



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 May 16, 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. **CLASSIFIED CONDITIONAL USE PERMIT NO. 3478 – SECOND ONE-YEAR TIME EXTENSION** filed by **SY NGUYEN LE**, proposing to grant a second one-year time extension to exercise Classified Conditional Use Permit No. 3478, which authorizes an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

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. **INITIAL STUDY APPLICATION NO. 7495, GENERAL PLAN AMENDMENT APPLICATION NO. 554, AMENDMENT APPLICATION NO. 3831, CONDITIONAL USE PERMIT APPLICATION NO. 3621, VESTING TENTATIVE TRACT MAP APPLICATION NO. 6226 and SITE PLAN REVIEW APPLICATION NO. 8108** filed by **JEFFREY T. ROBERTS** on behalf of **ASSEMI GROUP, INC.**,

proposing to:

- 1) Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Open Space" to provide for the park and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District.
- 2) Amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly approximately half-mile section of "Saubrice Avenue" to "Morningside Way".
- 3) Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating Captains Hill Road as a Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan.
- 4) Allow a Planned Unit Residential Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District.

The project site is located within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west of Marina Drive, and 2.2 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-12). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7495, and take action on General Plan Amendment Application No. 554, Amendment Application No. 3831, Vesting Tentative Tract Map Application No. 6226, Conditional Use Permit Application No. 3621, and Site Plan Review Application No. 8108 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

3. **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 May 16, 2019

SUBJECT: Classified Conditional Use Permit No. 3478 – Second One-Year Time Extension

Grant a second one-year time extension to exercise Classified Conditional Use Permit No. 3478, which authorizes an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

**OWNER/
APPLICANT:** Sy Nguyen Le

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a second one-year Time Extension for Classified Conditional Use Permit No. 3478; 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 24, 2016
5. Applicant's correspondence requesting a second one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 6888 was adopted by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Classified Conditional Use Permit (CUP) No. 3478 on March 24, 2016.

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; or (B) 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.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 26 property owners within 600 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 after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-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 extension must be filed prior to the expiration of the Conditional Use Permit.

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

BACKGROUND INFORMATION:

Classified Conditional Use Permit (CUP) No. 3478 was approved by the Planning Commission on March 24, 2016 and became effective 15 days later, as prescribed by law.

The Applicant filed the subject time extension request on February 20, 2019, within the time limit noted above. If this second time extension request is granted, the Applicant will have until March 24, 2020 to achieve substantial development of the religious facility.

ANALYSIS/DISCUSSION:

Classified Conditional Use Permit (CUP) No. 3478 was approved by the Planning Commission on March 24, 2016, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting the Conditions imposed on the project.

According to the Applicant's letter describing the Time Extension request (Exhibit 5), the Applicant needs additional time to complete construction of new sewer lines, and complete the review and approval of existing building improvements.

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

This Time Extension application was routed to the same agencies that reviewed Classified Conditional Use Permit Application No. 3478 in October of 2014 and the First One-Year Time Extension which was approved by the Planning Commission on May 17, 2018. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time that were not addressed with the original approval of this project.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the first one-year Time Extension for Classified Conditional Use Permit No. 3478 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to March 24, 2020.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the second one-year Time Extension for Classified Conditional Use Permit No. 3478; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

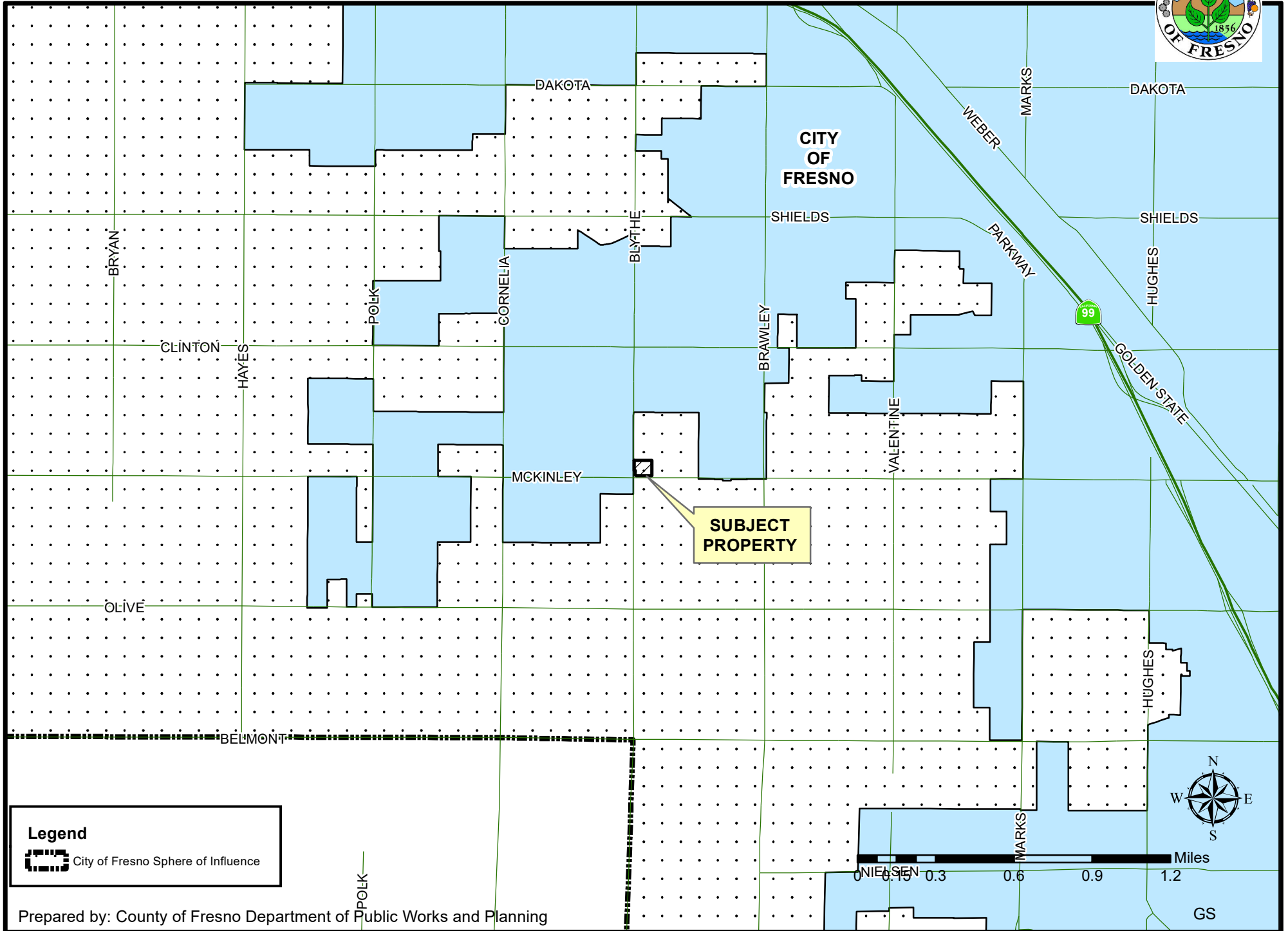
Alternative Motion (Denial Action)

- Move to deny the second one-year Time Extension request for Classified Conditional Use Permit No. 3478 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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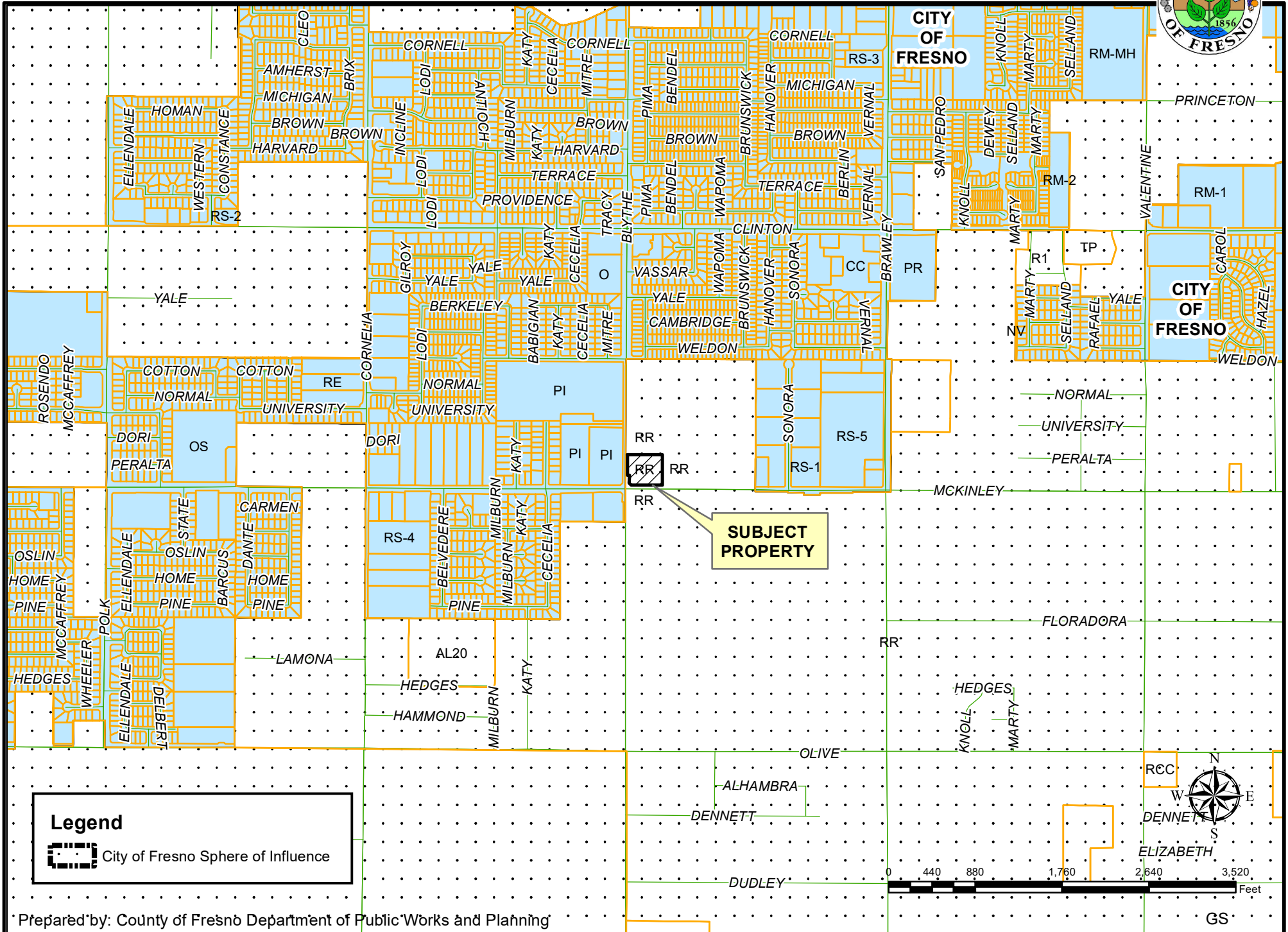
LOCATION MAP




Legend

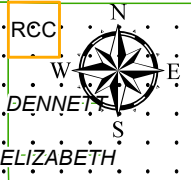
 City of Fresno Sphere of Influence

EXISTING ZONING MAP

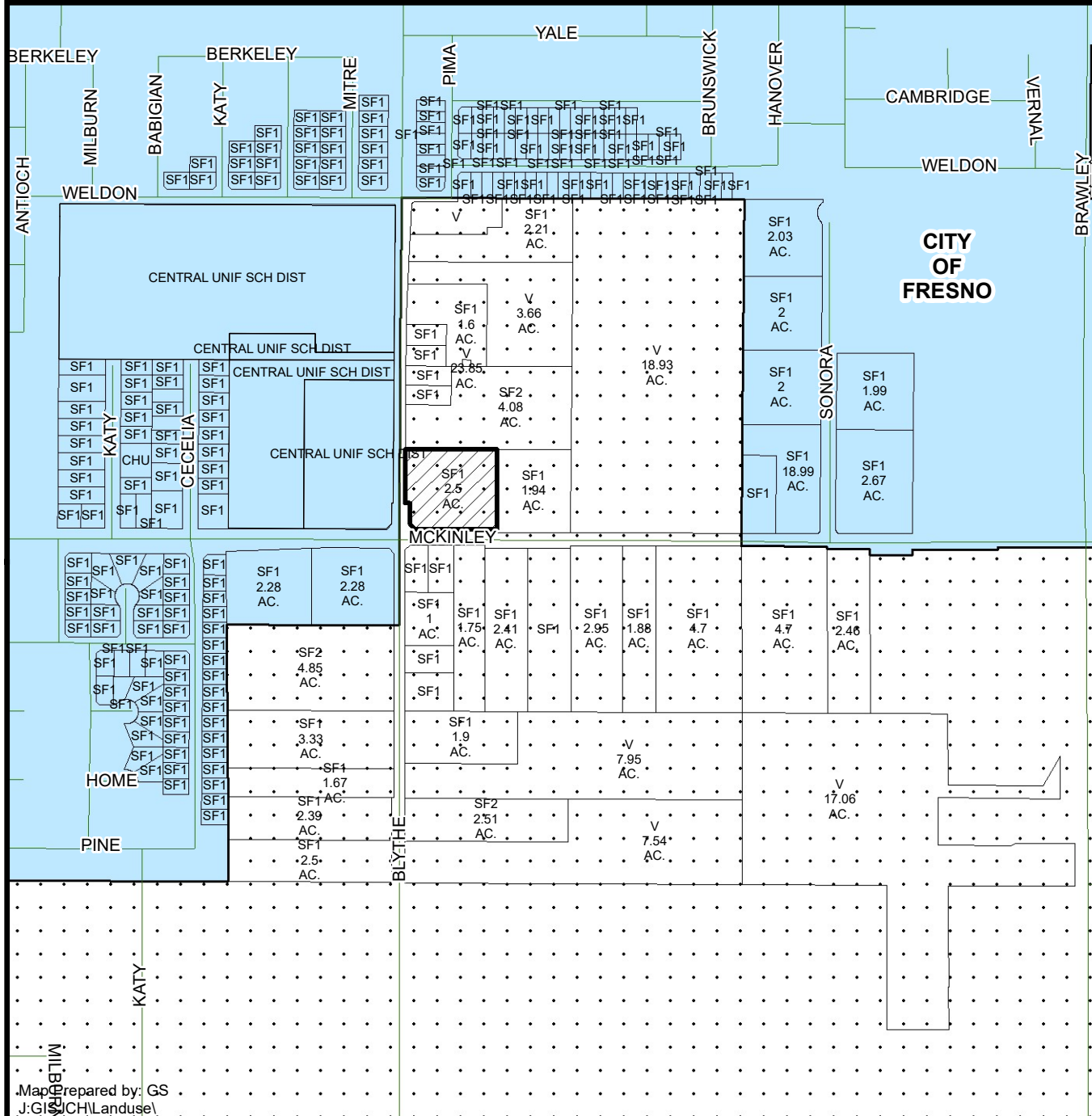


Legend

 City of Fresno Sphere of Influence





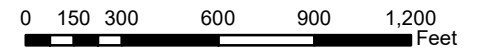
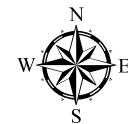
EXISTING LAND USE MAP



LEGEND	
CHU	- CHURCH
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division

Map prepared by: GS
J:GIS/CH/Landuse/

King file



Inter Office Memo

DATE: March 24, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12563 - INITIAL STUDY APPLICATION NO. 6888 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3478

APPLICANT/
OWNER: Sy Nguyen Le

REQUEST: Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

PLANNING COMMISSION ACTION:

At its hearing of November 19, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Egan to continue the hearing to a date uncertain to allow Staff an opportunity to re-evaluate the Initial Study (IS) environmental analysis as it pertains to transportation and traffic in order to address concerns that the Commission expressed regarding Irrevocable Offers of Right-of-Way Dedication for McKinley Avenue and Blythe Avenue being required as Mitigation Measures for the project.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Borba, Egan, Abrahamian, Mendes, Rocca, Woolf and Zadourian
	No:	None
	Absent:	Commissioner Lawson
	Abstain:	None

RESOLUTION NO. 12563

At its continued hearing of March 24, 2016, 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 Classified Conditional Use Permit Application No. 3478, subject to the Conditions in the Staff Report, with the inclusion of additional Conditions to prohibit the accumulation of trash on the subject parcel, prohibit the use of outdoor sound amplification related to facility activities, require the construction of a six-foot-tall chain-link fence along the perimeter of the subject parcel with slats installed in the chain-link fence along the eastern property line of the subject parcel spanning from the northern boundary of the front yard setback (measured from the McKinley Avenue ultimate right-of-way) to a point 155 feet south of the northern property line of the subject parcel, and require landscaping consisting of drought-tolerant trees and shrubs along the eastern property line of the subject parcel spanning from the northern boundary of the McKinley Avenue ultimate right-of-way to a point 155 feet south of the northern property line of the subject parcel. All Conditions are listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Lawson, Chatha, Eubanks and Mendes

 No: Commissioners Egan and Zadourian

 Absent: Commissioners Borba and Woolf

 Abstain: None

BERNARD JIMENEZ, INTERIM DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
William M. Kettler, Manager
Development Services Division

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NOTE: 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 Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 6888
Classified Conditional Use Permit Application No. 3478

Public Hearing dated November 19, 2015

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 19, 2015, and heard a summary presentation by staff.
- Applicant: The Applicant's representative agreed with the Staff Report; however, he disagreed with the Irrevocable Offers of Right-of-Way Dedication for McKinley Avenue and Blythe Avenue being required as Mitigation Measures for the project. He described the project and offered the following information:
- The proposed temple will be independently operated by the Applicant, and will not be affiliated with other Buddhist Temples in the area.
 - The temple may expand in the future; however, the Applicant will apply for the necessary permits to authorize any such expansion.
 - The Applicant is not comfortable with losing land from the subject parcel through the Mitigation Measures requiring right-of-way dedications for Blythe Avenue and McKinley Avenue.
- 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.

Public Hearing dated March 24, 2016

- Staff: The Fresno County Planning Commission considered the Addendum Staff Report dated March 24, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's representative agreed with the Addendum Staff Report and the recommended Conditions. He described the project and offered the following information:
- A paved parking area was improved on the east side of the existing residence in order to provide temporary off-street parking for the proposed facility while the Applicant pursues approval of the proposed land use.
 - The Applicant recently hosted a New Year Celebration at the project site which probably motivated the easterly-adjacent neighbors to provide the late correspondence in opposition to the project.

RESOLUTION NO. 12563

- The Applicant has plans to address the concerns identified by the easterly-adjacent neighbors in their late correspondence opposing the project, including improvements to the perimeter fencing so as to keep the on-site guard dog contained on the subject parcel.
- Although more than 40 people have visited the subject parcel for events such as the recently-hosted New Year Celebration, no more than 40 people have visited the subject parcel at the same time.

Others:

No other individuals presented information in support of the application, and one individual presented information in opposition to the application, citing:

- The subject parcel is not adequately secured, which allows the on-site guard dog to cross onto neighboring properties.
- People visiting the subject parcel park off site, along Blythe Avenue and McKinley Avenue.
- The subject parcel is not large enough to accommodate the number of people visiting.
- The Applicant has utilized a tent to host outdoor services at the subject parcel.
- The Applicant should construct a block wall around the perimeter of the subject parcel.

Correspondence:

No letters were presented to the Planning Commission in support of the application, and one letter provided as late correspondence was presented to the Planning Commission in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 6888 / Classified Conditional Use Permit Application No. 3478
(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 lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	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 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.	Applicant	Applicant	Ongoing
*3.	Geology and Soils	Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*4.	Geology and Soils	Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*5.	Geology and Soils	Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing

EXHIBIT B

*6.	Geology and Soils	Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system.	Applicant	Applicant/City of Fresno	Ongoing
*7.	Geology and Soils	All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies.	Applicant	Applicant/City of Fresno	Ongoing
*8.	Geology and Soils	Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*9.	Hydrology and Water Quality	The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/City of Fresno	Ongoing
*10.	Hydrology and Water Quality	The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.	Applicant	Applicant/City of Fresno	Ongoing
*11.	Hydrology and Water Quality	Installation of water service(s) and meter box(es) shall be required.	Applicant	Applicant/City of Fresno	Ongoing
*12.	Hydrology and Water Quality	Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*13.	Hydrology and Water Quality	Seal and abandon any existing on-site water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.	Applicant	Applicant/City of Fresno	Ongoing
*14.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
*15.	Transportation and Traffic	All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission, except as modified by Site Plan Review.
2.	Prior to occupancy, a Site Plan Review 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.
3.	The property owner shall not allow trash to accumulate on the subject parcel.
4.	There shall be no use of outdoor sound amplification equipment related to facility activities.
5.	Prior to occupancy, the property owner shall construct a six-foot-tall chain-link fence along the perimeter of the subject parcel with slats installed in the chain-link fence along the eastern property line of the subject parcel spanning from the northern boundary of the front yard setback (measured from the McKinley Avenue ultimate right-of-way) to a point 155 feet south of the northern property line of the subject parcel.
6.	Prior to occupancy, the property owner shall provide landscaping consisting of drought-tolerant trees and shrubs along the eastern property line of the subject parcel spanning from the northern boundary of the McKinley Avenue ultimate right-of-way to a point 155 feet south of the northern property line of the subject parcel.

*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.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
2.	20-foot by 20-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing McKinley Avenue or Blythe Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee to FMFCD.
5.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before

Notes	
	construction begins, the Applicant 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.
6.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

April 11, 2016

Sy Nguyen Le
4354 W. McKinley Avenue
Fresno CA 93722

Dear Applicant:

Subject: Resolution No. 12563 - Initial Study Application No. 6888 and Classified
Conditional Use Permit Application No. 3478

On March 24, 2016, the Fresno County Planning Commission approved your application with modified 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 Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

ADDENDUM

Planning Commission Staff Report Agenda Item No. 4 March 24, 2016

SUBJECT: Initial Study Application No. 6888 and Classified Conditional Use Permit Application No. 3478

Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

Note: This Item was continued from the November 19, 2015 Planning Commission Hearing.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

OWNER/APPLICANT: Sy Nguyen Le

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

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Revised Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6888; and
- Approve Classified Conditional Use Permit (CUP) Application No. 3478 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Staff Report and Exhibits dated November 19, 2015
2. Revised Mitigation Monitoring, Conditions of Approval and Project Notes
3. Revised Summary of Initial Study Application No. 6888

PUBLIC NOTICE:

Notices were sent to 26 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

BACKGROUND INFORMATION:

At the Planning Commission's regularly-scheduled November 19, 2015 Hearing, the Commission expressed concern that Irrevocable Offers of Right-of-Way Dedication for McKinley Avenue and Blythe Avenue were included as Mitigation Measures for the project. Further, the Commission approved a motion continuing the Hearing to a date uncertain to allow Staff an opportunity to re-evaluate the Initial Study (IS) environmental analysis as it pertains to transportation and traffic. As such, Staff re-engaged concerned agencies regarding the Right-of-Way issue identified by the Commission, and revised the IS environmental analysis in light of the project scope and the amount of traffic to be generated by the proposed use. The Revised IS environmental analysis was re-circulated for agency review on February 24, 2016.

This proposal entails the utilization of an existing 2,613 square-foot single-family residence with 1,326 square-foot porch area located on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District as a religious facility. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year-round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during the following annual special events:

- Buddha's Birthday, one Sunday in May from 9am – 2pm
- Annual Parents' Gratitude Day, one Sunday usually in August from 9am – 2pm
- Chinese/Vietnamese Lunar New Year, one day usually in February from early morning to late afternoon

ANALYSIS:

The subject parcel currently has access from McKinley Avenue via two existing 13-foot-wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 parking spaces and a proposed 18-foot-wide paved driveway on Blythe Avenue that will be utilized for exit only.

The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year-round, and approximately 40 people will visit the site during three annual special events, which include Buddha's Birthday (one Sunday in May from 9am – 2pm), Annual Parents' Gratitude Day (one Sunday usually in August from 9am – 2pm), and

Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon). As such, the proposed use may generate approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year-round, and approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events.

With regard to right-of-way, the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning commented that an irrevocable offer of 13 feet of additional right-of-way dedication is needed from the southern side of the subject parcel which abuts McKinley Avenue in order to comply with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan. Additionally, the Road Maintenance and Operations Division also commented that irrevocable offers of 33 feet and 23 feet of additional right-of-way dedication are needed from the western side of the subject parcel which abuts Blythe Avenue in order to comply with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan.

This proposal was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic-related concerns regarding the project, nor did said agency require preparation of a Traffic Impact Study (TIS). However, said agency did comment that the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division are necessary to ensure compliance with the Transportation and Circulation Element of the County General Plan.

The City of Fresno Public Works Department also reviewed this proposal with regard to right-of-way. According to said agency, the intersection of McKinley Avenue and Blythe Avenue is planned to someday have full improvements, including traffic signals. As such, the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division are necessary to ensure orderly development of the intersection. Further, the City depends on development projects as a means to acquire right-of-way needed for road improvement projects.

Staff acknowledges that the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division would help to bring the roadways into further compliance with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan. Staff also acknowledges that the City could experience some economic hardship in the future if the intersection is improved, should the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue not be required. However, no substantial traffic hazard issues were identified by any agency reviewing this proposal. Further, the amount of traffic to be generated by the proposed use (approximately 24 one-way visitor trips for religious services on Saturdays and Sundays, and approximately 80 one-way visitor trips for three annual special events) has been determined to be less than significant and will not impact roadways in the area. As such, no irrevocable offers of additional right-of-way dedication are required for this project.

FINDINGS:

No additional information has been received to alter staff's original ability to make the four required Findings for granting the Classified Conditional Use Permit. As such, staff recommends approval of Classified Conditional Use Permit Application No. 3478. Please see Exhibit 1 of this Addendum Staff Report for complete Conditional Use Permit Findings.

CONCLUSION:

No substantial traffic hazard issues were identified by any agency reviewing this proposal. Further, the amount of traffic to be generated by the proposed use has been determined to be less than significant and will not impact roadways in the area. As such, no irrevocable offers of additional right-of-way dedication are required for this project.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration as revised for Initial Study Application No. 6888; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3478, 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 Classified Conditional Use Permit Application No. 3478; 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.

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EXHIBIT 1

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 November 19, 2015

SUBJECT: Initial Study Application No. 6888 and Classified Conditional Use Permit Application No. 3478

Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

OWNER/APPLICANT: Sy Nguyen Le

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6888; and
- Approve Classified Conditional Use Permit (CUP) Application No. 3478 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 Plan
6. Floor Plan
7. Elevations
8. Applicant's Operational Statement
9. Summary of Initial Study Application No. 6888

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential in the County-adopted Fresno High-Roeding Community Plan	No change
Zoning	R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay)	No change
Parcel Size	2.50 acres	No change
Project Site	2,613 square-foot single-family residence with 1,326 square-foot porch area; septic system; water well; two 13-foot-wide paved driveways accessing McKinley Avenue	Utilization of an existing 2,613 square-foot single-family residence with 1,326 square-foot porch area as a religious facility; two 13-foot-wide paved driveways accessing McKinley Avenue; one 18-foot-wide paved driveway accessing Blythe Avenue to be utilized for exit only; paved parking lot with 32 parking spaces
Structural Improvements	2,613 square-foot single-family residence with 1,326 square-foot porch area	2,613 square-foot single-family residence with 1,326 square-foot porch area to be utilized as a religious facility

Criteria	Existing	Proposed
Nearest Residence	Approximately 10 feet north of the subject parcel	No change
Surrounding Development	Residential subdivisions; elementary school (Central Unified McKinley Elementary School) westerly adjacent; high school (Central Unified High School East Campus) approximately one and a half miles to the northwest; State Route (SR) 99 approximately two miles to the east	No change
Operational Features	N/A	<p>Religious facility utilized by Applicant to host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project.</p> <p>Approximately 40 guests will visit the site during the following annual special events: Buddha's Birthday (one Sunday in May from 9am – 2pm); Annual Parents Gratitude Day (one Sunday usually in August from 9am – 2pm); Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon)</p>
Employees	N/A	None
Customers	N/A	<p>Approximately 12 followers are anticipated to visit the religious facility on Saturday and Sunday mornings, year round.</p> <p>Approximately 40 guests are anticipated to visit the</p>

Criteria	Existing	Proposed
		religious facility during the following annual special events: Buddha's Birthday (one Sunday in May from 9am – 2pm); Annual Parents Gratitude Day (one Sunday usually in August from 9am – 2pm); Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon)
Traffic Trips	Residential traffic	Approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year round Approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events
Lighting	Residential lighting	No additional lighting proposed
Hours of Operation	N/A	<u>Religious Services:</u> Saturday and Sunday mornings, year-round <u>Annual Special Events:</u> Buddha's Birthday (one Sunday in May) from 9am – 2pm; Annual Parents Gratitude Day (one Sunday usually in August) from 9am – 2pm; Chinese/Vietnamese Lunar New Year (one day usually in February) from early morning to late afternoon .

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: None

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with 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 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: October 30, 2015

PUBLIC NOTICE:

Notices were sent to 26 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) Application 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 a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

This proposal entails the utilization of an existing 2,613 square-foot single-family residence with 1,326 square-foot porch area located on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District as a religious facility. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during the following annual special events:

- Buddha's Birthday, one Sunday in May from 9am – 2pm
- Annual Parents Gratitude Day, one Sunday usually in August from 9am – 2pm
- Chinese/Vietnamese Lunar New Year, one day usually in February from early morning to late afternoon

The subject parcel currently has access from McKinley Avenue via two existing 13-foot-wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot-wide paved driveway on Blythe Avenue that will be utilized for exit only.

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 Street Side: 25 feet	Front (south property line): 53 feet Side (east property	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Rear: 20 feet	line): 60 feet Street Side (west property line): 160 feet Rear (north property line): 205 feet	
Parking	One parking space for every 40 square feet of area within the main auditorium or meeting hall; one parking space for the physically handicapped for every 25 parking spaces required	32 standard paved parking spaces; two parking spaces for the physically handicapped	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	N/A (proposed religious facility shall be required to use community sewer service provided by the City of Fresno)	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A (proposed religious facility shall be required to use community water service provided by the City of Fresno)	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Existing and proposed improvements satisfy the setback requirements of the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. Completion of a Site Plan Review is recommended to ensure compliance with development standards.

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

Analysis:

Staff review of the Site Plan demonstrates that the existing single-family residence to be

converted into the proposed religious facility satisfies the minimum building setback requirements of the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. The existing single-family residence is set back approximately 53 feet from the ultimate right-of-way for McKinley Avenue (35 feet required), approximately 160 feet from the ultimate right-of-way for Blythe Avenue (25 feet required), approximately 60 feet from the eastern property line of the subject parcel (20 feet required), and approximately 205 feet from the northern property line of the subject parcel (20 feet required).

With regard to off-street parking for religious facilities, the Zoning Ordinance requires at least one parking space to be provided for every 40 square feet of area within the main auditorium or meeting hall. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces required at a facility. The existing single-family residence to be converted into the proposed religious facility will have a 704 square-foot sanctuary. As such, the proposed religious facility needs to have at least 18 parking spaces, one of which needs to be provided for the physically handicapped. The Applicant proposes to provide 32 standard parking spaces and two spaces for the physically handicapped.

Based on the above information and with adherence to a Site Plan Review (SPR) required as a Condition of Approval, staff finds that the subject parcel is adequate in size and shape to accommodate the proposed use. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Recommended Conditions of Approval:

See Recommended Conditions of Approval attached as Exhibit 1.

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	No	N/A	No change
Public Road Frontage	Yes	McKinley Avenue: Very poor condition Blythe Avenue: Poor condition	No change
Direct Access to Public Road	Yes	McKinley Avenue: Two 13-foot-wide paved driveways	McKinley Avenue: No change Blythe Avenue: one 18-foot-wide paved driveway to be utilized for exit only

		Existing Conditions	Proposed Operation
Road ADT		McKinley Avenue: 5,900 Blythe Avenue: 1,500	Less than significant traffic increase
Road Classification		McKinley Avenue: Arterial Blythe Avenue: Arterial	No change
Road Width		McKinley Avenue: 80-foot total existing right-of-way Blythe Avenue: Variable total existing right-of-way ranging from 40 to 60 feet	McKinley Avenue: Irrevocable offer of 13 feet of additional right-of-way dedication shall be required from the southern side of the subject parcel which abuts McKinley Avenue. Blythe Avenue: Irrevocable offers of 33 feet and 23 feet of additional right-of-way dedication shall be required from the western side of the subject parcel which abuts Blythe Avenue.
Road Surface		McKinley Avenue: Paved (pavement width: 32.7 feet) Blythe Avenue: Paved (pavement width: 22.8 feet)	No change
Traffic Trips		Residential traffic	Approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year round Approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning

	Existing Conditions	Proposed Operation
Road Improvements Required	N/A	None required

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

City of Fresno Public Works Department: The Applicant shall be required to provide the following within the limits of the project site: 1) concrete curb, gutter, and sidewalk along the McKinley Avenue frontage and Blythe Avenue frontage of the subject parcel, constructed in compliance with City of Fresno Public Works Department Standard P-5 development criteria; 2) underground street lighting system constructed in compliance with City of Fresno Public Works Department Standard E-1, spacing and design shall conform to City of Fresno Public Works Department Standard E-7 for arterial roads; and 3) underground all existing overhead utilities.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: 20-foot by 20-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing McKinley Avenue or Blythe Avenue. This requirement has been included as a Project Note.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: McKinley Avenue is a County-maintained road which is classified as an Arterial. The minimum total width for an Arterial right-of-way is 106 feet. McKinley Avenue has a total existing right-of-way of 80 feet at the subject parcel, with 40 feet north and 40 feet south of the section line. Blythe Avenue is jointly maintained by the County and City of Fresno, and is classified as an Arterial. The minimum total width for an Arterial right-of-way is 106 feet. The portion of Blythe Avenue that fronts the subject parcel has a variable total existing right-of-way which ranges from 40 feet, with 20 feet east and 20 feet west of the center line, to 60 feet, with 30 feet east and 30 feet west of the center line. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. This requirement has been included as a Project Note. All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving. This requirement has been included as a Mitigation Measure to reduce potential impacts to transportation to less than significant.

