property from RR to M-1(c). The surrounding properties are described below and referenced on the attached aerial photo (Exhibit 1).

Aerial Photo Reference	LOCATION IN RELATION TO SUBJECT PROPERTY	APN	ZONING	USE
1	East	449-110-09T	OS (Open Space)	Ponding Basin
2	Northeast	449-110-24	RR (nb)	SFR and Open Field
3	Northwest	449-110-20	RR (nb)	SFR
4	West	449-110-47	RR (nb)	SFR and Open Field
5	Southwest	449-110-37	M1	Truck Terminal
6	South	449-110-12	M1	Irrigation Construction and Supply Office and Storage Yard (Owned by Applicant)
7	Southeast	449-110-11	M1	Construction Storage Yard

EXHIBIT 10

As shown on the photograph and the above table, the properties to the northeast (Property Reference 2) and northwest (Property Reference 1) are zoned RR (nb) and are relatively small lots (1.00 +/- acre and .43 +/- acres respectively) with single family homes.

The property to the west (Property Reference 4) is also zoned RR(nb)and is 2.34 +/- acres in size. However, while developed with a single family residence, the residence is located on the northern 213 +/- feet of the property and the balance of the property depth (433 +/- feet) is open ground.

The applicant is requesting that a variance be granted to Fresno County Zoning Ordinance §843.5.H(1), which requires the construction of a masonry wall along the portions of the property adjacent to residentially zoned properties. The proposed fence would be a 6 high chain link fence with privacy inserts to screen the property. The proposed location of the requested chain link fencing with privacy panels is shown on Exhibit 2.

JUSTIFICATION

The Fresno County Zoning Ordinance (§877) provides for the granting of a variance when specific conditions exist.

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

- (a) As noted above, the subject property, as well as the properties on West Belmont are designated as Industrial in the Fresno County General Plan and are zoned M-1. However, while the other properties that are zoned M-1 have at most two (2) property lines that are a district boundary with residentially zoned property, the subject property has five (5) property lines that are district boundaries with residentially zoned properties.
- (b) As shown in Exhibit 1, the subject property is an irregular shaped “pan handled” parcel while the other M-1 parcels in the area are rectangular shaped parcels.
- (c) The total length of masonry wall that the subject property is potentially responsible to construct is approximately 1,171 +/- linear feet. The adjoining M-1 parcels would be responsible for masonry walls less than 350 linear feet.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

- (a) None of the other M-1 properties on West Belmont that have a property line adjacent to residentially zoned properties have masonry walls. Therefore, if the requested variance is granted, it will not only be consistent with the existing uses in the area, by providing a height of 6' and privacy screening, it will exceed what exists in the area.

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

(a) The request is to provide chain link fence with privacy screening 6' high. This proposed fence is as high as what is required by the Zoning Ordinance. The privacy screening will shield the uses on the property from adjoining properties in the same way a masonry wall would.

In addition, all onsite lighting, etc. is required to be shielded and contained on site. This is the case whether there is a masonry wall or not.

Therefore, the requested variance should not be materially detrimental to the public welfare, or injurious to property and improvements in the area.

4. The granting of such a Variance is not contrary to the objectives of the General Plan.

(a) There are no known General Plan Objectives that would be in conflict with the approval of the requested variance.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 March 28, 2019

SUBJECT: Variance Application No. 4036

Allow the creation of a 2.08-acre parcel, 10.25-acre parcel and 5.25-acre parcel from an existing 17.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located at the southwest corner of Academy Avenue and Dinuba Avenue, approximately 2,678 feet south of the city limits of the City of Parlier (10205 South Academy Avenue, Selma, CA) (Sup. Dist. 4) (APN 358-270-56 & 57).

OWNER: Tom Taylor
APPLICANT: Ervin R. Prieto

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance (VA) Application No. 4036; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. One-Mile Variance Radius Map
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20	No change
Parcel Size	17.58 acres	Parcel 1: 5.25 acres Parcel 2: 10.25 acres Parcel 3: 2.08 acres
Project Site	N/A	N/A
Structural Improvements	Single-Family Residence Mobile-Office Unit	Parcel 1: Mobile-Office Unit Parcel 2: No change Parcel 3: Single-Family Residence
Nearest Residence	Approximately 109 feet east of the project site	No change
Surrounding Development	Single-family residences and agricultural operations	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15601(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 17 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

The decision of the Planning Commission on a VA is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The existing 17.58-acre parcel does not currently conform to the 20-acre minimum parcel size established by the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed Variance will waive minimum parcel sizes if approved and will create three substandard lots from the existing 17.58-acre parcel in the AE-20 Zone District. Proposed Parcel 1 will be 5.25 acres, proposed Parcel 2 will be 10.25 acres and proposed Parcel 3 will be 2.08 acres. If the Variance request is approved, the created parcels will be considered legal nonconforming lots. In the case of this application, Parcel 3 (the 2.08-acre parcel) was created by a Certificate of Waiver of Parcel Map No. 09-10 with the intent of financing the property owner's residence; if the Variance request is approved, Parcel 3 will be recognized as a legal nonconforming lot and will not be subject to any conditions of approval brought forth from the Certificate of Waiver of Parcel Map No. 09-10.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a Deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance.

The subject 17.58-acre parcel is in mostly the same configuration as Assessor Parcel Map records from the 1971-72 rolls. The property owners took ownership of the subject parcel with a deed being recorded on July 31, 2008. On March 12, 2009 the property owners recorded a Certificate of Waiver of Parcel Map No. 09-10. This procedure created a 2.35 gross acre parcel with the purpose of financing the owner's residence and would not be able to be sold separately from the 17.58-acre parcel except through a foreclosure. Although there is no recorded map or recorded deed prior to March 4, 1972 specifically creating the subject parcel, the configuration of the parcels are the same as the Assessor's Parcel Maps from the 1971-72 rolls. Staff therefore believes that the parcel was deeded and created prior to March 4, 1972. Staff also believes that with the approved Certificate of Waiver of Parcel Map No. 09-10, it further provides proof that the subject parcel is a legally-created parcel. The subject parcel went through a zoning change of A-1 to AE-20 on August 8, 1976 by means of Amendment Application No.

2870 which was initiated by the County of Fresno, and continues to be zoned AE-20.

