



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 July 18, 2024

SUBJECT: Initial Study No. 8307, General Plan Amendment Application No. 566, Amendment Application No. 3850, Variance Application No. 4140 and Tentative Tract Map Application No. 6420.

Amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel and a 21.18-acre parcel from Agriculture to Rural Residential; and

Rezone said parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre net minimum parcel size) Zone District to allow the creation of 16 lots (Tract 6420) from the subject parcels; and

A Variance to waive the public road frontage requirement and the 4 to 1 lot depth to lot width ratio requirement for the lots; and

Approve a Tentative Tract Map for the creation of a 16 lot residential development with an exception for private road width and minimum centerline road curve radius per County Ordinance Code 17.72.333-A.

LOCATION: The subject parcels are located on the southeast corner of Friant Road and Willow Avenue, approximately 1,870 feet north of the City of Fresno boundary (APN: 579-060-37; 55) (12760 and 12762 N. Friant Road) (Sup. Dist. 2)

**OWNER/
APPLICANT:** Elegant Estates, LLC aka Vintage on the Bluff, LLC

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

Alexander Pretzer, Planner
General Plan Amendment Application Information
(559) 600-4205

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8307; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 566 amending the Land Use Element of the Fresno County General Plan changing the land use designation of a 15.24-acre parcel and a 21.18-acre parcel from Agricultural to Rural Residential; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3850 to rezone a 15.24-acre parcel and a 21.18-acre parcel from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre net minimum parcel size) Zone District, and
- Recommend that the Board of Supervisors adopt the required Findings as described in the staff report and approve Variance Application No. 4140; and
- Recommend that the Board of Supervisors approve Tentative Tract Map No. 6420 subject to the conditions listed in Exhibit 1; with an exception to the County Ordinance Code 17.72.333-A. to permit 34 feet wide nonexclusive private roads (60 feet required) and 75 feet centerline curve radius (125 feet required) with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses allowed under the existing AE20 Zoning
6. Uses Allowed Under the proposed RR Zoning
7. Map of Variances in the Vicinity
8. Tentative Tract Map No. 6420 with exception to road width and centerline curve radius
9. Applicant's Operational Statement
10. Variance Findings and Subdivision Exception Findings
11. Summary of Initial Study Application No. 8307
12. Draft Mitigated Negative Declaration

- 13. Photographs
- 14. Public Comment

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 Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 11. The IS identified potential impacts to aesthetics, biological resources, cultural resources, and transportation.

To mitigate aesthetics impact, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate biological impact, prior to any ground disturbance, the project will require pre-construction surveys for Swainson’s Hawk and American Badger. To mitigate cultural resources impact, if artifacts are uncovered during construction, all work will be stopped, and a qualified archeologist will be contacted to evaluate the finds. To mitigate transportation impact, the project will pay its fair share of the cost of traffic signalization and geometric improvements at the intersection of Friant Road and Willow Avenue. These requirements have been included as Mitigation Measures (See Exhibit 1).

The project will require: a sewage feasibility analysis and construction of engineered sewage disposal systems for each lot; abatement of any active rodent or insect infestation prior to demolition of any existing structures; handling of any asbestos material, lead-based paints according to the State of California requirements; a permit to construct water wells or remove any abandoned well from the property; additional road right-of-way along Willow Avenue and construction in accordance with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 - Public Safety. These requirements have been included as Conditions of Approval and Mandatory Project Notes.

These Mitigation Measures, Conditions of Approvals and Project Notes (Exhibit 1) will be addressed prior to approval of the Final Map and prior to the issuance of building permits. A detailed discussion is included in the Subdivision Review Committee Report below.

The project site is in an area determined to be moderately sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 16, 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 them 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, resulting in no further action on the part of the County.

PUBLIC NOTICE:

Notices were sent to 88 property owners within 1320 feet of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

None.

PROCEDURAL CONSIDERATIONS:

A General Plan Amendment and Amendment Application (Rezoning) 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 only an advisory action and requires an affirmative vote of the majority of its total membership (Five Commissioners) not just a majority of the quorum at the meeting. A recommendation for approval is forwarded to the Board of Supervisors for final action. A motion for denial of the application is final unless appealed to the Board.

Note that the associated Tentative Tract Map and Variance requests are dependent upon approval of GPA 566 and AA 3850, and thus by association the Commission's action will also only be a recommendation with the final decision by the Board at the same time the other applications are considered.

A Tentative Tract Map Application may be approved only if five Findings specified in Section 66474 of the Subdivision Map Act and Title 17, Chapter 17.20.020 of the County Subdivision Ordinance are made by the Planning Commission. These Findings are included in the body of the Subdivision Review Committee Report.

A Variance may be approved only if four findings specified in the Zoning Ordinance are made. The subject Tentative Tract Map cannot be approved unless concurrent Variance Application No. 4140 is also approved.

The exception request filed with the Tract Map to allow for a deviation from the county improvements standards may be approved only if four findings identified in Chapter 17 of the County Ordinance Code are made by Planning Commission. These Findings are included in the body of the Subdivision Review Committee Report.

BACKGROUND INFORMATION:

According to County records, the subject 15.24-acre parcel and a 21.18-acre parcel were zoned Interim A-2 (General Agricultural District) on June 8, 1960.

On May 23, 1973, approval of Amendment Application No. 2577 and on March 8, 1977, approval of Amendment Application No. 2898 changed the zoning on the subject parcels from the Interim A-2 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The parcels are currently zoned AE-20.

GENERAL PLAN AND ZONING AMENDMENTS:

General Plan Consistency:

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy OS-L.3,d: Intensive land development proposals including, but not limited to, subdivisions of more than four lots, commercial developments, and mobile home parks shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate when any one of the following conditions exist:</p> <ol style="list-style-type: none"> 1) Topographic or vegetative characteristics preclude such a setback; 2) Topographic or vegetative characteristics provide screening of buildings and parking areas from the right-of-way; 3) Property dimensions preclude such a setback; or 4) Development proposal involves expansion of an existing facility or an existing concentration of uses. 	<p>Friant Road abuts the western edge of the project site and is identified as a Scenic Roadway in the Fresno County General Plan. The proposed land subdivision can be deemed to be consistent with the provisions of this policy due to the fact that the unique bluff features provide screening of building sites atop of the bluff from the scenic roadway below.</p>
<p>General Plan Policy LU-A.1: The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available or can be provided consistent with the adopted General or Community Plan.</p>	<p>The project site is adjacent to and a logical extension of existing urban development, including the existence of public storm drainage infrastructure in the vicinity that is proposed to be utilized for the development of the proposed Tract 6420. Due to the existing residential development in the area, the topography/bluff features, and inadequate soils, the project site is not viable for a commercial farming operation. Hence, the project is not “valuable agricultural land” and is thereby consistent with this policy.</p>
<p>General Plan Policy LU-A.12: In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>The project site is not of farmland quality due to soil composition needed for a commercial farming operation and is surrounded by the single-family residential development to its east and south. The project is consistent with this policy.</p>