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

Analysis:

The subject parcel currently has access from McKinley Avenue via two existing 13-foot-wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot-wide paved driveway on Blythe Avenue that will be utilized for exit only.

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, McKinley Avenue is a County-maintained road with an existing 40-foot right-of-way north of the section line which fronts the subject parcel. Due to McKinley Avenue being classified as an Arterial, McKinley Avenue has an ultimate right-of-way of 106 feet

at the subject parcel, with 53 feet north and 53 feet south of the section line. As such, an irrevocable offer of 13 feet of additional right-of-way dedication is needed from the southern side of the subject parcel which abuts McKinley Avenue. Additionally, Blythe Avenue is jointly maintained by the County and City of Fresno, and the portion of Blythe Avenue that fronts the subject parcel has a variable existing right-of-way which ranges from 20 to 30 feet east of the center line. Due to Blythe Avenue being classified as an Arterial, Blythe Avenue has an ultimate right-of-way of 106 feet at the subject parcel, with 53 feet east and 53 feet west of the center line. As such, irrevocable offers of 33 feet and 23 feet of additional right-of-way dedication are needed from the western side of the subject parcel which abuts Blythe Avenue. These requirements for additional right-of-way dedication have been included as Mitigation Measures to reduce potential impacts to transportation to less than significant, and shall be reviewed for approval during the Site Plan Review (SPR) process that has also been included as a Condition of Approval. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

With regard to traffic, the proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events, which include Buddha's Birthday (one Sunday in May from 9am – 2pm), Annual Parents Gratitude Day (one Sunday usually in August from 9am – 2pm), and Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon). As such, the proposed use may generate approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year round, and approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic-related concerns regarding the project, nor did said agency require preparation of a Traffic Impact Study (TIS).

The City of Fresno Public Works Department reviewed this proposal and commented that the Applicant should be required to provide a concrete curb, gutter, and sidewalk along the McKinley Avenue frontage and Blythe Avenue frontage of the subject parcel, constructed in compliance with the City of Fresno Public Works Department Standard P-5 development criteria. However, no substantial traffic hazard or substantial emergency access issue was identified by the City of Fresno to require such improvements under CEQA. Further, the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.

The City of Fresno also requested that the Applicant be required to construct a street lighting system and underground all existing overhead utilities within the limits of the project site. Staff does not believe there is a nexus for such a request considering that the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have an existing street lighting system or underground utilities.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes described above, staff finds that the surrounding streets serving the project site will remain adequate to accommodate the proposed use.

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	4.08 acres	Single-family residence	R-R(nb)	Approximately 10 feet to the north
South	16,400 square feet	Single-family residence	R-R(nb)	Approximately 107 feet to the south
	18,400 square feet	Single-family residence	R-R(nb)	Approximately 104 feet to the south
	1.81 acres	Single-family residence	R-R(nb)	Approximately 85 feet to the south
	2.39 acres	Single-family residence	R-R(nb)	Approximately 113 feet to the southeast
East	2.08 acres	Two single-family residences	R-R(nb)	Approximately 55 feet to the east
West	4.44 acres	Elementary school (Central Unified McKinley Elementary School)	City of Fresno	None

Reviewing Agency/Department Comments:

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): No concerns with the proposal.

Fresno Irrigation District (FID): FID does not own, operate or maintain any facilities located within the limits of the subject parcel.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This requirement has been included as a Project Note.

Fresno County Department of Public Health, Environmental Health Division: County records indicate that the septic system serving the existing single-family residence is located on the south side of said structure, partially within the ultimate right-of-Way of McKinley Avenue. County records also indicate that the septic system serving the existing single-family residence

is not adequate to serve the proposed use. It is highly recommended that the Applicant investigate the potential to connect to community sewer and water services operated by the City of Fresno.

North Central Fire Protection District: No concerns with regard to water supply, fire hydrants, and fire apparatus access. Review for compliance with fire and life safety requirements for the building interior will be conducted by the North Central Fire Protection District when plans are submitted to the Fresno County Department of Public Works and Planning for the change of occupancy from single-family residence to religious facility.

San Joaquin Valley Unified Air Pollution Control District (Air District): No concerns with the proposal.

State Water Resource Control Board, Division of Drinking Water: The proposed use does not require permitting as a public water system. Permitting as a public water system is required in cases where at least 25 individuals are on site for at least 60 days per year.

Central Unified School District: No concerns with the proposal.

City of Fresno Department of Public Utilities: Connection of the proposed religious facility to the community sewer system operated by the City of Fresno is required per Fresno Municipal Code (FMC) Section 6-303. The nearest City of Fresno sewer main in relation to the subject parcel terminates at the intersection of Blythe Avenue and McKinley Avenue. Connection of the proposed religious facility to the community sewer system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to soils to less than significant: 1) Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage; 2) Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage; 3) Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility; 4) Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system; 5) All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies; and 6) Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.

The nearest City of Fresno water main available to serve the proposed use is located within Blythe Avenue, westerly adjacent to the subject parcel. Connection of the proposed religious facility to the community water system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to groundwater to less than significant: 1) The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility; 2) The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities; 3) Installation of water service(s) and meter box(es) shall be required; 4) Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of

Fresno Master Fee Schedule; and 5) Seal and abandon any existing onsite water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.

Fresno Metropolitan Flood Control District (FMFCD): Due to the subject parcel being located within FMFCD Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee to FMFCD. If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant 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 (BMPs) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as Project Notes. Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system. This requirement has been included as a Mitigation Measure to reduce potential impacts to water quality to less than significant.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm. A Grading Permit or Voucher shall be required for any grading activity associated with this proposal. This requirement has been included as a Project Note.

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

Analysis:

This proposal entails the utilization of an existing 2,613 square-foot single-family residence located on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District as a religious facility. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during the following annual special events:

- Buddha's Birthday, one Sunday in May from 9am – 2pm
- Annual Parents Gratitude Day, one Sunday usually in August from 9am – 2pm
- Chinese/Vietnamese Lunar New Year, one day usually in February from early morning to late afternoon

The subject parcel is located within the Sphere of Influence of the City of Fresno, is easterly adjacent to the city limits of the City of Fresno, and is located in a predominately urbanized area marked by residential subdivisions. Additionally, an elementary school (Central Unified McKinley Elementary School) is westerly adjacent to the subject parcel, a high school (Central Unified High School East Campus) is located approximately one and a half miles to the

northwest, and State Route (SR) 99 is located approximately two miles to the east. Considering the close proximity of another institutional use (*i.e.*, Central Unified McKinley Elementary School) in conjunction with the fact that the proposed conversion of the existing single-family residence into a religious facility does not entail any exterior modification or expansion of said structure, staff does not believe this proposal will degrade the existing visual character or quality of the site and its surroundings. Further, the subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

According to the Environmental Health Division of the Fresno County Department of Public Health, County records indicate that the septic system serving the existing single-family residence to be converted into the proposed religious facility is not adequate to serve the proposed use. Additionally, County records also indicate that the septic system serving the existing single-family residence is located on the south side of said structure, partially within the ultimate right-of-Way of McKinley Avenue. However, the Site Plan provided for this proposal shows the septic system serving the existing single-family residence being located on the east side of said structure. This is due to a previous property owner having abandoned the septic system identified on County records, and constructing the septic system identified on the Site Plan provided for this proposal. It is noted that no permits were obtained for either the abandonment of the septic system identified on County records or the construction of the septic system identified on the Site Plan provided for this proposal. In light of this situation, and considering the comments provided by the City of Fresno, the Applicant shall connect the proposed religious facility to the community sewer system operated by the City of Fresno prior to occupancy being granted for the proposed use.

The existing single-family residence to be converted into the proposed religious facility currently utilizes an existing water well located on the subject parcel. According to the City of Fresno Department of Public Utilities, the nearest City of Fresno water main available to serve the proposed use is located within Blythe Avenue, westerly adjacent to the subject parcel. Considering that a community water system is available to serve the proposed use, the existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed use.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff finds that 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 LU-G.1: County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted Spheres of Influence and are	This proposal was reviewed by the City of Fresno Public Works Department which requested the following improvements within the limits of the project site: 1) concrete curb,

Relevant Policies:	Consistency/Considerations:
<p>responsible for urban development and the provision of urban services within their Spheres of Influence.</p>	<p>gutter, and sidewalk along the McKinley Avenue frontage and Blythe Avenue frontage of the subject parcel, constructed in compliance with City of Fresno Public Works Department Standard P-5 development criteria; 2) underground street lighting system constructed in compliance with City of Fresno Public Works Department Standard E-1, spacing and design shall conform to City of Fresno Public Works Department Standard E-7 for arterial roads; and 3) underground all existing overhead utilities.</p> <p>However, no substantial traffic hazard or substantial emergency access issue was identified by the City of Fresno to require such improvements under CEQA. Additionally, the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks. Further, the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have an existing street lighting system or underground utilities.</p> <p>According to the City of Fresno Department of Public Utilities, connection of the proposed religious facility to the community sewer system operated by the City of Fresno is required per Fresno Municipal Code (FMC) Section 6-303, and connection of the proposed religious facility to the community water system operated by the City of Fresno should also be required.</p> <p>Considering that community sewer and water systems are available to serve the proposed use, the existing single-family residence shall be connected to the community sewer and water systems operated by the City of Fresno prior to occupancy being granted for the proposed use.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>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 project, as the subject parcel is not located in a designated water-short area, and the proposed religious facility</p>

Relevant Policies:	Consistency/Considerations:
	will be required to utilize a community water system operated by the City of Fresno.

Reviewing Agency Comments:

Policy Planning Section of the Development Services Division: The subject parcel is designated Rural Residential in the County-adopted Fresno High-Roeding Community Plan.

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

Analysis:

The subject parcel is designated Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). The Rural Residential General Plan designation accommodates religious facilities provided that the facilities are necessary to serve the needs of the rural residential population and occur in a manner compatible with the surrounding rural area. In this case, the proposal entails utilization of an existing 2,613 square-foot single-family residence as a religious facility on a 2.50-acre parcel located in a predominately urbanized area within the City of Fresno Sphere of Influence, approximately 40 feet east of the nearest city limits of the City of Fresno. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events. Considering the relatively limited scope of this proposal, and the fact that no General Plan consistency issues were identified, staff believes the proposed use is consistent with the General Plan.

Based on the above information, the proposal is consistent with the Fresno County 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 Classified Conditional Use Permit Application can be made. Staff therefore recommends approval of Classified Conditional Use Permit Application No. 3478, 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. 6888; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3478, 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 Classified Conditional Use Permit Application No. 3478; 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.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 6888 / Classified Conditional Use Permit Application No. 3478
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetic	All lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	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 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.	Applicant	Applicant	Ongoing
*3.	Geology and Soils	Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*4.	Geology and Soils	Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*5.	Geology and Soils	Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing
*6.	Geology and Soils	Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to	Applicant	Applicant/City of Fresno	Ongoing

		the City sewer system.			
*7.	Geology and Soils	All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies.	Applicant	Applicant/City of Fresno	Ongoing
*8.	Geology and Soils	Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*9.	Hydrology and Water Quality	The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/City of Fresno	Ongoing
*10.	Hydrology and Water Quality	The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.	Applicant	Applicant/City of Fresno	Ongoing
*11.	Hydrology and Water Quality	Installation of water service(s) and meter box(es) shall be required.	Applicant	Applicant/City of Fresno	Ongoing
*12.	Hydrology and Water Quality	Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*13.	Hydrology and Water Quality	Seal and abandon any existing onsite water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.	Applicant	Applicant/City of Fresno	Ongoing
*14.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
*15.	Trans. / Traffic	The Applicant shall record a document irrevocably offering 15 feet of the subject property to the County of Fresno as future right-of-way for McKinley Avenue (40 feet existing). The northern line of said offer shall establish the building setback line for future development. Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be	Applicant	Applicant/PW&P	Ongoing

		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.			
*16.	Trans. / Traffic	The Applicant shall record a document irrevocably offering 33 feet and 23 feet of the subject property to the County of Fresno as future right-of-way for Blythe Avenue (20 to 30 feet existing). The eastern line of said offer shall establish the building setback line for future development. 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.	Applicant	Applicant/PW&P	Ongoing
*17.	Trans. / Traffic	All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing

Conditions of Approval

1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	Prior to occupancy, a Site Plan Review 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, lighting and right-of-way dedication.

*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.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
----	--

Notes	
2.	20-foot by 20-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing McKinley Avenue or Blythe Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee to FMFCD.
5.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant 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.
6.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.

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LOCATION MAP

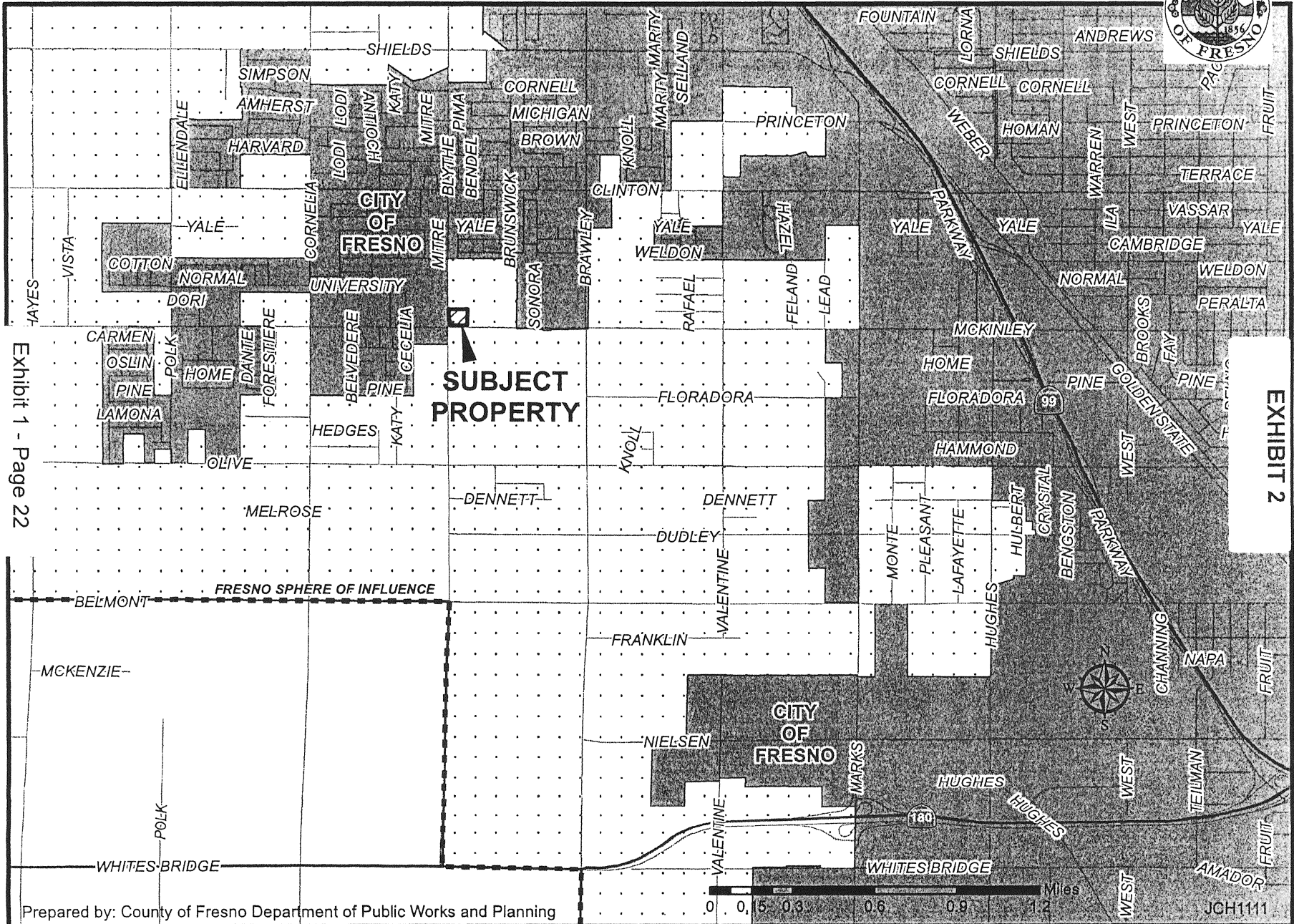


Exhibit 1 - Page 22

EXHIBIT 2

EXISTING ZONING MAP

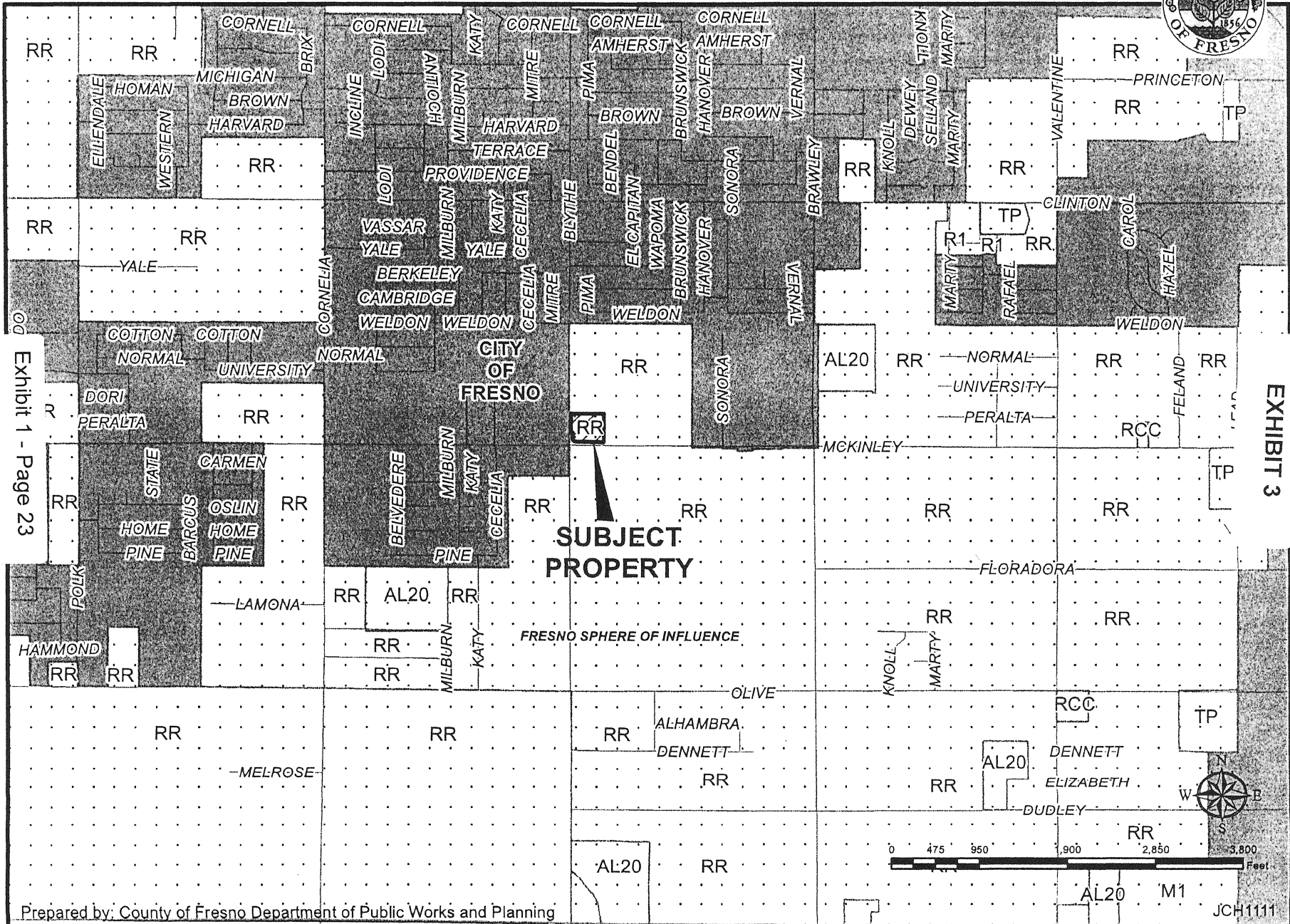
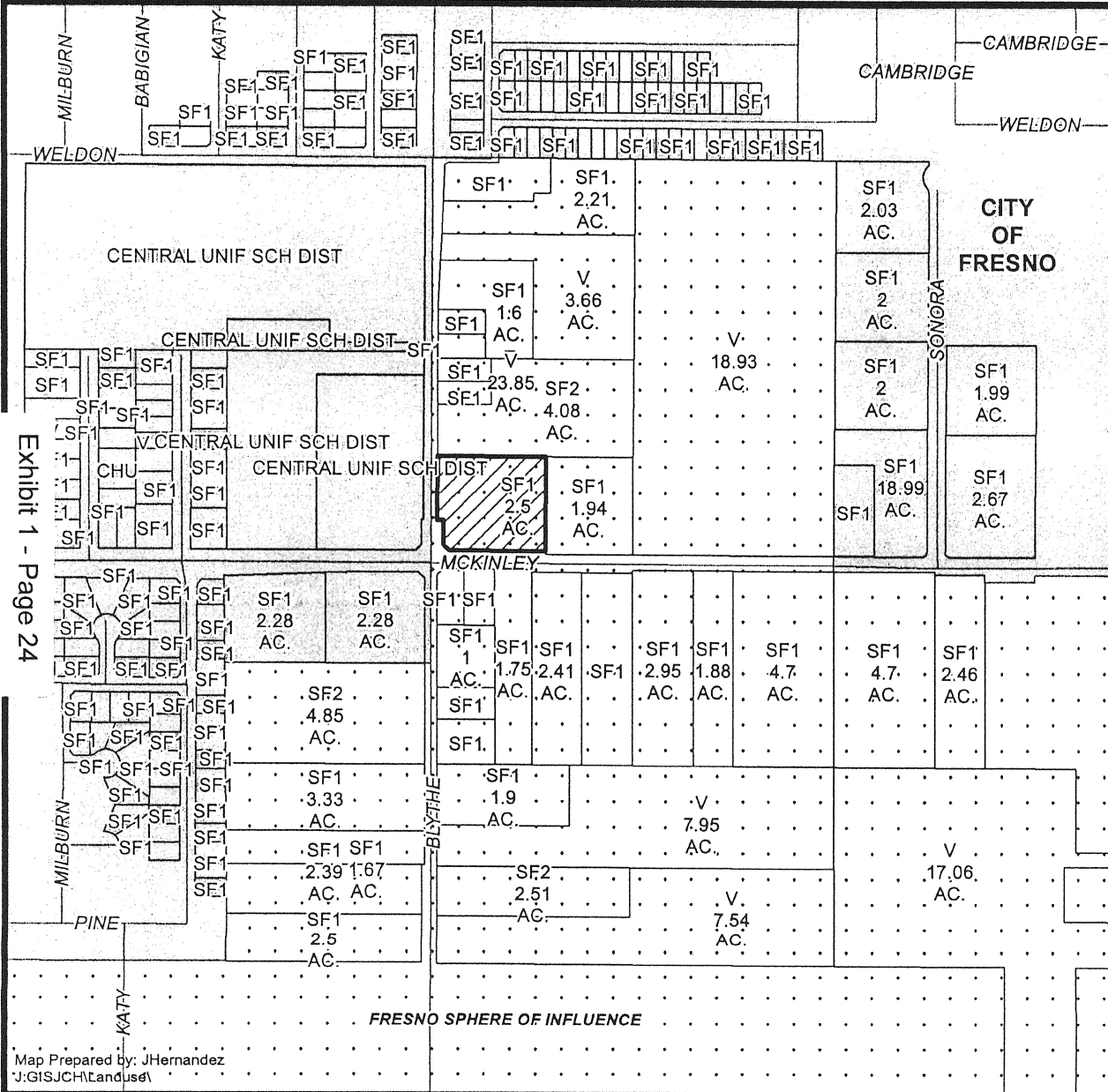


Exhibit 1 - Page 23

EXHIBIT 3

PROJECT

EXISTING LAND USE MAP



LEGEND

CHU - CHURCH
 SF# - SINGLE FAMILY RESIDENCE
 V - VACANT

LEGEND:

Subject Property

EXHIBIT 4

Map Orientation and Scale:

N
 W E
 S

0 125 250 500 750 1,000 Feet

Department of Public Works and Planning
 Development Services Division

Exhibit 1 - Page 24

Map Prepared by: JHernandez
J:GISJCH(Landuse)

EXHIBIT 5

CONDITIONAL USE PERMIT FOR:
SY N, LE

PREPARED BY:
THANH NGUYEN
FRESNO, CA --
(310) 972-0548

SITE PLAN

REVISIONS	DATE

A-1.0

JOB NUMBER: 01
DATE: 01/31/14
DRAWN BY: THANH NGUYEN
SCALE: 1" = 20'-0"

- ① LOCATION OF EXISTING PROPERTY LINE.
- ② LOCATION OF EXISTING AC PAVING TO BE REPAIR.
- ③ LOCATION OF EXISTING DRIVE APPROACH AND GATE TO BE REPAIR.
- ④ LOCATION OF EXISTING CONCRETE FLUTTERK TO BE REPAIR.
- ⑤ LOCATION OF EXISTING LANDSCAPE AREA TO BE REPAIR.
- ⑥ LOCATION OF EXISTING 200 AMP ELECTRICAL PANEL TO BE REPAIR.
- ⑦ LOCATION OF EXISTING GAS PETER TO BE REPAIR.
- ⑧ LOCATION OF EXISTING 4'-0" POLE TO BE REPAIR.
- ⑨ LOCATION OF EXISTING 4'-0" POLE TO BE REPAIR.
- ⑩ LOCATION OF EXISTING 4'-0" POLE TO BE REPAIR.
- ⑪ LOCATION OF EXISTING SEPTIC TANK TO BE REPAIR.
- ⑫ LOCATION OF EXISTING HELL TO BE REPAIR.
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GENERAL DATA:
 SITE ADDRESS: 481 W. MCKINLEY AVE
 CITY: FRESNO, CA 93702
 COUNTY: FRESNO
 LEGAL JURISDICTION:
 ZONING: UNUSUAL
 APPLICABLE:
 UTILITIES:
 WATER:
 SEWER:
 GAS:
 ELEC:
 FIBER OPTIC:
 CABLE TV:
 TEL:
 SITE DATA:
 LOT AREA: 2.58 ACRES
 TOTAL REGULAR PARKING STALLS: 32 STALLS
 TOTAL ACCESSIBLE PARKING STALLS: 7 STALLS
 BEARING WALLS:
 PERIOD AREA:
 REPAIRING BUILDING AREA:
 TOTAL BUILDING AREA:
 1,400 SQ. FT.

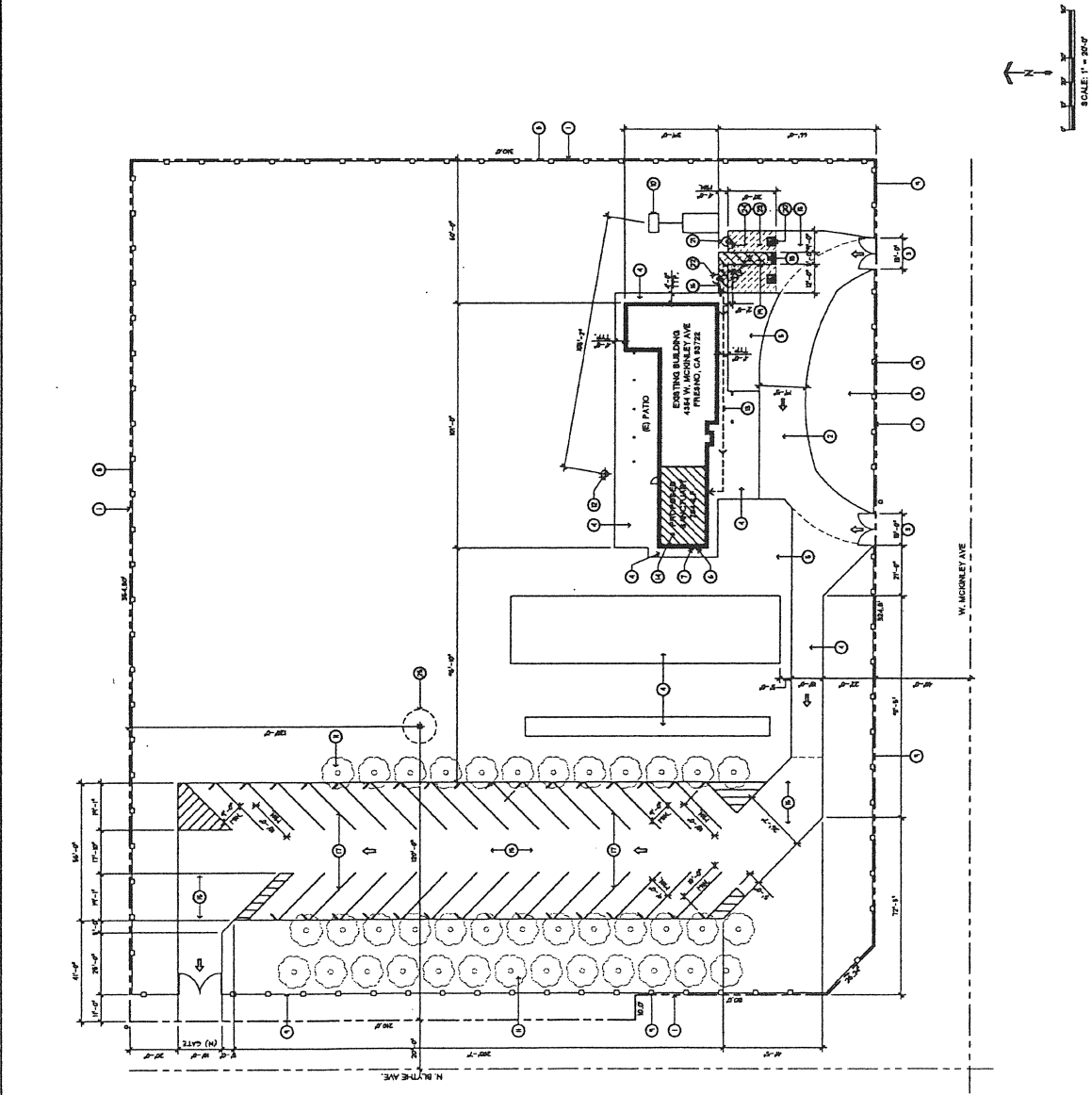


EXHIBIT 7

CONDITIONAL USE PERMIT FOR:
 SY N, LE
 435

PREPARED BY:
 THANH NGUYEN
 FRESNO, CA --
 (310) 972-0548

JOB NUMBER:	01
DATE:	01/07/14
DATE PERMITTED TO BE RECORDED:	
SCALE:	1/4" = 1'-0"

EXTERIOR ELEVATIONS	
REVISIONS	DATE

A-3.0

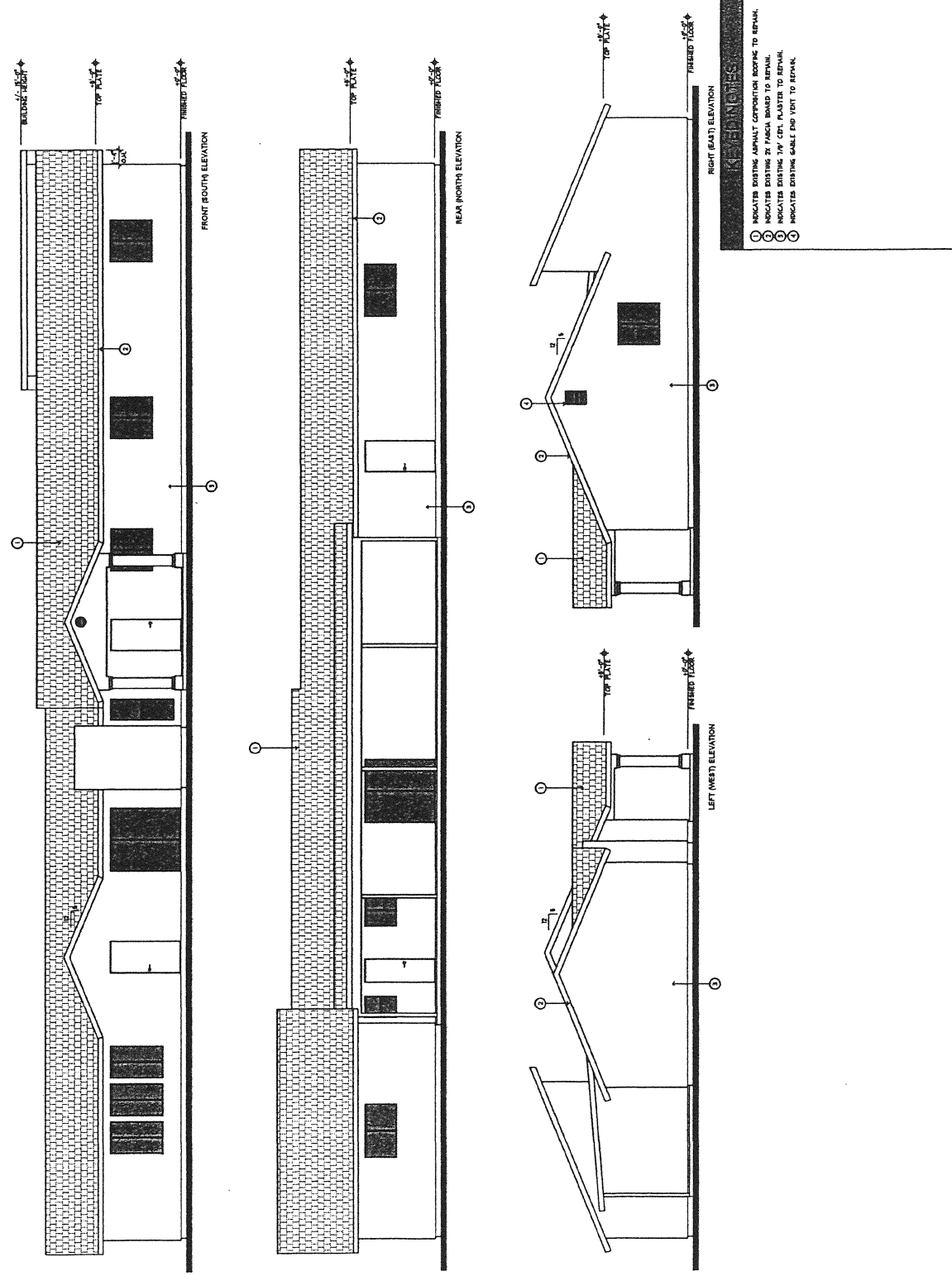


EXHIBIT 8

THIEN AN BUDDHIST TEMPLE AND CULTURAL CENTER OF FRESNO

Board of Directors

Mr. Sy Nguyen Le, President
Mr. Vuong Tran, Vice-President
Mr. Truc Van Nguyen, Secretary
Ms. Kimyen T. Pham, Treasurer

OPERATIONAL STATEMENT

NATURE OF THE OPERATION

Thien An Buddhist Temple and Cultural Center of Fresno is a non-profit religious organization (California Corporate No. 3612911) located at 4354 W. McKinley Avenue, Fresno, CA 93722. We request the County to allow a religious facility in this residential home, a place to provide Buddhist worship service and activities such as praying, meditating, and practicing Buddha's teachings.