Building records show that on September 18, 2008, a permit was issued for the single-family residence. The Applicant has stated that northern part of the property (split by the canal) is utilized by a tenant who has an office on that portion of the property along with storing agricultural equipment. No building permit was issued to place or construct an office on the property, therefore, if the Variance application is approved, building permits will be required prior to filing a mapping application or the property will be subject to a violation.

Approval of this Variance will allow the creation of three parcels, one containing the permitted single-family residence (Parcel 3), one containing the unpermitted office building (Parcel 1), and another parcel containing agricultural land (Parcel 2).

There are two variance applications that have been applied for within a one-mile radius of the project site.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3240: Allow creation of a 1.38-acre parcel without public road frontage (165 feet required) from a 20-acre parcel of land.	January 25, 1990	Approval	PC Approved
VA No. 3517: Allow creation of a 2.49-acre parcel and 19.85-acre parcel from an existing 22.34-acre parcel in the AE-20 Zone District.	April 4, 1994	Approval	PC Approved

Although there is a history of variance requests within proximity of the subject parcel, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification; and*

Finding 2: *Such a Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n)
Setbacks	AE-20 Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Parcel 1: No change Parcel 2: No change Parcel 3: No change	Y
Parking	N/A	N/A	N/A
Lot Coverage	AE-20: No Requirement	No change	Y

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n)
Space Between Buildings	6 feet	No change	Y
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Y
Water Well Separation	Building sewer/septic tank, 50 feet; disposal field, 100 feet; seepage pit/cesspool, 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears the parcels can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Well Standards Ordinance and California Plumbing Code.

This parcel is located in the sphere of influence of the City of Parlier for community water and sewer.

It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the systems. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Academy Avenue is a County-maintained road classified as an Arterial road with existing variable width road right-of-way. Pavement width is 32-feet, with paved shoulders. ADT of Academy Avenue is 1,600 VPD, with PCI of 100. The roadway is in good condition.

Dinuba Avenue is a County-maintained road classified as a Local road with existing road right-of-way of 40-feet. Pavement width is 21.7 feet, with dirt shoulders. ADT of Dinuba Avenue is 2,600 VPD, with PCI of 90.4. The roadway is in good condition.

Academy Avenue is classified as an Arterial road with existing variable width of road right-of-way based upon the County's road reconstruction project from 2012. Additional variable width of road right-of-way is required along the east property line of this development to complete the ultimate road right-of-way of the section line as shown on Official Plan Line Serial No. 98 on file at the County Recorder's Office. No facilities shall be constructed within the ultimate right-of-way west of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Academy Avenue. The Applicant should show this ultimate right-of-way, including annotated 30'x30' corner cutoffs, on any future parcel map that may be filed if this Variance is approved. **This shall be included as a Project Note.**

Dinuba Avenue is classified as a Local road with existing 40 feet of road right-of-way, an additional 10 feet of road right-of-way south of the section line. No facilities shall be constructed

within 30 feet south of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Dinuba Avenue. **This shall be included as a Project Note.**

An encroachment permit is required from the Fresno County Road Maintenance and Operations Division prior to any work being performed in the County road right-of-way. **This shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2660H, the parcels are not subject to flooding from the 100-year storm.

According to U.S.G.S Quad Maps, there is an existing irrigation channel running through the parcel. Any work in or near this drainage channel may require additional permitting from the irrigation district and others. **This shall be included as a Project Note.**

If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue. **This shall be included as a Project Note.**

Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized. **This shall be included as a Project Note.**

A grading permit or voucher may be required for any unpermitted grading work or for any grading proposed with this application. **This shall be included as a Project Note.**

Fresno County Department of Agriculture: No comment.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that the proposal will be utilizing the Kingsburg Branch Canal as the boundary for the parcel division, as it is already a physical boundary splitting the existing parcel. The Applicant also states that there are multiple parcels in the immediate vicinity of the subject property that are zoned AE-20 and are less than the 5.27 acres in size. The Applicant would also like to note that a majority of those parcels less than 5.27 acres have been improved with single-family residences.

In support of Finding 2, the Applicant states that due to the parcel being physically split by the Canal, the owner would have to go through the street to get to the northern portion of the property. The owner intends to sell the property to his current tenant who also owns the property adjacent to the project site. They plan to continue using the property as a vineyard and part of his agricultural business. The Applicant also states that other property owners do not have their parcels physically split by a canal, which they believe is detrimental to the enjoyment of their property.

The subject property is located at the southwest corner of Dinuba Avenue and Academy Avenue. The subject property is improved with a single-family residence, an office unit (without building permits), and a vineyard. Building permit records indicate that the single-family residence received permits on May 21, 2008 and the permit was finalized on July 1, 2010. There are no records of a building permit for the office unit, therefore if this application is approved, the Applicant will be required to obtain a

building permit for the office unit and storage buildings prior to submitting the mapping application.

Parcels 358-270-56 & 57 are acknowledged on a Certificate of Waiver of Parcel Map No. 09-10. The intent was to create a 2.35-acre gross parcel to finance the owner's residence and may not be sold separately from the remaining 20.03-acres except through a foreclosure action. If the Variance is approved, it will create three parcels from the existing 17.58-acre net parcel (20.08 gross acres) and a 2.08-acre net parcel (2.35 gross acres).

A consideration in addressing variance requests is whether there are alternatives available that would avoid the need for the Variance. Staff recognizes that the alternative for the owners would be to lease the portion of the property north of the canal, if they did not intend to farm the land, or allow it to go fallow and not go through with the Variance and mapping procedure. The owners are constrained by their financing parcel and are unable to sell the rest of the farming acreage, as they cannot sell those sections without violating the financing parcel Conditions of Approval. The only way to not violate the financing parcel Conditions of Approval would be to split the parcel, which requires the Variance request.