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-E.10: The County shall require new subdivisions within areas designated Rural Residential be designed to use individual on-site sewer and water systems. All proposals shall be reviewed by the County to determine the appropriate minimum lot size based on local hydro-geological conditions. Community systems and lots less than two (2) acres may be permitted only in conjunction with a Planned Residential Development pursuant to Policy LU-E.7; where consistent with the policies of the Sierra-North and Sierra-South Regional Plans; or where a graduated transition of density is needed to protect existing rural residential developments from land use conflicts at the interface with urban development on land outside and adjacent to the sphere-of-influence of a city.</p>	<p>Each lot within the Tract 6420 will be minimum two (2) acre in size and be provided with individual sewage disposal system and water well subject to permits and inspections from county. Per County Health Department, a sewage feasibility analysis and Engineered sewage disposal systems are required for each lot in the proposed subdivision.</p>
<p>General Plan Policy LU-E. 14: The County shall not designate additional land for Rural Residential or Foothill Rural Residential development, except for unique circumstances to be determined by the Board of Supervisors.</p>	<p>The unique circumstances concerning the project site relates to bluff-type condition and rocky topography making the site undesirable for commercial farming and suitable for residential use. The project is consistent with this policy as the final deamination is made by the Board.</p>
<p>General Plan Policy PF-C.11: The County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.</p> <p>General Plan Policy PF-C.16: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ol style="list-style-type: none"> a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts 	<p>A hydro-study prepared for the project and is discussed in Section X. A. (Exhibit 9) of this report concludes that adequate groundwater supply is available for the project. The project will not add to groundwater overdraft.</p> <p>According to the Water and Natural Resources Division (WNRD) based on the results of Groundwater Supply Report dated June 2022, and a 72-hour pump test conducted on a monitoring well in the vicinity, the project would have a less than significant impact on groundwater resources. Additionally, prior to the issuance of a permit for residential development, a water well yield test will be conducted and approved by WNRD to confirm that the well capacity is adequate to serve the development as defined in County Ordinance Code Section 15.04.190. The project is consistent with this policy.</p>

Relevant Policies:	Consistency/Considerations:
<p>necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p> <p>b. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p>	

Reviewing Agency/Department Comments:

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

Comments on the project were also provided by Development Engineering Section, Zoning Section, Transportation Planning Unit, and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, Fresno County Fire Protection District; and San Joaquin Valley Air Pollution Control District. Details of their comments have been included in the Subdivision Review Committee Report for Tentative Tract Map Application No. 6420's subsequent Mitigation Measures, and the Conditions of Approval which requires site grading and drainage according to the county standards, permits to remove the existing structures from the property; development's fair share for offsite road improvements and traffic signalization, emergency fire access to the site; additional road right-of-way along Willow Avenue; and compliance with Air District rules and Fire District requirements prior to the issuance of building permits.

Comments were also provided by the Water and Natural Resources Division, Regional Water Quality Control Board, Fresno Metropolitan Flood Control District, and Fresno County Department of Public Health, and the Environmental Health Division. Details of their comments have been included in the Subdivision Review Committee Report for Tentative Tract Map Application No. 6420 as Project Notes (regulatory requirements). The requirements include a well yield test prior to issuance of building permits, Notice of Intent (NOI) prior to disturbing more than one-acre of land, stormwater drainage fees, and destruction and proper abandonment of any onsite water wells and septic systems to protect groundwater quality.

Santa Rosa Rancheria Tachi-Yokut Tribe; Picayune Rancheria of the Chukchansi Indians; California Department of Transportation; State Water Resources Control Board, Division of Drinking Water; California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Resources Division (Special District) of the Fresno County Department of Public Works and Planning submitted no comments on the project.

Analysis

The project site is comprised of a 15.24-acre parcel and a 21.18-acre parcel and is designated Agriculture in the County General Plan and is developed with two single-family homes which are proposed to be removed with the development of the Tract Map. There is a concertation of single-family homes located on abutting parcels to the east and to the south (Tract No. 4710 with two-acre parcels). Abutting parcels to the north are undeveloped and parcels to the west across Friant Road are planted in vineyard with single-family residences.

The subject zoning Amendment Application (AA) proposes to amend the zoning from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District to make it possible to develop a 16-lot residential subdivision (Tract 6420) from the two existing parcels.

The fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan Land Use designations.

Per the General Plan Zoning Compatibility Matrix, the current County General Plan land use designation for the parcels is Agriculture which is not consistent with the proposed RR (Rural Residential; two-acre minimum parcel size) Zone District.

Therefore, the proposed General Plan Amendment application proposes changing the Land Use designation of the parcels to Rural Residential to be compatible with the proposed rezoning to RR (Rural Residential; two-acre minimum parcel size) Zoning.

Recommended Conditions of Approval:

Dedication of road right-of-way along Willow Avenue, installation and paying for a share of offsite traffic improvements.

Conclusions:

Given the above discussion, staff believes the proposed GPA, and Rezone (AA) are consistent with the County General Plan.

VARIANCE APPLICATION NO. 4140:

The subject Variance Application No. 4140 is being considered in conjunction with General Plan Amendment Application No. 566 and Amendment Application No. 3850 and proposes to waive property development standards for the proposed residential lots in the RR Zone District within Tract 6420. This includes:

- Waiver of the public road frontage requirements to allow private roads within the tract secured by a gated entry; and
- Waiver of the lot depth to lot width ratio (4 to 1) in the RR Zone District.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 1 Analysis

In support of Finding 1, the Applicant's Finding states that the project site is encumbered by a bluff-type (steep terrain) condition and by steep adjacent county roadways frontage conditions that limit access to the site. To mitigate these exceptional circumstances, the project will construct a slightly narrower road with a private designation to coexist with the bluff conditions and waive the public road frontage requirements for the proposed parcels. This waiver will be consistent with surrounding area constructed with similar road frontages due to site conditions.

The Applicant's Finding further states that the bluff type condition has created impractical conditions to create lots with a 4:1 lot depth to lot ratio in RR Zone District, as road access and lot frontages must be placed in areas that avoid the bluffs to gain access to the site. In providing access, the locations of the proposed road would create lots that would exceed the lot depth to lot width ratio of the Zone District. This condition persists throughout the project site and is consistent with other properties in the area.

Upon analyzing the site aerial photo, the proposed parcellation and comments received from reviewing agencies, staff has concluded that due to bluff conditions, the proposed lots cannot have direct access from Friant Road and Willow Avenue. The Applicant's Finding merits the request for a single access private road secured by gated entry to serve all lots within the tract. Staff also concluded that given the project site's topographical constraints, minimizing damage to the geological features of the site with less cuts and grading activities in order to place road access in feasible locations on the site is an exceptional circumstance under which the waiving of the lot depth to lot ratio could be granted.

Finding 1 Conclusion:

Finding No. 1 can be made.

Finding 2: Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 2 Analysis

In support of Finding 2, the Applicant's Finding states that Tract 6420 is unique in that it is located on a broad steep face. Because of the need to preserve the uniqueness of the topography from the bluff, the existing residential developments in the area have utilized construction that preserves these existing bluff elements, not only from a visual perspective, but also from a construction feasibility perspective of each project offering reductions in overall land disturbances, grading impacts, and preservation of existing ecology in the bluff segment. The Applicant's finding further states that because of the need to address the unique topography and meet slope requirements, the streets for this project can only be placed in

certain specific areas and within certain alignments in order to preserve bluff conditions. Placement of the streets to meet these requirements will require adjustments to lot depth to width ratio standards so that all project lands are utilized and such lots would follow the limited land availability for the road network corridor.

Staff concurs with the Applicant that the site's unique feature (bluff) warrant the granting of a variance for waiving street frontage requirement for the proposed parcels and waiving the 4:1 lot depth to lot width ratio, so the property enjoys the ability to be developed as other properties that do not have this unique feature.