OPERATIONAL TIME LIMITS AND NUMBER OF PEOPLE

The Temple consists of a resident monk, living on-site as a caretaker, and twelve regular followers. These regular followers, lead by the monk, get together in the morning of Saturdays and Sundays to practice Buddha's teachings, and perform meditation and Buddhist praying. Once in a while the temple will have guests, estimated around 40 people, coming from Fresno and the vicinity to celebrate some special annual ceremonies such as:

- a. Buddha's birthday ceremony, occurring on one Sunday of May, from 9 AM to 2 PM
- b. Annual Parents (especially Mothers) Gratitude Day ceremony, normally on a Sunday of August, from 9 AM to 2 PM
- c. Chinese/Vietnamese Lunar New Year, usually on a day at the beginning of February, from early morning to late afternoon

ACCESS TO THE SITE, PARKING FACILITY AND VEHICLE CIRCULATION

The temple does not produce anything and there are no goods or merchandise to be sold on-site. No equipment is used and no supplies or materials are used or stored on-site. There will be no service and delivery vehicles; there are only passenger vehicles from the priest and from the religious followers.

The property currently has two existing entrances on McKinley Avenue, connected to each other by an asphalt concrete paved driveway. A new asphalt concrete paved parking, as shown on the site plan, is proposed including parking stalls for disabled persons. Also a new driveway, served as exit only, is proposed along Blythe Avenue, near the northwest corner of the lot, as shown on the site plan.

PHYSICAL CHARACTERISTICS OF THE SITE

No new building or addition is proposed to the current facility. The existing home building is shown in the attached elevation drawings. The current living room, as indicated on the floor plan, will be used as the worship/sanctuary area. All Buddhist teaching, meditation and praying practices will be performed inside the facility.

The requested worship/sanctuary area and the religious practices will not result in any unsightly appearance, nor produce noise, glare, dust or odor. There will be no outdoor lighting or outdoor sound amplification system used for this facility.

Existing trees and landscaping and fencing are to remain, as shown on the site plan. The home has its own well for water usage and its own septic system, as identified on the site plan.



EXHIBIT 9

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Sy Nguyen Le
- APPLICATION NOS.: Initial Study Application No. 6888 and Classified Conditional Use Permit Application No. 3478
- DESCRIPTION: Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R (nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.
- LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist.: 1) (APN: 312-082-14).

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 proposal entails the utilization of an existing 2,613 square-foot single-family residence located on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District as a religious facility. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during the following annual special events:

- *Buddha's Birthday, one Sunday in May from 9am – 2pm*
- *Annual Parents Gratitude Day, one Sunday usually in August from 9am – 2pm*
- *Chinese/Vietnamese Lunar New Year, one day usually in February from early morning to late afternoon*

The subject parcel currently has access from McKinley Avenue via two existing 13-foot wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot wide paved driveway on Blythe Avenue that will be utilized for exit only.

The subject parcel is located within the sphere-of-influence of the City of Fresno, is easterly adjacent to the city limits of the City of Fresno, and is located in a predominately urbanized area marked by residential subdivisions. Additionally, an elementary school (Central Unified McKinley Elementary School) is westerly adjacent to the subject parcel, a high school (Central Unified High School East Campus) is located approximately one and a half miles to the northwest, and State Route (SR) 99 is located approximately two miles to the east. Considering the close proximity of another institutional use (i.e. Central Unified McKinley Elementary School) in conjunction with the fact that the proposed conversion of the existing single-family residence into a religious facility does not entail any exterior modification or expansion of said structure, staff does not believe this proposal will degrade the existing visual character or quality of the site and its surroundings. Further, the subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

- 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:

This proposal does not include a request to utilize outdoor lighting. However, in order to ensure that the proposed religious facility will not generate new sources of light and glare in the area, a Mitigation Measure will be included to require any outdoor lighting utilized at the proposed religious facility to be hooded and directed as to not shine towards adjacent properties and public streets.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.*

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: NO IMPACT:

The subject parcel is located in a predominately urbanized area marked by residential subdivisions. Further, the subject parcel is not located on forest land, is classified as Rural Residential Land on the Fresno County Important Farmland Map (2012), and is not enrolled under a Williamson Act contract. As such, staff believes that this proposal will result in no impact to agricultural or forestry resources.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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:

This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District), which did not express any concerns related to the project. However, staff notes that this proposal may be subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules will reduce air quality impacts of the subject proposal to less than significant.

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 a predominately urbanized area marked by residential subdivisions, and has been previously disturbed as said property has been improved with a single-family residence. Additionally, neighboring properties have also been improved with single-family residences and/or school-related improvements. As such, neighboring properties have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not express any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns related to the project. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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. This proposal 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. However, 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 utilized 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to less than significant.

* **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 utilized 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; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction; or
 4. Landslides?

FINDING: NO IMPACT:

The area in which the subject parcel is located is 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:

The subject parcel has predominately flat topography and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the Applicant must obtain a Grading Permit or Grading Voucher for any grading associated with this proposal.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The subject parcel is not located within an area of known risk of landslides, 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Environmental Health Division of the Fresno County Department of Public Health, County records indicate that the septic system serving the existing single-family residence to be converted into the proposed religious facility is not adequate to serve the proposed use. Additionally, County records also indicate that the septic system serving the existing single-family residence is located on the south side of said structure, partially within the ultimate Right-of-Way of McKinley Avenue. However, the Site Plan provided for this proposal shows the septic system serving the existing single-family residence being located on the east side of said structure. This is due to a previous property owner having abandoned the septic system identified on County records, and constructing the septic system identified on the Site Plan provided for this proposal. It is noted that no permits were obtained for either the abandonment of the septic system identified on County records or the construction of the septic system identified on the Site Plan provided for this proposal.

According to the City of Fresno Department of Public Utilities, connection of the proposed religious facility to the community sewer system operated by the City of Fresno is required per Fresno Municipal Code (FMC) Section 6-303. The nearest City of Fresno sewer main in relation to the subject parcel terminates at the intersection of Blythe Avenue and McKinley Avenue. Connection of the proposed religious facility to the community sewer system operated by the City of Fresno shall be completed prior to occupancy being granted for the proposed use. Further, connection of the proposed religious facility to the community sewer system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to soils to less than significant:

*** Mitigation Measures**

- 1. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.*
- 2. Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.*
- 3. Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.*
- 4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system.*
- 5. All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies.*
- 6. Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.*

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 Unified Air Pollution Control District (Air District) reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to less than significant.

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; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With regard to the conversion of the existing single-family residence to a religious facility, the Fresno County Department of Public Health, Environmental Health Division has consistently provided comments for such conversion proposals which state that any active rodent or insect infestation must be abated prior to remodeling the structure in order to prevent the spread of vectors to adjacent properties. Additionally, in the process of remodeling the existing single-family residence, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints. Should such materials be encountered, the San Joaquin Valley Unified Air Pollution Control District (Air District) must be contacted for more information. Further, if lead-based paint is suspected to have been used in the existing residence structure, the contractor must contact the following agencies for current regulations and requirements prior to demolition and/or remodel work: a) California Department of Public Health, Childhood Lead Poisoning Prevention Branch; b) United States Environmental Protection Agency, Region 9; c) California Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service. Additionally, any construction materials deemed hazardous as identified in the remodel process shall be characterized and disposed of in accordance with current federal, state, and local requirements.

It is noted that an elementary school (Central Unified McKinley Elementary School) is westerly adjacent to the subject parcel.

- 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 an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response 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 subject parcel is not located within 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 Fresno Metropolitan Flood Control District, if construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant 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.

- 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 WITH MITIGATION INCORPORATED:

The existing single-family residence to be converted into the proposed religious facility currently utilizes an existing water well located on the subject parcel. According to the City of Fresno Department of Public Utilities, the nearest City of Fresno water main available to serve the proposed use is located within Blythe Avenue, westerly adjacent to the subject parcel. Considering that a community water system is available to serve the proposed use, the existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed use. Further, connection of the proposed religious facility to the community water system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to groundwater to less than significant:

* **Mitigation Measures**

1. *The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.*
2. *The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.*
3. *Installation of water service(s) and meter box(es) shall be required.*
4. *Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.*
5. *Seal and abandon any existing onsite water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.*

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 project as the subject parcel is not located in a designated water-short area, and the proposed religious facility will be required to utilize a community water system operated by the City of Fresno.

- 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.

- 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 WITH MITIGATION INCORPORATED:

Permanent improvements associated with the development of the proposed religious facility will not cause significant changes in absorption rates, drainage patterns or the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.

According to the Fresno Metropolitan Flood Control District (FMFCD), due to the subject parcel being located within FMFCD Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee. Additionally, outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system. This requirement will be included as a Mitigation Measure to reduce potential impacts to water quality to less than significant.

* **Mitigation Measure**

- 1. Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.*

- 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?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm.

- 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: NO IMPACT:

The subject parcel is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located approximately 40 feet east of the nearest city limits of the City of Fresno.

- 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 Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). The Rural Residential General Plan designation accommodates religious facilities provided that the facilities are necessary to serve the needs of the rural residential population and occur in a manner compatible with the surrounding rural area. In this case, the proposal entails utilization of an existing 2,613 square-foot single-family residence as a religious facility on a 2.50-acre parcel located in a predominately urbanized area within the City of Fresno sphere-of-influence, approximately 40 feet east of the nearest city limits of the City of Fresno. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events. Considering the relatively limited scope of this proposal, staff believes the proposed use is consistent with the General Plan.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

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: NO IMPACT:

No mineral resource impacts were identified in the project analysis. The subject parcel is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

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:

The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence to be utilized as the proposed religious facility, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during three annual special events. The proposed use must comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance, thereby minimizing noise impacts to less than significant.

- 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 a public airport or private airstrip, and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- 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:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

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:

This proposal was reviewed by the North Central Fire Protection District for requirements related to water supply, fire hydrants, and fire apparatus access. No concerns were expressed by said agency. Review of this proposal by the North Central Fire Protection District for compliance with fire and life safety requirements for the interior of the existing single-family residence to be utilized as the proposed religious facility will be conducted by said agency. Any development associated with this proposal must comply with the California Code of Regulations Title 24 – Fire Code.

- 2. Police protection; or
- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified 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 such impacts were identified in the project analysis.

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 WITH MITIGATION INCORPORATED:

The subject parcel currently has access from McKinley Avenue via two existing 13-foot wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot wide paved driveway on Blythe Avenue that will be utilized for exit only.

The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events, which include Buddha's Birthday (one Sunday in May from 9am – 2pm), Annual Parents Gratitude Day (one Sunday usually in August from 9am – 2pm), and Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon). As such, the proposed use may generate approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year round, and approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic related concerns regarding the project, nor did said agency require preparation of a Traffic Impact Study (TIS).

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, McKinley Avenue is a County-maintained road with an existing 40-foot right-of-way north of the section line which fronts the subject parcel. Due to McKinley Avenue being classified as an Arterial, McKinley Avenue has an ultimate right-of-way of 106 feet at the subject parcel, with 53 feet north and 53 feet south of the section line. As such, an irrevocable offer of 13 feet of additional right-of-way dedication is needed from the southern side of the subject parcel which abuts McKinley Avenue. Additionally, Blythe Avenue is jointly maintained by the

County and City of Fresno, and the portion of Blythe Avenue that fronts the subject parcel has a variable existing right-of-way which ranges from 20 to 30 feet east of the center line. Due to Blythe Avenue being classified as an Arterial, Blythe Avenue has an ultimate right-of-way of 106 feet at the subject parcel, with 53 feet east and 53 feet west of the center line. As such, irrevocable offers of 33 feet and 23 feet of additional right-of-way dedication are needed from the western side of the subject parcel which abuts Blythe Avenue. These requirements for additional right-of-way dedication will be included as Mitigation Measures to reduce potential impacts to transportation to less than significant.

* **Mitigation Measures**

1. The Applicant shall record a document irrevocably offering 15 feet of the subject property to the County of Fresno as future right-of-way for McKinley Avenue (40 feet existing). The northern line of said offer shall establish the building setback line for future development.

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.

2. The Applicant shall record a document irrevocably offering 33 feet and 23 feet of the subject property to the County of Fresno as future right-of-way for Blythe Avenue (20 to 30 feet existing). The eastern line of said offer shall establish the building setback line for future development.

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.

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

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns. No such impacts were identified in the project analysis.

- 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 WITH MITIGATION INCORPORATED:

The City of Fresno Public Works Department reviewed this proposal and commented that the Applicant should be required to provide a concrete curb, gutter, and sidewalk along the McKinley Avenue frontage and Blythe Avenue frontage of the subject parcel, constructed in compliance with the City of Fresno Public Works Department Standard P-5 development criteria. However, no substantial traffic hazard or substantial emergency access issue was identified by the City of Fresno to require such improvements under CEQA. Further, the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the Applicant must obtain an Encroachment Permit from the Road Maintenance and Operations Division for all improvements within the County right-of-way. Further, all parking and circulation areas shall be surfaced with asphalt concrete (AC) paving. This requirement will be included as a Mitigation Measure to reduce potential impacts to transportation to less than significant.

* **Mitigation Measure**

1. *All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.*

- 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:

This proposal 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 WITH MITIGATION INCORPORATED:

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 WITH MITIGATION INCORPORATED:

See discussion in Section IX.E Hydrology and Water Quality.

- 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 WITH MITIGATION INCORPORATED:

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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:

Development of the project may impact aesthetics. The included Mitigation Measure in Section I (Aesthetics) will minimize such impacts to less than significant. Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Development of the project may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant. Development of the project may impact geology and soils. The included Mitigation Measures in Section VI (Geology and Soils) will minimize such impacts to less than significant. Development of the project may impact hydrology and water quality. The included Mitigation Measures in Section IX (Hydrology and Water Quality) will minimize such impacts to less than significant. Development of the project may impact transportation and traffic. The included Mitigation Measures in Section XVI (Transportation/Traffic) will minimize such impacts to less than significant.

- 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 substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3478, 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 agricultural and forestry resources, mineral resources, population and housing, or recreation.

Potential impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, and public services have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, hydrology and water quality, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

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, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 6888 / Classified Conditional Use Permit Application No. 3478
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetic	All lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	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 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.	Applicant	Applicant	Ongoing
*3.	Geology and Soils	Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*4.	Geology and Soils	Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*5.	Geology and Soils	Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing
*6.	Geology and Soils	Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system.	Applicant	Applicant/City of Fresno	Ongoing
*7.	Geology	All public sanitary sewer facilities shall be constructed in	Applicant	Applicant/City of	Ongoing

	and Soils	accordance with City of Fresno Standards, Specifications, and Policies.		Fresno	
*8.	Geology and Soils	Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*9.	Hydrology and Water Quality	The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/City of Fresno	Ongoing
*10.	Hydrology and Water Quality	The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.	Applicant	Applicant/City of Fresno	Ongoing
*11.	Hydrology and Water Quality	Installation of water service(s) and meter box(es) shall be required.	Applicant	Applicant/City of Fresno	Ongoing
*12.	Hydrology and Water Quality	Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*13.	Hydrology and Water Quality	Seal and abandon any existing on-site water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.	Applicant	Applicant/City of Fresno	Ongoing
*14.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
*15.	Trans. / Traffic	All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.				

2.	Prior to occupancy, a Site Plan Review 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, lighting and right-of-way dedication.
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*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	
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The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
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1.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
2.	20-foot by 20-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing McKinley Avenue or Blythe Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee to FMFCD.
5.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant 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.
6.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.

Exhibit 2 - Page 3



EXHIBIT 3

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Sy Nguyen Le

APPLICATION NOS.: Initial Study Application No. 6888 and Classified Conditional Use Permit Application No. 3478

DESCRIPTION: Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R (nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist.: 1) (APN: 312-082-14).

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 proposal entails the utilization of an existing 2,613 square-foot single-family residence located on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District as a religious facility. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during the following annual special events:

- *Buddha's Birthday, one Sunday in May from 9am – 2pm*
- *Annual Parents Gratitude Day, one Sunday usually in August from 9am – 2pm*
- *Chinese/Vietnamese Lunar New Year, one day usually in February from early morning to late afternoon*

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

The subject parcel currently has access from McKinley Avenue via two existing 13-foot wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot wide paved driveway on Blythe Avenue that will be utilized for exit only.

The subject parcel is located within the sphere-of-influence of the City of Fresno, is easterly adjacent to the city limits of the City of Fresno, and is located in a predominately urbanized area marked by residential subdivisions. Additionally, an elementary school (Central Unified McKinley Elementary School) is westerly adjacent to the subject parcel, a high school (Central Unified High School East Campus) is located approximately one and a half miles to the northwest, and State Route (SR) 99 is located approximately two miles to the east. Considering the close proximity of another institutional use (i.e. Central Unified McKinley Elementary School) in conjunction with the fact that the proposed conversion of the existing single-family residence into a religious facility does not entail any exterior modification or expansion of said structure, staff does not believe this proposal will degrade the existing visual character or quality of the site and its surroundings. Further, the subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis.

- 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:

This proposal does not include a request to utilize outdoor lighting. However, in order to ensure that the proposed religious facility will not generate new sources of light and glare in the area, a Mitigation Measure will be included to require any outdoor lighting utilized at the proposed religious facility to be hooded and directed as to not shine towards adjacent properties and public streets.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.*

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: NO IMPACT:

The subject parcel is located in a predominately urbanized area marked by residential subdivisions. Further, the subject parcel is not located on forest land, is classified as Rural Residential Land on the Fresno County Important Farmland Map (2012), and is not enrolled under a Williamson Act contract. As such, staff believes that this proposal will result in no impact to agricultural or forestry resources.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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:

This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District), which did not express any concerns related to the project. However, staff notes that this proposal may be subject to the following Air District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules will reduce air quality impacts of the subject proposal to less than significant.

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 a predominately urbanized area marked by residential subdivisions, and has been previously disturbed as said property has been improved with a single-family residence. Additionally, neighboring properties have also been improved with single-family residences and/or school-related improvements. As such, neighboring properties have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not express any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns related to the project. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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. This proposal 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. However, 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 utilized 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to less than significant.

* **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 utilized 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; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction; or
 4. Landslides?

FINDING: NO IMPACT:

The area in which the subject parcel is located is 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:

The subject parcel has predominately flat topography and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the Applicant must obtain a Grading Permit or Grading Voucher for any grading associated with this proposal.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The subject parcel is not located within an area of known risk of landslides, 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Environmental Health Division of the Fresno County Department of Public Health, County records indicate that the septic system serving the existing single-family residence to be converted into the proposed religious facility is not adequate to serve the proposed use. Additionally, County records also indicate that the septic system serving the existing single-family residence is located on the south side of said structure, partially within the ultimate Right-of-Way of McKinley Avenue. However, the Site Plan provided for this proposal shows the septic system serving the existing single-family residence being located on the east side of said structure. This is due to a previous property owner having abandoned the septic system identified on County records, and constructing the septic system identified on the Site Plan provided for this proposal. It is noted that no permits were obtained for either the abandonment of the septic system identified on County records or the construction of the septic system identified on the Site Plan provided for this proposal.

According to the City of Fresno Department of Public Utilities, connection of the proposed religious facility to the community sewer system operated by the City of Fresno is required per Fresno Municipal Code (FMC) Section 6-303. The nearest City of Fresno sewer main in relation to the subject parcel terminates at the intersection of Blythe Avenue and McKinley Avenue. Connection of the proposed religious facility to the community sewer system operated by the City of Fresno shall be completed prior to occupancy being granted for the proposed use. Further, connection of the proposed religious facility to the community sewer system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to soils to less than significant:

*** Mitigation Measures**

- 1. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.*
- 2. Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.*
- 3. Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.*
- 4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system.*
- 5. All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies.*
- 6. Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.*

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 Unified Air Pollution Control District (Air District) reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to less than significant.

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; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With regard to the conversion of the existing single-family residence to a religious facility, the Fresno County Department of Public Health, Environmental Health Division has consistently provided comments for such conversion proposals which state that any active rodent or insect infestation must be abated prior to remodeling the structure in order to prevent the spread of vectors to adjacent properties. Additionally, in the process of remodeling the existing single-family residence, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints. Should such materials be encountered, the San Joaquin Valley Unified Air Pollution Control District (Air District) must be contacted for more information. Further, if lead-based paint is suspected to have been used in the existing residence structure, the contractor must contact the following agencies for current regulations and requirements prior to demolition and/or remodel work: a) California Department of Public Health, Childhood Lead Poisoning Prevention Branch; b) United States Environmental Protection Agency, Region 9; c) California Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service. Additionally, any construction materials deemed hazardous as identified in the remodel process shall be characterized and disposed of in accordance with current federal, state, and local requirements.

It is noted that an elementary school (Central Unified McKinley Elementary School) is westerly adjacent to the subject parcel.

- 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 an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response 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 subject parcel is not located within 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 Fresno Metropolitan Flood Control District, if construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant 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.

- 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 WITH MITIGATION INCORPORATED:

The existing single-family residence to be converted into the proposed religious facility currently utilizes an existing water well located on the subject parcel. According to the City of Fresno Department of Public Utilities, the nearest City of Fresno water main available to serve the proposed use is located within Blythe Avenue, westerly adjacent to the subject parcel. Considering that a community water system is available to serve the proposed use, the existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed use. Further, connection of the proposed religious facility to the community water system operated by the City of Fresno has the following requirements that the Applicant must abide by, which are included as Mitigation Measures to reduce potential impacts to groundwater to less than significant:

* **Mitigation Measures**

1. *The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.*
2. *The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.*
3. *Installation of water service(s) and meter box(es) shall be required.*
4. *Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.*
5. *Seal and abandon any existing onsite water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.*

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 project as the subject parcel is not located in a designated water-short area, and the proposed religious facility will be required to utilize a community water system operated by the City of Fresno.

- 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.

- 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 WITH MITIGATION INCORPORATED:

Permanent improvements associated with the development of the proposed religious facility will not cause significant changes in absorption rates, drainage patterns or the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.

According to the Fresno Metropolitan Flood Control District (FMFCD), due to the subject parcel being located within FMFCD Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee. Additionally, outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system. This requirement will be included as a Mitigation Measure to reduce potential impacts to water quality to less than significant.

* **Mitigation Measure**

- 1. Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.*

- 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?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1565H, the project site is not subject to flooding from the 100-year storm.

- 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: NO IMPACT:

The subject parcel is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located approximately 40 feet east of the nearest city limits of the City of Fresno.

- 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 Rural Residential in the County-adopted Fresno High-Roeding Community Plan and is zoned R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay). The Rural Residential General Plan designation accommodates religious facilities provided that the facilities are necessary to serve the needs of the rural residential population and occur in a manner compatible with the surrounding rural area. In this case, the proposal entails utilization of an existing 2,613 square-foot single-family residence as a religious facility on a 2.50-acre parcel located in a predominately urbanized area within the City of Fresno sphere-of-influence, approximately 40 feet east of the nearest city limits of the City of Fresno. No exterior modification or expansion of the existing single-family residence structure is proposed with this project. The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events. Considering the relatively limited scope of this proposal, staff believes the proposed use is consistent with the General Plan.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

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: NO IMPACT:

No mineral resource impacts were identified in the project analysis. The subject parcel is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

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:

The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round. These services will be conducted within the interior of the existing single-family residence to be utilized as the proposed religious facility, and no outdoor sound amplification is proposed with this project. Additionally, approximately 40 people will visit the site during three annual special events. The proposed use must comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance, thereby minimizing noise impacts to less than significant.

- 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 a public airport or private airstrip, and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- 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:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

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:

This proposal was reviewed by the North Central Fire Protection District for requirements related to water supply, fire hydrants, and fire apparatus access. No concerns were expressed by said agency. Review of this proposal by the North Central Fire Protection District for compliance with fire and life safety requirements for the interior of the existing single-family residence to be utilized as the proposed religious facility will be conducted by said agency. Any development associated with this proposal must comply with the California Code of Regulations Title 24 – Fire Code.

- 2. Police protection; or
- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified 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 such impacts were identified in the project analysis.

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:

The proposed religious facility will host services for approximately 12 followers on Saturday and Sunday mornings, year round, and approximately 40 people will visit the site during three annual special events, which include Buddha's Birthday (one Sunday in May from 9am – 2pm), Annual Parents Gratitude Day (one Sunday usually in August from 9am – 2pm), and Chinese/Vietnamese Lunar New Year (one day usually in February from early morning to late afternoon). As such, the proposed use may generate approximately 24 one-way visitor trips (12 round trips) for religious services on Saturdays and Sundays, year round, and approximately 80 one-way visitor trips (40 round trips) per each of the three annual special events.

The subject parcel currently has access from McKinley Avenue via two existing 13-foot wide paved driveways. The proposed religious facility will utilize these existing driveways in conjunction with a proposed paved parking lot with 32 paved parking spaces and a proposed 18-foot wide paved driveway on Blythe Avenue that will be utilized for exit only.

McKinley Avenue is a County-maintained road with an existing 40-foot right-of-way north of the section line which fronts the subject parcel. Due to McKinley Avenue being classified as an Arterial in the Transportation and Circulation Element of the County General Plan, McKinley Avenue has an ultimate right-of-way of 106 feet at the subject parcel, with 53 feet north and 53 feet south of the section line. Additionally, Blythe Avenue is jointly maintained by the County and City of Fresno, and the portion of Blythe Avenue that fronts the subject parcel has a variable existing right-of-way which ranges from 20 to 30 feet east of the center line. Due to Blythe Avenue being classified as an Arterial in the Transportation and Circulation Element of the County General Plan, Blythe Avenue has an ultimate right-of-way of 106 feet at the subject parcel, with 53 feet east and 53 feet west of the center line.

This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that an irrevocable offer of 13 feet of additional right-of-way dedication is needed from the southern side of the subject parcel which abuts McKinley Avenue in order to comply with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan. Additionally, the Road Maintenance and Operations Division also commented that irrevocable offers of 33 feet and 23 feet of additional right-of-way dedication are needed from the western side of the subject parcel which abuts Blythe Avenue in order to comply with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan.

This proposal was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which commented that the amount of traffic to be generated by the proposed use is not significant and will not impact County roadways. However, said agency also commented that the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division are necessary to ensure compliance with the Transportation and Circulation Element of the County General Plan.

This proposal was also reviewed by the City of Fresno Public Works Department, which commented that the intersection of McKinley Avenue and Blythe Avenue is planned to someday have full improvements, including traffic signals. As such, the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division are necessary to ensure orderly development of the intersection. Further, the City depends on development projects as a means to acquire right-of-way needed for road improvement projects.

Staff acknowledges that the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue as identified by the Road Maintenance and Operations Division would help to bring the roadways into further compliance with the Arterial right-of-way standard identified in the Transportation and Circulation Element of the County General Plan. Staff also acknowledges that the City may experience an economic hardship in the future if the intersection is improved, should the irrevocable offers of additional right-of-way dedication for McKinley Avenue and Blythe Avenue not be required. However, no substantial traffic hazard issues were identified by any agency reviewing this proposal. Further, the amount of traffic to be generated by the proposed use has been determined to be less than significant and will not impact roadways in the area. As such, no irrevocable offers of additional right-of-way dedication are required for this project.

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

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns. No such impacts were identified in the project analysis.

- 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 WITH MITIGATION INCORPORATED:

According to the City of Fresno Public Works Department, the Applicant should be required to provide a concrete curb, gutter, and sidewalk along the McKinley Avenue frontage and Blythe Avenue frontage of the subject parcel, constructed in compliance with the City of Fresno Public Works Department Standard P-5 development criteria. However, no substantial traffic hazard or substantial emergency access issue was identified by the City of Fresno to require such improvements under CEQA. Further, the portions of McKinley Avenue and Blythe Avenue which are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the Applicant must obtain an Encroachment Permit from the Road Maintenance and Operations Division for all improvements within the County right-of-way. Further, all parking and circulation areas shall be surfaced with asphalt concrete (AC) paving. This requirement will be included as a Mitigation Measure to reduce potential impacts to transportation to less than significant.

* **Mitigation Measure**

1. *All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.*

- 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:

This proposal 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 WITH MITIGATION INCORPORATED:

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 WITH MITIGATION INCORPORATED:

See discussion in Section IX.E Hydrology and Water Quality.

- 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 WITH MITIGATION INCORPORATED:

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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:

Development of the project may impact aesthetics. The included Mitigation Measure in Section I (Aesthetics) will minimize such impacts to less than significant. Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Development of the project may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant. Development of the project may impact geology and soils. The included Mitigation Measures in Section VI

(Geology and Soils) will minimize such impacts to less than significant. Development of the project may impact hydrology and water quality. The included Mitigation Measures in Section IX (Hydrology and Water Quality) will minimize such impacts to less than significant. Development of the project may impact transportation and traffic. The included Mitigation Measure in Section XVI (Transportation/Traffic) will minimize such impacts to less than significant.

- 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 substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3478, 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 agricultural and forestry resources, mineral resources, population and housing, or recreation.

Potential impacts related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, and public services have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, hydrology and water quality, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

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, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

DC:

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February 16, 2019

To the Director Of Fresno County Department of Public Works and Planning

2220 Tulare St, Fresno, CA 93721

Subject: Request an extension for the CUP No. 3478 (Resolution 12563) – Attention Mr. Derek Chambers Dear Mr. Director,

This is concerning the Classified Condition Use Permit No. 3478 (Resolution 12563) approved on March 24, 2016 for our Temple at 4354 W. McKinley Ave, Fresno, CA 93722, which allows a period of two years to improve the facility to conform with requirements from the CUP, and subsequently the extension approval of it in March 2018.

Since the last approved extension, we have started construction of the project, and have diligently performed and completed several required items:

- . parking lots
- . required landscaping and irrigation systems
- . excavating temporary drainage storage
- . trenching for water supply lines and trenching for on-site sewer lines to connect with the street sewer lines/system outside on streets

However, there are several more construction items that needs time to perform, such as:

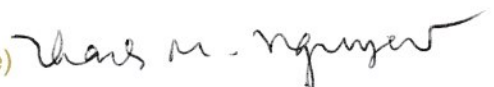
- . new sewer lines outside on streets, whose plans have just been approved by the City of Fresno last month (we have sent approved plans out to seek for contract estimating and bidding)
- . existing building improvements, whose plans are still under final review/approval of the County.

Although we work so hard and so diligently on the project, with so many requirements from the County and the City, more time would be required to complete all required improvements.

We would like to request more extension on the CUP, so we can complete construction and building to meet all CUP condition requirements.

Thank you for your approval. Respectfully Yours,

Thanh Nguyen (Representative for Thien An Buddhist Temple)





County of Fresno

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

Planning Commission Staff Report and Subdivision Review Committee Report Agenda Item No. 2 May 16, 2019

SUBJECT: Initial Study Application No. 7495, General Plan Amendment Application No. 554, Amendment Application No. 3831, Conditional Use Permit Application No. 3621, Vesting Tentative Tract Map Application No. 6226 and Site Plan Review Application No. 8108.

1. Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Park" to provide for the park, amending existing provisions of the Millerton Specific Plan to address improved park area, and change the 1.5-acre site's zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District.
2. Amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly approximate half-mile section of "Saubrice Avenue" to "Morningside Way".
3. Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating Captains Hill Road as a Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan.
4. Allow a Planned Unit Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District.

LOCATION: The project site is located within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-12).

OWNER: Assemi Group, Inc.
APPLICANT: Jeffrey T. Roberts

STAFF CONTACT: Ejaz Ahmad, Planner
Initial Study/Amendment Application Information
(559) 600-4204

Derek Chambers, Planner
General Plan Amendment Application Information
(559) 600-4205

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7495; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 554 amending text sections and figures of the Millerton Specific Plan as proposed and amend the Land Use Element of the Millerton Specific Plan by re-designating a five-acre portion of a 40-acre parcel from 'Park' to 'Medium-Density Residential' and a 1.5-acre portion of the parcel from 'Medium-Density Residential' to 'Public Facilities – Park,' amending existing provisions of the Millerton Specific Plan to address improved park area as the first General Plan Amendment cycle in 2019; and
- Recommend that the Board of Supervisors amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly most approximately half-mile section of "Saubrice Avenue" to "Morningside Way"; and
- Recommend that the Board of Supervisors Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating previously-designated Captains Hill Road (presently known Sunset Drive) as a Minor Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3831 to rezone a five-acre portion of a 40-acre parcel from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential) Zone District and a 1.5-acre portion of the said parcel from the R-1(c) Zone District to an 'O' Zone District; and
- Recommend that the Board of Supervisors adopt Findings noted in the Staff Report and approve Vesting Tentative Tract Map No. 6226, Classified Conditional Use Permit (CUP) No. 3621 and Site Plan Review (SPR) No. 8108, subject to the conditions listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Millerton Specific Plan Land Use Map (Existing and Proposed))
2. Millerton Specific Plan Circulation Map (Existing and Proposed)
3. Millerton Specific Plan Residential Development Allocation Areas
4. Millerton Specific Plan (Proposed Text Changes)
5. Location Map
6. Existing Zoning Map
7. Existing Land Use Map
8. Mitigation Monitoring, Conditions of Approval, and Project Notes
9. Uses Allowed Under the R-1 and 'O' Zoning
10. Vesting Tentative Tract Map No. 6226
11. Applicant's Submitted Operational Statement
12. Summary of Initial Study Application No. 7495 with Mitigation Measures and Monitoring Program Matrix
13. Mitigation Monitoring and Reporting Program for the Millerton Specific Plan Environmental Impact Report
14. Draft Mitigated Negative Declaration

ENVIRONMENTAL ANALYSIS:

An Environmental Impact Report (EIR) and Mitigation Measures and 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 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 (Exhibit 12) 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. 7495 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.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 8, 2019

PUBLIC NOTICE:

Notices were sent to 68 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 General Plan Amendment and Rezoning Application (Amendment Application) are legislative acts requiring Board of Supervisors' action. A decision by the Planning Commission in support of a General Plan amendment and Rezone request is an advisory action and requires an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission's decision to deny a General Plan and rezone request, however, is final unless appealed to the Board of Supervisors within 15 days of the Commission's action. Note that the associated Vesting Tentative Tract Map and Classified Conditional Use Permit, are dependent upon approval of GPA 554 and AA 3831, and thus will be ultimately considered by the Board at the same time the other applications are considered should the Commission make a recommendation for approval. Should the proposal be recommended for approval by the Planning Commission, a subsequent Board of Supervisors hearing will be scheduled for July or August of this year.