In regard to Finding 1, staff recognizes that the Kingsburg Branch Canal physically splits the parcel into two distinct areas of land, but the canal is not contained to this property only and there are multiple parcels in the vicinity that are physically split by the Kingsburg Branch Canal. Staff would like to note that although the creation of the financing parcel created additional constraints on the property, the owners were made aware of and agreed to the Conditions of Approval to allow the financing parcel, which should be considered in determining the circumstances of the project site. Staff does not necessarily agree with the Applicant's finding that since there are multiple parcels in the vicinity with similar zoning below the minimum acreage designation, this proposal should be considered based on that finding. There are several factors to consider that may or may not have been in effect during the creation of the parcels that are under the minimum acreage designation. They could have been created prior to the approval of the Fresno County Parcel Map Ordinance, or created prior to the approval of the Zoning Ordinance in 1958, which established minimum parcel sizes for certain zone districts. Based on the discussion, staff does not agree with the Applicant's findings that the canal is an exceptional or extraordinary circumstance or condition, and also does not agree that similar sized parcels in the vicinity of the project area create a precedence for findings.

In regard to Finding 2, the Applicant states that a right to access the property is not being preserved. Staff does not necessarily believe that the right to access the property is being infringed upon, as access is still available by public road. Although the Applicant states that the access issue is an inconvenience that other property owners in the project vicinity may not have, staff would like to note that there are multiple properties in the vicinity and throughout Fresno County that are affected by a canal. Considering that access is still achieved by means of a public thoroughfare and that there are numerous properties throughout the County that are divided by canals similar to the project site, staff does not believe Finding 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 and 2 cannot be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	112.86 acres	Solid Waste Disposal Site (County of Fresno)	AE-20	N/A
South	20 acres	Orchard and Single-Family Residence	AE-20	Approximately 890 feet
East	9.11 acres	Field Crops and Single- Family Residence	AE-20	Approximately 205 feet
	10 acres	Vineyard and Single-Family Residence	AE-20	Approximately 107 feet
West	18.5 acres	Orchard and Single-Family Residence	AE-20	Approximately 476 feet

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections will be required for all on-site improvements. **This shall be included as a Project Note.**

The office trailer installed on site must be permitted prior to the Variance being approved or violations will be issued. **This shall be included as a Project Note.**

Fresno County Fire Protection District: No comment.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

Zoning Section of the Fresno County Department of Public Works and Planning: There is no permit history for the two new storage buildings, new office building and existing shed. If unpermitted structures were built after March 1, 1958 or larger than 120 square-feet, then unpermitted structures need to be removed or permitted or will be subject to a violation. **This shall be included as a Project Note.**

If the Variance is approved, a mapping procedure will be required to create the parcels. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the created Parcel 1 will be utilized as storage for agricultural equipment and an agriculture-related office. The tenant, who is the owner of the adjacent parcel, is currently utilizing those improvements. The Applicant states that the requested Variance will not change the existing use, nor will it result in an increase in the amount of traffic on the existing private easement. Additionally, the canal will not be a detriment to the current owner's agricultural operation. Therefore, the Applicant believes that the granting

of the Variance will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

In regard to Finding 3, staff concurs with the Applicant’s findings that if the Variance request were to be approved, the existing uses will not change and are all agriculture-related operations. Therefore, the project will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the project site.

Based on the information, staff believes that Finding 3 can be made.

Recommended Conditions of Approval:

If the Variance is approved, a Mapping Procedure will be required to create the parcels.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p> <p>Policy LU-A.9 references the creation of homesite parcels subject to certain criteria.</p> <p>Policy LU-A.10 references the creation of substandard lots by discretionary permit when necessary for the development of an agricultural commercial center or in conjunction with development within a designated commercial interchange within the Westside Freeway Corridor Overlay.</p> <p>Policy LU-A.11 references the creation of substandard parcels by discretionary permit when such action is deemed necessary by the Board of Supervisors for the recovery of mineral resources and the exploration and extraction of oil and gas.</p>	<p>This Variance would allow the creation of three substandard parcels from an existing 17.58-acre parcel which is zoned AE-20, requiring a 20-acre minimum parcel size. The proposed project does not qualify for an exception under policies LU-A.9, LU-A.10 or LU-A.11:</p> <ul style="list-style-type: none"> • LU-A.9: Parcel 3 was originally created as a financing parcel. The proposed project seeks to separate the parcels and make the financing parcel a separate parcel that can be sold independently of the other created parcels. Therefore, the request is not consistent with Policy LU-A.9. • LU-A.10: The request is not related to allowing the development of an agricultural commercial center. • LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas. <p>The subject proposal is requesting a Variance from compliance with this</p>

Relevant Policies:	Consistency/Considerations:
	policy and the zoning regulations that support it (Section 816.5, minimum of 20 acres).
<p>General Plan Policy LU-A.7: The County shall generally deny requests to create parcels less than minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exemption. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>If the Variance is approved, Parcel 1, which is 5.25 acres, is proposed to be utilized as an agricultural equipment storage area, agriculture-related office site, and part of the adjacent property owner’s agricultural operation. Parcel 2 is proposed to be 10.25 acres and is proposed to remain as a vineyard. Parcel 3 will be 2.08 acres and be utilized as a single-family residence. The proposed parcels will be considered too small to present viable economic farming opportunities. If the Variance is approved, each new parcel could have a residential structure by-right and an additional dwelling unit with a Director’s Review and Approval. As proposed, the request is not consistent with General Plan Policy LU-A.7.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> a) A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amount necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. b) A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant impact on agriculture or other water users within Fresno County. If 	<p>The Water and Natural Resources Division reviewed the subject application and did not express any concerns with regard to water availability. Additionally, the project area is not located in areas of the County defined as being water short.</p>

Relevant Policies:	Consistency/Considerations:
<p>use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c) A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning:

The subject property is not enrolled in the Williamson Act Program.

The subject property is designated as Agricultural in the General Plan. As such, the Agricultural Land Use Element of the General Plan includes policies to maintain 20 acres as the minimum parcel size in areas designated as Agricultural. Further, PF-C.17 of the Public Facilities and Service Element of the General Plan states that any discretionary projects related to land use must undertake a water supply evaluation.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicant states that the project area will still be utilized for agriculture and agriculture-related uses, and that they are not proposing any changes to the project site that would be in conflict with the objectives of the Fresno County General Plan. The Applicant states that no negative incremental cumulative effects would result from the granting of the request. The Applicant would also like to note that Parcel 3 is already separated from the remainder of the parcel by the financing procedure, and allowing the Variance request would permanently separate the parcels.

According to General Plan Policy LU-A.6 and LU-A.7, the creation of parcels less than the minimum size specified by the Agriculture designation is discouraged due to a concern that such parcels are less viable economic farming units, and that the resultant increase in residential density may conflict with normal agricultural practices on adjacent properties. Further, the decision-making body shall consider the negative incremental and cumulative effects land divisions have on the agricultural community.