Finding 2 Conclusion:

Finding No. 2 can be made.

Finding 3: The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Reviewing Agency/Department Comments:

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 3 Analysis

In support of Finding No. 3, the Applicant's Finding states that the requested waiver of the road frontage and the lot depth to lot width ratio will have no detrimental or injurious impacts on adjacent properties in that the proposed tract bounded by existing public roadways is being designed in a single phase and will not impact the surrounding area.

Staff concurs with the Applicant that the waiving road frontage requirement and the lot depth to lot width ratio requirement will not be materially detrimental to public health and welfare, as the project is a single cohesive development that will not directly impact the adjacent properties or public at large.

Finding 3 Conclusion:

Finding No. 3 can be made as development of the cohesive development would not impact the surrounding area.

Finding 4: The granting of such a variance will not be contrary to the objectives of the General Plan.

Reviewing Agency/Department Comments :

No comments specific to the subject Finding were received from reviewing agencies or County Departments.

Finding 4 Analysis

In support of Finding No. 4, the Applicant's Finding states that granting of this Variance would comply with the objectives of General Plan by allowing additional residential development in the county. The project will not impact productive agricultural land as the site is unsuitable for

farming due to rocky topography and poor soils.

Staff concur with the Applicant in that the granting of the Variance would not be contrary to the objectives of the General Plan.

Finding 4 Conclusion:

Finding No. 4 can be made due to the project being consistent with General Plan.

Summary Conclusion:

The findings for the variance to allow the waiver of the public road frontage and 4 to 1 lot width to depth requirements could be made.

**EXCEPTION TO SUBDIVISION ORDINANCE IMPROVEMENT STANDARDS
FOR TENTATIVE TRACT MAP APPLICATION NO. 6420**

Deviations from the County of Fresno Improvement Standards require an application for and approval of an Exception to Standards. The subdivider requests that exceptions to the Subdivision Ordinance Improvement Standards be granted to 1) Allow width of interior roads within the tract to be reduced from 60 feet to 34 feet; and 2) Allow a 75-foot minimum centerline road radius as an exception to the required 60 feet road easement and minimum road radius per County Ordinance 17.72.333.A.

Note: These Exceptions are requested due to the site constraints resulting from the bluff type (steep terrain) conditions that are to be preserved.

Analysis of Required Findings

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

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

In support of Finding 1, the Applicant indicates that the bluff type segment has created impractical conditions for construction of a standard 60 feet County public road right of way width. The site conditions would necessitate special (private) road right of way of narrower width that can sufficiently navigate the bluff and rock conditions. The project will construct a 34 feet wide private roadway verses 60 feet required with a minimum 75 feet centerline radius designation which will still provide equivalent and similar access as a County 60-foot roadway but allows the roadway network to coexist with the bluff conditions. The proposed public-private roads will be consistent with the surrounding area as numerous existing projects, which have similar conditions, also have been constructed with similar narrow roadway networks.

In support of Finding 2, the Applicant indicates that the proposed tract is located within a broad steeped face embankment (San Joaquin River bluff). The existing residential developments in the area have utilized construction that preserves these existing bluff elements, not only from a visual perspective, but also due to the construction feasibility perspective of each project. Preservation of the bluff-type conditions has afforded for

reductions in overall land disturbances, grading impacts, and preservation of existing wildlife in the bluff segment as the land is generally preserved in their existing state. Without this exception the property cannot enjoy the same property right and permit use that other properties have enjoyed in the area.

The Development Engineering Section of the Fresno County Department of Public Works and Planning have expressed no concerns with the exception requests as presented. Also, staff acknowledges that similar exception requests were previously granted for residential developments located in the area as the subject proposal. Based on this information, staff believes that an exceptional circumstance exists and that a substantial property right is at stake.

Finding 3 That the granting of the exception will not be detrimental to the public safety, health and welfare

In support of Finding 3, the Applicant states that the granting of this subdivision exception will have no detrimental or injurious impacts on adjacent properties. The proposed track development will be gated to the general public and is similar in function to other privately maintained County roadways, be approved for the anticipated fire truck apparatus by the local fire authority, and be provided with adequate vehicular access to each residential lots with no third party utilization of roadway network on a common basis.

With regard to Finding 3, the proposed private roadways within the tract will have roadway structural section adequate to handle traffic load required of the use and be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. Staff believes granting of these exception requests will not be detrimental to public safety, health and welfare as the proposed road construction will substantially conform to the County Improvement Standard.

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

In support of Finding 4, the Applicant states that the requested subdivision exceptions will carry out the objectives of the General Plan, allow for additional residential development as required by the State of California Housing Element, and would not impact productive agricultural lands. The proposed 34-foot wide private road right of way network within the tract will provide equivalent access to a 60-foot County standard right of way, only privately maintained and constructed. No impeding of existing county public road traffic function, no County public interest in use of the reduced 34 feet wide rights of way, and no injury or impact to other property would occur.

Staff concurs with the Applicant in that to allow 34 feet wide interior roads and a 75-foot centerline road radius would not be detrimental to public health and welfare or contrary to the General Plan. As such, staff believes that the required Findings for said exceptions can be made for the project and that the subdivision and proposed improvements are not likely to be injurious to or prevent the logical development of other property in the immediate area.

SUBDIVISION REVIEW COMMITTEE REPORT FOR TENTATIVE TRACT MAP APPLICATION NO. 6420:

Date of Subdivision Review Committee Meeting: October 12, 2023

Subdivider: Elegant Estates, LLC aka Vintage on the Bluff, LLC
 Project Engineer/Architect: Lore Engineering, Inc.

BACKGROUND INFORMATION:

The proposed Tentative Tract Map Application No. 6420 proposes to allow a 16-lot residential subdivision ranging from 3.08 net to 2 acres net. The proposal also proposes to allow an exception to County Ordinance Code 17.72.333-A. to allow a 34-foot wide nonexclusive private road (60 feet required) and 75 feet centerline curve radius (125 feet required).

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	Rural Residential
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	R-R (Rural Residential, two-acres net minimum parcel size) Zone District
Parcel Size	<ul style="list-style-type: none"> • 15.24 acres (APN: 579-060-37) • 21.18 acres (APN: 579-060-37) 	16 lots that are minimum two-acre (net) in size.
Project Site	2 Single-family homes on individual wells and individual septic systems, with storm drainage retained on site.	16 single-family residential lots on individual wells and individual engineered septic systems, with a community storm drainage facility.
Structural Improvements	Single-family homes	16 single-family residential lots on individual wells and individual engineered septic systems, with community storm drainage facility.
Nearest Residence	Approximately 65 feet to the east	No change
Surrounding Development	<ul style="list-style-type: none"> • Single-family homes to the east and south. • Undeveloped land, to the north. • Vineyard and a single-family home to the west. 	No change
Operational Features	N/A	See "Project Site" above
Lighting	Minimal on-site residential lighting.	Outdoor street lighting within the proposed Tract No. 6420