GENERAL PLAN AMENDMENT APPLICATION NO. 554 AND AMENDMENT APPLICATION NO. 3831

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 on 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 on December 7, 2004, to re-designate and rezone 156 acres

(Residential Development Allocation Area H); reallocate 207 residential units from existing areas of 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 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, with a library in the southwest quadrant of the White Fox Creek Sub-Unit Plan.

The County records indicate that the subject parcel was zoned A-1 (Limited Agricultural District) on June 8, 1960. On May 4, 1982, the parcel was rezoned from the A-1 Zone District to an AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Millerton Specific Plan (MSP), which also included the subject parcel, was adopted by the County Board of Supervisors on December 18, 1984. The parcel is currently zoned R-1(c).

Under the subject request, the Applicant is proposing to amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre portion of a 40-acre parcel (APN 300-542-12) from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District. Also proposed is to change the land use designation of a 1.5-acre portion from "Medium-Density Residential" to "Public Facilities - Park" and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District to allow development of a park, making changes to the text of the Millerton Specific Plan to reallocate 3.5 acres of community park space to Residential Allocation Areas A and D to modernize the plan for safety and neighborhood accessibility to park features. Further proposed is to change the name of the northerly approximately half-mile section of "Saubrice Avenue" to "Morningside Way", and remove previously-designated Captain Hills Road (currently known as Sunset Drive) as a Minor Collector from the Millerton Specific Plan as well as from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Plan (Exhibit 5).

Approval of the GPA and Rezone would allow a Planned Unit Residential Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of a 40-acre parcel with a park and open space areas.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY

Relevant Policies:	Consistency/Considerations:
General Plan Policy PF-C.14: The County shall require that water supplies serving new development meet US Environmental Protection Agency and California Department of Health Services and other water quality and quantity standards.	The water supply to the project (TT 6226) will adhere to public water supply standards for water quality and quantity administered by the State Water Resources Control Board, Division of Drinking Water.
General Plan Policy PF-H.2: New development in unincorporated areas of the County shall not be approved unless	The design and development of TT 6226 will adhere to the California Code of Regulations Title 24 - Fire Code, The California Code of Regulations regarding fire protection, and

Relevant Policies:	Consistency/Considerations:
adequate fire protection facilities are provided.	may require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
Millerton Specific Plan Policy SP1-P1: All residential development shall be implemented through the Planned Development process or Conditional use Permit process.	Approval of the GPA and CUP would allow a PUD consisting of 80 lots for single-family residential development within the Millerton Specific Plan.
Millerton Specific Plan Policy SP1-P2: Planned Development shall provide improved design features through increased flexibility in development siting, and preservation of open space and significant natural features.	<p>A 11.44-acre portion of the site will remain as natural open space, the project design provides for a unified 80-unit residential development sensitive to site conditions and constraints. The development also provides additional open space in the form of a 1.5-acre park, a 0.82 acre storm water basin, and a trail system along the eastern boundary of the tract adjacent to the White Fox Creek parkway.</p> <p>Millerton Specific Plan Section B.3c requires a minimum of 3 percent of the area not over 30 percent slope (excluding the open space features shown in Figure SP1-3) that are subject to inundation, shall be left in natural open space. The design of the project exceeds the 3 percent requirement.</p> <p>The project has been designed to incorporate additional open space adjacent to White Fox Creek to preserve tribal cultural resources and sensitive habitat.</p>
Millerton Specific Plan Policy SP1-P75: The water system shall provide sufficient supplies for domestic, commercial, and fire flow requirements. Operation and maintenance of the system shall be the responsibility of the County Service Area.	The project will be provided with water from Millerton Lake after being treated at an existing surface water treatment facility located within the Millerton Specific Plan area. The facility, owned and operated by County Service Area No. 34, will deliver sufficient water for domestic uses and fire suppression.
<p>Millerton Specific Plan Policy SP1-P77: Prior to issuance of building permits, the project proponent shall construct the water infrastructure facilities required to serve the development.</p> <p>Millerton Specific Plan Policy SP1-P82: The sewage collection and treatment facilities shall be operated and maintained by the</p>	Prior to the issuance of building permits for the project, the existing surface water treatment plant and the wastewater treatment plant located within the Millerton Specific Plan area are required to be expanded with the construction of necessary infrastructure to serve the project. County Service Area (CSA) 34 owns and operates the treatment plants.

Relevant Policies:	Consistency/Considerations:
<p>County Service Area.</p> <p>Millerton Specific Plan Policy SP1-P85: Prior to issuance of building permits, the project proponent shall construct the sewage infrastructure facilities required to serve the development.</p>	
<p>C.1 CIRCULATION SYSTEM</p> <p>A system of primary and secondary roads has been designed to carry local traffic within the townsite and to connect with the existing County road network. The internal road system will carry daily volumes as projected in Traffic Impact Analyses that have been prepared for the Project.</p> <p>The Specific Plan shows the following designated roadways:</p> <p>(1) Arterial - Millerton Road</p> <p>(2) Collectors - Marina Drive, Lakeridge Drive, Morningside Way, Captains Hill Road, Indian Hill Road, Arroyo Road, Brighton Avenue, Foothill Road and Saubrice Avenue.</p> <p>Only Millerton Road and Marina Drive (Winchell Cove Road) are existing; all other roads must be constructed. Existing and proposed roads will be improved, in accordance with Fresno County Improvement Standards, unless otherwise specified in this Plan.</p> <p>C. 1a Objectives</p> <p>(1) Provide for a system of major roadways that will accommodate traffic volumes associated with projected land uses and densities.</p> <p>(2) Establish design and improvement standards that will reduce visual impacts and maintain a semi-rural character.</p> <p>C.1b Policies</p>	<p>This proposal entails renaming the northern half-mile section of "Saubrice Avenue" to "Morningside Way". The proposed name change in itself will have no impact on other roads within Circulation Element of the Plan.</p> <p>The proposal also includes elimination of a road, previously-designated Captain Hills Road, as a Minor Collector from Figure SP1-9 of the Circulation Element and Bikeway Plan of the Millerton Specific Plan. The road, which connects Lakeridge Drive with Millerton Road, was eliminated during the subdivision design for Tract No. 4968 due to the site topography and unsafe traffic conditions had the road been connected to Millerton Road.</p> <p>Sunset Drive, which is being developed at the location of Captains Hill Road will have a cul-de-sac at its northern terminus. Elimination of Captains Hill Road will not conflict with the objectives and policies of the Circulation System of the Plan.</p> <p>All interior roads for Tract 4968 are designed in accordance with the site conditions and will be constructed according to the County's development standards. The proposal is consistent with the objectives and policies of the Circulation Element of the Millerton-Specific Plan.</p> <p>All new local roads within the subdivision will be designed and constructed in accordance with the Millerton Specific Plan, County Development Standards, and the Mitigation Monitoring and Reporting Program for the Millerton Specific Plan Environmental Impact Report (EIR)</p>

Relevant Policies:	Consistency/Considerations:
<p>SP1-P11: All local roads shall be designed and constructed in accordance with specific design proposals at the subdivision stage.</p> <p>SP1-P12: New roadways shall be designed to be compatible with the area's topographic features.</p> <p>SP1-P13: The roadway network shall provide access to abutting properties</p>	
<p>SP1-P35: Natural open space outside of developed areas shall be preserved through restrictive land use designations.</p> <p>E.2c Standards (3) To help achieve rural character, open space areas shall be enhanced and maintained by:</p> <p>a) Requiring 3 percent of each project to be used for open space purposes in addition to those areas shown in Figures SP1-3 and SP1-4 (e.g., open space or area subject to 100-year flood).</p> <p>b) Retaining natural drainage channels.</p> <p>c) Using open space as a buffer between development areas.</p> <p>d) Incorporating open space features in the Planned Developments or CUP's.</p>	<p>Exclusive of the 100-year storm area, the project provides for more than three (3) percent open space as required by the Millerton Specific Plan. The project retains approximately 11.44-acres of the 40-acre of the project site to remain in open space conservation easements, riparian corridor (White Fox Creek) and various cultural sites all located within easterly portion of the property. This open space area also provides a buffer for the proposed residential lots located within westerly portion of the property. Additionally, there will be a 0.82-acre storm water basin and an 1.5- acre park, totaling 13.76 acres of open space.</p> <p>The need to protect tribal cultural resources and sensitive habitat required expansion of the open space along White Fox Creek and reduced the usable acreage.</p> <p>Approximately one-third of the 11.44 acre open space along White Fox Creek is included in Figure SP1-3, which illustrates the area subject to inundation. This provides surplus open space of 7.66 acres, which was included in the subdivision design to preserve tribal cultural resources and sensitive habitat.</p>
<p>SP1-P40: A public open space system shall be provided, including lands for active and passive recreation that connects to the balance of the community through a recreation trail system.</p> <p>SP1-P41: White Fox Creek shall be maintained as a component of the recreation corridor system. Pedestrian and bicycle trails shall be placed along its alignment and public access provided at frequent intervals.</p>	<p>The project will have access to the community-wide open space and recreation areas that are planned for the Millerton Specific Plan area. Within the subject 40-acre project site, as a condition of approval, a 1.5-acre area will be dedicated for public use as a park for outdoor activities and will connect to the circulation system, trails, and bike lanes.</p> <p>A trail with an all-weather surface (such as</p>

Relevant Policies:	Consistency/Considerations:
<p>SP1-P42: A system of publicly-owned park lands shall be developed through dedication of land during the initial phases of the development process.</p> <p>SP1-P43: Each proposed Planned Development or CUP shall contain open space free of buildings, streets, driveways, or parking areas. The common open space shall be designed and located to be easily accessible to all occupants of the development and usable for open space and recreation uses.</p>	<p>decomposed granite) will be constructed along the eastern property line of the tract, adjacent to the White Fox Creek corridor as a condition of approval. The trail will provide a means for active recreation and the park will provide opportunities for passive and active recreation and will be a condition of approval of TT 6226.</p> <p>Prior to the December 2004 amendment to the Millerton Specific Plan (GPA 489), a school site was designated adjacent to the community park in Allocation Area E and the park was considered integral to the school as an amenity. When school site was moved to Allocation Area G, the park site was not relocated.</p> <p>The proposed lot sizes ranging from 7,920 square feet to 10,511 square feet in area (6,000 square feet minimum required), will also provide increased area beyond the building footprint within each parcel for outdoor activities.</p>
<p>Policy E. 4c(1): Parks shall be linked by recreation corridors to provide a continuous outdoor recreation system.</p>	<p>The proposed 1.5-acre park will connect to pedestrian and bicycle lanes/jogging trails and sidewalks within the proposed 80-unit residential development, with connections to existing and future development. The development's circulation system will also connect with future residential tracts.</p>
<p>Policy E. 4c(3): The following facilities shall be provided in the open space corridors:</p> <ul style="list-style-type: none"> a) Hiking / bicycle trails b) Jogging trails c) Picnic areas 	<p>The proposed 1.5-acre park will provide a picnic area and other outdoor recreational facilities within the park, including a tot lot. The park will also connect to the circulation system including bicycle lanes and trails within the tract and the surrounding area.</p>
<p>Policy E. 4c(4): Pursuant to General Plan Policy OS-H.2, five to eight acres of improved parkland per 1,000 population shall be designated (this will result in about 44.3 to 71-acres for the ultimate population of 8,000 to 10,000 people). The Millerton Specific Plan area has the following proposed parkland areas:</p>	<p>The project site is located within the Allocation Area E and includes a 5-acre site dedicated for park along White Fox Creek. It has a residential unit allocation of 100, but will complete only 80 units as designed for TT 6226, resulting in a reduced population for Allocation Area E.</p> <p>As discussed above, the five-acre park</p>

Relevant Policies:	Consistency/Considerations:
<p>a) Community park (Allocation Area E) 5.0 acres</p> <p>b) White Fox Parkway South of Millerton Road (Allocation Area D, F, and G) 40.0 acres</p> <p>Total 45.0 acres</p> <p>The Community park will be constructed by the Developer of the project in which the park is located. County Service Area No. 34 will maintain these areas of improved park land. The Specific Plan, in addition to the above-referenced improved parkland area, has approximately 200 acres of irrigated open space areas for the receipt of treated effluent. These areas will be transferred to and maintained by CSA-34 subject to future golf operations on a portion of this acreage.</p> <p>The 20-acre Clovis school site in Allocation Area G is not included in the summary of improved parkland set out above; however, it will contain baseball, soccer, and other athletic facilities that the school district advises will be available for use by community residents.</p>	<p>designated for Allocation Area E is being reduced to 1.5 acres due to the increase in natural open space required along White Fox Creek to preserve tribal cultural resources and sensitive habitat.</p> <p>An additional 3.5-acres of designated community park area will be transferred to Allocation Areas A and D and will be developed as the improvements for Areas A and D are constructed with the new residential units. Recommended amendments to the text of the Millerton Specific Plan policies E.4c(4) and E.5a reflects this change in park site allocation in an effort to modernize the Specific Plan for neighborhood-based recreation and to improve safety. If park space were not reallocated, residents north of Millerton Road would be required to cross the busy street to access community park recreation amenities.</p>

Policy Planning Section of the Fresno County Department of Public Works and Planning: The proposal shall adhere to General Plan and County-adopted Millerton Specific Plan polices as discussed above.

Comments were provided by the Development Engineering Section, Resources Division, and Design Division of the Fresno County Department of Public Works and Planning. Details of their comments have been included in the Subdivision Review Committee Report for Vesting Tentative Tract Map Application No. 6226 as Mitigation Measures and Conditions of Approval. These comments require site grading and drainage according to the County standards; the requirement to connect community sewer and water systems administered by the County Service Area (CSA) No. 34; and to pay the development's fair share for offsite road improvements and traffic signalization.

Comments were also provided by the Fresno County Fire Protection District; San Joaquin Valley Air Pollution Control District (Air District); and Fresno County Department of Public Health, Environmental Health Division. Details of their comments have been included in the Subdivision Review Committee Report for Vesting Tentative Tract Map Application No. 6226 as Project Notes. These comments require that the project adhere to Fire District requirements prior to the issuance of building permits, comply with the Air District's applicable rules, and protect groundwater by destroying abandoned onsite water wells and septic systems.

California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments on the project.

Analysis

The 40-acre project site is designated Medium-Density Residential, Open Space, and Park in the Land Use and Circulation Element of the County-adopted Millerton Specific Plan. The site is planned to be surrounded by residential subdivisions. Tract No. 4968 (under construction) is located to the north and west; Tract No. 4934 (undeveloped) is located to the south; and Tract No. 4870 (developed) is located to the east of the project site. These tracts are designated Medium-Low Density and Medium Density in the Millerton Specific Plan, and zoned R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size) and R-1-C(c) (Single-family Residential, 9,000 square-foot minimum parcel size).

The subject GPA and Rezone applications request to amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel (APN 300-542-12) from "Park" to "Medium-Density Residential" and change the zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; while simultaneously changing the land use designation of a 1.5-acre area within the 40-acre parcel, from "Medium-Density Residential" to "Public Facilities - Park" to provide for a park and change the zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District. The GPA also amends text sections and figures of the Millerton Specific Plan, as appropriate, to reflect the addition of 3.5 acres of community park to Residential Allocation Areas A and D and clarification of circulation connectivity between the designated parks, trails, and neighborhoods. The subject request also includes amendment to the Circulation Element of the County-adopted Millerton Specific Plan to allow a change in the name of the northern half-mile section of "Saubrice Avenue" to "Morningside Way"; and to remove a road, previously-designated Captains Hill Road (currently known as Sunset Drive), as a Minor Collector from the Circulation Element and Bikeway Element, Figure SP1-9 (Exhibit 2).

The existing five-acre site designated as community park is being moved and 3.5 acres is being reallocated to Residential Allocation Areas A and D to protect tribal cultural resources and sensitive habitat at its previously designated location and to modernize the Millerton Specific Plan to provide neighborhood-based recreational opportunities. Allocating community park acreage to Area A will enhance community safety because future residents north of Millerton Road will not have to cross the busy road to access a community park.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject 40-acre site is currently designated Medium-Density Residential, Open Space, and Park in the Millerton Specific Plan, and zoned R-1(c) (Single-Family Residential) and 'O' (Open Conservation), respectively.

According to the Millerton Specific Plan Zoning Compatibility Matrix, the proposed 'O' zoning for the existing five-acre 'Park' is conditionally compatible with land designated Medium-Density Residential. The current R-1 zoning, however, is not compatible with the proposed Open Space designation for a 1.5-acre area within the parcel for a Park, as requested by the Applicant. The subject proposal will amend the Land use Element of the Millerton Specific Plan by re-designating a 1.5-acre portion of the 40-acre parcel from Medium Density to Open Space and rezone it from the R-1(c) Zone District to an O (Open Conservation) Zone District. Approval of

the GPA will also reallocate 3.5 acres of required community park to Residential Allocation Areas A and D, retaining a total of five acres of community park area in the Millerton Specific Plan area. Approval of the subject GPA and rezone request will not change the intended use of the 40-acre parcel, as the parcel will still be developed with single-family homes and a park.

The Initial Study (IS) prepared for the project (GPA, AA, TT, CUP, SPR) has identified potential impacts to aesthetics, cultural resources, geology and soils, hydrology and water quality, and transportation.

In regard to aesthetics, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. In regard to cultural resources, Mitigation Measures will require the preservation of onsite cultural resources and notification to proper authorities upon finding cultural artifacts during ground disturbance. In regard to geology and soils, and hydrology and water quality, the existing wastewater treatment facility and the surface water treatment facility will be expanded to accommodate the sewer and water needs of the project. In regard to transportation, the project will pay its fair share for offsite road improvements related to street widening and signalization near the proposal. These requirements have been included as Mitigation Measures.

Potential impacts related to air quality, biological resources, hazards and hazardous materials, noise, and public services are considered less than significant. The project will be required to pay air impact fees and comply with San Joaquin Valley Air Pollution Control District Rules; adhere to mitigations and avoidance measures contained in the Biological Opinion issued by the U.S. Fish and Wildlife Service; secure permits to remove any underground storage tanks found on the property; follow the County Noise Ordinance during construction of the project; and adhere to Fresno County Fire Protection District requirements including annexation to Community Facilities District No. 2010-01 of the District. These Mitigation Measures and Project Notes, including Conditions of Approval (Exhibit 8) relating to the Subdivision Review Committee Report, will be addressed through Site Plan Review required of the Vesting Tract Map. The project is found to be consistent with the Housing Element of the General Plan. A detailed discussion is included in the Land Use Element, of the Subdivision Review Committee Report (below) under Finding 1.

Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering the tribes an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, which resulted in no further action on the part of the County. Given that the project site is located in a highly sensitive archeological area, Mitigation Measures included with the project will reduce any impact to cultural resources.

The subject proposal also includes a request to rename a portion of an existing road and eliminate a Minor Collector from the Specific Plan relating to Tract No. 4968. Staff finds that naming the northern-most half-mile section of "Saubrice Avenue" to "Morningside Way," as proposed by the Applicant, will have no impact on other roads within Circulation Element of the Plan. This change will be reflected in Circulation Element and Bikeway Figure SP1-9. Staff also finds that due to the site topography and subdivision design for Tract No. 4968, it was necessary to eliminate the previously-designated Captain Hills Road (presently known as Sunset Drive) as a Minor Collector from the Circulation Element and Bikeway Plan of the Millerton Specific Plan due to design and safety concerns requiring the road terminate in a cul-de-sac, rather than connecting with an intersection to Millerton Road.

Given the above discussion, staff believes the proposed GPA, rezone and amendment to the Transportation Element of the Millerton Specific Plan are consistent with the Fresno County General Plan and Millerton Specific Plan.

Recommended Conditions of Approval:

See Mitigation Measures and Conditions of Approval listed in Exhibit 1 of this Report.

SUBDIVISION REVIEW COMMITTEE REPORT FOR VESTING TENTATIVE TRACT MAP NO. 6226

Date of Subdivision Review Committee Meeting: March 19, 2019

Subdivider: Assemi Group, Inc.

Project Engineer/Architect: Precision Civil Engineering, Inc.

PROCEDURAL CONSIDERATIONS:

A Vesting Tentative Tract Map (TT) may be approved only if five Findings specified in the Subdivision Map Act and County Subdivision Ordinance are made by the Planning Commission. These Findings are included in the body of the Subdivision Review Committee Report.

Classified Conditional Use Permit (CUP) Application No. 3621, which is being considered concurrently with Vesting Tentative Tract Map No. 6226, is a request to allow a Planned Unit Development with a relocated park, a storm water basin, and an open space area for the preservation of onsite cultural resources/seasonal water channels. A CUP may be approved only if four Findings specified in the Zoning Ordinance are made. The subject Vesting Tentative Tract Map cannot be approved unless Conditional Use Permit No. 3621, concurrent General Plan Amendment No. 554, and Amendment Application No. 3831 are also approved. The County Board of Supervisors must give final approval of the General Plan Amendment and Amendment Application, together with any concurrent applications.

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Park (a five-acre portion of a 40-acre parcel) Medium-Density Residential (a 35-acre portion of a 40-acre parcel)	'Park' to 'Medium-Density Residential' (five-acres) Medium-Density Residential to Public Facilities - Park (a 1.5-acre portion of a 40-acre parcel) Increase the existing Open Space designation to 12.26 acres (White Fox Creek Parkway and storm water basin)
Zoning	'O' (Open Conservation; a five-acre portion of a 40-acre parcel)	'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District

Criteria	Existing	Proposed
	R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional; a 35-acre portion of a 40-acre parcel)	R-1(c) Zone District to an 'O' Zone District (a 1.5-acre portion of a 40-acre parcel)
Parcel Size	40 acres	No change
Project Site	Undeveloped	<ul style="list-style-type: none"> Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre portion of a 40-acre parcel (APN 300-542-12) from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District. Change the land use designation of a 1.5-acre area of the 40-acre parcel from "Medium-Density Residential" to "Public Facilities - Park" and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District Allow a Planned Unit Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District
Structural Improvements	None	The project consists of 80 lots for development with single-family homes, and a 1.5-acre park.
Nearest Residence	Approximately 60 feet to the north	No change

Criteria	Existing	Proposed
Surrounding Development	Single-family residential	No change
Operational Features	N/A	See "Project Site" above
Lighting	N/A	Outdoor street lighting within the proposed Tract No. 6226
Hours of Operation	N/A	N/A

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (Yes/No)
Setbacks	<p>R-1 Zone District:</p> <p>Front: 20 feet Side: 5 feet Rear: 20 feet</p> <p>'O' Zone District</p> <p>Front: 35 feet Side: 20 feet Rear: 20 feet</p>	Development of single-family residences and a park on the property will adhere to setback standards of R-1 and 'O' Zone Districts	Yes
Parking	<p>R-1 Zone District:</p> <p>One parking space in a garage or carport for every dwelling unit in the R-1 Zone District</p> <p>'O' Zone District:</p> <p>No Requirement</p>	<p>Development of single-family residences and a park on the property will adhere to parking requirements of the R-1 Zone District</p> <p>There is no parking requirement for the 'O' Zone District</p>	Yes
Lot Coverage	<p>R-1 Zone District</p> <ul style="list-style-type: none"> 40 percent of the total lot area <p>'O' Zone District</p> <ul style="list-style-type: none"> 10 percent of the total lot area 	Development of single-family residences and a park on the property will adhere to lot coverage requirements of the R-1 and 'O' Zone Districts	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (Yes/No)
Separation Between Buildings	R-1 Zone District: 6 feet between main building and accessory building 'O' Zone District: No requirements	Development of single-family residences and a park on the property will adhere to building separation requirements of the R-1 and 'O' Zone Districts	Yes
Wall Requirements	R-1 Zone District: No less than 5 feet and no greater than 6 feet 'O' Zone District: Along perimeter of all areas designated by the Commission to be dangerous to the health, safety and general welfare	Development of single-family residences and a park on the property will adhere to wall requirements of R-1 and 'O' Zone Districts	Yes
Septic Replacement Area	100 percent for the existing system	N/A. The existing wastewater treatment facility located within the Millerton Specific Plan area will be expanded to accommodate the project.	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A. The existing surface water treatment facility located within the Millerton Specific Plan area will be expanded to accommodate the project.	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Lakeridge Drive; Good condition	No change

		Existing Conditions	Proposed Operation
Direct Access to Public Road	Yes	Lakeridge Drive	No change
Road ADT		Unknown	No change
Road Classification		Minor Collector	No change
Road Width		60 feet	50-foot-wide internal roads off Lakeridge Drive will serve the proposed 80-lot residential development
Road Surface		N/A	All interior roads within the tract will be asphalt concrete paved.
Traffic Trips		N/A	Per the <i>Trip Generation Study for Tract 6226</i> , dated August 22, 2018, and <i>Scoping the Transportation Impact Study for Tract 6226</i> , dated October 10, 2018, prepared by Precision Civil Engineering, Inc., the project shall pay its fair share of traffic improvements costs, similar to those paid by other residential development within the Millerton Specific Plan, to fund the offsite road improvements and signalization. The pro-rata share calculated by the County Design Division has been included in Mitigation Measures for the project.
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required. See "Traffic Trips" above
Road Improvements Required		N/A	All interior roads to serve lots within the subdivision will be asphalt concrete paved.

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	8,125 square feet and up	Single-family residences	R-1 & R-2	60 feet

	Size:	Use:	Zoning:	Nearest Residence:
South	80 acres	Vacant	R-1	N/A
East	25.1 acres	Single-family residences	R-1	515 feet
West	19.39 acres	Vacant	R-1-C	N/A

Criteria	Existing	Proposed
Surrounding Zoning	R-1(c) (Single-Family Residential; 6,000 square-foot minimum parcel size, Conditional); R-1-C(c) (Single-Family Residential; 9,000 square-foot minimum parcel size, Conditional)	No change
Land Use on Subject Property	None	A Planned Unit Development (PUD) consisting of 80 single-family residential lots with a 1.5-acre park
Surrounding Land Uses	Single-family homes to the north and east of the project site	N/A
Source of Water and Sewer	N/A	Community sewer and water provided by County Service Area (CSA) No. 34
Sphere of Influence	None	N/A
Nearest City Limits	2.2 miles east of the unincorporated community of Friant	No Change
Project Site (number of acres, number of lots, minimum lot size)	40 acres	<ul style="list-style-type: none"> • A Planned Unit Development consisting of 80 residential lots ranging 7,920 square feet to 10,511 square feet in size served by 50-foot-wide public road on a 40-acre parcel • The project includes a 1.5-acre park (Out Lot A), 0.82-acre storm water basin (Out

Criteria	Existing	Proposed
		Lot B), and an 11.44-acre open space area for the preservation of onsite cultural resources, open space conservation easements and seasonal stream (White Fox Creek) (Out Lot C).
Structural Improvements	None	80 single-family homes
Nearest Residence	N/A	Approximately 60 feet to the north

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. 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.

Since the adoption of the Specific Plan in 1984, the Planning Commission and Board of Supervisors have approved seven vesting tentative tract maps (totaling 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 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 No. 2905, and Site Plan Review No. 6970 authorizing a Planned Unit Development consisting of 165 single-family parcels on a 49-acre portion of an 83-acre parcel of land approved on February 3, 2000.
- Vesting Tentative Tract No. 4934, Conditional Use Permit No. 2935, and Site Plan Review No. 7044 authorizing a Planned Unit Development consisting of 200 single-family parcels on a 77.80-acres property approved on September 7, 2000.
- Conditional Use Permit No. 2942 authorizing an 18-hole golf course and related golf shop, and allowing application of treated wastewater on a 172-acre parcel approved on September 7, 2000.
- Vesting Tentative Tract No. 4976, Conditional Use Permit No. 2955, and Site Plan

Review No. 7081 authorizing a Planned Unit Development consisting of 184 single-family parcels on a 55-acre portion of a 164-acre parcel of land approved on November 30, 2000.

- Vesting Tentative Tract No. 4968, Conditional Use Permit No. 2956 and Site Plan Review No. 7082 authorizing a Planned Unit Development consisting of 308 single-family parcels on a 146-acre parcel of land approved on December 14, 2000.
- Unclassified Conditional Use Permit No. 2979 authorizing a tertiary-level wastewater treatment plant to serve a portion of the Millerton Specific Plan Area and Brighton Crest Subdivision approved on October 9, 2003.
- Unclassified Conditional Use Permit No. 3035, authorizing 66 resort units in conjunction with a hotel/conference room approved on December 7, 2004.
- Vesting Tentative Tract No. 5393, Conditional Use Permit No. 3113, and Site Plan Review No. 7654 authorizing a Planned Unit Development consisting of 275 single-family residential parcels, two commercial lots, two lots for future use, and other out lots on an approximately 224 acres of land approved on May 8, 2008.
- Vesting Tentative Tract No. 5430, Conditional Use Permit No. 3136, and Site Plan Review No. 7655, authorizing a Planned Unit Development consisting of 561 single-family residential parcels, 10 out lots and one remainder lot on an approximately 179.57 acres of land approved on July 17, 2008.
- Vesting Tentative Tract No. 5771, Conditional Use Permit No. 3193, and Site Plan Review No. 7787, authorizing a Planned Unit Development consisting of 79 single-family residential parcels and a 17.13-acre remainder lot, totaling approximately 37.24 acres of land approved on

For reference, the Mitigation Monitoring Program for the Millerton Specific Plan Environmental Impact Report (Exhibit 13) is applicable to the previous Tentative Tract Maps and this proposal.

The subject proposal (Vesting Tentative Tract Map Application No. 6226) being considered with General Plan Amendment Application No. 554, Amendment Application No. 3831 and Classified Conditional Use Permit Application No. 3621 proposes to allow a Planned Unit Development consisting of 80 single-family residential lots on an approximately 25-acre portion of a 40-acre parcel.

ANALYSIS/DISCUSSION:

Finding 1: The proposed map and the design improvement of the proposed subdivision are consistent with the General Plan and any applicable Specific Plans.

See the ANALYSIS section for GPA 554 of this staff report (page 9).

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The proposed development shall adhere to the General Plan Policies listed in the ANALYSIS/DISCUSSION/GENERAL PLAN AMENDMENT CONSISTENCY table of this staff report. The site is not restricted by a Williamson Act Contract.

Analysis:

The subject 40-acre project site is designated Medium-Density Residential within the Millerton Specific Plan and is currently vacant. The subject proposal involves the creation of 80 lots for single-family residential development, Out Lot A for a 1.5-acre park, Out Lot B for the storm water basin, and Out Lot C for the preservation/protection of tribal cultural resources and sensitive habitat.

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 is divided into several Residential Development Allocation Areas. The subject property is located within Allocation Area E, limited to 100 residential lots. A total of 80 residential lots are proposed within Allocation Area E by this application, not counting Out Lots A, B and C. The Millerton Specific Plan also indicates that areas designated Medium-Density Residential be developed at a density not to exceed one dwelling unit per 6,000 square feet (net) or seven units per acre (gross). Under this proposal, the Applicant is proposing 80 lots on an approximately 25-acre portion of a 40-acre parcel that is designated for Medium-Density Residential in the Millerton Specific Plan. The resulting density would be 3.2 units per gross acre, which is consistent with the Specific Plan. The remaining acreage would be open space, storm water basin and a remainder for a future street circulation connection.

The Millerton Specific Plan provides that all projects within the 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 also requires that a minimum of three percent of the area shall remain natural open space in addition to those areas already reserved for public facilities and the areas subject to the 100-year flood in the Specific Plan. The project design includes the 35,953 square-foot (0.82 acre) Out Lot B as an open space for a storm water basin, and an 11.44-acre Out Lot C as an open space to preserve onsite tribal cultural resources, a riparian corridor, and conservation easements. The total open space area within Out Lot C, outside of the area subject to inundation, is well over 3 percent and meets the requirements of the Plan.

Transportation Element

The standards and criteria of the Transportation Element set specific design standards for the interior roads within the subdivision, as well as the system of primary and secondary roads designed to carry local traffic within the Millerton Specific Plan area 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 and 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 this Subdivision Review Committee Report, 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 (Exhibit 13) specified in the Environmental Impact Report (EIR) and Addendum for the Millerton Specific Plan will be

applied to this development, requiring that prior to recordation of a final map, the project 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 meet County standards, and that the developer participate on a pro-rata basis in the funding for future off-site improvements for Friant, Millerton and Auberry Roads.

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 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 demonstrate 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 area will be provided through Out Lot A, B and C. Policies, standards, and Mitigation Measures relating to water and energy conservation, in part, will require that water conservation devices be used and dual water meters be provided for all residences (residence and landscape meters), and that site planning and building design provide for solar access and a street tree-planting program. All development projects within the Millerton New Town Specific Plan, including the subject proposal, are required to comply with Avoidance and Minimization Measures for all species contained in the Biological Opinion issued by the U.S. Fish and Wildlife Service. Mitigation Measures for the Specific Plan also have been imposed which will address air quality impacts.