In regard to Finding 4, staff does not agree with the Applicant that the project proposal does not conflict with the objectives of the Fresno County General Plan. Based on Fresno County General Plan Policy LU-A.6 and 7, the minimum acreage designations of the AE-20 Zone District should be kept to maintain viability of agricultural operations and reduce the potential of increased residential development. Although the existing uses are agriculture and agriculture-related uses, future residential development on the parcels currently being farmed is possible if the request is approved. Therefore, based on these factors, staff does not believe the project proposal is consistent with the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made. Staff therefore recommends denial of Variance No. 4036.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4036; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4036, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:ksn

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**Variance Application No. 4036
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the creation of the 2.08-acre parcel, the 10.25-acre parcel and the 5.25-acre parcel from an existing 17.58-acre parcel.
2.	Permits are required for all unpermitted structures prior to submittal of the mapping application.

Conditions of Approval reference recommended Conditions for the project.

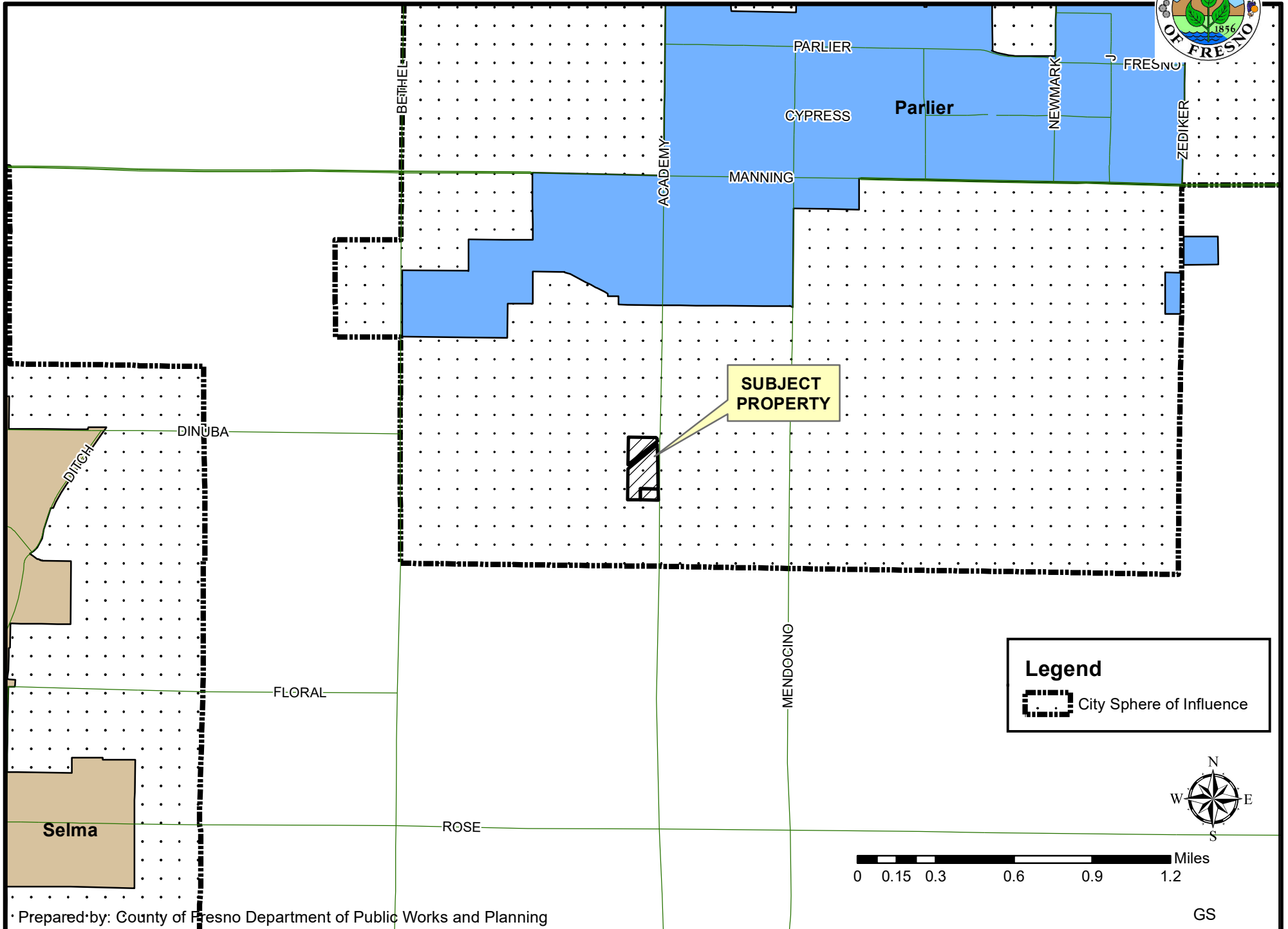
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to split the property in accordance with the approved Site Plan.
2.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the systems.
3.	Academy Avenue is classified as an Arterial road with existing variable width of road right-of-way based upon the County's road reconstruction project from 2012. Additional variable width of road right-of-way of the section line is shown on Official Plan Line Serial No. 98 on file at the County Recorder's Office. No facilities shall be constructed within the ultimate right-of-way for Academy Avenue. Applicant should show the ultimate right-of-way, including annotated 30' x 30' corner cutoffs, on any future parcel map that may be filed if this Variance is approved.
4.	Dinuba Avenue is classified as a Local road with existing 40 feet of road right-of-way, an additional 10 feet of road right-of-way south of the section line. No facilities shall be constructed within 30 feet south of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Dinuba Avenue.
5.	An encroachment permit is required from the Fresno County Road Maintenance and Operations Division prior to any work being performed in the County road right-of-way.
6.	According to U.S.G.S Quad Maps, there is an existing irrigation channel running through the parcel. Any work in or near this drainage channel may require additional permitting from the irrigation district and others.
7.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue.
8.	Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
9.	A grading permit or voucher may be required for any unpermitted grading work or for any grading proposed with this application.