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (Yes/No)
Setbacks	AE-20 Development Standard Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	RR Development Standard Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Yes. Development of Tract 6420 will adhere to setback standards of RR Zone District
Parking	No requirement	One (1) parking space for every dwelling unit.	Yes. Development of Tract 6420 will adhere to parking standards of RR Zone District
Lot Coverage	No Requirement	No requirement	NA
Separation Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.	Minimum of six (6) feet between the main building and accessory building	Yes. Development of Tract 6420 will adhere to building separation standards of RR Zone District
Wall Requirements	<ul style="list-style-type: none"> • Seven feet (maximum) on rear and side property lines • four feet (maximum) in any required front yard 	<ul style="list-style-type: none"> • Seven feet (maximum) on rear and side property lines • four feet (maximum) in any required front yard 	Yes. Development of Tract 6420 will adhere to wall height and location standards of RR Zone District
Septic Systems	100 percent	Applicant will refer to the Local Agency Management Plan Guidance Manual, Table 5 for Setback Distances.	Yes. Engineered sewage disposal systems will be required to meet the Local Agency Management Plan setback requirements for septic systems.
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	Septic tank: 100 feet Disposal field: 100 feet Seepage pit: 150 feet	Yes. Individual water well required on each lot within Tract 6420

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Willow Avenue; Good Condition Friant Road: Good Condition	N/A N/A
Direct Access to Public Road	Yes	Willow Avenue Friant Road	Access to Friant shall be limited to an emergency access road.
Road VPD (Vehicle Per Day)		4100 (Willow Avenue) 7000 (Friant Road)	Minor increase of 208 Average Daily Trip (ADT) from an increase of 16 residences
Road Classification		Willow Avenue (Super arterial) Friant Road (Expressway)	No change No change
Road Right-of-Way Width		<ul style="list-style-type: none"> 60 feet (Willow Avenue); 106 feet required 126 feet (Friant Road); 106 feet required. 	<ul style="list-style-type: none"> An additional road right-of-way along Willow Avenue frontage of the property is required in accordance with the Official Plan Line North Willow Avenue. No Additional ROW needed
Road Surface		<ul style="list-style-type: none"> Willow Avenue: Asphalt concrete paved; pavement width: 32.3 feet. Friant Road: Asphalt Concrete paved. Pavement width: 76 feet 	<p>Improvements along the Willow Avenue Frontage will occur with the improvements being subject to County Standards, including sidewalk, curb, and gutter based on a subsequent study which will define final intersection design for the project.</p> <p>No change other than emergency access road encroachment improvements.</p>
Traffic Trips		Minimal residential traffic	<p>Per Transportation Impact Study (TIS) prepared for the project:</p> <p>Daily Trips: 208</p> <p>Weekday AM Peak Hour Trips:</p>

		Existing Conditions	Proposed Operation
			<ul style="list-style-type: none"> • 4 in and 12 out Weekday PM Peak Hour Trips: <ul style="list-style-type: none"> • 12 in and 8 out
Traffic Impact Study (TIS) Prepared	No	N/A	See "Traffic Trips" above. Per the revised Transportation Impact Study (TIS), dated August 17, 2023, the project will pay its pro-rata share (3.36%) of the cost of improvements for the installation of traffic signal and geometric improvements at the intersection of Friant Road and Willow Avenue.
Road Improvements Required		N/A	All interior private roads within Tract 6420 will be asphalt concrete paved and be provided with 34 feet width and 75 feet centerline curve radius

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	2.76 acres 5.09 acres 5.06 acres	Undeveloped	AE-20	N/A
South	2.31 acres 5.02 acres	Single-family residences	AE-20	40 feet
East	Two acres	Single-family residences	RR	68 feet
West	19.9 acres 7.84 acres 20 acres 4.76 acres	Single-family residence; Vineyard	AE-20	345

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.**

Also see table of GENERAL PLAN CONSISTENCY on pages 5-6 of this staff report.

Reviewing Agency/Department Comments:

Policy Planning Section of Public Works and Planning: The subject parcels are designated as Agriculture in the County General Plan and are not enrolled in the Williamson Act Program.

Water and Natural Resources Division of Public Works and Planning: based on the results of Groundwater Supply Report dated June 2022, and a 72-hour pump test conducted on a monitoring well in the vicinity, the project would have a less than significant impact on groundwater resources. Additionally, prior to the issuance of a permit for residential development, a water well yield test will be conducted and approved by WNRD to confirm that the well capacity is adequate to serve the development as defined in County Ordinance Code Section 15.04.190. The project is consistent with General Plan policy PF-C.17.

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

Finding 1 Analysis:

Both the 15.24-acre parcel and 21.18-acre parcel's General Plan Land Use designation are proposed to be redesignated from Agriculture to Rural Residential which would make the proposed project consistent with General Plan policies as discussed in the Analysis/Discussion/General Plan Consistency table of GPA 566 above.

Regarding consistency with General plan Policy OS-L.3.d., the project site fronts onto scenic roadway Friant Road. The site is deemed to be consistent with the provisions of this policy relating to 200 feet scenic setback requirement due to the unique bluff features that provides for screening of building sites for individual lots atop of the bluff from the scenic roadway below.

Regarding consistency with General Plan Policy LU-A.1, urban growth and development that surrounds the project site include the existence of public facilities and infrastructure (e.g. roads, traffic lights, stormwater drainage system) for connection and use by the proposed residential development. Due to the existing residential development in the area, topography/bluff and inadequate soils, and elevation, the project site is not viable for a commercial farming operation.

Regarding consistency with General Plan Policy LU-A.12., the project site is not of farmland quality due to soil composition needed for a commercial farming operation and is mostly surrounded by single-family homes.

Regarding consistency with General Plan Policy LU-E.10, the proposed lots within the tract will be provided with individual sewage disposal system and private water wells. The sewage disposal systems will be subject to a sewage feasibility analysis and engineered sewage disposal systems.

Regarding consistency with General Plan Policy LU-E.14, The bluff-type condition and rocky topography makes the project site undesirable for commercial farming and suitable for residential use subject to final determination to be made by the County Board of supervisors.

Regarding consistency with General Plan Policy LU-E. 16, the creation of two-acre parcels is consistent with Rural Residential uses prevalent in the surrounding area. Numerous parcels have been developed with single-family homes within a one-mile radius of the project site. The unique circumstances concerning the bluff, elevation and rocky topography require two-acre minimum parcels for residential development while the terrain inhibits commercial farming.

Regarding consistency with General Plan Policy PF-C. 11 and Policy PF-C. 16, the hydro-study prepared for the project has concluded that adequate groundwater supply is available for the project. The project will not add to groundwater overdraft to impact neighboring parcels.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 can be made in that the proposed subdivision is consistent with the policies of the County General Plan.

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

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: All improvements within Tract 6420 shall comply with Fresno County Improvement Standards.

Prior to any construction within Tract 6420, all improvement plans (e.g., for Road, Sanitary Sewer Systems, Water Distribution Systems including Grading & Drainage System) will need to be prepared, stamped, and signed by a Professional Engineer and shall be submitted for review and must be in compliance with Fresno County Improvement Standards. 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.

All interior roads shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards. Interior roads shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum). Adequate sight distance shall be provided for the interior road entrance onto Friant Road and Willow Avenue and shall intersect as near to a right angle as practicable. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of cul-de-sac road.

Discharging pollutants through a "point source" into a "water of the United States" are prohibited unless an NPDES permit has been obtained. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI and SWPPP incorporated into the construction improvement plans shall be submitted to the County prior to commencement of any future grading activities.

A grading permit shall be required for any new construction of single-family residences and adjacent driveways.

Fresno County Department of Public Health, Environmental Health Division (Health Department) Each lot within Tract 6420 shall design and construct an engineered sewage disposal system. Such system will be designed, and installation certified by the California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. Prior to initiation of any onsite work, a sewage feasibility analysis may be required and be approved by Fresno County Public Works Department. To construct a water well, a permit to construct a water well shall be obtained from the Health Department.