Public Facilities Element

The project will require community facilities and services, including a community water system, a community sewer system, fire protection, schools, fire protection 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 meet the Specific Plan, Mitigation Measures would require necessary expansion of the sewer and water facilities with the construction of infrastructure necessary to serve the development in accordance with the policies of the Specific Plan prior to issuance of building permits. These facilities will be expanded in accordance with state and local standards, and operated and maintained by County Service Area No. 34.

The project site is located within the State Responsibility Area for fire protection. Fire protection services for the project will be provided by the Fresno County Fire Protection District and the

project will comply with specific Articles and Sections of California Code of Regulations Title 24 - Fire Code, which may also require joining Community Facilities District No. 2010-01. The project will also comply with the Fire Protection Mitigation Measures Nos. 6.a - e listed in the Mitigation Measures and Monitoring Program Matrix approved for the Millerton New Town Specific Plan, conditions of approval, and project notes.

According to the Millerton Specific Plan, 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. In this case, the Fresno County Sheriff-Coroner's Department reviewed the proposal and expressed no concerns with the project.

To ensure sufficient resources to serve this development, as a condition of approval, 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.

Community Design Element

The policies and standards regarding the community design are intended to help enhance the natural features of the land, 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 the Millerton area. The policies and standards specifically require 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 tract map submitted by the Applicant shows that the proposed lots will be located on a relatively level area. Given the site topography and the design, height and construction of the proposed single-family homes to match with other homes in the vicinity, the project is unlikely to affect the visual quality of any ridgelines in the area. The elements relating to building design, lighting, fencing, signage, and landscaping will be addressed though Site Plan Review which has been filed as a requirement for this vesting tract map.

This GPA also amends text sections and figures of the Millerton Specific Plan as appropriate to reflect the addition of 3.5 acres of community park added to Residential Allocation Areas A and D and clarification of circulation connectivity between the designated parks, trails, and neighborhoods.

***Finding 2:** The project site is physically suitable for the type and density of development proposed.*

Reviewing Agency/Department Comments:

Resources Division of the Fresno County Department of Public Works and Planning: Prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new

headworks or other upgrade determined necessary by the Department. The developer shall design and construct sewer infrastructure necessary to serve the development prior to the issuance of building permits, as per the approved onsite and offsite plans, and amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised: a) Address and provide permanent solution for current headworks issues at the wastewater treatment plant; and b) Complete and provide final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.

Prior to the issuance of building permits, the developer shall expand the existing surface water treatment facility as necessary to serve the development. As per the Millerton Infrastructure Plan, design and install a 450-kilowatt (KW) or larger propane or diesel-powered generator, or alternative method of back up generation approved by the Director of Department of Public Works and Planning, with accessible fueling station and service access, together with transmission facilities to the lake pump Motor Control Center [backup power generation unit shall be sized to operate 3 to 100 horsepower (HP) pumps simultaneously]. Additionally, design and construct infrastructure necessary to serve the development prior to the issuance of building permits as per the approved onsite and offsite plans. Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County. These requirements have been included as Mitigation Measures.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Hydrologic and hydraulic analyses shall be prepared to demonstrate that the proposed residential tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development. All storm water runoff generated by the proposed development shall be retained on site within drainage ponds or other facilities acceptable to the Director of the Fresno County Department of Public Works and Planning. An Engineered Grading and Drainage plan shall be prepared for review and approval in accordance with the Fresno County Ordinance Code prior to grading activities. To address feasibility of the site for the proposed development, a soils investigation report shall be required. The Applicant shall obtain an NPDES permit prior to construction or grading activities, file a Notice of Intent with the Regional Water Quality Control Board, develop a Storm Water Pollution Prevention Plan and incorporate the Plan into the construction improvement plans.

Portions of the subject property are within Flood Zone AE per FEMA FIRM Panel 1035H. Floodway Areas in Flood Zone AE are subject to flooding from the one-percent (1%)-chance storm event. No net import of fill within the flood zone shall be allowed, and any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. The property subject to inundation from the one-percent (1%) flood shall be identified by the hydrologic study and be indicated on an additional map sheet of the final map. These requirements will be included as Conditions of Approval.

Analysis:

The 40-acre project site 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 the "Slope Plan" diagram of the Millerton Specific Plan, the site maintains a zero to 10 percent slope, with the exception of a few spots higher than the 10% grade. The residential

development is proposed on a level area.

According to the 1984 Environmental Impact Report (EIR) prepared for the Millerton Specific Plan, subsequently updated in 1999 and 2004, there is no geomorphic evidence of past landslides, slumps or mudslides on the site or adjacent property, and the core area and the surrounding region appear to be very stable. However, grading and erosion impacts associated with development could occur on the project site. As such, to address feasibility of the site for the proposed development, a soils investigation report will be required as a condition of the final map. Also required will be a Grading & Drainage Plan, and hydrologic and hydraulic analyses to ensure that any storm water runoff generated by the proposal does not affect adjacent properties; a National Pollutant Discharge Elimination System (NPDES) permit prior to construction or grading activities; and expansion of the existing wastewater and surface water treatment facilities in accordance with Regional Water Quality Control Board (RQWCB) requirements. The community water and sewer systems will also reduce the project's impact on groundwater.

Based on the above information, and with adherence to the Mitigation Measures and Conditions of Approval, the project site can be considered suitable for the proposed development.

***Finding 3:** The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall submit an Air Impact Assessment (AIA) application to the Air District and pay fees prior to issuance of the first building permit (Note: The Air District approved the AIA on November 28, 2018; ISR Project No. C-20180404).

The project may be subject to Air District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed; and an Authority to Construct (ATC) permit.

Fresno County Department of Public Health, Environmental Health Division: In an effort to protect groundwater, a licensed contractor shall properly destroy all water well and septic systems that have been abandoned within the project area. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil and should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction.

California Department of Fish and Wildlife: A wetlands delineation of the site shall identify the State and Federal wetlands on the project site, which activities may require notification to comply with Section 1602 of the Fish and Game Code, and delineate a minimum 100-foot no-disturbance buffer around the high-water mark of White Fox Creek. A notification may be required for project-related activities that have the potential to change the bed, bank, and channel of White Fox Creek.

U.S. Fish and Wildlife Service: No concerns with the proposal.

Analysis:

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 reserved for residential development in the Millerton Specific Plan and is currently undeveloped. The site is surrounded by residential Tract No. 4968 (under construction) to the north and west, Tract No. 4934 (undeveloped) to the south, and Tract No. 4870 (developed) to the east. Farther to the east, approximately 1.2 mile from the project site is the Table Mountain Casino. The Sierra National Forest is located further east.

Initial Study No. 7495 prepared for the project (GPA No. 554, AA No. 3831, TT No. 6226, CUP No. 3621 and SPR No. 8108) in compliance with the California Environmental Quality Act (CEQA) has identified a less than significant impact on the environment with the Mitigation Measures and Conditions of Approval added to the project (Exhibit 8). A summary of the Initial Study is included as Exhibit 12.

The project will have a less than significant impact on special-status species or riparian habitats with adherence to Avoidance and Minimization Measures contained in the Biological Opinion (BO) memo approved by the U.S. Fish and Wildlife Service on August 25, 2018. The BO included all development projects within the Millerton New Town Specific Plan, including the subject proposal. Although the project is located in an area designated as highly sensitive for archeological resources, the impacts on cultural resources will be less than significant with the Mitigation Measures incorporated in the project. Impacts on traffic would be less than significant with Mitigation Measures incorporated requiring the project to pay its fair share for offsite road improvements and traffic signalization.

The impacts on soils or the quality or quantity of groundwater would be less than significant, as the project will connect to community water and sewer services provided by County Service Area (CSA) No. 34. The impact on wetlands would be less than significant, as the project would require a 404 Permit application and Notification of Lake or Stream Alteration application for Federal and State "permission" to fill wetlands. Applications for these permits have been submitted by the Applicant to the responsible agencies.

The 1984 Environmental Impact Report (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, and the project will adhere to these Mitigation Measures.

Based on the above information and adherence to the Project Notes, staff has determined that the project is unlikely to cause substantial environmental damage or unavoidably injure fish and wildlife or their habitat. Finding 3 can be made.

***Finding 4:** The design of the subdivision or types of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: All utilities shall be placed underground in accordance with the provision of the

Subdivision Ordinance, and any existing utilities within or adjacent to the project site not in conformance with these requirements shall be removed or placed underground. This requirement has been included as a Condition of Approval.

Analysis:

The Subdivision Ordinance requires 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 for the project will be placed underground in accordance with the provisions of the subdivision ordinance, and easements of these utilities will be required as a condition of the tract map.

Based on the above discussion and with adherence to the Condition of Approval, staff believes that Finding No. 4 related to Public Utilities and Easements can be made.

Finding 5: The design of the subdivision or types of improvements are not likely to cause serious public health problems.

Reviewing Agency Comments:

Resources Division of the Fresno County Department of Public Works and Planning: See above comments under Finding 2 and noted as Mitigation Measures.

Fresno County Fire Protection District: The project shall comply with the California Code of Regulations Title 24 – Fire Code, and require approval of County-approved site plans by the Fire District prior to the issuance of building permits by the County. The project shall adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinkler Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00 Maintenance of Defensible Space Measures. The project may require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements have been included as Project Notes.

Fresno County Sheriff's Department: No concerns with the proposal.

Analysis:

Neither design nor the type of improvements related to the project development are likely to cause any serious health problems.

The existing wastewater and surface water treatment plants located within the Millerton Specific Plan will require expansion to accommodate the project's sewer and water needs. The project will comply with the California Code of Regulations Title 24 – Fire Code and will obtain approval of the County-approved site plans by the Fire District prior to the issuance of building permits. The project will also comply with Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix which require fee establishment for the Fire Protection Benefit Assessment District for a new fire station, supporting costs for fire protection services, road design meeting fire-fighting equipment, and incorporating fire protection measures in the project design.

The standards and criteria regarding police protection indicate that the Sheriff's Department be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into projects. In this case, the Department reviewed the proposal and expressed no concerns related to policing.

Based on the above information and with adherence to the Mitigation Measures, Conditions of Approval, and Project Notes, staff believes the project is unlikely to cause health problems.

Finding No. 5 can be made.

ANALYSIS FOR CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3621 (IMPLEMENTING THE PLANNED UNIT RESIDENTIAL DEVELOPMENT):

Finding 1: 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.

See analysis above in Setback, Separation and Parking of this staff report.

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: Approval of a Classified Conditional Use Permit is required to allow the proposed 80-lot residential development and a remainder parcel to be a Planned Unit Residential Development.

Analysis:

The Applicant is proposing to subdivide approximately 25 acres of the 40-acre site into 80 single-family lots in the R-1(c) (Single-family Residential; 6,000 square-foot minimum parcel size) Zone District. The remainder acreage includes a 1.5-acre park (Out Lot A), 0.82-acre open space for a storm water basin (Out Lot B), and an 11.44-acre open space area for the preservation of tribal cultural resources and sensitive habitat (Out Lot C).

Analysis of the project design indicates that the 40-acre site is adequate in size to accommodate 80 single-family residential lots (lot size: 7,920 to 10,511 square feet) with 50-foot-wide interior roads and three open space out lots. The water demand for the project will be met through the expansion of an existing surface water treatment facility and the sewer demand will be met through the expansion of an existing wastewater treatment facility, both located outside the project premises but within the Millerton Specific Plan area. Therefore, onsite area requirements concerning water and sewer facilities are not a consideration.

Based on the above information, staff believes that the subject 40-acre parcel is adequate in size and shape to accommodate the project. Finding No. 1 can be made.

Recommended Conditions of Approval:

See Mitigation Measures and Conditions of Approval listed in Exhibit 1 of this Report.

Finding 1 can be made.

Finding 2: *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.*

See analysis above in the Circulation and Traffic table of this report.

Reviewing Agency/Department Comments:

The Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division has identified Development Standards for the proposed interior roads that will exclusively serve the proposed 80-lot residential subdivision.

Analysis:

Access to the project site will be from Lakeridge Drive, which connects to Marina Drive to the east. The Transportation Element of the Millerton Specific Plan (MSP) identifies Lakeridge Avenue as a Minor Collector, which is required to be developed as a two-lane roadway with a 60-foot right-of-way provided with sidewalk and bike lane.

All interior roads serving the project will be Local roads constructed in accordance with the standards set forth in the Millerton Specific Plan (MSP). The Local road standards of the MSP state that 11 or more units can be served by a 50-foot right-of-way. The project proposes 80 residential lots with 50-foot-wide roads and meets the standard. Conditions have been included for both Classified Conditional Use Permit No. 3621 and the Subdivision Review Committee Report for concurrent Vesting Tentative Subdivision Map No. 6226 to ensure that all roads to serve the development are designed as required by Specific Plan and County standards and are adequately maintained.

Based on the above information, staff believes that Lakeridge Drive and interior roads will adequately serve the project.

Recommended Conditions of Approval:

See Mitigation Measures and Conditions of Approval listed in Exhibit 1 of this Report.

Conclusion:

Finding 2 can be made.

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

See the analysis above in the Surrounding Properties table of this staff report.

Reviewing Agency/Department Comments:

As discussed above in the Subdivision Review Committee Report prepared for concurrent Vesting Tentative Tract Map Application No. 6226, the project will comply with the Fresno County Fire Protection District and San Joaquin Valley Air Pollution Control District requirements and connect to community sewer and water services provided by County Service Area (CSA) No. 34.

Analysis:

The project site is currently vacant and is surrounded residential tracts. Tract No. 4968 (currently under construction) is located to the north and west, Tract No. 4934 (undeveloped) to the south, and Tract No. 4870 (developed) to the east of the site.

The project entails a Planned Unit Residential Development consisting of 80 single-family residential lots ranging from 7,920 square feet to 11,876 square feet in size provided with 50-foot-wide public roads. The project would be consistent in design, construction and building height with other nearby residential tracks and those to be constructed. As such, the project development will have a less than significant visual impact on the physical characteristics of the area.

As indicated in the Subdivision Review Committee Report for concurrent Vesting Tentative Tract Map Application No. 6226, the project will comply with fire protection, building code and permit requirements, site grading and drainage requirements, and be provided with community water and sewer services.

Based on the above information, staff believes that the proposed development will not have an adverse effect on the surrounding properties. Finding 3 can be made.

Recommended Conditions of Approval:

See Mitigation Measures and Conditions of Approval listed in Exhibit 1 of this Report.

Conclusion:

Finding 3 can be made.

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

See the analysis above in the Analysis/Discussion/General Plan Consistency table of this staff report.

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The proposed Planned Unit Residential Development (PUD) shall adhere to the General Plan Policies related to planned unit development, sewer and water supply, and fire protection.

Analysis:

The Millerton Specific Plan states that all residential development shall be by Planned Residential Development. The Specific Plan area, which encompasses 1,420 acres, is intended to be developed as a planned community, accommodating a population of 8,000 to 10,000 with a variety of housing types, commercial and public facilities, recreation areas, and open space for community residents. The Millerton Specific Plan also states that 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) and within Residential Development. Further, within Allocation Area E of the Specific Plan, no more than 100 lots shall be allowed and 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 the 100-year flood in the Specific Plan.

The project is located in an area designated for Medium-Density Residential in the Millerton Specific Plan and is zoned R-1(c) (Single-Family Residential, 6000 square feet minimum parcel size) in the County Zoning Ordinance. The project is also located within Allocation Area E. Eighty (80) residential lots are proposed on a 25-acre portion of the 40-acre parcel ranging 7,920 square feet to 10,511 square feet in size and providing the density of 3.2 units/gross acre (maximum allowed: seven units/gross acre). The project meets the lot size and density requirements of the Specific Plan.

According to General Plan Policy LU-H.7 and the Zoning Ordinance, Section 855-N. 20, planned developments are intended to promote efficient use of the land through increased design flexibility and quality site planning. Planned Residential Development may allow for departure from standard property development regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. Planned Residential Developments can benefit the community through the more efficient use of land, greater provision of open space, and improved aesthetics.

The project design requires efficient use of land through Planned Unit Development. To achieve greater flexibility in the project design, in addition to the creation of 80 residential lots on a 25-acre portion of a 40-acre site, a five-acre park site located along White Fox Creek will be relocated and replaced with a 1.5-acre park within northwest portion of the property. Relocation of the five-acre park was found to be necessary to allow an approximately 11.44- acre portion of the site (Out Lot C) to remain in open space for the protection of tribal cultural resources and sensitive habitat. Further, a 0.82-acre portion of the site (Out Lot B) will remain in open space to provide for a storm drainage basin.

Out Lot A, B and C provide 13.76 acres of combined open space area in this tract. To compensate for the loss of 3.5 acres of community park in Residential Allocation Area E, GPA 554 will reallocate 3.5 acres of community park space to Residential Allocation Areas A and D. Additionally, the tract provides a surplus of 7.66 acres of open space along White Fox Creek to preserve tribal cultural resources and sensitive habitat. The total area to remain in open space within Out Lot C, exclusive of the 100-year storm, is in excess of 3 percent as required by the Specific Plan. To compensate for the loss of a trail system (bike/hiking path) along White Fox Creek, a Condition of Approval included in the project would be required to construct trail along the eastern property line of the tract, adjacent to the White Fox Creek corridor. This trail system, connecting to the proposed 1.5-acre park through bike lanes and sidewalk, will provide residents with easy access to the park.

A PUD allows design deviation from the current property development standards of zone districts. As the Applicant has made no request to deviate from the property development standards of R-1 and 'O' Zone Districts, the current standards would apply.

Based on the above discussion and the analysis provided above in the Analysis/Discussion/General Plan Consistency table of this staff report, staff believes the proposed project is consistent with the policies of the Fresno County General Plan and Millerton Specific Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

STAFF RECOMMENDATION:

Staff believes that amendment to the County-adopted Millerton Specific Plan by amending text sections and figures of the Millerton Specific Plan as appropriate to reflect the addition of 3.5 acres of community park added to Residential Allocation Areas A and D and clarification of circulation connectivity between the designated parks, trails, and neighborhoods; changing land use designation of a five-acre portion of a 40-acre parcel from "Park" to "Medium-Density Residential" and rezoning it from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously changing the land use designation of a 1.5-acre portion within the subject parcel from "Medium-Density Residential" to "Public Facilities - Park" and rezoning it from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District to provide for the park will provide consistency with the County General Plan and Millerton Specific Plan.

Staff also believes the required Findings for granting Vesting Tentative Tract Map and Classified Conditional Use Permit can be made based on the factors cited in the analysis, the recommended Conditions of Approval, and the Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for this project (General Plan Amendment Application No. 554, Amendment Application No. 3831, Vesting Tentative Tract Map Application No. 6226, Classified Conditional Use Permit Application No. 3621 and Site Plan Review Application No. 8108), subject to the recommended Conditions, including the approval of name change for a Minor Collector and removal of a Minor Collector from the Circulation Element and Bikeway Plan of the Millerton Specific Plan.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7495; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 554 amending text sections and figures of the Millerton Specific Plan as proposed and amend the Land Use Element of the Millerton Specific Plan by re-designating a five-acre portion of a 40-acre parcel from 'Park' to 'Medium-Density Residential' and a 1.5-acre portion of the parcel from 'Medium-Density Residential' to 'Public Facilities – Park,' amending existing provisions of the Millerton Specific Plan to address improved park area as the first General Plan Amendment cycle in 2019; and
- Recommend that the Board of Supervisors amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly most approximately half-mile section of "Saubrice Avenue" to "Morningside Way"; and

- Recommend that the Board of Supervisors Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating previously-designated Captains Hill Road (presently known Sunset Drive) as a Minor Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3831 to rezone a five-acre portion of a 40-acre parcel from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential) Zone District and a 1.5-acre portion of the said parcel from the R-1(c) Zone District to an 'O' Zone District; and
- Recommend that the Board of Supervisors adopt Findings noted in the Staff Report and approve Vesting Tentative Tract Map No. 6226, Classified Conditional Use Permit (CUP) No. 3621 and Site Plan Review (SPR) No. 8108, subject to the conditions listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Determine that the proposed Medium-Density Residential and Open Space designations and R-1(c) (Single-Family Residential) and 'O' (Open Space) Zoning changes are not consistent with the County General Plan and Millerton Specific Plan; and
- Determine that the required Findings cannot be made (state basis for not making Findings) and move to deny Vesting Tentative Tract Map No. 6226, Classified Conditional Use Permit No. 3622, and Site Plan Review No. 8108; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

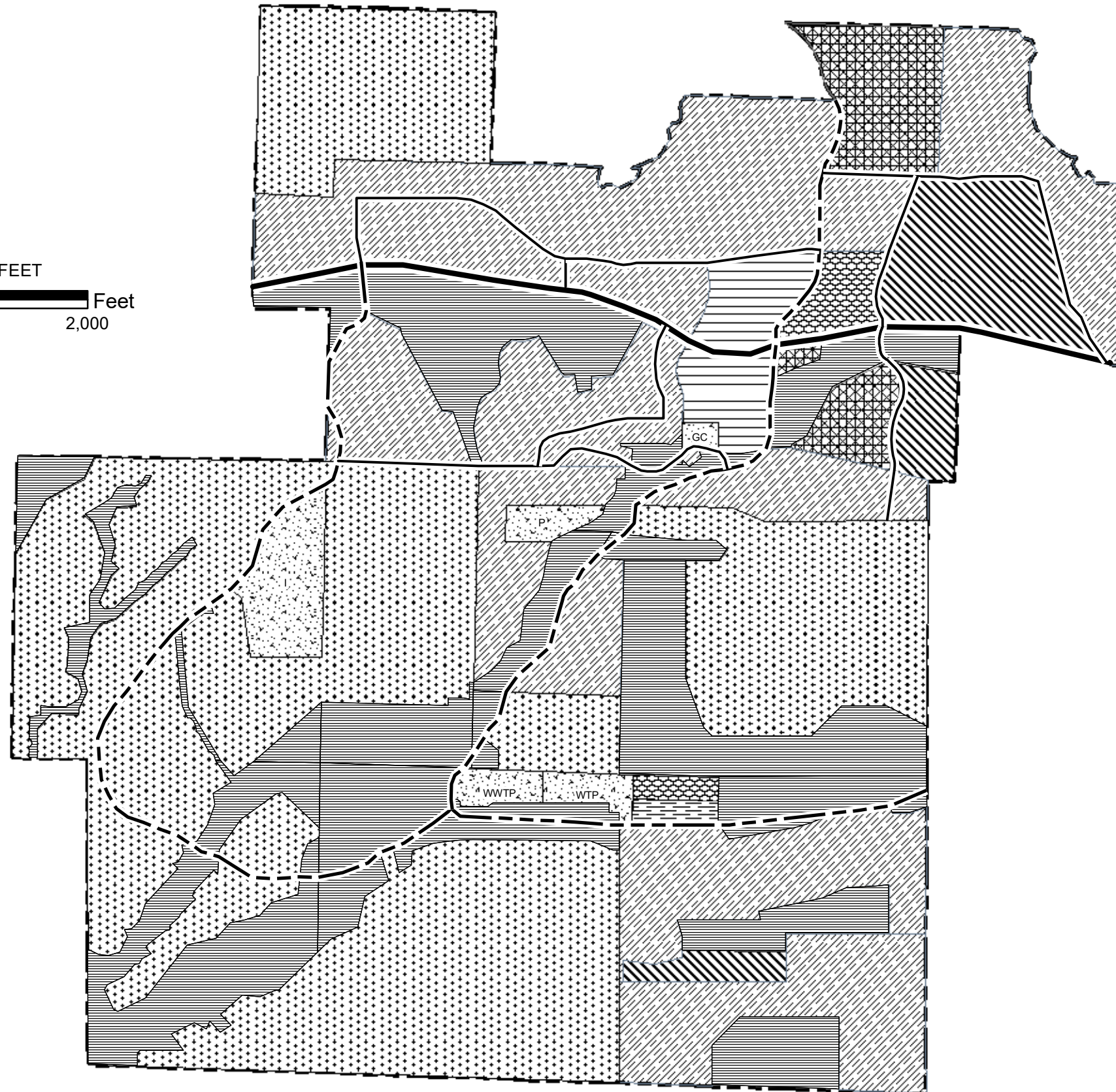
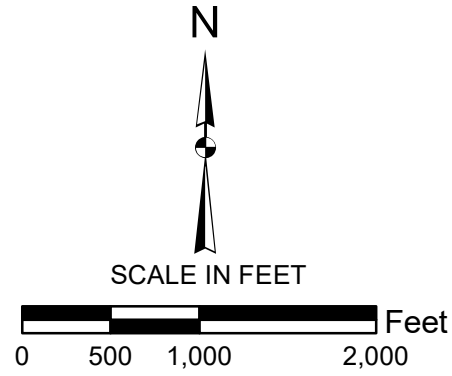
See attached Exhibit 8.

EA:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3831 - See GPA 554, TT 6226, CUP 3621\SR\AA 3831 SR.docx



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

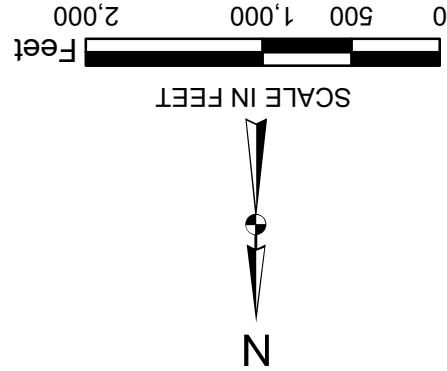
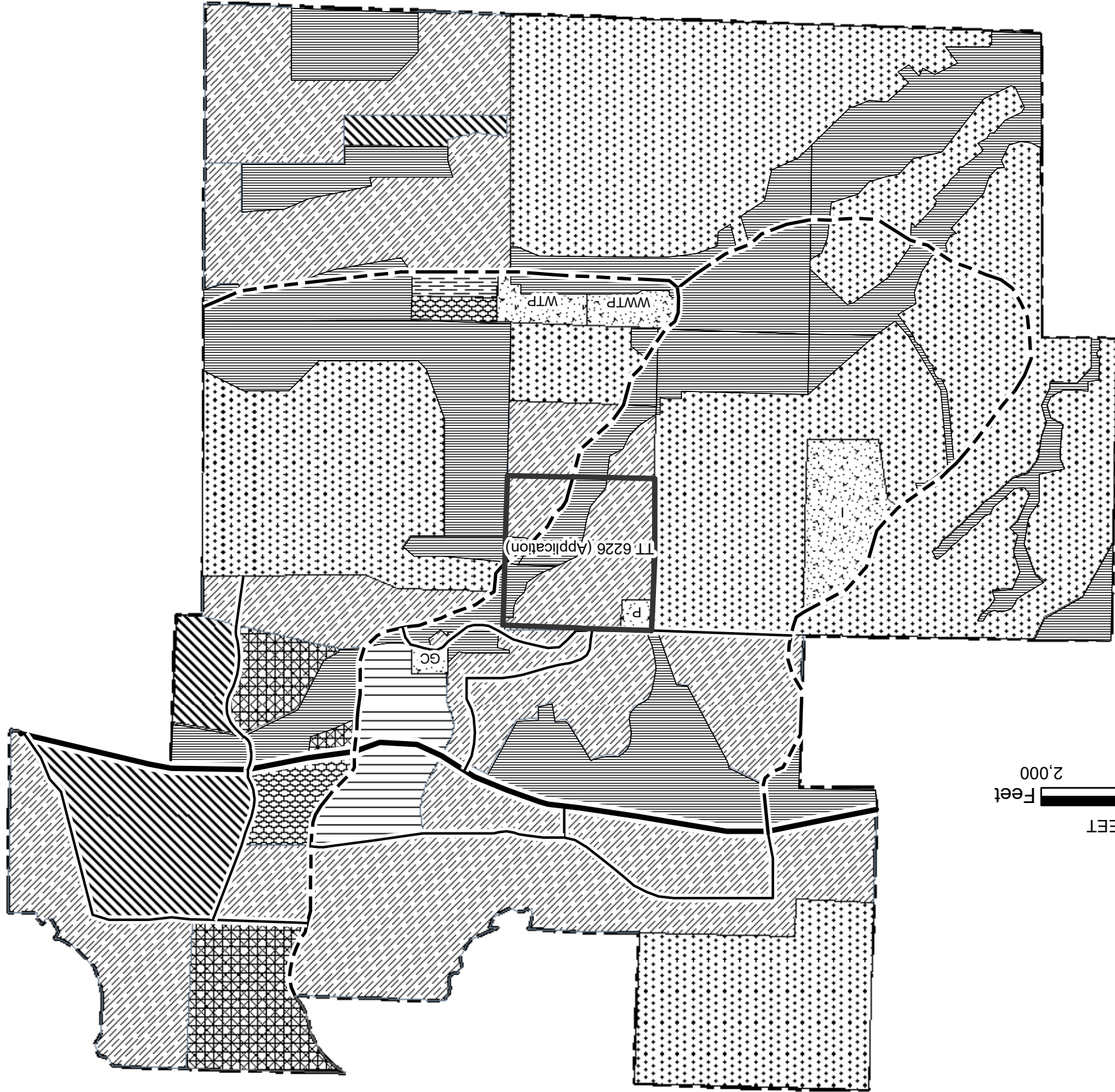
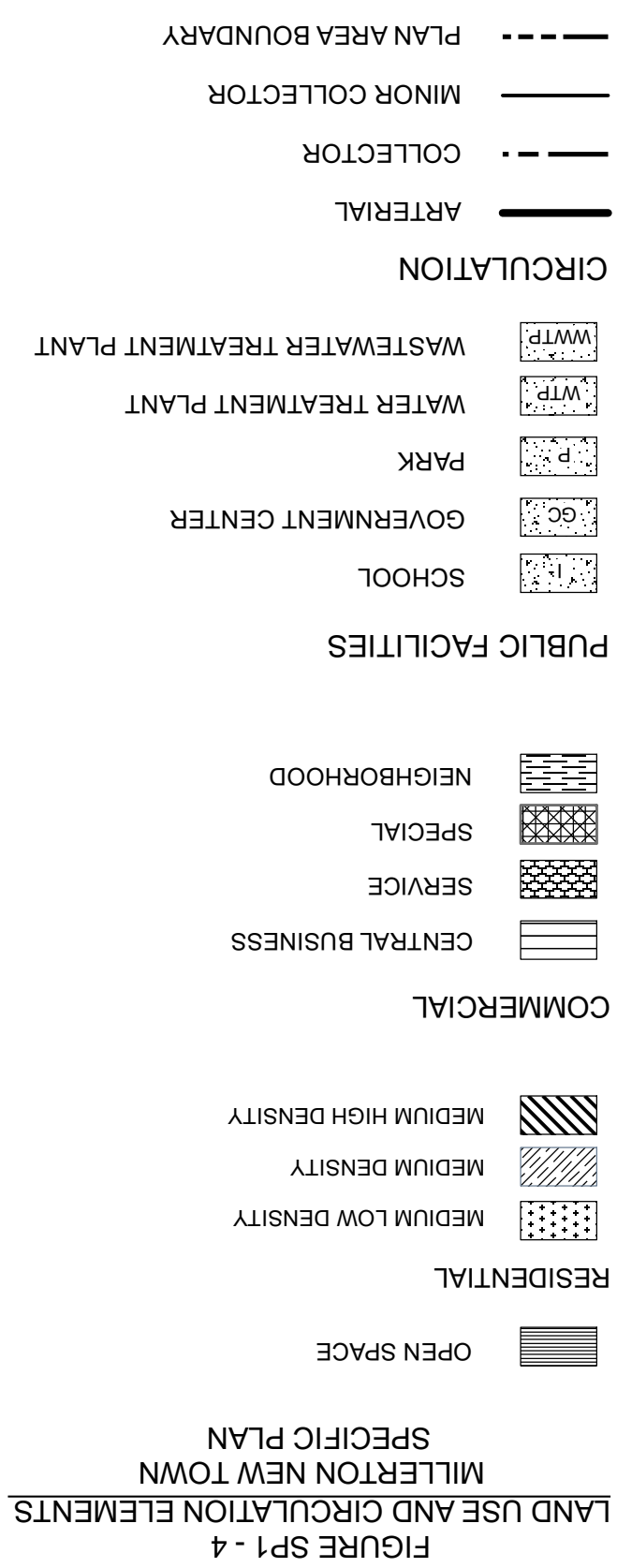
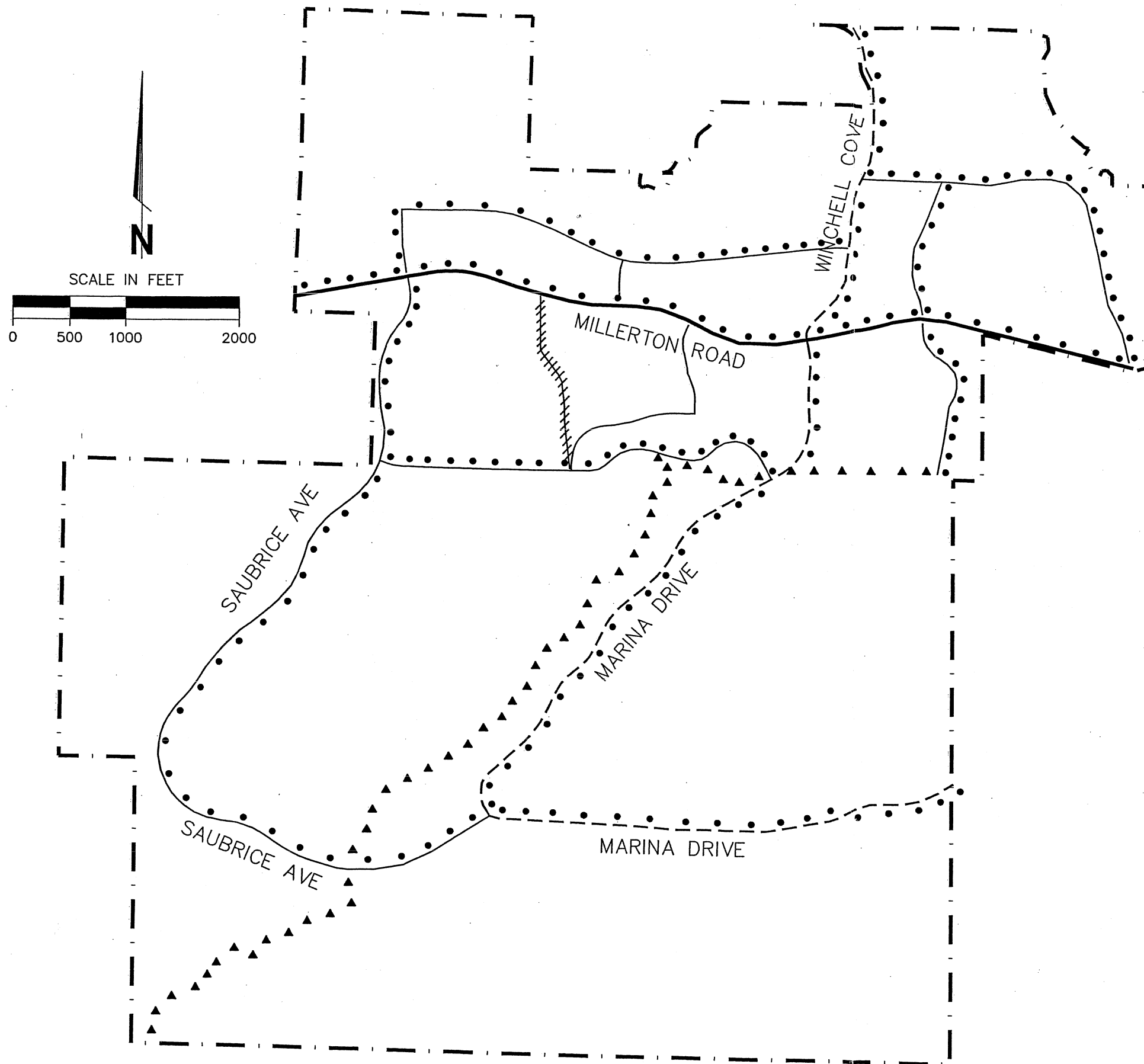