Notes	
10.	Plans, permits and inspections will be required for all on-site improvements.
11.	There is no permit history for two storage buildings, new office building and existing shed. If unpermitted structures were built after March 1, 1958 or larger than 120 square-feet, the unpermitted structures need to be removed or permitted, or will be subject to a violation.
12.	If the Variance is approved, a mapping procedure will be required to create the parcels.

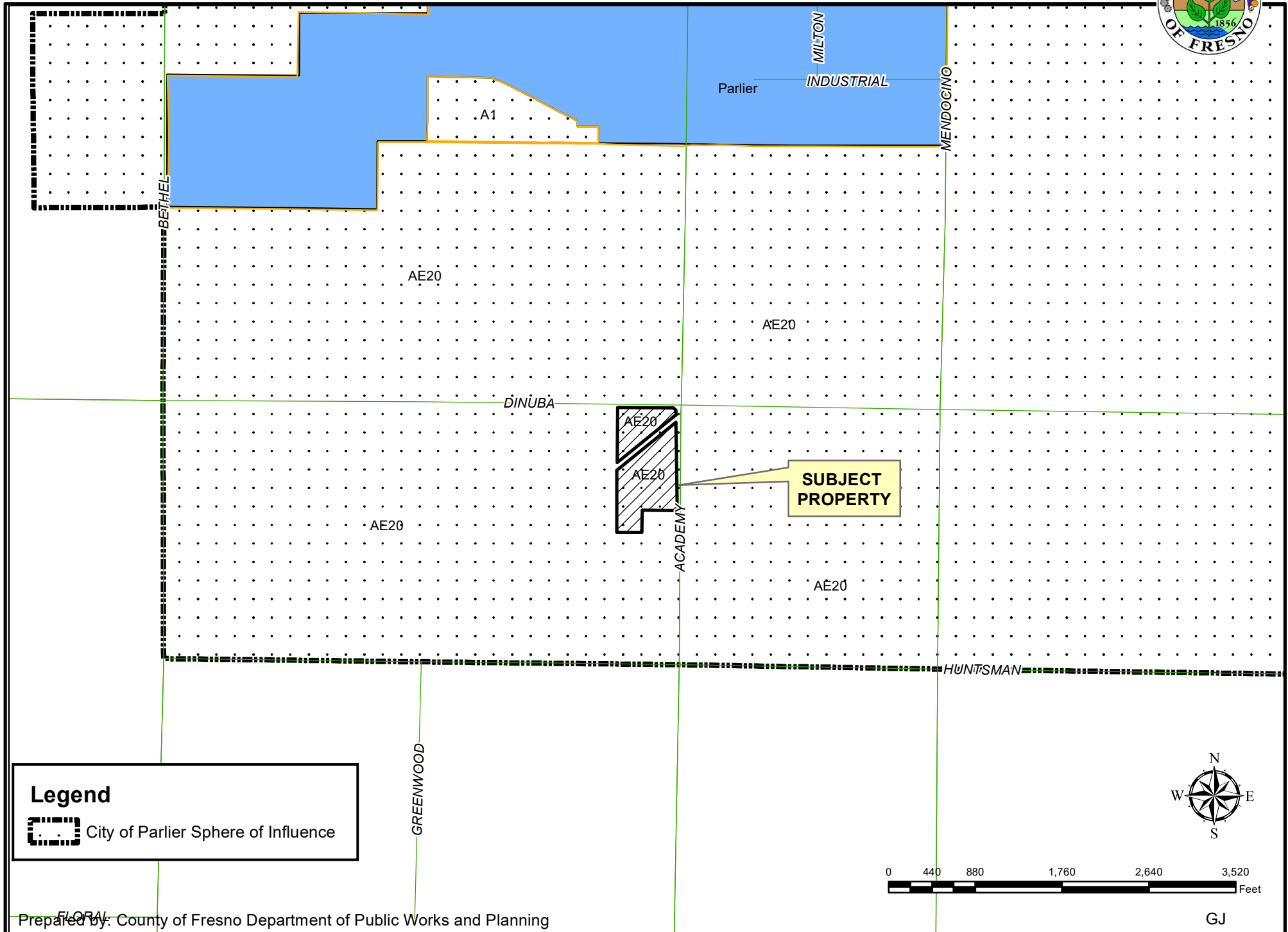
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LOCATION MAP