Water and Natural Resources (WNR) Division of the Fresno County Department of Public Works and Planning: The subject parcels are located within an area defined as a low water area of the county. Prior to the issuance of a permit for construction of a single-family residence, a water well yield test shall be conducted to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190. The test shall be reviewed and approved by WRN Division.

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

Finding 2 Analysis:

The Rural Residential (RR) Zone District is intended to be applied to areas designated as Rural Residential by the General Plan and is intended to create or preserve rural or very large lot residential homesites where a limited range of agricultural activities may be conducted. The minimum lot size that may be created within the RR Zone District is two (2) acres (net).

As per the General Plan Policy LU-E.10, new subdivisions within areas designated Rural Residential shall utilize individual on-site sewer and water systems. All parcels within Tract 6420 will utilize individual water wells and individual engineered sewage disposal systems subject to permits and inspections from the Department of Public Works and Planning Building and Safety Section, Fresno County Health Department, and the Environmental Health Division.

According to a hydro-study titled as *Groundwater Conditions at and in the Vicinity of Elegante Estates, Friant Road and Willow Avenue* prepared by *Kenneth D. Schmidt and Associates* dated August 2022, a 72-hour continuous pump test was conducted on two existing onsite wells (Upper and Lower) with one nearby monitoring well. Upper well resulted in 145,000 gallons being pumped with an average discharge rate of 33.6 gallons per minute. The Lower well resulted in 168.310 gallon being pumped with an average discharge rate of 39.0 gallons per minute. The hydro-study concluded that the project has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property will not result in significant pumping-related impacts to surrounding properties. The hydro-study can be viewed at Page 176 of the document at the following link <https://fresnocountyca.gov/projectreview#AA3850> As required by Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works, prior to the issuance of a permit for the construction of a new residence, a water well yield test will be conducted and approved by WNR Division to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190.

Additionally, the proposed development will comply with specific requirements relating to stormwater drainage, hydrologic and hydraulic analysis, right-of-way dedications, improvements to private right-of-way easement (road) subject to the County Improvements Standards, and fire protection services as required by Fresno County Fire Protection District. Any stormwater leaving the site will be conveyed through new improvements connecting to the Fresno

Metropolitan Flood Control District (FMFCD) system. These requirements are included as Subdivision Review Committee Conditions and Project Notes in Exhibit 1 of this report.

Recommended Conditions of Approval:

Improvement plans for Road, Sanitary Sewer Systems, Water Distribution Systems and Grading & Drainage system.

Finding 2 Conclusion:

Finding 2 can be made as the subject parcels has been determined to be physically suitable to accommodate rural residential development within Tract 6420.

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:

No comments specific to the project impacts to wildlife or the environment were expressed by California Department of Wildlife or U.S. Fish & Wildlife Service.

Finding 3 Analysis:

The Subdivision Map Act (Cal. Gov. Code Section 66474) 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.

Vollmar Natural Lands Consulting prepared a Biological Memorandum titled as Elegante Estates Property Preliminary Assessment of Potential Biological Resource Values and dated November 11, 2022. The Report was provided to the California Fish and Wildlife and US Fish & Wildlife Service for review and comments. Neither agency provided any comments on the Report.

According to the *Biological Memorandum*, the California Tiger Salamander (CTS) would be unlikely to reach the project area since the site does not support any aquatic features that could provide breeding and is greater than 1.24 miles from the nearest existing documented breeding habitat. Previously documented breeding habitats within 1.24 miles have been converted to a golf course and intensive agriculture. In addition, the biologist who assessed the area between the proposed project site and historic occurrences noted that several significant barriers exist between the site and the historic occurrences.

Per the US Fish and Wildlife Service "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander October 2003" protocol-level surveys are comprised of two components: 1) Aquatic larval sampling of potential breeding ponds; and 2) Upland drift fence studies for sites that support breeding ponds or are within 1.2 miles of potential breeding ponds. Since the project area does not support breeding ponds (making aquatic sampling infeasible) and is outside of 1.2 miles of potential breeding habitat (making the drift fence survey unnecessary), the *Biological Memorandum* determined that protocol-level CTS surveys of the site are not needed.

Furthermore, according to *Biological Memorandum*, although nest surveys for Swainson's hawk and American badger were not conducted, the project area may still provide foraging habitat for

these species who may occasionally move through the site. As such, the project will adhere to specific mitigation measures as noted in Exhibit 1 of this report. The San Joaquin kit fox is treated as having “low potential” to occur, encountering this species in this region is extremely unlikely, based on the long period since any positive documentations in the region. The same is true for western pond turtle, given the great distance to occupied habitat.

In summary, Initial Study No. 8307 prepared for the project in accordance with the California Environmental Quality Act (Exhibit 11) has determined that the project will have no or a less than significant impact on the environment, special-status species, riparian habitats, fish and wildlife, and their habitat with the implementation of Mitigation Measures as noted in Exhibit 1 of this report.

Recommended Conditions of Approval:

Surveys for Swainson’s hawk and American badger

Finding 3 Conclusion:

Finding 3 can be made as the project will not cause substantial environmental damage on fish or wildlife, or their habitat.

Finding 4: ***The design of the subdivision or types of improvements are not likely to cause serious public health problems.***

Reviewing Agency/Department Comments:

Water and Natural Resources Division of Fresno County Department of Public Works and Planning:

Each lot in the proposed subdivision shall have a water well for domestic use and fire protection. As per the *Groundwater Conditions at and in the Vicinity of the proposed Elegante Estates, Friant Road and Willow Avenue* prepared for the project by Kenneth D. Schmidt and Associates and dated August 2022, based on the analysis of water from onsite wells, the chemical quality of the groundwater is expected to be suitable for domestic use.

Fresno County Department of Public Health, Environmental Health Division (Health Department):

A sewage feasibility analysis may be required, and an engineered sewage disposal system shall be installed on each of the proposed parcels under permits and inspections from the Health Department and the County of Fresno Building Department. As a measure to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area shall be properly destroyed. Any underground storage tank(s) if found during construction shall be removed by securing an Underground Storage Tank Removal Permit from the Health Department.

Fresno County Fire Protection District:

The proposed subdivision shall comply with the California Code of Regulations Title 24 – Fire Code; be approved by CalFire prior to issuance of building permits by the County; and shall join the Community Facilities District before plans are submitted to the CalFire.

Finding 4 Analysis:

The design of the proposed subdivision (Tract 6420) and anticipated subsequent residential developments are not likely to cause serious public health problems.

Residential development within the proposed tract will require individual engineered sewage disposal systems and individual water wells on each of the 16 lots with permits and inspections from the Department of Public Works and Planning Building and Safety Section and the Fresno County Department of Public Health, Environmental Health Division. Also, to protect public health and well being, mandatory separation between a well and a septic system will be maintained as per the Local Agency Management Plan (LAMP). Groundwater quality has been checked per the *Groundwater Conditions at and in the Vicinity of Elegante Estates, Friant Road and Willow Avenue* prepared for the project and is found to be suitable for human consumption. The residential development will also comply with the California Code of Regulations Title 24 – Fire Code and obtain necessary approval from the Fresno County Fire Protection District.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made, as no reviewing agencies expressed concern that the proposed subdivision would adversely affect public health.

Finding 5: ***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:

Pacific Gas and Electric Company (PG&E):

The proposed land subdivision shall comply with PG&E’s requirement relating to the provision of electric power and gas supply.