EXHIBIT 2

FIGURE SP1-9.
CIRCULATION ELEMENT AND BIKEWAYS
MILLERTON NEW TOWN
SPECIFIC PLAN



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

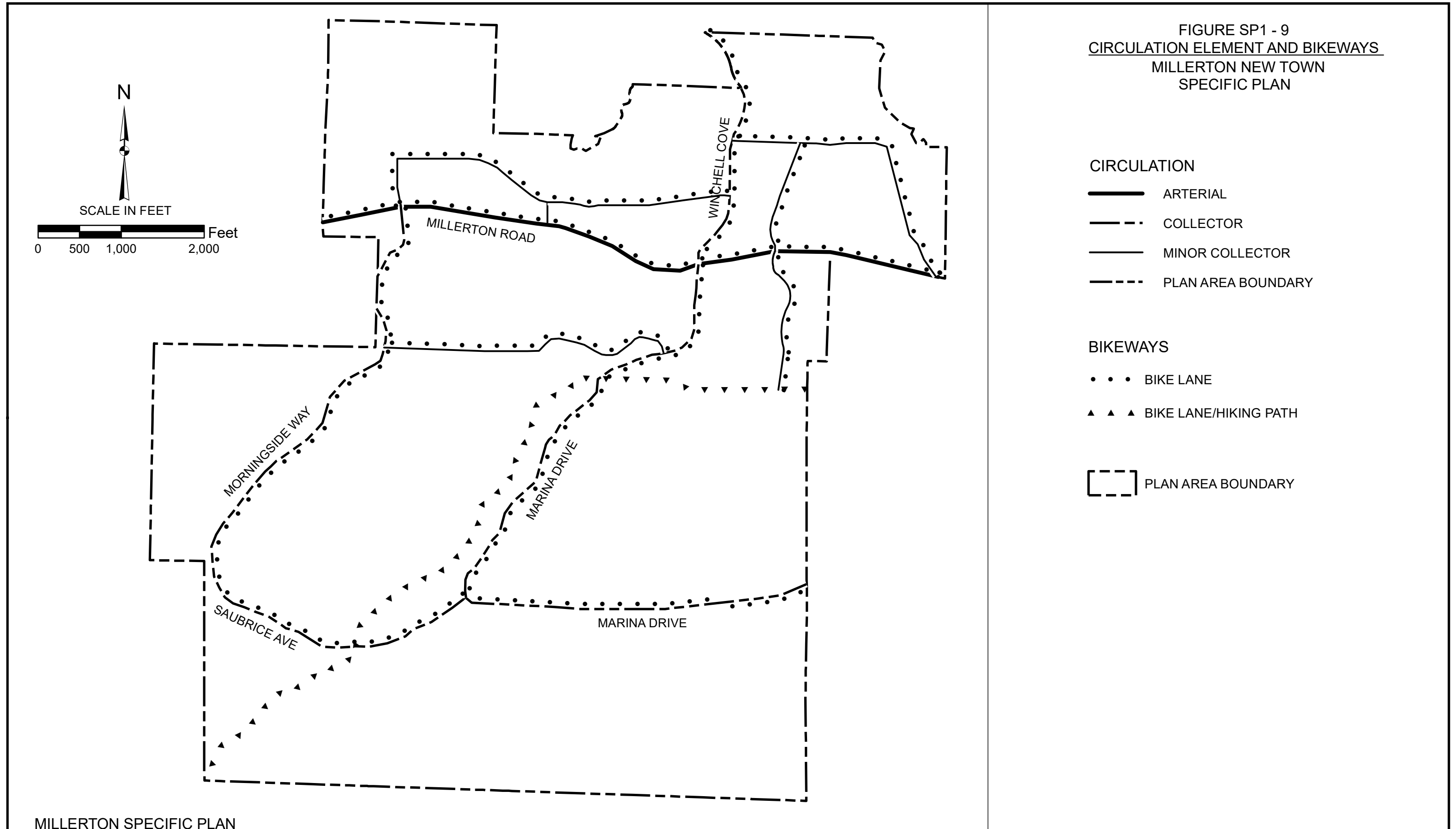
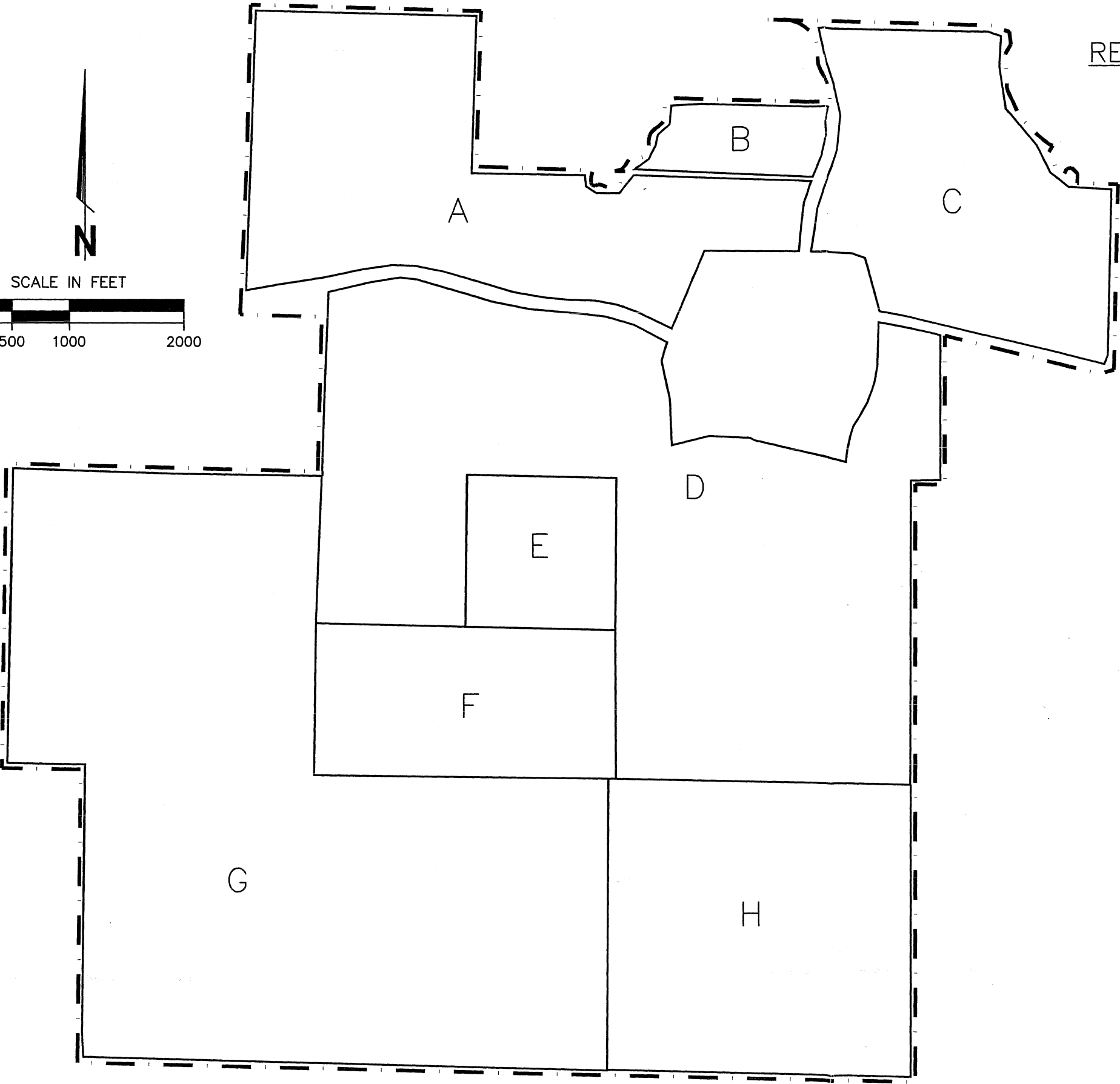
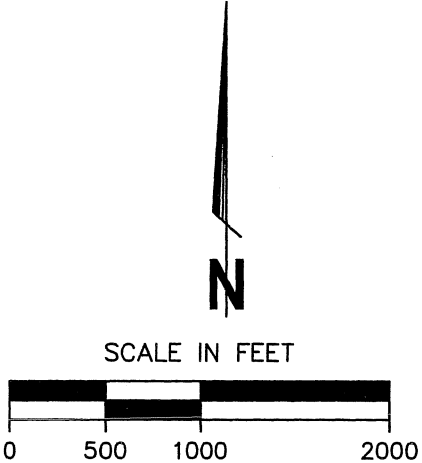


FIGURE SP1-5.
RESIDENTIAL DEVELOPMENT ALLOCATION AREAS
MILLERTON NEW TOWN
SPECIFIC PLAN



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 3

EXHIBIT 4

- (1) The parks shall be linked by recreation corridors to provide a continuous outdoor recreation system.
- (2) The following types of facilities are desirable in the Millerton Specific Plan; and the location and type of such facilities shall be coordinated with the facilities to be developed in the adjacent Clovis school site:
 - a) Tot lot / children's playground
 - b) Volleyball facilities
 - c) Basketball courts
 - d) Tennis courts
 - e) Baseball diamonds
 - f) Football / soccer fields
 - g) Picnic areas
- (3) The following facilities shall be provided in the open space corridors:
 - a) Hiking / bicycle trails
 - b) Jogging trails
 - c) Picnic areas
- (4) Pursuant to General Plan Policy OS-H.2, five to eight acres of improved parkland per 1,000 population shall be designated (this will result in about 44.3 to 71-acres for the ultimate population of 8,000 to 10,000 people). The Millerton Specific Plan area has the following proposed parkland areas:

a)	Community park (Allocation Area E)	5.0	1.5 acres
b)	Community park(s) (Allocation Areas A and D)		3.5 acres
c)	White Fox Parkway South of Millerton Road* (Allocation Area D, E, F, and G)	40.0	51.4 acres
	Total	45.0	56.4 acres

**Additional 11.44 acres of passive Open Space added to White Fox Parkway as part of Vesting Tentative Tract Map No. 6226*

The Community ~~park~~ **parks** will be constructed by the Developer of the project in which the park**(s)** is located. County Service Area No. 34 will maintain these areas of improved park land. The Specific Plan, in addition to the above-referenced improved parkland area, has approximately 200 acres of irrigated open space areas for the receipt of treated effluent. These areas will be transferred to and maintained by CSA-34 subject to future golf operations on a portion of this acreage. The 20-acre Clovis school site in

Allocation Area G is not included in the summary of improved parkland set out above; however, it will contain baseball, soccer, and other athletic facilities that the school district advises will be available for use by community residents.

A.1 RECREATION CORRIDORS

Two types of recreation corridors are to be provided both generally following existing drainways. They are the "community" corridor and the "local" corridor.

The community corridor follows White Fox Creek and will be a parkway on either side of the Creek. As the major recreation corridor within the community, White Fox Creek will contain a bike path and pedestrian trail in addition to picnic facilities and landscaping.

Local recreation corridors are a refinement of the community corridor system. They will provide the linkages within neighborhoods to the community recreation corridor system. Their location will be fixed by the density and character of the population to be served. This will be determined during the process of development design, and their functions (other than that of a transportation linkage) will also vary.

To a considerable extent, local and community recreation corridors will provide space for a variety of facilities and activities that traditionally have been included in recreation parks. By utilizing corridors of varying width and design, recreation and cultural opportunities, which once were available only at centralized locations, can be dispersed throughout the community.

E.5a Policy

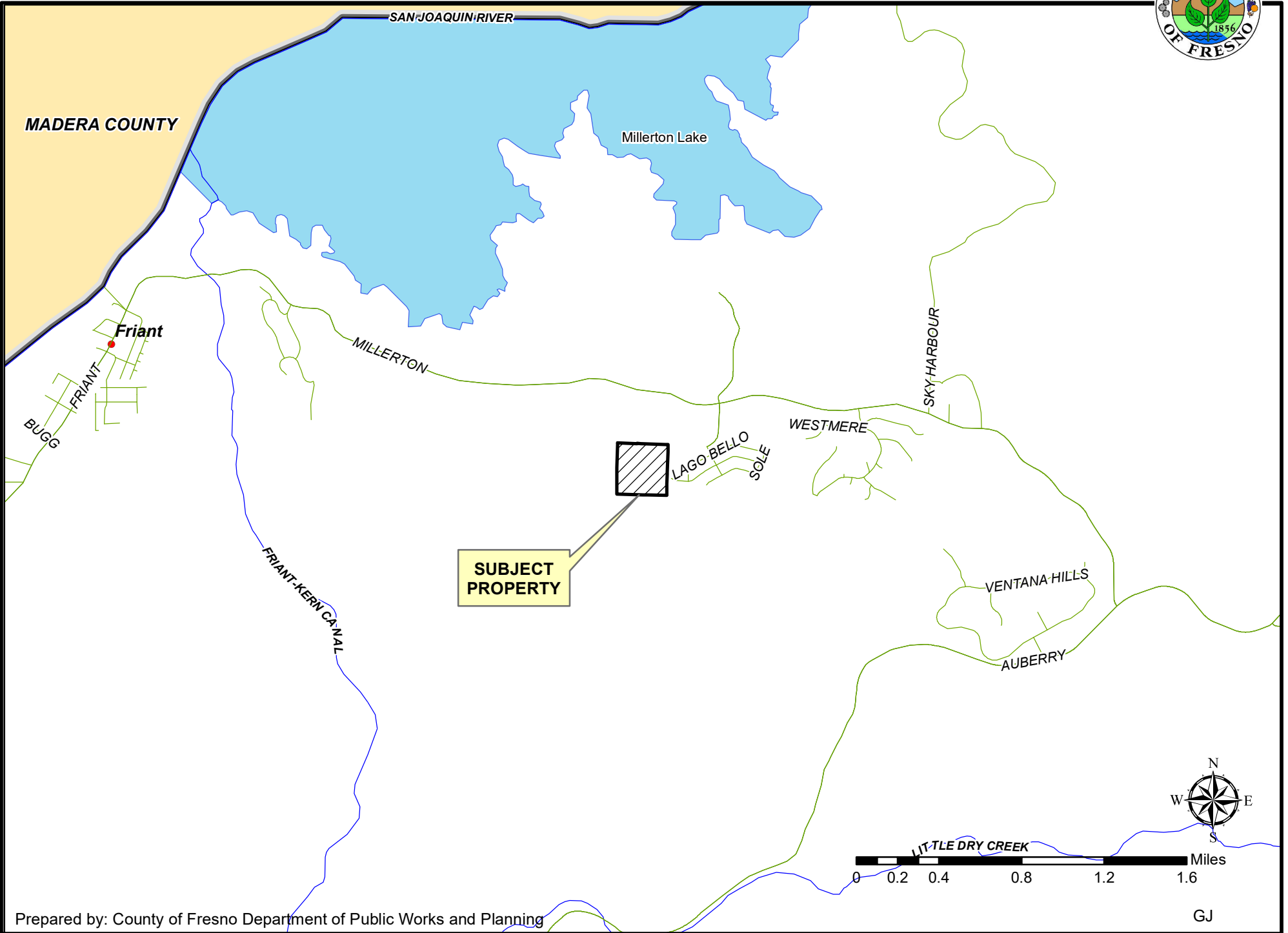
SP1-P44 White Fox Parkway shall be integrated with ~~the five-acre~~ a 1 ½ -acre community-recreation park located ~~along~~ in Allocation Area E with **connection to the parkway via improved bike lanes or trails and centralized placement for interconnectivity to multiple developments.**

SP1-P45 Additional areas for improved community-recreation parks shall be developed in Allocation Areas A and D. A minimum total of 3 ½ acres of improved park lands shall be developed between these Allocation Areas. Parks shall be developed on areas not restricted by biological or cultural resources and located to allow interconnectivity between developments and access to the White Fox Parkway via networks of improved bike lanes and/or trails.

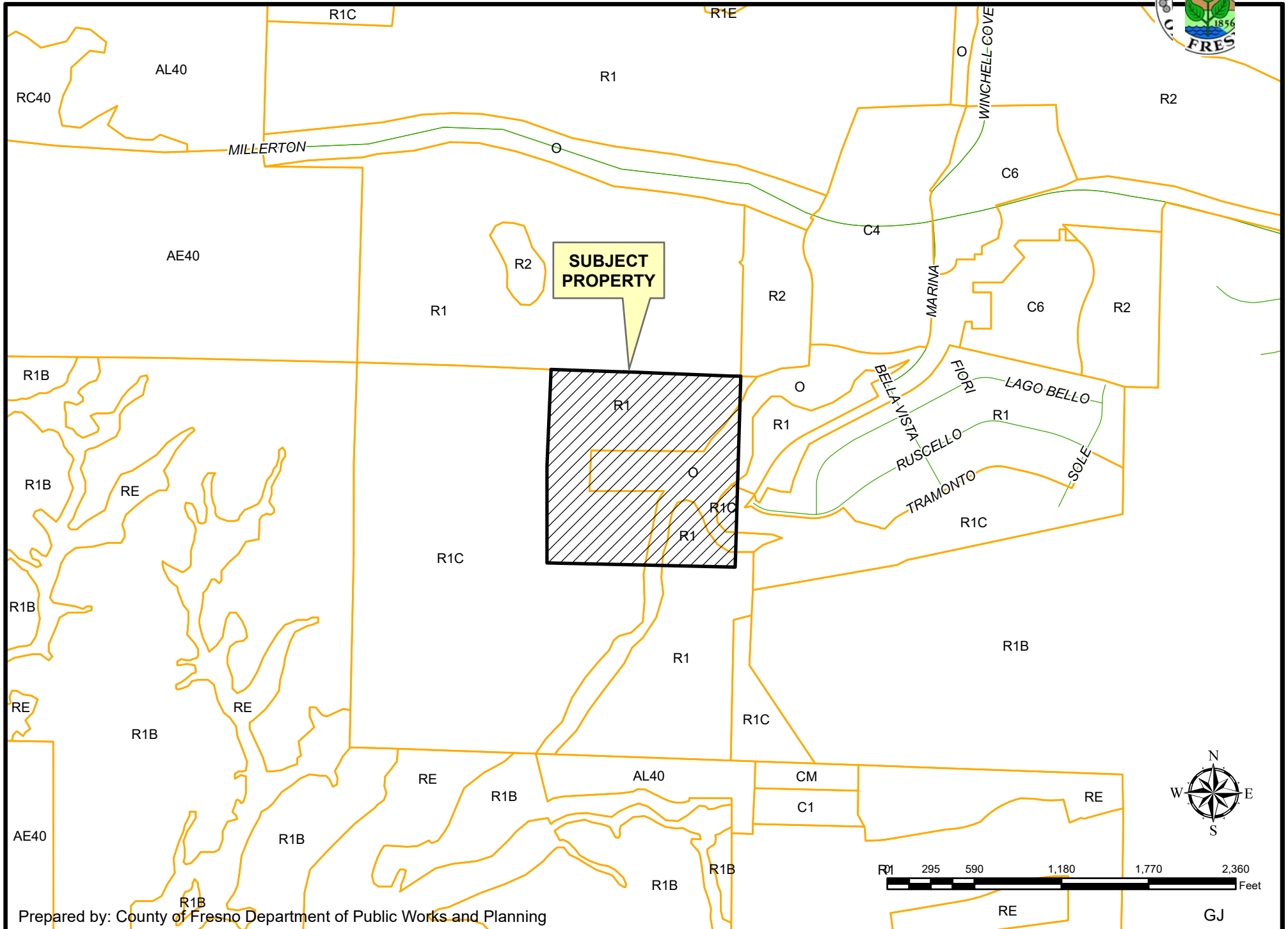
E.5b Standards

- (1) The Parkway will be a minimum of 70 feet wide throughout its length.
- (2) White Fox Creek will remain in its natural condition. Riparian and wetland areas may be enhanced as part of an overall mitigation plan to protect jurisdictional waters of the United States.
- (3) A non-development setback shall be required on either side of the creek as determined by a biological study and recommendations of the Department of Fish and Game. The setback is to be placed in an open space easement and dedicated to the County or CSA for open space purposes, including a recreational corridor; in no

LOCATION MAP

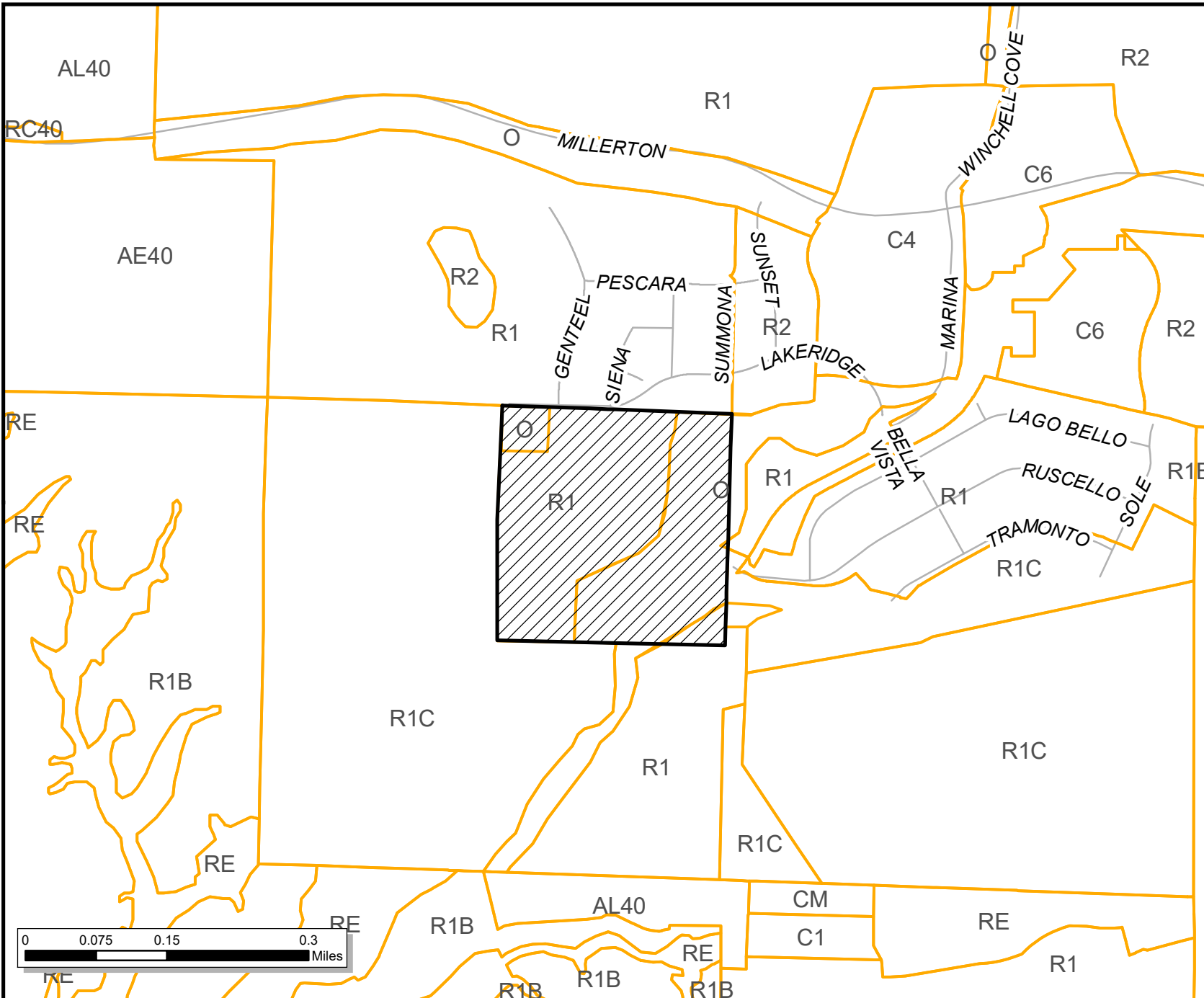


EXISTING ZONING MAP



PROPOSED ZONING

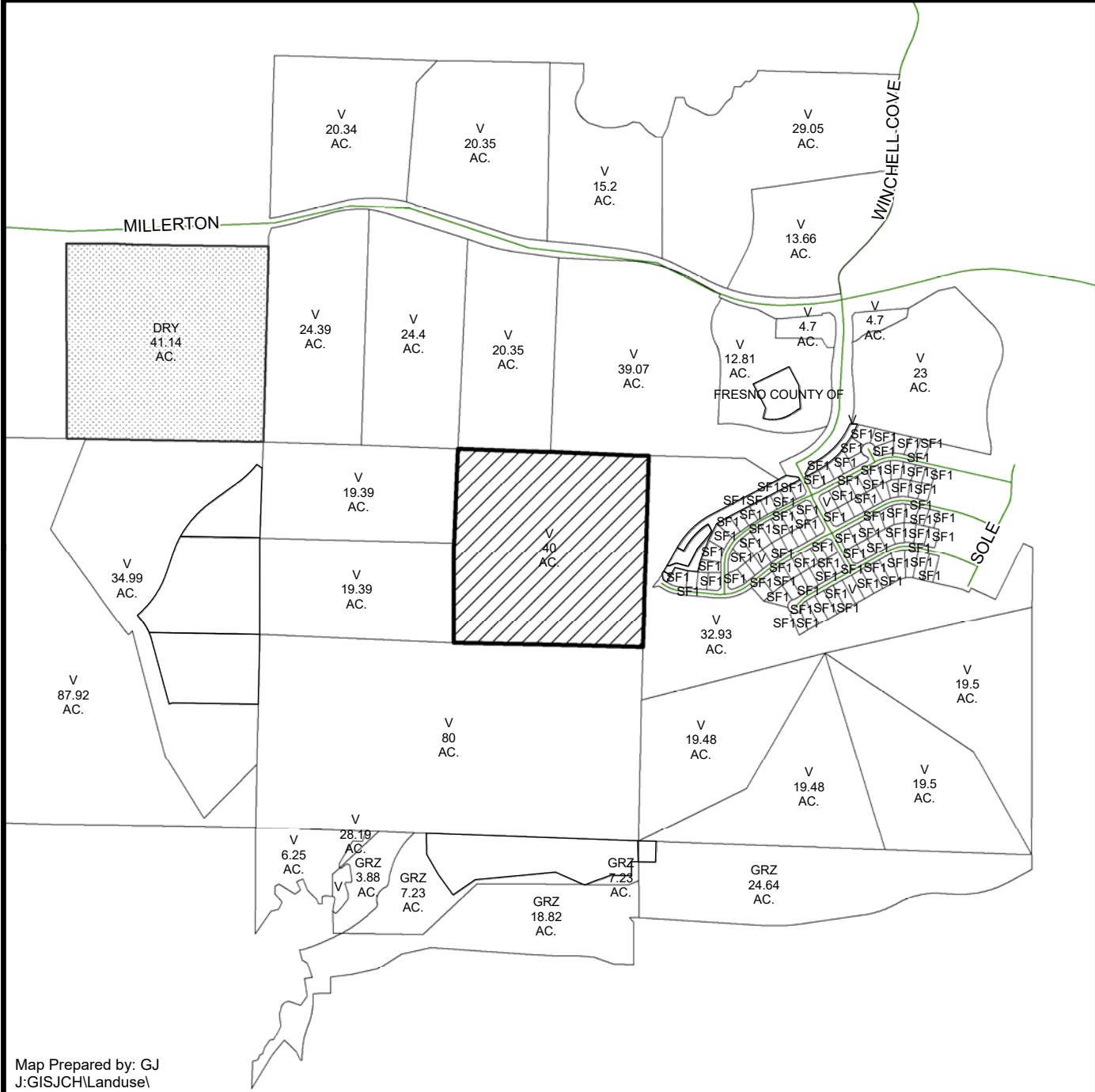
AA 3831



Date: 5/10/2019

GPA554; AA3831; TTM6226

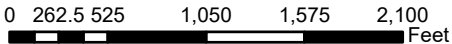
EXISTING LAND USE MAP



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

LEGEND:

- Subject Property
- Ag Contract Land



Map Prepared by: GJ
J:GISJCH\Landuse\

EXHIBIT 8

**Mitigation Monitoring and Reporting Program
Initial Study (IS) No. 7495/General Plan Amendment Application No. 554/
Amendment Application No. 3831/Vesting Tentative Tract Map Application No. 6226/
Classified Conditional Use Permit Application No. 3621 and Site Plan Review Application No. 8108
(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 downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning (PW&P)	As noted
*2.	Cultural Resources	The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.	Applicant	Applicant/PW&P	As noted
*3.	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 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	As noted
*4.	Geology and Soils	Prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.	Applicant	Applicant/PW&P	As noted
*5.	Geology and Soils	Design and construct sewer infrastructure necessary to serve the development prior to the issuance of building permits, as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*6.	Geology and Soils	<p>Amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.</p> <p>a. Address and provide permanent solution for current headworks issues at the wastewater treatment plant.</p> <p>b. Complete and provide final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.</p>	Applicant	Applicant/PW&P	As noted
*7.	Hydrology and Water Quality	Prior to the issuance of a building permit, the developer shall expand the existing surface water treatment facility as necessary to serve the development.	Applicant	Applicant/PW&P	As noted
*8.	Hydrology and Water Quality	As per the Millerton Infrastructure Plan, design and install a 450-kilowatt (KW) or larger propane or diesel-powered generator, or alternative method of back-up generation approved by the Director of the Department of Public Works and Planning, with accessible fueling station and service access together with transmission facilities to the lake pump Motor Control Center [back-up power generation unit shall be sized to operate 3 to 100 horsepower (HP) pumps simultaneously].	Applicant	Applicant/PW&P	As noted
*9.	Hydrology and Water Quality	Design and construct infrastructure necessary to serve the development prior to the issuance of building permits as per the approved onsite and offsite plans.	Applicant	Applicant/PW&P	As noted
*10.	Hydrology and Water Quality	Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County.	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*11.	Transportation	<p>To mitigate potential impacts to the County-maintained roads, a pro-rata share for future offsite improvements is required as defined in items a-s 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.</p> <p>a) Signalization at the intersection of N. Friant Road and Copper/Millbrook Avenues: The project's maximum share for the 2020 scenario is 0.80% or \$0.00. (Note: Improvements are constructed.)</p> <p>b) Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 0.88% or \$11,056.00.</p> <p>c) Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 0.83% or \$1,549.00.</p> <p>d) Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$2,421.00.</p> <p>e) Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.19% or \$1,758.00.</p> <p>f) Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.45% or \$4,195.00.</p> <p>g) Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 0.52% or \$3,228.00.</p> <p>h) Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 1.56% or \$9,737.00.</p>	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*11. (cont.)	Transportation	<ul style="list-style-type: none"> <li data-bbox="548 203 1329 324">i) Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is 0.39% or \$0.00. (Note: Improvements are constructed.) <li data-bbox="548 354 1329 446">j) Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.73% or \$1,920.00. <li data-bbox="548 508 1329 600">k) Signalization at the intersection of Auberry Road and Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 1.19% or \$11,163.00. <li data-bbox="548 630 1329 751">l) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 1.07% or \$4,769.00. <li data-bbox="548 781 1329 902">m) Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 0.85% or \$9,116.00. <li data-bbox="548 932 1329 1021">n) Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 0.95% or \$2,087.00. <li data-bbox="548 1050 1329 1172">o) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Marian Drive. The project's maximum share for the 2020 scenario is 1.14% or \$242,274.00. <li data-bbox="548 1201 1329 1323">p) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.51% or \$37,520.00. 	Applicant	Applicant/PW&P	As noted

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*11. (cont.)	Transportation	<p>q) Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.35% or \$30,234.00. The project's total right-of-acquisition cost is 0.83% or \$3,085.00.</p> <p>r) Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.15% or \$5,941.00. The project's total right-of-acquisition cost is 0.15% or \$887.00.</p> <p>s) Widening of Auberry Road from two (2) lanes to a four (4)-lane Arterial from E. Copper Avenue to Marina Drive: The project's maximum share for the 2020 scenario is 1.0% or \$464,993.00. The project's total right-of-acquisition cost is 2.0% or \$8,340.00.</p>	Applicant	Applicant/PW&P	As noted

*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.