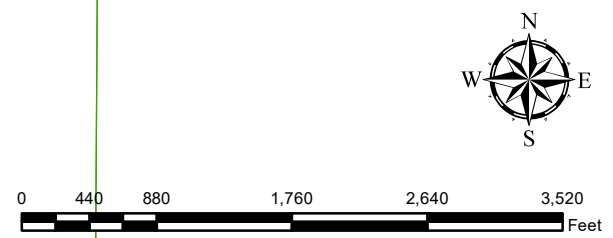


EXISTING ZONING MAP

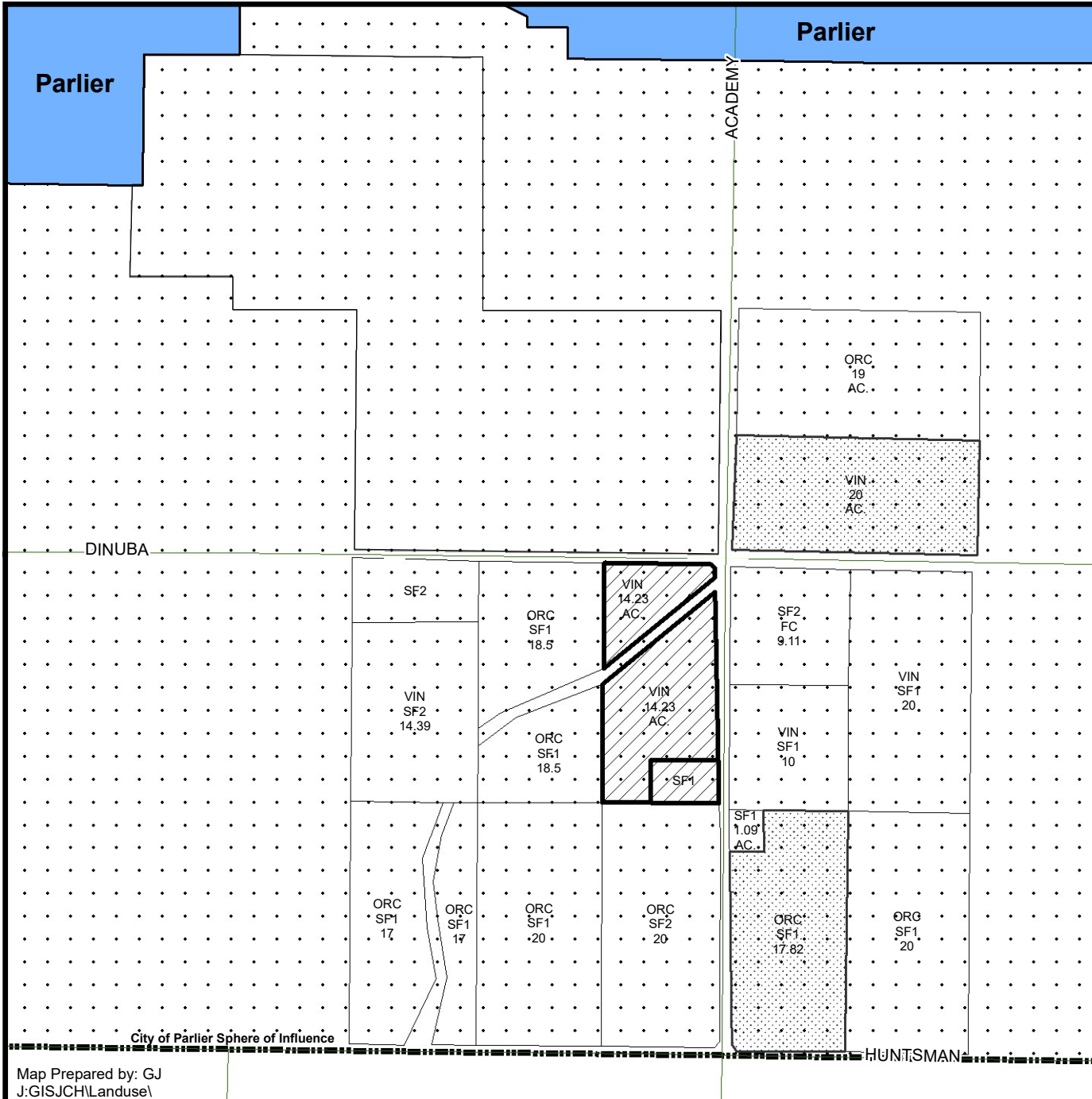


Legend

 City of Parlier Sphere of Influence





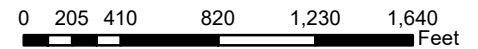
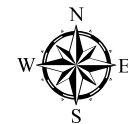
EXISTING LAND USE MAP



LEGEND	
ORC	- ORCHARD
FC	- FIELD CROP
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

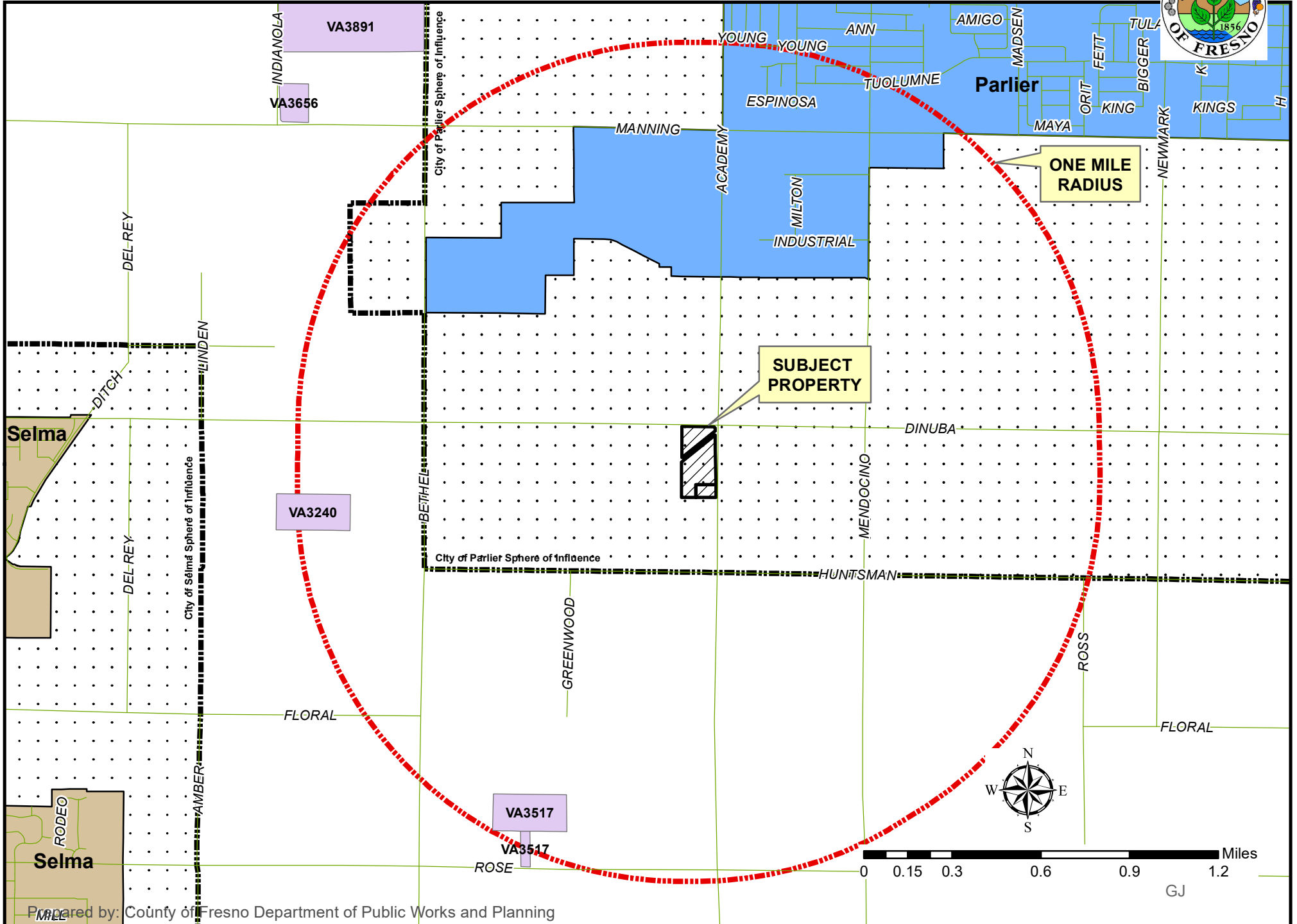
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