Finding 5 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. The project review by PG&E did not identify its potential interference with PG&E facilities. All proposed utilities will be underground in accordance with county standards and provisions of the Subdivision Map Act (Cal. Gov. Code Section 66474) . County standards also require that any existing overhead utilities within the tract, or within the street right-of-way adjacent to the tract, be removed and placed underground. Adherence to this regulatory requirement (Project Note) will ensure compliance with the Subdivision Ordinance requirements for all new utilities to be placed underground.

Recommended Conditions of Approval

None

Finding 5 Conclusion:

Finding 5 can be made as the project will not be in conflict with easements acquired by public at large.

Public Comment:

Email correspondence in opposition to the project have been received and are attached as Exhibit 14. The comments received state that the project will compromise groundwater supply which will negatively impact many established families in the neighborhood.

Any additional comments received prior to the beginning of the public hearing will be provided to the Commission immediately prior to the hearing.

Summary Conclusion TTM 6420:

In general, the analysis above supports the approval of the tentative map and variance request. Therefore, staff recommends approval of both application by the Planning Commission.

SUMMARY PROJECT RECOMMENDATION:

Approval of GPA 566, AA 3850 can be recommended as staff's analysis has determined they are consistent with the General Plan, and does not pose any significant environmental impacts. Likewise, approval of VA 4140 can be recommended as staff's analysis has determined that all findings for waiving public road frontage requirements and lot width to lot depth ratio can be made for the project.

PLANNING COMMISSION MOTIONS:**Recommended Motion (Approval Action):**

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8307; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 566 amending the Land Use Element of the Fresno County General Plan changing the land use designation of a 15.24-acre parcel and a 21.18-acre parcel from Agricultural to Rural Residential; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3850 to rezone a 15.24-acre parcel and a 21.18-acre parcel from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre net minimum parcel size) Zone District, and
- Recommend that the Board of Supervisors adopt the required Findings as described in the staff report and approve Variance Application No. 4140; and
- Recommend that the Board of Supervisors approve Tentative Tract Map No. 6420 subject to the conditions listed in Exhibit 1; with an exception to County Ordinance Code 17.72.333-A. to permit a 34-foot wide nonexclusive private roads (60 feet required) and 75 feet centerline curve radius (125 feet required) with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action):

- Determine that the proposed General Plan Amendment (GPA) No. 566 amending the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel and a 21.18-acre parcel from Agricultural to Rural Residential; and Amendment Application No. 3850 to rezone the parcels from the AE-20 Zone District to the R-R Zone District, are not consistent with the County General Plan; and
- Determine that the required Findings for Tentative Tract Map, the exception to county Ordinance code 17.72.333-A, and the Variance No. 4140 cannot be made (state basis for not making Findings) and move to deny Tentative Tract Map No. 6420, and Variance Application No. 4140; 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.

EA:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3850 - See GPA 566, TT 6420, VA 4140\SR\AA 3850 Staff Report.docx

EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 8307; General Plan Amendment Application No. 566; Amendment Application No. 3850;
Tentative Tract Map Application No. 6420; Variance Application No. 4140
Mitigation Measures, 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/PW&P	During life of the project
*2.	Biological Resources	A qualified wildlife biologist shall conduct surveys for nesting Swainson's Hawk (SWHA) following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.	Applicant	Applicant/PW&P	Prior to ground disturbance
*3.	Biological Resources	If expansion of any project activities will take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of the project implementation. A minimum no-disturbance buffer of one-half mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Applicant	Applicant/PW&P	Prior to ground disturbance
*4.	Biological Resources	In the event an active SWHA nest is detected during surveys and the one-half mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, Take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is	Applicant	Applicant/PW&P	Prior to ground disturbance

		warranted to comply with California Endangered Species Act.			
*5.	Biological Resources	Prior to initiating ground-disturbing activities on the project site, a qualified biologist shall conduct a habitat assessment to determine if the project area or its immediate vicinity contain suitable habitat for the American badger.	Applicant	Applicant/PW&P	Prior to ground disturbance
*6.	Biological Resources	If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badgers and their requisite habitat features (dens) to evaluate potential impacts resulting from ground and vegetation disturbance.	Applicant	Applicant/PW&P	As noted
*7.	Biological Resources	Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.	Applicant	Applicant/PW&P	As noted
*8.	Cultural Resources	<p>If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ol style="list-style-type: none"> a. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately with no agency notifications required. b. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in 	Applicant	Applicant/PW&P	During construction

		<p>Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA (National Historic Preservation act), if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</p>			
*9		<p>c. If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Fresno County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code, PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (Assembly Bill 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</p>	Applicant	Applicant/PW&P	During construction

*10.	Transportation	<p>The project proponent shall pay the project's pro-rata share (3.36%) of the cost of future improvements for the installation and geometric improvements at the intersection of Friant Road and Willow Avenue, based on a geometric approval drawing and a preliminary engineer's cost estimate provided by the applicant and approved by the County. The pro-rata share cost 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> <p>The applicant shall be credited the cost of preparing the GAD drawings towards Public Facility Fees, specifically signalization of the intersection of Willow Avenue and Friant Road associated with the development in accordance with Chapter 17.88 of the County code.</p>	Applicant	Applicant/PW&P	Prior to recordation of final map
*11.	Transportation	<p>An emergency access path to the project site consisting of a metal swinging gate with a padlock for emergency vehicle access only shall be provided from the Friant Road frontage of the property. To deter motorists from utilizing this emergency access path as a regular driveway, this access shall be designed to not appear as a routine driving surface but must be capable of supporting emergency response vehicles. Features such as the use of grasscrete or other non-typical driving surfaces shall be reviewed and approved by the Fresno County Fire Protection District and the Fresno County Department of Public Works and Planning prior to the approval of final Tentative Tract Map.</p>	Applicant	Applicant/PW&P	Prior to occupancy granted
Subdivision Review Committee Conditions For Tract Map No. 6420					
1.	The final subdivision map of Tentative Tract Map Application No. 6420 (subdivision) shall be in substantial conformance with the tentative map as approved by Planning Commission.				
2.	The tentative subdivision map shall be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Map application shall expire two years after the approval of said Tentative Map.				
3.	Upon approval and acceptance of the tentative subdivision map and any conditions imposed thereon, a final subdivision map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Map shall take place				