Subdivision Review Committee Conditions for Vesting Tentative Tract Map No. 6226 and SPR No. 8108	
Water and Sewer	
12.	All of the water infrastructure required for this project shall be designed and constructed in accordance with the approved Infrastructure Plan and accepted by County Service Area No. 34 prior to issuance of building permits.
13.	The water conservation standards include a maximum static pressure of 80 PSI. Pressure zone analyses shall be required, providing the water system operating pressure to be maintained between 60 PSI and 80 PSI. Construction thereof shall be implemented with the approved infrastructure as detailed in the Millerton Specific Plan.
14.	Each residence shall have two water meters and boxes. One meter will serve the residence and the second meter will serve landscape irrigation needs.
15.	Landscaping use with reclaimed or domestic water shall comply with California Code of Regulation Title 23. Waters. Department of Water Resources Chapter 2.7. Model Water Efficient Landscaping Ordinance (MWEL0). Specific use of reclaimed water shall serve irrigation of landscaping along Lakeridge Drive SP1-P45.
16.	The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
17.	Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Department of Public Works and Planning.

18.	All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
19.	The subdivider shall be responsible for payment of all required water and wastewater infrastructure facility fees.
20.	The Sewer Infrastructure Plan currently under revision shall comply with the Millerton Specific Plan and be constructed with the approved infrastructure plan.
Roads	
21.	Lakeridge Drive shall be classified as a Collector road with an ultimate right-of-way width of 60 feet per Millerton Specific Plan.
22.	Lakeridge Drive shall be constructed within a 60-foot right-of-way and for a 35 M.P.H. design speed. Sidewalks shall be constructed on the south side of Lakeridge Drive along the tract frontage per Millerton Specific Plan Figure SP1-8.
23.	Lakeridge Drive shall be provided right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan.
24.	Lakeridge Drive shall be intersected by all roads as near to right angles as practicable with thirty-foot by thirty-foot corner cut offs at all intersections
25.	The subdivider shall insure that Lakeridge Drive provide for the relinquishment of direct access for all abutting double frontage and corner lots.
26.	The subdivider shall insure that Lakeridge Drive be provided with bicycle and hiking trails including sidewalks throughout the project area in accordance with the Millerton Specific Plan.
27.	Lago Bello Drive, Marrone Way, Siena Drive, Genteel Drive, Sierra Drive, Bearberry Lane, Tramonto Lane, and "Street A" (interior road) shall be constructed to an interior road standard as shown in the Millerton Specific Plan, Figure SP1-8.
28.	Interior roads shall be constructed to a 25 M.P.H public road standard in accordance with County Improvement Standards and the Millerton Specific Plan SP1-8 (36 feet of base and pavement between curbs).
29.	Interior roads shall provide for right-of-way, utility easements and landscape easements in accordance with the Millerton Specific Plan Figure SP1-8.
30.	Interior roads shall intersect as near to right angles as practicable in accordance with the County Improvement Standards.
31.	Interior roads shall provide for adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum).
32.	A County Standard B-2 rural residential cul-de-sac or an approved design by the Director of the Department of Public Works and Planning shall be provided at the end of all cul-de-sac roads.

33.	The subdivider shall provide complete sets of engineered plans and documents (e.g., calculations, specifications and reports), prepared, stamped, signed and dated by a licensed engineer, for the road improvements and plans shall be submitted to the County of Fresno Department of Public Works and Planning 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. Subsequent R-values shall be obtained for sub-grade after completion of earthwork operations for verification of AB/AC sections prior to commencement of any pavement construction.
34.	Warning signs, regulatory signs, markers, guardrails, and barricades shall be included in the design and installed in accordance with County Improvement Standards.
35.	One-foot restricted access strips shall be provided, along with barricades, signage and reflectors at the end of the stub roads
36.	Easements shall be provided for future road and emergency access where such routes traverse proposed lots and common future areas.
37.	Emergency Access Roads shall be contained within easements and shall connect to public roads.
38.	Emergency Access Roads shall be 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 over the area.
39.	Emergency Access Roads shall be constructed with crash gates at both the entrance and exit. Signage shall be installed on the gates detailing "EMERGENCY EXIT ONLY".
40.	A zone of Benefit in County Service Areas 34 or other method acceptable to the Director of Department of Public Works and Planning shall be formed for the maintenance of the new roads and drainage facilities.
41.	The subdivider shall be required to secure the maintenance of the new roads for two one-year warranty periods (two years) after the acceptance thereof.
42.	Fresno County Ordinance Code Title 17.48.350 street signs, warning signs, regulatory signs, markers, barricades and other markings shall be included in the design and installed in accordance with County Improvement Standards and Specifications.
43.	The subdivider shall insure that Traffic and Circulation standards are provided as required by Section 806-02:1.03 of the Millerton Specific Plan and as set forth in the Mitigation Measures and Monitoring Program Matrix as item 2a through 2i and 2k.
Drainage and Erosion Control and Flood Prone Areas	
44.	Slope easements shall be provided outside of the right-of-way where necessary.
45.	Hydrologic and hydraulic analyses shall be prepared and submitted for approval in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development.
46.	All storm water runoff generated by the proposed development shall be retained on site within drainage ponds or other facilities acceptable to the Director of the Department of Public Works and Planning. If runoff is to be temporarily retained on site, the storage

	basins shall be sized using the formula $V_s=0.28CA$. If permanent facilities are required, the storage basins shall be sized using the formula $V_s =0.5CA$. Any retention facilities within the natural drainage courses will need to be reviewed and approved by the California State Department of Fish and Wildlife and State Water Resources Control Board. Ponds 18" or deeper shall be fenced with a 6'-high chain-link fence or approved equal in accordance with the Millerton Specific Plan.
47.	An engineered grading and drainage plan shall be prepared and submitted to the County of Fresno Department of Public Works and Planning Development Engineering Section for review and approval in accordance with Fresno County Ordinance Code prior to grading activities.
48.	Prior to approval of a Final Map, drainage plans shall demonstrate compatibility with adjacent properties in the sub-watershed. Offsite control measures may be required to mitigate drainage impacts.
49.	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.
50.	The U.S.G.S. Quad Map shows that White Fox Creek traverses the southeast portion of the parcel. Any development within or near the creek requires clearance from the State Department of Fish and Wildlife. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels require that the Applicant obtain the necessary permits with local, State and Federal Agencies.
51.	The centerline of any natural watercourses shall be indicated on an additional map sheet and dimensioned at the lot lines.
52.	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 and active WDID # shall be provided to the County prior to commencement of any grading activities. The Applicant shall develop a Stormwater 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. Erosion control measures shall be provided to all exposed slopes in a manner acceptable to the Director of the Department of Public Works and Planning.
53.	According to FEMA FIRM Panel 1035H, portions of the parcel are found to be within Flood Zone AE. Floodway Areas in Flood Zone AE are subject to flooding from the 1%-chance storm event. No net import of fill shall be allowed within the flood zone. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.
54.	Property subject to inundation from the 1% flood shall be identified by the hydrologic study and shall be indicated on an additional map sheet of the final map.
55.	A soils investigation report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the proposed type of development.
56.	Prior to any work conducted within the jurisdictional waters of the United States, the subdivider shall obtain necessary permits from the responsible agencies, including, but not limited to, the Army Corp of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.

Maintenance	
57.	The landscape areas shall be designated on the final map as out lots for landscaping and open space purposes. The out lots shall be conveyed to CSA No. 34 or another public entity acceptable to the County, and provision shall be made for their perpetual maintenance.
58.	Prior to recordation of the final map, an agreement between the developer/subdivider and the CSA shall be entered into 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.
59.	The subdivider shall enter into a Reimbursement Agreement and provide an Engineer's Report to set the fees and assessments to pay for services for TT No. 6226, and form a zone within County Service Area 34 through a formation and Proposition 218 proceeding.
Fire Protection	
60.	Fire protection measures and facilities shall be provided as required in the Millerton Specific Plan, and as set forth the Mitigation Measures and Monitoring Program Matrix as subject to a determination of applicability by the fire district having jurisdiction over the area. All structures and infrastructure related to this project shall comply with Fresno County Ordinance 91-025, Fire Safe Regulations.
61.	The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district.
62.	The Director of the Department of Public Works and Planning in collaboration with the Fresno County Fire Protection District shall approve fire access roads, fuel breaks, and fuel modification zones.
Utilities	
63.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
64.	Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
Street Names	
65.	The subdivider shall submit proposed Street Names for review prior to approval of the Final Map.
Pedestrian Trails and Bike Paths	
66.	Bicycle and pedestrian paths (trail system) shall be developed within the subdivisoin in accordance with the Millerton Specific Plan SP1-P22, Figure SP1-9. Pedestrian and bicycle pathways not associated with roadways shall be located to take advantage of natural drainage areas or areas of scenic quality. Hiking trails and pedestrian pathways should be a minimum of four feet in width and constructed of compacted natural material.
67.	White Fox Creek (southeast portion of development) shall be maintained and pedestrian trails shall be provided by the subdivider and included along its alignment with public access provided at frequent intervals.

68.	The subdivider for Vesting Tentative Tract Map No. 6226 shall provide connectivity from the developed 1.5-acre park to the White Fox Parkway via improved bike lanes or trails and centralized placement for interconnectivity to multiple developments.
69.	The subdivider shall insure that the proposed plan development shall contain open space/out lot areas per the Millerton Specific Plan E.4, Open Space and Recreation. The common open space areas shall be usable for open space and recreation uses and shall be designated on the recorded map.
Outlots	
70.	The common open space areas shall be usable for open space and recreation uses and shall be designated on the recorded map.
Law Enforcement/CFD	
71.	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.
Other Conditions	
72.	The subdivider shall insure that all Mitigation Measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR 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.
73.	Prior to any development, the developer/subdivider 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.
74.	The subdivider shall insure that the project pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) as administered through the Fresno County Council of Governments.
75.	All conditions of the Site Plan Review (SPR) shall be completed and accepted with the final plan approval.
76.	All other improvements shall be in accordance with Fresno County Improvement Standards.

Conditions of Approval for Conditional Use Permit No. 3621 (PUD)

77.	All conditions of the Subdivision Review Committee Report for Vesting Tentative Tract Map No. 6226 shall be complied with and development and operation of the Planned Unit Residential Development shall be in substantial conformance with Vesting Tentative Tract Map No. 6226 and the Operational Statement approved by the Board of Supervisors.
-----	---

78.	General Plan Amendment (GPA) No. 554, Amendment Application (AA) No. 3831, and Conditional Use Permit (CUP) No. 3621 shall be tied to Vesting Tentative Tract Map (TT) No. 6226; if the TT is denied or expired, the GPA, AA and CUP shall also be denied or expire. Note: In accordance with Section 873-I of the Zoning Ordinance, a Conditional Use Permit to authorize a Tentative Tract Map automatically assumes the life span of the Map.
79.	Development shall be in accordance with the Millerton Specific Plan, including compliance with the most recently-adopted adopted Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, and the project site plan and project description as it pertains to property development standards, recreation corridors, natural surface drainage, open space, landscaping, fencing, lighting, circulation, grading and infrastructure.
80.	Where standards are unspecified in the Millerton Specific Plan or Millerton New Town Infrastructure Plan, the standards used shall be in accordance with the Fresno County Improvement Standards or as directed and approved by the Director of the Department of Public Works and Planning.
81.	The subdivider shall insure that project landscaping requirements shall comply with the Millerton Specific Plan SP1-46 and E.6c Standards except as modified by the State of California's Model Water Efficient Landscaping Ordinance (MWEL0).
82.	The subdivider shall insure that each interior residential lot shall have one tree planted in the front yard and each corner lot shall have two trees planted in the front yard of the residence as referenced in the Fresno County Improvement Standards.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission.
2.	A Site Plan Review application shall be submitted for approval by the Director of the Department of Public Works and Planning, in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under the site plan review may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection, and lighting.
3.	Plans, permits and inspections are required for all buildings proposed on the property. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 regarding permits for construction and/or remodel.
4.	The project may be subject to the San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed; and an Authority to Construct (ATC) permit..
5.	Pursuant to the San Joaquin Valley Air Pollution Control District (Air District) Rule 9510, the project shall pay applicable offsite fees to the Air District prior to the issuance of the first building permit.

Project Notes

6.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none">• Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB).• Construction permits for the proposed development should be subject to assurance that the County of Fresno County Service Area-34 (CSA-34) community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water - Southern Branch.• The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno noise ordinance.• If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.• In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel 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.
7.	<p>According to the California Regional Water Quality Control Board, the project shall require permitting and mitigation either under the Federal Clean Water Act Sections 404/401 or under the State of California Water Code due to the property containing Waters of the United States. The project shall also require coverage under the Construction Storm Water General Permit and incorporate non-structural BMPs (Best Management Practices) rather than using the proposed detention basin along White Fox Creek.</p>
8.	<p>The Clovis Unified School District in which the proposed development will occur 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.</p>
9.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans must be submitted to the County of Fresno Department of Public Works and Planning for review. The project shall also adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinkler Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD. Additionally, the project may require joining Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
10.	<p>The Fresno County Fire Protection District notes that the project shall conform to the following statutory requirements per the California Code of Regulations, Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations:</p> <ul style="list-style-type: none">• Emergency Access and Egress 1273.00 - Road and street networks, whether public or private, unless exempted under Section 1270.02(d), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 1273.00 through 1273.11. This shall include the connection of the development to paved public roads that provide two different travel directions.

Project Notes

- Greenbelts 1276.03 – Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and must be consistent with the CALFIRE Unit Fire Management Plan or County Fire Plan.
- California Building Code Chapter 7A, California Fire Code Appendix D – Section D107 – One- or two-family Residential Developments where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

EA:ksn:cwm

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3831 - See GPA 554, TT 6226, CUP 3621\SR\MMRP for GPA 554, AA 3831, VTT 6226, CUP 3621 and SPR 8108.docx

SECTION 826

"R-1" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1" District is intended to provide for the development of single family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.
(Amended by Ord. 490.66 adopted 2-2-71)

SECTION 826.1 - USES PERMITTED

The following uses shall be permitted in the "R-1" District. All uses shall be subject to the Property Development Standards in Section 826.5.
(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garages.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- E. Signs, subject to the provisions of Section 826.5-K.
- F. House trailer parking, subject to the provision of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.
(Added by Ord. 490.39 adopted 12-5-67)
- H. Day nursery - small.
(Added by Ord. 490.188 adopted 10-29-79)

SECTION 826.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Day Nursery - large.
(Amended by Ord. 490.188 adopted 10-29-79)
- B. Microwave relay structures.
- C. Public moderate intensity parks and playgrounds.
(Amended by Ord. 490.175 re-adopted 5-29-79)
- D. Public schools.
- E. Temporary construction materials storage yards in the tract being developed.

- F. Temporary or permanent telephone booths.
- G. Water pump stations.
- H. Home Occupations, Class II, in conjunction with a detached single family residential unit, subject to the provisions of section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- I. Off-site directional signs for major recreational uses, hospitals and colleges subject to the provisions of Section 855-K.
(Added by Ord. 490.105 adopted 4-22-75)
- J. Swimming lessons - small group, subject to the provisions of Section 855-N.
- K. Second dwelling units, not more than one per lot, subject to the provisions of Section 855-N.
(Added by Ord. T-269 adopted 5-24-83)
- L. Single mobile home occupancy, subject to the provisions of Section 856.
(Added by Ord. T-271 adopted 12-1-87)
- M. Yard setback reduction for energy conservation purposes on single lots, subject to the provisions of Section 855-N.
(Added by Ord. T-266 adopted 9-6-83)

SECTION 826.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided in Section 873.

- A. Churches and parochial schools.
- B. Country clubs and golf courses.
- C. Day nursery - institutional.
(Amended by Ord. 490.188 adopted 10-29-79)
- D. Off-site subdivision signs, subject to the conditions of Section 826.5-K.
- E. Private schools.
- F. Public libraries.
- G. Electric distribution substations.
- H. Planned residential development.
(Added by Ord. 490.66 adopted 2-2-71, amended by Ord. T-255 adopted 8-2-82)
- I. Swimming lessons - large group, subject to the provisions of Section 855-N.
- J. Civic and Social Clubs of 250 or less members.
- K. High intensity parks.
(Added by Ord. 490.175 re-adopted 5-29-79)
- L. Yard setback reduction or lot dimension modifications for energy conservation purposes on

multiple lots, subject to the provisions of Section 855-N.
(Added by Ord. T-266 adopted 9-6-83)

- M. Private roads, as specified in the Fresno County Improvement Standards and the provisions of Section 855-N.
(Added by Ord. T-266 adopted 9-6-83)

SECTION 815

"O" OPEN CONSERVATION DISTRICT

The "O" Open Conservation District is intended to provide for permanent open spaces in the community and to safeguard the health, safety and welfare of the people by limiting developments in areas where police and fire protection, protection against flooding by storm water and dangers from excessive erosion are not possible without excessive costs to be community.

SECTION 815.1 - USES PERMITTED

The following uses shall be permitted in the "O" District. All uses shall be subject to the Property Development Standards in Section 815.5.

(Amended by Ord. 490.174 re-adopted 5-18-79)

- A. Agricultural uses provided that no dwellings, either temporary or permanent, be permitted in relation thereto.
- B. Fisheries.
- C. Flood control channels, spreading grounds, settling basins, freeways, parkways, park drives.
- D. Recreation areas, moderate intensity parks, playgrounds, wildlife preserves, forest preserves and such buildings and structures as are related thereto.
(Amended by Ord. 490.175 re-adopted 5-28-79)
- E. Signs subject to provisions of Section 815.5-K.
- F. Temporary or permanent telephone booths.

SECTION 815.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Microwave relay structures.

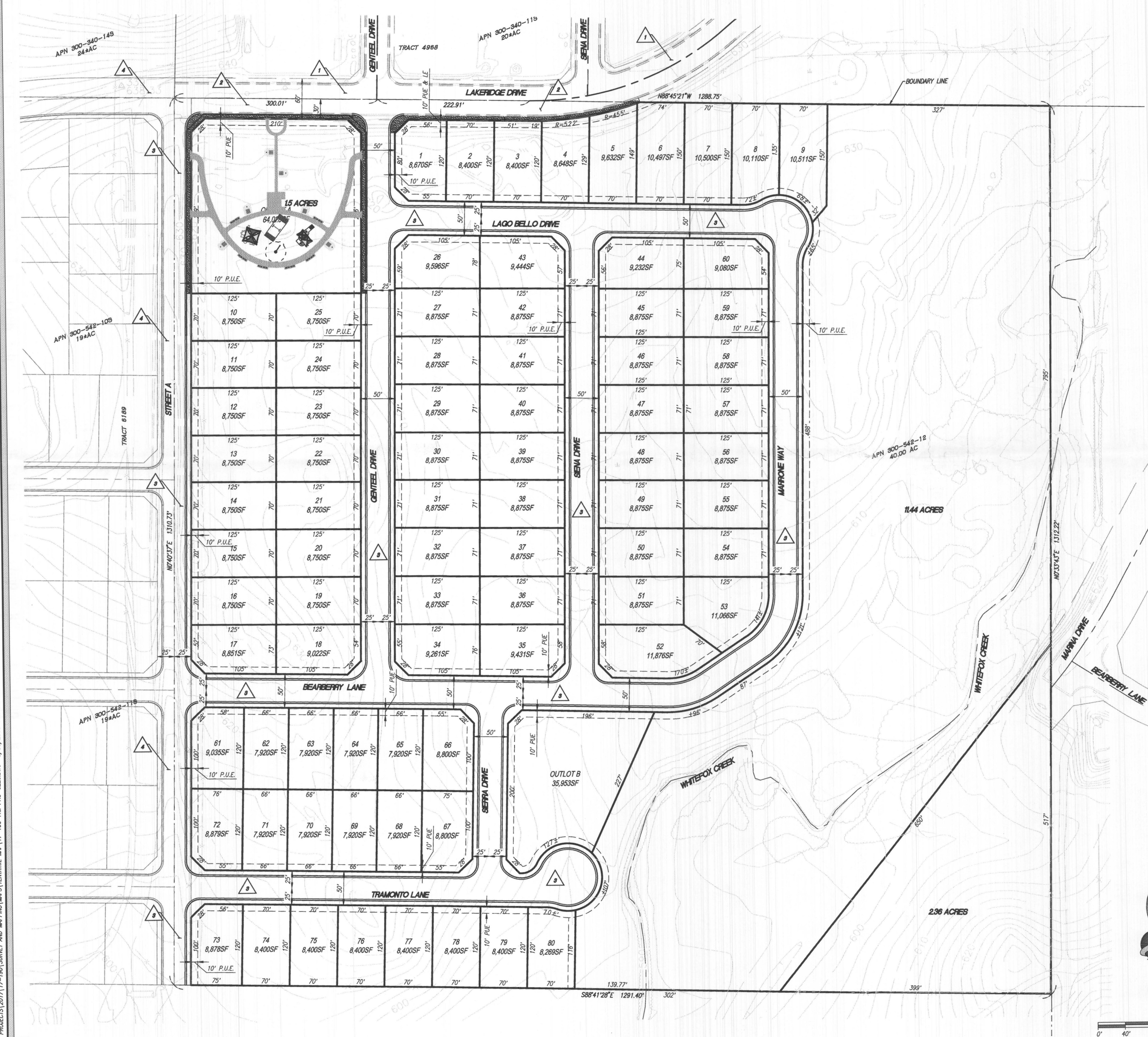
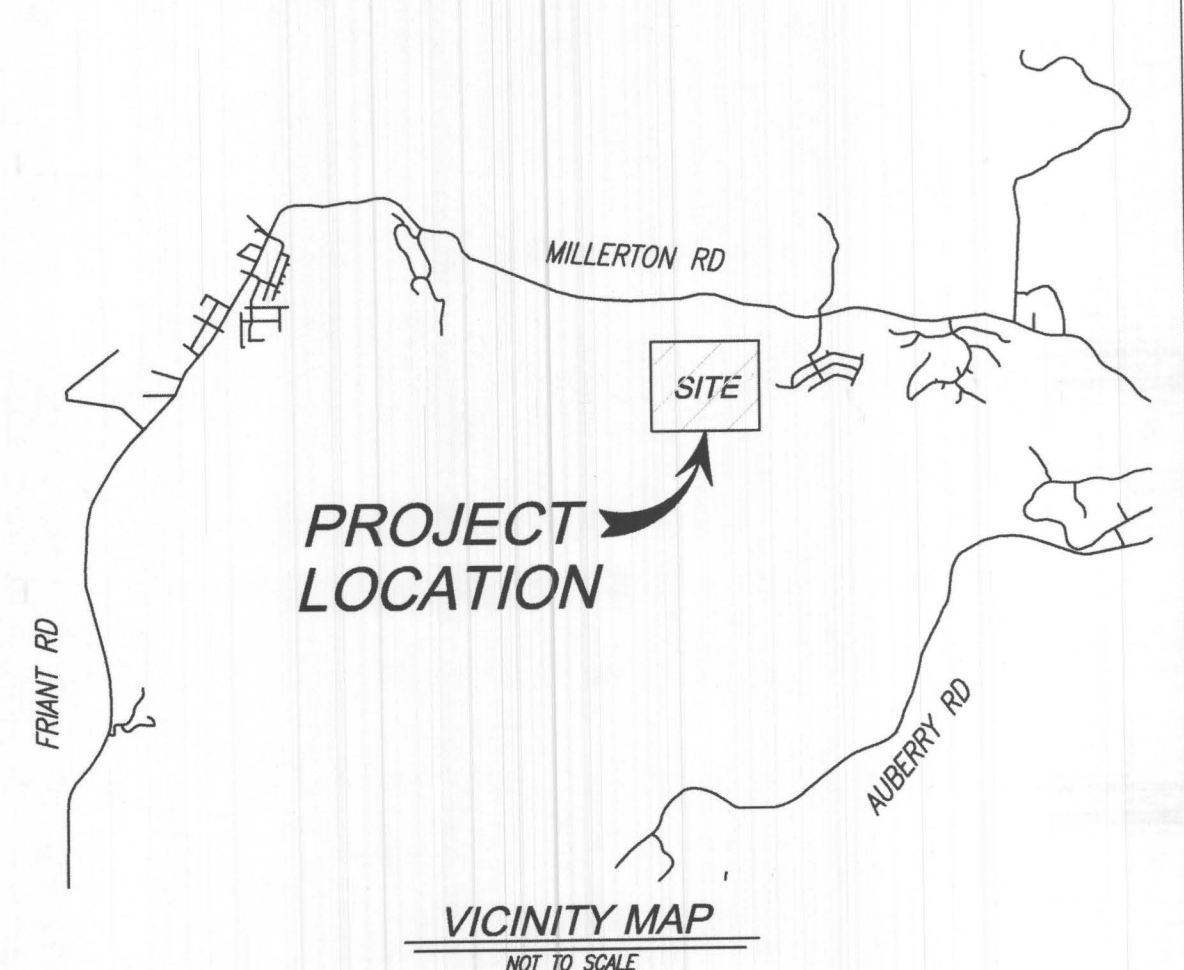
SECTION 815.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to a Conditional Use Permit as provided for in Section 873.

- A. Caretaker's dwelling and necessary accessory buildings.
- B. Manufacture of concrete products including hot mix plants, batching plants or the use of asphalt or petroleum products.
- C. Temporary logging camps.
- D. Temporary sawmills and planing mills.

VESTING TENTATIVE TRACT MAP NO. 6226

IN THE COUNTY OF FRESNO
FRESNO, CALIFORNIA
SHEET 1 OF 1



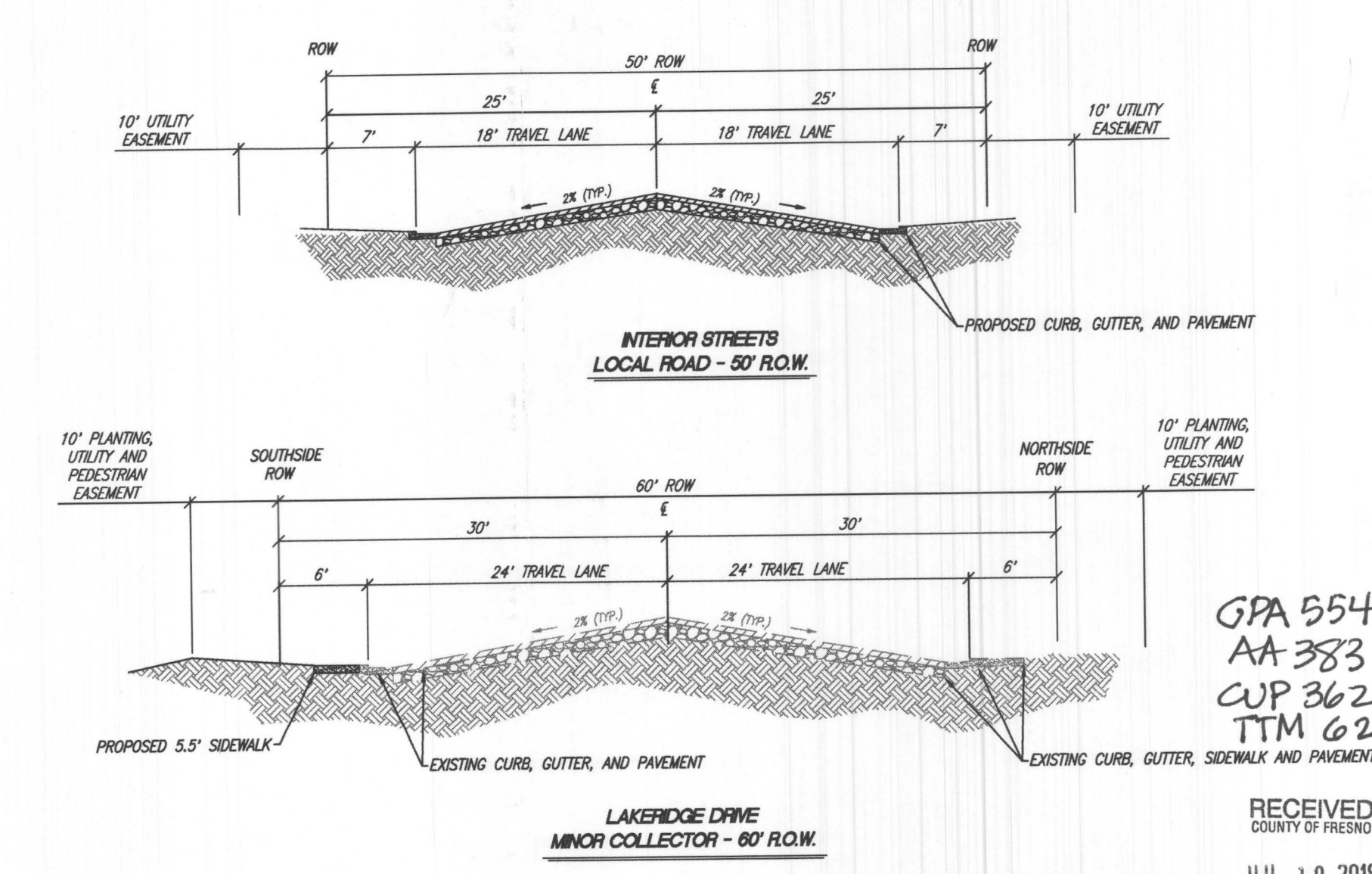
SITE INFORMATION
GENERAL PLAN LAND USE DESIGNATION: RESIDENTIAL
EXISTING USE: VACANT
EXISTING ZONING: RESIDENTIAL
SITE ACREAGE: GROSS: ±40.00 AC
NET: ±38.00 AC
NUMBER OF LOTS: 80
AVERAGE LOT AREA: 8,886 SQ. FT.
DENSITY: ±2 UNITS PER ACRE
ASSessor'S PARCEL NUMBER: 300-542-12
SITE LOCATION: SOUTHWEST AREA OF MILLERTON ROAD AND MARINA DRIVE.
OWNER/SUBOWNER: GY HOLDINGS INC.
1396 W. HERNDON AVE. #101
FRESNO, CA 93711

LEGAL DESCRIPTION
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF FRANK, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SECTION 15, TOWNSHIP 11, RANGE 21
APN : 300-542-12
AREA : 40.00 ACRES (MORE OR LESS)

OUTLOT NOTES
OUTLOT A : TO BE DEDICATED TO THE COUNTY OF FRESNO FOR PARKS AND RECREATION PURPOSES.
OUTLOT B : TO BE DEDICATED TO THE COUNTY OF FRESNO FOR STORM WATER BASIN AND DRAINAGE PURPOSES.
OUTLOT C : TO BE DEDICATED TO THE COUNTY OF FRESNO FOR OPEN SPACE PURPOSES.

EASEMENT LEGEND

1	EXISTING STREET ROW PER TRACT 4968
2	EXISTING STREET ROW PER DOC. 2017-_____
3	PROPOSED STREET RIGHT OF WAY TO BE DEDICATED
4	PROPOSED STREET RIGHT OF WAY PER TRACT 6189



GPA 954
AA 3831
CWP 362.1
T/M 6226

RECEIVED
COUNTY OF FRESNO
JUL 10 2018
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

PLANNING & SURVEYING • CIVIL ENGINEERING
1334 O STREET, FRESNO, CALIFORNIA 93721
TEL: 559-449-4500 FAX: 559-449-4515
WWW.PRECISIONENG.NET

PRECISION CIVIL ENGINEERING, INC.

PROJECT TITLE: VESTING TENTATIVE TRACT MAP 6226
SHEET DESCRIPTION: COVER SHEET
CITY OF: FRESNO

PREPARED FOR: GY HOLDINGS, INC.
1396 W. HERNDON AVE SUITE 101
FRESNO, CA 93711

REVISIONS

DRAWN BY: KAB
CHECKED BY: DY
DATE: 5/30/2018

LICENSED LAND SURVEYOR
PETER D. JONES
LS 5096
Exp. Date 6-30-19
STATE OF CALIFORNIA

SHEET NUMBER: 1 OF 1
JOB NUMBER: 17-190

PLANNING & SURVEYING AND MAPPING MAPS 17-190 T/M 6226.DWG - 5/30/2018 11:19:07 AM

Operational Statement

Assessor's Parcel Number(s): 300-542-12
 Applicants Name: Jeffrey T. Roberts
 Address: P.O. Box 483
 Phone Number: (559) 288-0688
 Acreage: 40 acres
 Engineer's Name: Precision Civil Engineering, Inc.
 Address: 1234 "O" Street Fresno, CA 93721
 Phone Number: (559) 449-4500

RECEIVED
COUNTY OF FRESNO

JUL 10 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. *Nature of the operation—what do you propose to do? Describe in detail.*

The proposed project is approximately 40 acres and consists of 80 single family residential lots and 3 outlots.

The single family residential lots consist of 3 product types:

- A) Medium density single family residential lots ranging from 4,050 sf to 14,442 sf, with average lot approximately 6,000 sf
- B) Low density single family residential lots ranging from 7,920 to 11,876 sf, with average lots approximately 8,886 sf.

The project proposes 3 outlots, and are identified below:

- Outlot A – To be dedicated to the County of Fresno (the County) for Parks and Recreational purposes.
- Outlot B – To be dedicated to the County of Fresno for stormwater basin and drainage purposes.
- Outlot C – To be dedicated to the County of Fresno for Open Space Purposes.

2. *Operational time limits:*

Months (if seasonal): _____ *Days per week:* _____
Hours (from ____ to ____): _____ *Total hours per day:* _____
Special Activities: _____ *Frequency:* _____ *Hours:* _____ *Are these indoors or outdoors?* _____

Project will be a residential area.

3. *Number of customers or visitors:*

Average number per day: _____ *Maximum number per day:* _____ *Hours (when they will be there):* _____

There will be approximately 224 people living in the proposed single family residential lots. The average daily trips generated by the area will be approximately 766. The peak daily A.M. and P.M. trips generated will be approximately 60 and 81, respectively.

4. *Number of employees:* N/A.

Current: _____ *Future:* _____ *Hours they work:* _____ *Do any live on-site as a caretaker?* _____

5. *Service and delivery vehicles:* N/A

Numbers: _____ *Type:* _____ *Frequency:* _____

6. *Access to the site:*

Public Road: Private Road: Surface: Unpaved (dirt/gravel)/Paved:

The project will construct an internal network of public roadways to provide access to all parcels. The internal roadway circulation will connect to Lakeridge Drive on the north and Marina Drive on the southeast.

7. *Number of parking spaces for employees, customers, and service/delivery vehicles.*

N/A.

8. *Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?*

No.

9. *What equipment is used? If appropriate, provide pictures or brochure.*

N/A.

10. *What supplies or materials are used and how are they stored?*

None. N/A.

11. *Does the use cause an unsightly appearance?*

Noise? Glare? Dust? Odor?