APPROVED VARIANCES WITHIN A ONE MILE RADIUS



SITE PLAN VA 4036

BEING A SUBDIVISION OF A PORTION OF
SECTION 34, TOWNSHIP 15 SOUTH, RANGE
22 EAST, M.D.B.+M. IN THE CITY OF SELMA,
FRESNO COUNTY, CALIFORNIA

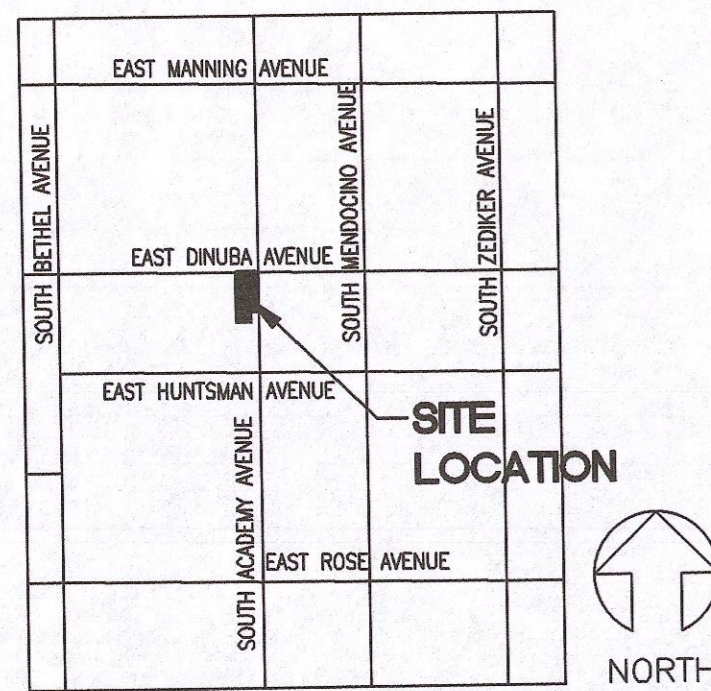
SURVEYED AND PLATTED IN MARCH 2014

RECEIVED
COUNTY OF FRESNO

JAN 15 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

REVISED COPY



VICINITY MAP
NOT TO SCALE

LEGEND

- STP IRRIGATION STAND PIPE
- C.O.F. COUNTY OF FRESNO
- O.R.F.C. OFFICIAL RECORD FRESNO COUNTY
- F.C.R. FRESNO COUNTY RECORD
- INDICATE SECTION LINE
- INDICATE PROPERTY LINE
- INDICATE RIGHT OF WAY LINE
- ⊕ UTILITY POLE (UP)
- ⊕ GUY ANCHOR (GUY)

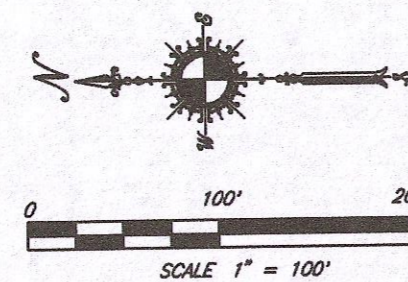
(R-1) RECORD DATA PER RECORD OF SURVEY IN BOOK 53 OF LICENSED SURVEYORS' PLATS AT PAGE 81, F.C.R.

(R-2) RECORD DATA PER PARCEL MAP NO. 2785 IN BOOK 19 OF PARCEL MAPS AT PAGE 72, F.C.R.

(R-3) RECORD DATA PER WAIVER CERTIFICATE NO. 09-10, DOC.# 34064, PREPARED BY DEE JASPAR & ASSOCIATED, INC. PER DOC. NO. 2010-0047722 O.R.F.C.

(R-4) PER DOC. NO. 2010-0047722 O.R.F.C.

NOTE: DIMENSIONS NOT MONUMENTED ARE CALCULATED



LEGAL DESCRIPTION:

THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 15 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATE GOVERNMENT TOWNSHIP PLATS.

APN: 358-270-57

NOTES:

SITE AREA: 4.75± ACRES
SOURCE OF WATER: DOMESTIC WELL
METHOD OF SEWAGE: SEPTIC TANK

LEGAL OWNER:

TOM TAYLOR AND SUSAN ANNE BIEHLE
10205 S. ACADEMY AVENUE
SELMA, CA 93662

TEL. (559) 312-8959

OWNER'S REPRESENTATIVE

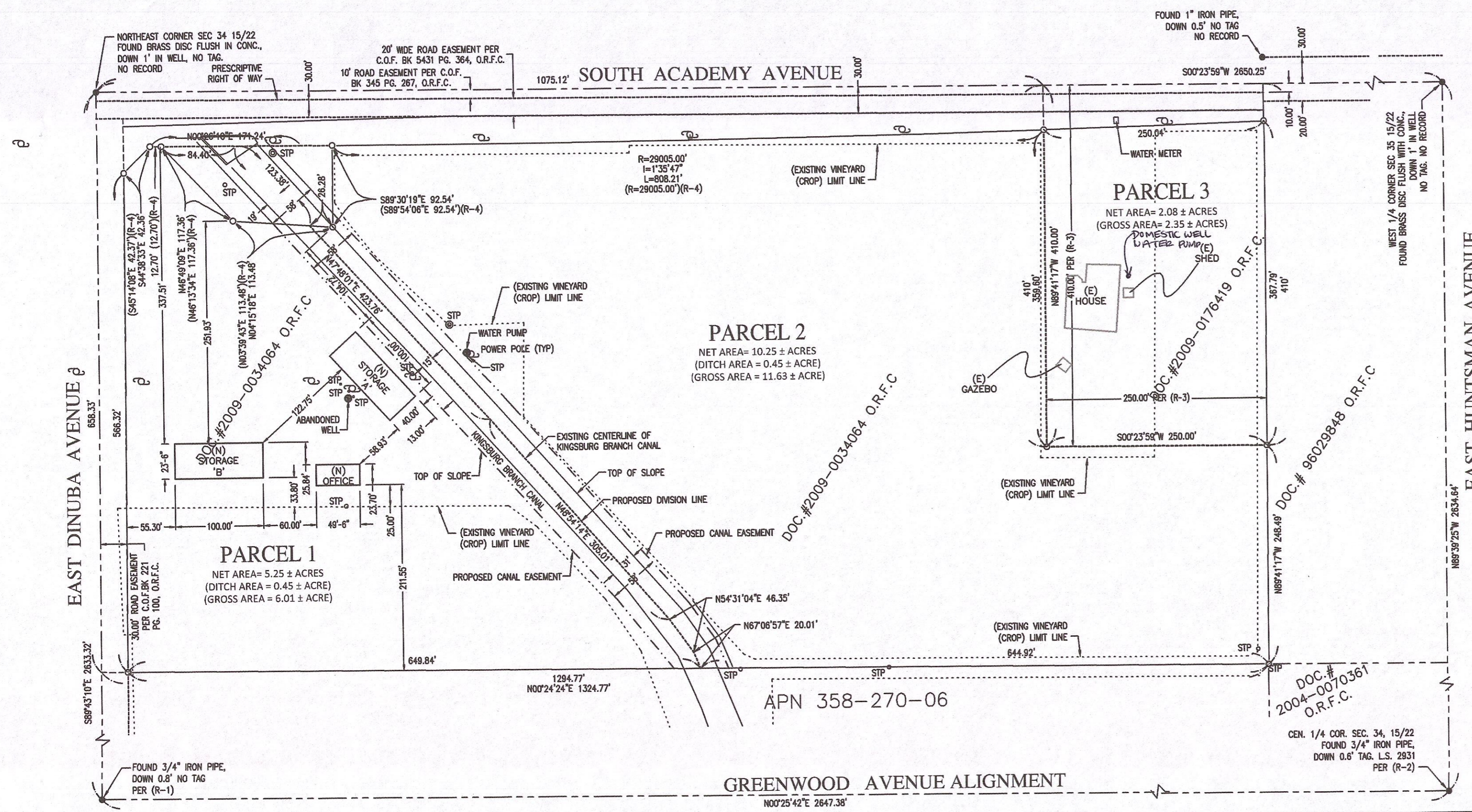
JOHN P. CHAVEZ
5799 S. CRAWFORD AVENUE
REEDLEY, CA 93654

TEL. (559) 647-1873

PROPERTY INFORMATION:

APN: 358-270-57
EXISTING ZONING: AL20
PROPOSED ZONING: VARIANCE

SITE ADDRESS: NO SITE ADDRESS
EXISTING USE: GRAPE VINEYARD FOR RAISING
PROPOSED USE: GRAPE VINEYARD FOR RAISING



CVEAS CENTRAL VALLEY ENGINEERING AND SURVEYING	
2132 HIGH STREET SELMA, CA 93662 WWW.CVEAS.COM	Tel. (559) 881-8811 Fax (559) 881-8815 Email: info@cveas.com
DATE OF SURVEY	01.16.2014
JOB NO.	14006
DRAWN BY	S. GARTENLAUB
CHECK BY	N. SAHOTA
DATE	01.16.2014
REVISION DATE	09.11.18
DRAWING NAME	14006 SP

April 24, 2018

Development Services
Division 2220 Tulare
Street
Fresno, CA 93721

REQUEST

Subject: Variance Application to allow creation of three parcels from existing 20.03 acres parcel Site Address; no address, new address will be applied for.

Original APN 358-270-07

After split on March 12, 2009 , APN: 358-270-57 APN: 358-270-56

New Split Parcel 1, Parcel 2 and Parcel 3, new apn's to be determined. *Received 4/24/18*

REVISED COPY

JUSTIFICATION

In order to grant a variance four finding must be made:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.*

The parcel is presently approximately 20.03 acres. New parcels would be

Parcel 1 Consisting of gross area 6.01 Acres

Parcel 2 Consisting of gross area 11.63 Acres and

Parcel 3 Consisting of gross area 2.35 Acres

Parcel 1 is now physically split by the Kingsburg Branch Canal passing through at the same place as the new Parcel Line. There are multiple parcels in the immediate vicinity of the subject property that are zoned AE-20 and are less than 5.27 acres in size. Most of them have single a family house.

Parcel 3 was split under Certificate of Waiver of parcel Map No 09-10 on March 12, 2009 for the purpose of building a home and for loan purpose.

Parcel 2 will continue being used for ag purposes.

Therefore, the subject parcel has an extraordinary condition from other properties in the area.

2. *Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

Since this parcel is physically split by the Canal, then, as owner he would have to go through the street to get to this portion of my property. He is planning to sell this to his present tenant, who is also owner of the adjacent property and will make it more convenient to all concerned. He plans to use it as it has been used, a vineyard and plans to use it to keep his ag business and sell the new parcel to the adjoining neighbor who is a farmer and labor contractor. Other owners in the area do not have their parcels physically split, this situation which is detrimental to his enjoyment of his property as is.

Therefore, granting these variance requests would preserve a property right that is enjoyed by others in the immediate vicinity of the subject property and would have no affect to them of area.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

As noted above, the property (Parcel 1) is a vineyard and partially vacant parcel where ag equipment and office is located for the tenant, who is also the owner of the adjacent parcel. The granting of the requested variances will not change the existing conditions nor will it result in an increase in the amount of traffic on the existing private easement. Also the canal will no longer be a detriment to the operation. Therefore, granting the variance requests cannot result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

4. *The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.*

In this instance, there will be no change of use since it will be used for agricultural and agriculture related use. There is no future changes in the objectives of the Fresno County General Plan by the present owner nor the future owner. Therefore, no negative incremental cumulative effects would result from granting the request. Parcel 3 is already split into a separate parcel and we are requesting to be a permanent separate parcel.

CONCLUSION


The requested variance will not materially alter any existing conditions in the immediate vicinity of the property. If granted, parcels will be used within county parameters and permits.

The requested variance will not increase the level of development in the area nor will it result in an increase in the amount of traffic on the Academy/Dinuba Avenues.

Granting the variance simply allows the parcelization of property that will be consistent with the existing use, as well as being consistent with surrounding properties.

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

Sincerely,



John P. Chavez

559-647-1873

Real Estate Broker

Agent