	within two years of the acceptance of the Tentative Map unless a Map extension is received prior to the expiration date of the approved Tentative Map. Failure to record the Final Map prior to the expiration of said Tentative Map may void the Map application.
4.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
5.	All improvements within the subdivision map shall be in compliance with Fresno County Improvement Standards.
6.	Prior to any construction on the subdivision tract, all improvement plans (e.g., for Roads, Sanitary Sewer Systems, Water Distribution Systems including Grading & Drainage Systems) prepared, stamped and signed by a Professional Engineer shall be submitted to the Department of Public Works & Planning for review and approval if the division of the said parcels into sixteen lots is allowed. 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.
7.	Prior to the recordation of a final subdivision map containing any improved local public or private roads within the confines of the subdivision map, the developer shall have provided the County a method acceptable to the Director of the Department of Public Works and Planning for annual road maintenance of such facilities.
8.	Prior to the recordation of the final subdivision 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.”
9.	Additional road right-of-way along the subject property along Willow Avenue (Super Arterial) shall be dedicated to the County to comply with the limits of proposed right of way and be in accordance with the Official Plan Line North Willow Avenue (Serial No. 37-a2) and shall be offered and recorded for dedication by easement on the final map.
10.	Prior to the recordation of the final subdivision map, the project shall be required to annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The fire suppression system required for the subdivision, shall be designed in accordance with applicable County Fire Protection District standards and the proposed fire suppression facilities shall be identified on the tentative map. Additionally, fire suppression facilities shall be maintained in perpetuity in accordance with the Fresno County Ordinance Code and Fresno County Fire Protection District requirements and be subject to inspection and approval by the County Fire Protection District.
11.	The applicant shall either construct street improvements or create and participate in a fair share contribution for street improvements, including curb, gutter, , and road widening improvements across parcel frontage along Willow Avenue. Road improvements shall provide adequate transitions to tie into existing pavement to the north & south of the subject parcels. Applicant may be required to relocate utilities and acquire additional right-of-way to accommodate such improvements. Engineered plans for road improvements shall be submitted prior to any encroachment permits are issued. The Public Works Director may determine that some sidewalk features may be deferred or reduced if after completion of General Alignment Design (GAD) to determine it to be impractical.
12.	The proposed driveway approach along North Willow Avenue shall not disrupt existing roadway drainage plans.

13.	Prior to demolishing all existing buildings/structures on the proposed parcels no. 3, 4, 5, 6, 8, 9, 10, 14 of the subdivision, a demolition permit shall be obtained from the Building and Safety Section of the Fresno County Department of Public Works and Planning, and inspection after demolition shall be conducted by a Fresno County Building Inspector.
14.	The corners of the project site shall maintain all sight distance requirements determined appropriate based on the General Alignment Design (GAD) to be provided and approved by the County.
15.	North Willow Avenue is classified as a Super Arterial and as such direct access to the proposed parcels shall be limited to the proposed access easements on Willow Avenue. All other frontage access to Willow Avenue shall be relinquished. Direct access to a Super Arterial may be restricted to right turn movements and median crossings may be prohibited.
16.	The access point to Willow Avenue shall be kept clear from any obstructions for visibility purposes with a 30-foot by 30-foot corner cutoff. Fences, walls, and hedges shall not exceed three (3) feet in height and any branches of trees, signs located within the corner cut-off area shall be trimmed and/or maintained at a height of not less than eight (8) feet. Applicant's Engineer shall confirm that the access point to Willow Avenue will have adequate sight visibility.

*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.

EXHIBIT 1, Page 6

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	As per Fresno County Ordinance Section 17.48.390.C; Water storage facilities for fire protection shall be provided where the parcels are to be served by individual wells. Such facilities shall be located within one half-mile of each lot measured along a public or approved private road and shall be capable of supplying a quantity of water for a one-hour period determined by the application of the following formula: $Q=700 F^{1/2}$; Q= Available storage in gallons; F= Number of families to be served by the fire protection water storage facility. In no case shall the storage facilities have a capacity of less than six (6) thousand gallons. Water storage facilities shall consist of a well, pump and storage tank located upon a water lot easement, together with an unsurfaced fire road between the water lot and a private or public road. Prior to the approval of the final map, the well shall be drilled and developed to supply the quantity of water necessary to replenish the storage facility in a 24-hour period. See Condition of Approval No. 7.
2.	The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.
3.	Any existing or future entrance gate should be set back a minimum of 20-foot from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
4.	The proposed parcels are located within an area defined as a low water area of the county; as such, prior to the issuance of a permit for the construction of a new residence, the owner of the property shall conduct a water well yield test to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190. The water well yield test must be reviewed and approved adequate by the Water and Natural Resources Division of the Department of Public Works and Planning.

Project Notes

5.	<p>Any proposed new Onsite Wastewater Treatment Systems (OWTS) shall be subject to the requirements of the Fresno County Local Area Management Program (LAMP). The applicant may be required to submit a sewage feasibility analysis to the Fresno County Department of Public Works Department for review and approval prior to development of any individual onsite wastewater treatment systems. The applicant's geologist shall contact the Public Works Department prior to initiating any work to discuss the scope of work that will be required, including, but not limited to, the requirement for all test pits to be dug using a backhoe.</p> <p>Prior to issuance of building permits for residential development on each lot within Tract 6420, a nitrogen loading analysis shall be prepared, provided, and approved by Building and Safety Section of the Fresno County Department of Public Works and Planning.</p>
6.	<p>Engineered sewage disposal systems are required for each lot in the proposed subdivision. Such a system requires an on-site investigation by a California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist with experience in sewage disposal systems and soils analysis for sewage disposal systems. The sewage disposal system shall be designed, and installation certified by the California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. The engineered system shall meet setbacks, be approved, and installed under permit from the Department of Public Works and Planning, Building and Safety Section.</p> <p>Engineered sewage disposal designs shall be submitted to and reviewed and approved by the Fresno County Department of Public Works and Planning prior to any development on the subject parcels and prior to recordation of the final subdivision map. Furthermore, the engineered sewage disposal system layout for each parcel shall be designed and the location established prior to any well(s) being drilled on the parcel.</p>
7.	<p>Discharging pollutants through a "point source" into a "water of the United States" are prohibited unless an NPDES permit has been obtained. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP incorporated into the construction improvement plans shall be submitted to the County prior to commencement of any grading activities.</p>
8.	<p>Any future landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELo) and may require MWELo form/s and/or separate landscape and irrigation design plan.</p>
9.	<p>Before any digging or excavation occurs, Underground Service Alert (USA) shall be contacted by dialing 811 a minimum of two (2) working days prior to commencing any work.</p>
10.	<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>
11.	<p>Fresno County Ordinance Code Title 17.48.350 street name signs, regulatory signs, markers, barricades, and other markings shall be included in the design and be installed in accordance with the improvements and Specifications established by the County.</p>

Project Notes	
12.	<p>As per Title 17, Section 17.04.100 of the Fresno County Ordinance Code; if a subdivision is at any point within three hundred feet of an AE-20 (Exclusive Agricultural), AL (Limited Agricultural), TPZ (Timberland Preserve) or RC (Resource Conservation) Zone District, the approval of the tentative and final subdivision map shall be conditional upon the recordation with the Fresno County Recorder of notice in substantially the following form:</p> <p>Fresno County Right to Farm Notice: It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-fate law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not be or become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.</p>
13.	The proposed subdivision tract shall adhere to the Pacific Gas & Electric Company requirements relating to the provision of electric power and gas supply to the tract.
14.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
15.	Prior to demolition of any existing structures, any active rodent or insect infestation shall be abated to prevent the spread of vectors to adjacent properties. Further, during demolition and/or remodel work: 1) upon encountering asbestos material, San Joaquin Valley Air Pollution Control District shall be contacted; 2) upon encountering lead-based paints used in the structures constructed prior to 1979, California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, and the State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 3) any construction materials deemed hazardous as identified in the demolition process shall be characterized and disposed of in accordance with current federal, state, and local requirements.
16.	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.
17.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
18.	Prior to constructing water wells on the proposed parcels, the water well contractor shall apply for and obtain a "Permit to Construct a Water Well" from the Fresno County Department of Public Health, Environmental Health Division.
19.	A Grading and Drainage Plan shall be prepared for the proposed subdivision map and be reviewed and approved by Fresno Metropolitan Flood Control District prior to approved by the County. A grading permit shall also be required for construction of single-family residences and adjacent driveways within the proposed subdivision.
20.	The proposed subdivision lies within the Fresno Metropolitan Flood Control District's (District) Drainage Area "DN." The project shall comply with the District's "Notice of Requirements" and "Other Requirements, Exhibit No. 1" listed in the District's December 22, 2022 letter of comments on the project, and shall pay drainage fees at the time of development based on the fee rates in effect at that time.