If so, explain how this will be reduced or eliminated.

No noise, glare, dust, or odor will be caused by the project, except possibly during construction.

12. *List any solid or liquid wastes to be produced.*

Estimate volume of wastes:

How and where is it stored?

How is it hauled, and where is it deposited?

How often?

Approximately 20,000 gallons per day of liquid waste will be produced by the 80 residential units within the project. The liquid waste will be disposed of through the onsite sewer system collection system and treated by an onsite waste water treatment plant. Reclaimed/recycled water will be pumped into the non-potable water system to serve for openspace irrigation.

Approximately 0.53 tons per day of solid waste and 0.17 tons per day of waste to be recycled will be produced by the 80 residential units within the project. They will be collected and disposed of at the American Avenue Landfill. It is anticipated to be picked up and hauled on a weekly basis.

13. *Estimated volume of water to be used (gallons per day). Source of water?*

It is anticipated that about 39,840 gallons per day will be used by the 80 residential units within the project. Water supply for the project will come from Millerton Lake through "Agreement 3" water contract with Fresno County.

14. *Describe any proposed advertising including size, appearance, and placement.*

N/A.

15. *Will existing buildings be used or will new buildings be constructed?
Describe type of construction materials, height, color, etc. Provide Floor Plan and elevations, if appropriate.*

80 new single family residential units will be constructed out of wood and stucco. They will be one or two story structures compliant with the Fresno County Ordinance Code.

16. *Explain which buildings or what portion of buildings will be used in the operation?*

N/A.

17. *Will any outdoor lighting or an outdoor sound amplification system be used?*

N/A.

18. *Landscaping or fencing proposed? Describe type and location.*

There will be proposed residential landscaping and fencing at the property lines.

19. *Any other information that will provide a clear understanding of the project or operation.*

20. *Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.*

The property is owned by Granville Homes.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Jeffrey T. Roberts
- APPLICATION NOS.:** Initial Study Application No. 7495, General Plan Amendment Application No. 554; Amendment Application No. 3831, Conditional Use Permit Application No. 3621, Vesting Tentative Tract Map Application No. 6226; Site Plan Review Application No. 8108
- DESCRIPTION:**
- Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Open Space" to provide for the park and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District.
- Allow a Planned Unit Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District.
- Amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly approximately half-mile section of "Saubrice Avenue" to "Morningside Way"; and
- Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating Captains Hill Road as a Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan.
- LOCATION:** The project site is located within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-12).

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 July of 2018 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.

As a project condition, the Applicant would be required to comply with all applicable Mitigation Measures contained in the Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program identified in the previously-certified EIR as well as those identified in Initial Study Application No. 7495 prepared for this project. The Mitigation Measures and Monitoring Program Matrix is attached to this document for reference purposes.

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project proposes a planned unit residential development consisting of 80 single-family residential lots on a 40-acre parcel within the Millerton New Town Specific Plan. The project site, currently a grazing land, is located approximately 1,392 feet south of Millerton Road. Millerton Road at the project location is not a Scenic Highway and there are no scenic vistas or scenic resources, including rock outcroppings, or historic buildings on or near the site that will be impacted by the project.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated for residential development within the Land Use and Circulation Elements of the Millerton New Town Specific Plan. The site is surrounded by approved residential tracts within the Plan area. Tract No. 4968 is located to the north and west, Tract No. 4934 to the south, and Tract No. 4870 to the east of the site. Only Tract 4870 has been built at this time. The proposed planned unit residential development is similar to the existing and proposed residential developments on the surrounding land. The project is compatible with the physical characteristics of the area.

White Fox Creek traverses the southeast portion of the project site. The project design provides for adequate buffer between the proposed residential lots and the Creek. The buffer will protect the creek and help reduce visual impact of residential development for the motorist traveling on future Marina Drive that will traverse the southeast portion of the project site.

The project will adhere to Mitigation Measure No. 11. Visual Quality, listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix regarding the location of building sites on the property, submittal of a landscaping plan, and grading and erosion control to maintain visual quality of the site and its surroundings.

Based on the above information, the project is expected to have a less than significant impact on visual character or quality of the project area.

- D. 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 would generate new sources of light and glare in the form of residential lighting and pole-mounted street lighting. The type of light generated will be similar to that of existing residential development to the east and future residential developments to north, west and south of the project site. To mitigate light and glare impacts on the adjacent properties, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure:**

All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project will be developed within the boundaries of the Millerton New Town Specific Plan, which does not contain any productive agricultural land nor is subject to a Williamson Act Contract. Per the 2016 Fresno County Important Farmland Map, the entire Millerton New Town Specific Plan is designated as "Grazing Land" consisting of residential dwelling units, and unimproved land for future residential, commercial, and public facilities uses. As such, the project will not convert prime agricultural land into

non-agricultural use and is similar to the existing residential subdivision in Millerton New Town.

In compliance with Assembly Bill (AB) 18, the Policy Planning Section of the Fresno County Department of Public Works and Planning conducted a 90-day tribal consultation for the subject General Plan Amendment (GPA) No. 554. No tribe provided any comments nor requested a consultation within the prescribed time, which ended January 3, 2019. That concluded staff's tribal consultation for GPA 554.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District (Air District) review of the project, the project-specific criteria pollutants resulting from the proposed planned unit residential development are not expected to exceed District significance thresholds of 100 tons per year of carbon monoxide (CO), 10 tons/year NOX, 10 tons/year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons/year or particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). As such, no significant adverse impact on air quality is expected. However, as the project proposes more than 50 residential dwelling units, it is subject to District Rule 9510, which is intended to mitigate a project's impact on air quality through project design elements and or by payment of applicable off-site fees. The Air District requires that the Applicant shall submit an Air Impact Assessment (AIA) application with the District and pay fees prior to issuance of the first building permit. The Applicant submitted an AIA application with the Air District on October 22, 2018 (ISR Project No. C-20180404) and the District approved the application on November 28, 2018. The project will pay applicable fee prior to issuance of the first building permit.

Other Air District Rules that may apply to this proposal and will be included as Project Notes include District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed; and an Authority to Construct (ATC) permit.

The project will also adhere to Mitigation Measures No. 17.a – m. - Climate and Air Quality, listed in the Millerton Specific Plan, Mitigation Measures and Monitoring Program Matrix regarding bicycle circulation systems, installation of emission reduction devices on fireplaces, and reduction in PM-10 from residential wood burning.

- C. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The project will not create objectionable odors to affect people on or near the project site.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. 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 or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project 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 New Town Specific Plan Area.

The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife reviewed the proposal and identified no impact on special-status species or riparian habitats.

The subject proposal is part of the Millerton New Town Specific Plan for which the U.S. Fish and Wildlife Service issued a Biological Opinion (BO) on August 25, 2018. All development projects within the Millerton New Town Specific Plan, including the subject proposal, are required to comply with Avoidance and Minimization Measures for all species noted in the BO memo. With adherence to the BO, the project will have a less than significant impact on biological resources.

- C. Have a substantial adverse effect on state- or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the California Department of Fish and Wildlife (CDFW) review of the proposal, a wetland delineation of the site shall be prepared for the project. The delineation shall identify the State and Federal wetlands on the project site, which activities may require notification to comply with Section 1602 of the Fish and Game Code, and delineate a minimum 100-foot no-disturbance buffer around the high-water mark of White Fox Creek. Further, depending on the results of the wetland delineation, notification may be required for project-related activities that have the potential to change the bed, bank, and channel of White Fox Creek.

Delineation of Potential Jurisdictional Waters of the U.S. (Report), dated July 2013, was prepared for the project by Vollmar Natural Land Consulting and routed to agencies for review and comments. A letter, dated August 9, 2013, provided by Army Corp of Engineers (validity of the letter confirmed by ACOE on November 7, 2018), concurred with the Report findings. The letter indicated that approximately 0.038 acre of wetlands and 0.886 acre of other water bodies present within the survey area are potential waters of the United States regulated under Section 404 of the Federal Clean Water Act. As such, prior to the start of any work in potentially jurisdictional waters of the United States, ACOE authorization for the activity would be required. Likewise, permits may be required prior to the start of any work in potentially jurisdictional waters of the State of California. Per the Applicant, all of the required applications (including 404 Permit application and Notification of Lake or Stream Alteration application) for Federal and State "permission" to fill wetlands have been submitted to and are currently being processed by the Army Corp of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.

- D. 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. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. 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 Millerton Specific Plan Policy SP1-P68, Habitat Preservation, an Open Space and Natural Resource Plan (OSNRP) has been established for the Millerton, Dry Creek and Sierra Foothill areas. The OSNRP will provide protection to sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge tops and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare. Furthermore, the project will pursue avoidance where possible and will initiate consultation with the appropriate Responsible Trustee Agencies if necessary.

The project site is unimproved with some vegetation within the White Fox Creek, which will remain undisturbed by the project development. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinances.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located in an area designated as highly sensitive for archeological Resources. Per the Southern San Joaquin Valley Information Center (SSJVIC) review of the project due to known archaeological sensitivity of the area, prehistoric or historic cultural resources may be present within the project site. Therefore, an archaeologist should be retained to monitor any ground-disturbance activities.

A study entitled *Cultural Resources Inventory (CRI) Millerton New Town Specific Plan*, dated April 21, 2014, was prepared by Kristina Roper. While encompassing all properties within the Millerton New Town Specific Plan area, this study was used as the basis for preparing a Cultural Resources Management Plan for Millerton Newtown Development Projects. The *Management Plan*, dated December 22, 2015, prepared by ECORP Consulting, Inc., has been approved by the agencies and Native American Tribes.

Per the *Cultural Resources Inventory (CRI)*, six archeological sites exist within the entire Millerton New Town Plan area that appear to meet the eligibility criteria for listing in the National Register of Historic Places and the California Register of Historic Resources. Two of those sites (FRE-1685 and FRE-1686) are located within the project site along White Fox Creek. CA-FRE-1685 is a bedrock-milling complex with two loci located northwest of White Fox Creek, and CA-FRE-1686 is a bedrock-milling complex with two loci located on the north banks of White Fox Creek. Another site (MNT-31) along the White Creek Fox includes a milling slab with a basin depression and is broken in three pieces because of grading in the area. The CRI requires that FRE-1685 and FRE-1686 shall remain in open space. This requirement will be included as a Mitigation Measure and is noted below.

Pursuant to Assembly Bill (AB) 52, the project was routed to Dumna Wo Wah Tribal Government, Picayune Rancheria of the Chuckchansi Indians, Santa Rosa Rancheria Tachi Yokut Tribe and Table Mountain Rancheria (TMR) Tribal Government Offices for review and comments. None of the tribes expressed any concerns with the project.

As noted above, the project site is located in an area highly sensitive for archeological resources. To mitigate any potential impact on cultural resources, a Mitigation Measure would require that in the event cultural materials, including human remains, are unearthed during construction, all work shall be halted in the area of the find, and an archeologist shall be called in to evaluate the findings in order to make any necessary mitigation recommendation. Mitigation Measure No. 12. c. - Historic/Cultural Resources listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix also reflects on this requirement.

* **Mitigation Measures:**

1. *The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.*
2. *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 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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation;
or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in wasteful, inefficient use of energy and will be subject to the California Energy Code for the Energy Efficiency Standards for Residential Buildings.

The project will adhere to Mitigation Measure No. 18. a. - Energy Resources, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires reduction of energy consumption through building design requirements, solar access provisions, parking lot shading, requirement for project-level energy efficiency and evaluation, water conservation programs and more.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 2. Strong seismic ground shaking?
 - 3. Seismic-related ground failure, including liquefaction?
 - 4. Landslides?

FINDING: NO IMPACT:

The project site is relatively flat and away from a fault line or an area of known landslides. The project will not adversely affect any earthquake fault and will not cause seismic ground shaking, ground failure due to liquefaction, or landslides.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that the Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Millerton New Town Specific Plan identifies no potential soil problems. 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 landslides, slumps or mudslides on the site or adjacent property. The core area and surrounding region appears to be

very stable. In addition, there are no known occurrences of structural or architectural damage due to deep subsidence in the Fresno area.

A Condition of Approval from the Development Engineering Section of the Department of Public Works and Planning would require that in order to address feasibility of the site for the proposed development, a soils investigation report shall be required as a condition of final map.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will not utilize individual septic systems. Rather, it will be served by an existing tertiary-level Millerton New Town Wastewater Treatment Plant located within the Millerton New Town Specific Plan area and operated by County Service Area (CSA) No. 34.

The Resources Division of the Fresno County Department of Public Works and Planning has provided a Will-serve letter to provide sewer services to the project. The project will adhere to the following Mitigation Measures.

* **Mitigation Measures:**

1. *Prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.*
2. *Design and construct sewer infrastructure necessary to serve the development prior to the issuance of building permits, as per the approved on-site and off-site plans.*
3. *Amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.*
 - a. *Address and provide permanent solution for current headworks issues at the wastewater treatment plant.*
 - b. *Complete and provide final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.*

The Fresno County Department of Public Health, Environmental Health Division requires assurance of sewer capacity of the Regional Wastewater Treatment Plant to serve the project, and concurrence from the California Regional Water Quality Control Board (RWQCB). The Mitigation Measure No. 1 noted above includes this requirement and no concerns were expressed by RWQCB as it relates to the expansion of the WWTP.

A Condition of Approval from Development Engineering would require that the Sewer Infrastructure Plan currently under revision shall comply with the Millerton Specific Plan and be constructed with the approved infrastructure plan.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Comments received from the San Joaquin Valley Air Pollution Control District expressed no concerns in regard to the project contributing to the greenhouse gas emission, directly or indirectly, that may have a significant impact on the environment. However, as noted in Section III Air Quality above, the project will be subject to Mitigation Measures No. 17.a - m, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed planned unit residential development will not generate, handle, or transport hazardous materials with the potential to impact surrounding property owners or the environment. Likewise, the project is not located on a former hazardous materials site and no hazardous materials sites were identified within the project area. A Project Note from Fresno County Department of Public Health, Environmental Health Division (Health Department) would require that if any underground storage tank(s) are found during construction, the Applicant shall secure an Underground Storage Tank Removal Permit from the Health Department.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not within an Airport Land Use Plan or near a public or private airport. The nearest airport, Topham Ranch-Auberry Airport, is approximately 11.5 miles northeast of the site.

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

FINDING: NO IMPACT:

The project site is located in an area where existing emergency responses times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located within the State Responsibility Area (SRA) and requires Fresno County Fire Protection District approval for fire access roads, fuel breaks, and fuel modification zones. The adopted Millerton Specific Plan includes several measures to

reduce fire protection impacts. The project will adhere to Fire Protection Mitigation Measure 6.a-e., Fire Protection, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing surface water treatment facility that is located within Millerton New Town Specific Plan and operated by County Service Area (CSA) No. 34 will provide water to the project.

Per the Fresno County Department of Public Health, Environmental Health Division, in an effort to protect groundwater, an appropriately licensed contractor shall properly destroy all water well and septic systems that have been abandoned within the project area. Also, prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil and should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. These requirements will be included as Project Notes.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will receive surface water from Millerton Lake. The water will be delivered to the proposed residential development (Tract 6226) through County Service Area (CSA) No. 34 facilities under an agreement between the Applicant, Fresno County and the Deer Creek and Tule River Authority. The Fresno County Board of Supervisors approved the agreement in December 1999 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 applications.

The Resources Division of the Fresno County Department of Public Works and Planning has provided a Will-serve letter to provide water services to the project. The project will adhere to the following Mitigation Measures:

* **Mitigation Measures:**

1. *Prior to the issuance of a building permit, the developer shall expand the existing surface water treatment facility as necessary to serve the development.*

2. *As per the Millerton Infrastructure Plan, design and install a 450-kilowatt (KW) or larger propane or diesel-powered generator, or alternative method of back up generation approved by the Director of Department of Public Works and Planning, with accessible fueling station and service access together with transmission facilities to the lake pump Motor Control Center [backup power generation unit shall be sized to operate 3 to 100 horsepower (HP) pumps simultaneously].*
3. *Design and construct Infrastructure necessary to serve the development prior to the issuance of building permits as per the approved on-site and off-site plans.*
4. *Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County.*

The Fresno County Department of Public Health, Environmental Health Division requires assurance of water capacity of the County of Fresno County Service Area 34 (CSA-34) community water system to serve the project and concurrence from the State Water Resources Control Board, Division of Drinking Water. The Mitigation Measure No. 1 noted above includes this requirement.

The State Water Resources Control Board (SWRCB) - Division of Drinking Water (DDW) reviewed the proposal, evaluated the capacity and ability of the Surface Water Treatment Plant to provide water to the proposed tract, and expressed no concerns with the project. Per the comments provided by the Water and Natural Resources (WNR) Division of the Fresno County Department of Public Works and Planning, the project shall adhere to the comments provided by the Resources Division of the Fresno County Department of Public Works and Planning.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
1. Result in substantial erosion or siltation on or off site; or
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development 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 would be less than significant, as the project will require adherence to the County Grading and Drainage Ordinance, Building Code, and permit requirements.

White Fox Creek traverses the northeast portion of the property and contains the Waters of United States. According to the California Regional Water Quality Control Board, the project shall require permitting and mitigation either under the Federal Clean Water Act Sections 404/401 or under the State of California Water Code due to the property containing Waters of the United States. The project shall also require coverage under the Construction Storm Water General Permit and incorporate non-structural BMPs (Best Management Practices) rather than using the proposed detention basin along White Fox Creek.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, hydrologic and hydraulic analyses shall be prepared to demonstrate that the proposed residential development (Tract 6226) will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development. All storm water runoff generated by the proposed development shall be detained on site within drainage ponds or other facilities acceptable to the Director of the Fresno County Department of Public Works and Planning. An engineered grading and drainage plan shall be prepared for review and approval in accordance with the Fresno County Ordinance Code prior to grading activities. The Applicant shall obtain an NPDES permit prior to construction or grading activities, file a Notice of Intent with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan and incorporate the Plan into the construction improvement plans. These requirements will be included as Conditions of Approval.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Department of Public Works and Planning, portions of the subject property are within Flood Zone AE per the FEMA FIRM Panel 1035H. Floodway Areas in Flood Zone AE are subject to flooding from the one-percent (1%)-chance storm event. A Condition of Approval would require no net import of fill within the flood zone and any work within the designated flood zones conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. Furthermore, the property subject to inundation from the one-percent (1%) flood shall be identified by the hydrologic study and be indicated on an additional map sheet of the final map.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The Water and Natural Resources Division of the Department of Public Works and Planning noted that the project site is outside of the Kings Sub-basin boundary. No conflict with any sustainable groundwater management plans would occur. Likewise, the Regional Water Quality Control Board and the State Water Resources Control Board - Division of Drinking Water noted that there is no water quality control plan for Fresno County that will conflict with the project.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located within the boundaries of the Millerton New Town Specific Plan.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Medium-Density Residential and 'Park' in the County-adopted Millerton Specific Plan.

The project would allow a planned unit residential development with a park on a 40-acre parcel. This will require an amendment to the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Open Space" to provide for the park, and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District.

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project other than the County, and complies with the following General Plan policies:

Regarding Millerton Specific Plan Policy SP1-P1, the project entails a Planned Unit Development subject to the approval of a Conditional Use Permit.

Regarding Millerton Specific Plan Policy SP1-P75, the project will be provided with a water system that will deliver sufficient water for domestic uses and fire suppression.

Regarding Millerton Specific Plan Policy SP1-P77, the project will construct the water infrastructure facilities required to serve the development prior to issuance of building permits.

Regarding Millerton Specific Plan Policy SP1-P82, County Service Area 34 will operate and maintain sewer collection and treatment facilities for the project.

Regarding Millerton Specific Plan Policy SP1-P85, the project will construct the sewer infrastructure facilities required to serve the development prior to issuance of building permits.

Regarding General Plan Policy PF-C.14, the water supply to the project will adhere to public water supply standards for water quality and quantity administered by the State Water Resources Control Board, Division of Drinking Water.

Regarding General Plan Policy PF-H.2, the project will comply with the California Code of Regulations Title 24 – Fire Code, and join Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use 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 project involves no extraction or excavation activities and would not affect a mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A less than significant impact related to noise may result from increased vehicular traffic on and around the project site due to the project development. However, any construction-related noise is expected to be short term and 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.

Mitigation Measure No. 19.a - Noise, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, requires that for the projects 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. The nearest residential lot proposed by this application is approximately 1,392 feet south of Millerton Road. At that distance, no noise barrier would be required, as the noise impact would be less than significant.

B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The project construction or its operation would not result in ground-borne vibration or generate ground-borne noise levels.

C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not near an airport to be subject to airport noise. The nearest airport, Topham Ranch-Auberry Airport, is approximately 11.5 miles northeast of the site.

XIV. POPULATION AND HOUSING

Would the project:

A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The population growth resulting from the proposed 80-unit residential development was included in the population growth projections for the Millerton New Town Specific Plan when adopted in December of 1984. Impact would be less than significant.

B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project site is undeveloped. The project will neither displace any existing housing nor necessitate additional housing construction at another location.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District, the project shall comply with the California Code of Regulations Title 24 – Fire Code, and require approval of County-approved site plans by the Fire District prior to the issuance of building permits by the County. The project will also adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinklers Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures. Additionally, the project may require joining Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

The project will adhere to Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures require fee establishment for the Fire Protection Benefit Assessment District for a new fire station, supporting costs for fire protection services, road design meeting fire-fighting equipment, and incorporating fire protection measures in the project design.

- 2. Police protection?

FINDING: NO IMPACT:

The Fresno County Sheriff's office reviewed the proposal and expressed no concerns with the project.

- 3. Schools?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to Mitigation Measures No. 7.a, b, and c listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix to reduce any physical impacts associated with schools, including the requirement that the developer shall pay adopted school impact fees.

4. Parks?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to Mitigation Measure No. 9. - Parks and Recreation listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires additional facilities for improved open space north of Millerton Road both east and west of Winchell Cove Road/Marina Drive.

The subject proposal includes a five-acre park on the project site. The park site, currently located on the west side of White Fox Creek and Marina Drive will be relocated in the northwest corner of the site. The park will serve the recreational needs of the proposed residential development as well the needs of the other existing and proposed residential developments near the project site.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Condition of Approval from the Development Engineering Section of the Department of Public Works and Planning would require that all utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance, and any existing utilities within or adjacent to project site not in conformance with these requirements shall be removed or placed underground.

Pacific Gas & Electric Company (PG&E) expressed no concerns with the project.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in XV. A. 4. Parks.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and required a traffic impact study to analyze traffic impacts to County roadways and intersections.

A Trip Generation Study for Tract 6226, dated August 22, 2018, and a *Scoping the Transportation Impact Study for Tract 6226*, dated October 10, 2018, were prepared for the project by Precision Civil Engineering, Inc. Per these traffic documents, the results of the preliminary trip generation analysis shows that the project generates fewer than 100 peak-hour trips, and for that reason, a full traffic impact study is not required for the project. The trip generation study used the same study intersections and trip distribution percentages as used by Valley Research and Planning Associates (VRPA), which prepared a Traffic Impact Analysis and a supplemental report for the Millerton New Town Specific Plan in 1998. The previous environmental studies for the Millerton New Town Specific Plan included the project site, and recommended traffic Mitigation Measures 2.a thru 2.k, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. Mitigation Measure 2.i in particular identifies that “the project proponent shall pay the project’s pro-rate 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 Supplemental Report (11/98), both prepared by VRPA.

According to the traffic documents, the traffic distribution for the subject proposal will remain the same as Valley Research and Planning Associates (VRPA) determined in 1998. The major thoroughfares to and from the nearby City Centers are Friant Road, Willow Avenue, Millerton Road, and Auberry Road. No significant changes to these roadway networks has occurred that would change or divert the trip distribution in this area. The traffic documents also noted that on May 1, 2018, the County adopted Resolutions 18 -166 establishing transportation mitigation impact fees to mitigate transportation and circulation impacts for Tentative Tract (TT) No. 4968 located north of the project site. As the subject proposal (TT No. 6226) is similar in nature and scope to Tract No. 4968, the Applicant requested to use the same project costs that were used for TT No. 4968 as the basis to calculate mitigation fees for the subject tract (TT No. 6226).

The Design Division of the Fresno County Department of Public Works and Planning analyzed the traffic documents prepared by Precision Civil Engineering, Inc. (PCE) and determined that the project will not require a new traffic impact study. The Design Division concurred with the findings of PCE that the project is similar in nature and scope to Tract No. 4968 and the traffic conditions in the area have not changed since prior traffic studies. Therefore, the project cost used for TT No. 4968 as the basis to

calculate mitigation fees for that tract can also be used to calculate the pro-rata share cost for the subject tract (TT No. 6226).

The Design Division has calculated the pro-rata share costs noted below as Mitigation Measures.

* **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-s 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 N. Friant Road and Copper/Millbrook Avenues: The project's maximum share for the 2020 scenario is 0.80% or \$0.00. (Note: Improvements are constructed).*
 - b) *Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 0.88% or \$11,056.00.*
 - c) *Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 0.83% or \$1,549.00.*
 - d) *Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$2,421.00.*
 - e) *Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.19% or \$1,758.00.*
 - f) *Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.45% or \$4,195.00.*
 - g) *Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 0.52% or \$3,228.00.*
 - h) *Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 1.56% or \$9,737.00.*
 - i) *Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is 0.39% or \$0.00. (Note: Improvements are constructed).*
 - j) *Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.73% or \$1,920.00.*

- k) *Signalization at the intersection of Auberry Road and Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 1.19% or \$11,163.00.*
- l) *Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 1.07% or \$4,769.00.*
- m) *Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 0.85% or \$9,116.00.*
- n) *Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 0.95% or \$2,087.00.*
- o) *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Marian Drive. The project's maximum share for the 2020 scenario is 1.14% or \$242,274.00.*
- p) *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 0.51% or \$37,520.00*
- q) *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.35% or \$30,234.00. The project's total right-of-acquisition cost is 0.83% or \$3,085.00.*
- r) *Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.15% or \$5,941.00. The project's total right-of-acquisition cost is 0.15% or \$887.00.*
- s) *Widening of Auberry Road from two (2) lanes to a four (4)-lane Arterial from E. Copper Avenue to Marina Drive: The project's maximum share for the 2020 scenario is 1.0% or \$464,993.00. The project's total right-of-acquisition cost is 2.0% or \$8,340.00.*

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 News Record (ENR) 20 Cities Construction Cost Index.

The California Department of Transportation reviewed the project and indicated that the project shall pay into the Fresno County Regional Transportation Mitigation Fee (RTMF)

through the Fresno County Council of Governments. This will be included as a Condition of Approval.

B. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the traffic documents prepared for the project and raised no concerns related to the project consistency with CEQA Guidelines Section 15064.3, subdivision (b).

This project consists of an 80-unit planned unit residential development and a park on a 40-acre parcel located within Millerton New Town, which is approximately 2.2 miles east of the community of Friant.

Approved in 1984, Millerton New Town is a self-sustained community planned for residential, commercial, institutional and open space uses. Within the Plan area, a residential tract has been built and another is under construction, but there is no commercial development at this time. The residents of the proposed planned unit residential development (Tract No. 6226) will initially commute to the nearby community of Friant and Cities of Fresno/Clovis for business and shopping activities, thereby adding miles travelled across rural areas of the County. However, with the establishment of the commercial uses within the Millerton New Town area, the total miles travelled out of town by the residents of the proposed subdivision will likely be reduced. Given this scenario, staff believes the proposed development would not conflict or be inconsistent with above-noted CEQA Guidelines.

C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

All interior roads within in the proposed subdivision will be constructed according to County Improvement Standards and the Millerton Specific Plan. Pursuant to the Millerton Specific Plan Policy C-1c (6) Local Roads (a), the proposed 50-foot-wide interior roads would adequately serve the proposed 80-unit residential subdivision and will provide adequate site distance at all intersections together with necessary property corner cutoff rights-of-way. With adherence to these standards, any hazard resulting from the project design will be less than significant.

D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in inadequate emergency vehicle access. The interior road for the proposed subdivision (Tract No. 6226) will connect to the approved Tract No. 4968 to provide for emergency exit.

Conditions of Approval from the Development Engineering Section of the Fresno County Department of Public Works and Planning would require that the emergency access road shall be: contained within easements and shall connect to public roads; improved to a standard to be traversable for emergency equipment as determined by the Director of Public Works Department after consideration of the recommendations of the fire district having jurisdiction over the area; and, constructed with crash gates at both the entrance and exit.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was routed to the Dumna Wo Wah Tribal Government, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Table Mountain Rancheria in accordance with Public Resources Code Section 21080.3.1(b). None of the tribes expressed any concerns related to Tribal Cultural Resources (TCRs). With adherence to the Mitigation Measures noted above in Section V. Cultural Resources, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY. The construction of new or expanded electric power, natural gas, or telecommunications facilities to provide for the proposed planned unit residential development will have less than significant environmental effects.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A local waste hauler designated to provide refuse and recyclable material removal as required by County Ordinance will serve the project site. The proposed 80-unit residential development will generate less than significant amounts of solid waste to impact local landfill. As such, the impact would be a less than significant impact. The impact would be further reduced with the adherence to Mitigation Measure No. 8.a-c., Solid Waste Management, listed in the approved Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires community recycling centers and encourages solid waste recycling.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section XV. A. 1. PUBLIC SERVICES.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially 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 history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report certified for the Millerton New Town Specific Plan approved in 1984. As indicated in the above analysis, the project will adhere to Mitigation Measures listed in the Monitoring Program Matrix and comply with Avoidance and Minimization Measures for all species noted in the Biological Opinion (BO) approved for the entire Millerton New Town Specific Plan by the U.S. Fish and Wildlife Service. Regarding impact to cultural resources, the project will adhere to Mitigation Measures listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix and in Section V. A.B.C.D. of this report.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than

significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality and Transportation/Traffic, which will be addressed with the Mitigation Measures discussed in Section I. D., Section V. A. B. C., Section VII. E., Section X. B. and Section XVI. A. B.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project would not directly or indirectly cause substantial adverse effects on human beings. Air quality, hazardous materials, and noise would have the only potential effects through which the project could have a substantial effect on human beings. However, all potential effects of the proposed project related to air quality, hazardous materials and noise are identified as less than significant. The impact analysis included in this report indicates that for all other resource areas, the proposed project would either have no impact, no significant impact, or for impacts that would not affect human beings, less than significant impact with mitigation incorporated.

CONCLUSION/SUMMARY

Based upon Initial Study No. 7495 prepared for General Plan Amendment Application No. 554; Amendment Application No. 3831, Conditional Use Permit Application No. 3621, and Vesting Tentative Tract Map Application No. 6226, staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to agricultural and forestry resources, and mineral resources.

Impacts related to air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wild fire have been determined to be less than significant.

Impacts related to aesthetics, cultural resources, geology and soils, hydrology and water quality and transportation have been determined to be less than significant with adherence to the proposed Mitigation Measures.

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, Ste. "A", Fresno, CA.

EA:ksn

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EXHIBIT 13

**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
 @Occ - At occupancy

**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		

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TRAFFIC AND CIRCULATION, con't.

2.i	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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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		

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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

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WASTE WATER DISPOSAL, con't

3.l	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		

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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		

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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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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		

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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		

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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 recodation 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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GEOLOGY AND SOILS, con't.

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: <ul style="list-style-type: none"> 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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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		

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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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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

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16.i 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		<p>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</p>
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16.i con't.	<p>k. The Monitoring Program shall at a minimum include:</p> <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: <ul style="list-style-type: none"> - When monitoring will occur - Survey methods - Reporting requirements <p>i. Confirmation of a funding source for plan implementation.</p>						
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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		

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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

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 <u>or</u> EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).	PW&P APCD	1 , 4	@BP	@BP		

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MM = Mitigation Monitor
 PW&P = Public Works & Planning. Dept.
 FCFPD = Fresno Co. Fire Protection Dist.
 FCSD = 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
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 FCRD = Fresno Co. Resource Div., DPW&P
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Mitigation Phase Key

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 4 - Prior to Occupancy
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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
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17.I	<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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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		

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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		

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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EXHIBIT 14

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: Initial Study (IS) 7495	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): Jeffrey T. Roberts/Assemi Group, Inc.	Project Title: General Plan Amendment Application No. 554; Amendment Application No. 3831, Conditional Use Permit Application No. 3621, Vesting Tentative Tract Map Application No. 6226; Site Plan Review Application No. 8108		
Project Description: Amend the Land Use Element of the County-adopted Millerton Specific Plan by changing the land use designation of a five-acre area of a 40-acre parcel known as APN 300-542-12 from "Park" to "Medium-Density Residential" and change its zoning from the 'O' (Open Conservation) Zone District to an R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District; and simultaneously change the land use designation of a 1.5-acre area within the same parcel, but at a different on-site location, from "Medium-Density Residential" to "Open Space" to provide for the park and change its zoning from the R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional) Zone District to an 'O' (Open Conservation) Zone District. Allow a Planned Unit Residential Development (PUD) consisting of 80 single-family residential lots on an approximately 25-acre portion of the subject 40-acre parcel in the R-1(c) Zone District. Amend the Transportation Element of the County-adopted Millerton Specific Plan by changing the name of the northerly approximately half-mile section of "Saubrice Avenue" to "Morningside Way"; and Amend Section C.1 (2) of the Transportation Element of the County-adopted Millerton Specific Plan by eliminating Captains Hill Road as a Collector and removing it from Figure SP1-9 (Circulation Element and Bikeway Plan) of the Millerton Specific Plan. The project site is located within the Millerton Specific Plan approximately 1,163 feet south of Millerton Avenue, 880 feet west Marina Drive, and 2.2 miles east of the unincorporated community of Friant (SUP. DIST. 5) (APN 300-542-12).			
Justification for Negative Declaration: Based upon the Initial Study (IS 7495) prepared for General Plan Amendment Application No. 554; Amendment Application No. 3831, Conditional Use Permit Application No. 3621, and Vesting Tentative Tract Map Application No. 6226, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agricultural and forestry resources, and mineral resources. Potential impacts related to air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wild fire have been determined to be less than significant. Potential impact related to aesthetics, cultural resources, geology and soils, hydrology and water quality and transportation have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 8, 2019		Review Date Deadline: Board of Supervisors Date TBD	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**