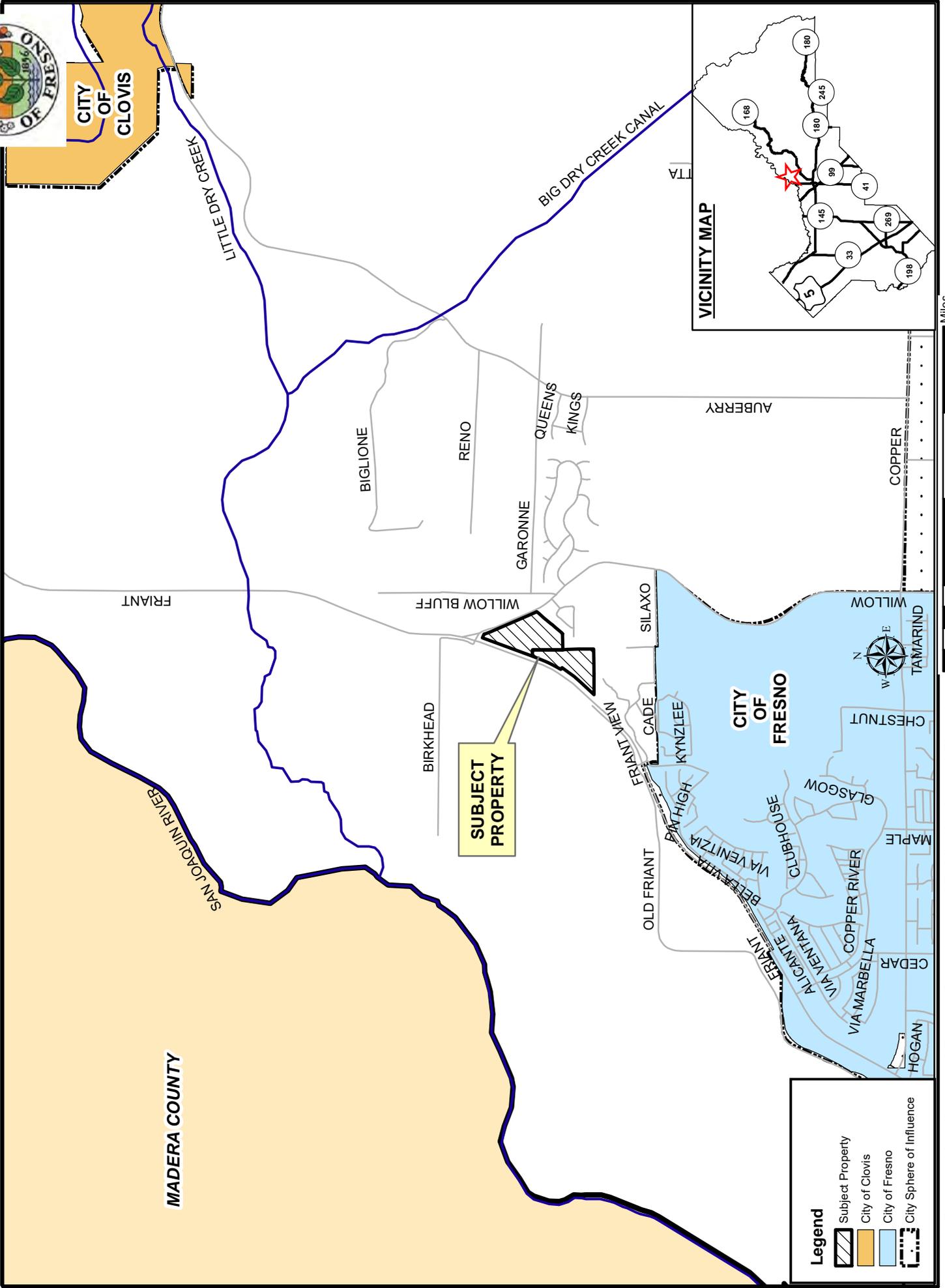
Project Notes	
21.	North Friant Road is classified as an Expressway and as such, all frontage access to N Friant Road shall be relinquished except for the proposed fire access easement.
22.	Prior to construction of a new driveway or improvement to an existing driveway within the County Road right-of-way for Willow Avenue and/or Friant Road, an encroachment permit shall be obtained from the Fresno County Road Maintenance and Operations Division.
23.	All interior roads road shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards. Interior roads shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum). Adequate sight distance shall be provided for the interior road entrance onto Friant Road and Willow Avenue and shall intersect as near to a right angle as practicable. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of cul-de-sac road.
24.	Storm water runoff generated by the development of Tract 6420 shall be disposed directly to FMFCD Stormwater Master Plan drainage facility "Basin DN" located on the west side of Friant Road. Construction of Master Plan facilities shall include onsite subsurface piping systems and channeling of the system across Friant Road to connect to FMFCD "Basin DN". The construction must be according to FMFCD Notice of Requirements, dated December 19, 2022.
25.	<p>Tract 6420 is required to grant drainage covenants for APNs 579-06-036, 579-06-041, 579-06-047, 579-06-048 and 579-06-049 to allow surface runoff to reach Master Planned facilities located on Friant Road.</p> <p>The site shall not block the historical drainage patterns of existing development to remain along the perimeter of Tract 6420. The developer shall verify to the satisfaction of the District that runoff from these areas has the ability to surface drain to adjacent streets. Drainage channels or swales shall be provided for those areas, as shown on Exhibit No. 2. Additionally, the developer shall provide a drainage report addressing how any existing homes to remain will be protected from major storm flows. The District requests that the grading engineer contact the District as early as possible to review the proposed site grading prior to preparing a grading plan. The developer shall dedicate a major storm channel easement, as shown on Exhibit No. 2. No objects shall be placed in the channel path to block or impede the major storm flow.</p> <p>The developer must identify what streets will pass the major storm and provide calculations that show structures will have adequate flood protection. The developer should be aware that based on historical drainage patterns some of the streets located within the tract may need to be resized to pass larger event storms. District approval is not extended to street configuration. The developer may submit a drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors.</p> <p>No surface runoff shall be directed towards the bluffs.</p> <p>The location and drainage of proposed recharge facilities must be reviewed and approved by the District prior to plan approval. Proposed recharge facilities shall be addressed in the drainage report.</p>

LOCATION MAP

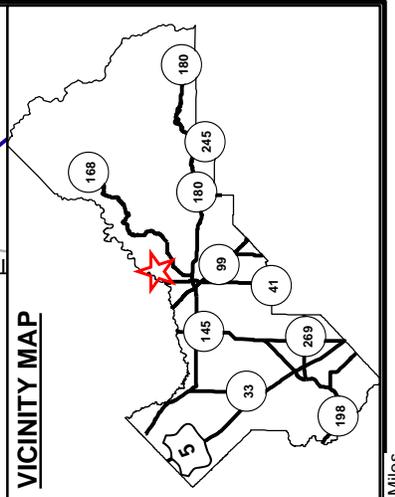
AA 3850



CITY OF CLOVIS



VICINITY MAP



Legend

-  Subject Property
-  City of Clovis
-  City of Fresno
-  City Sphere of Influence



EXISTING LAND USE MAP

AA 3850



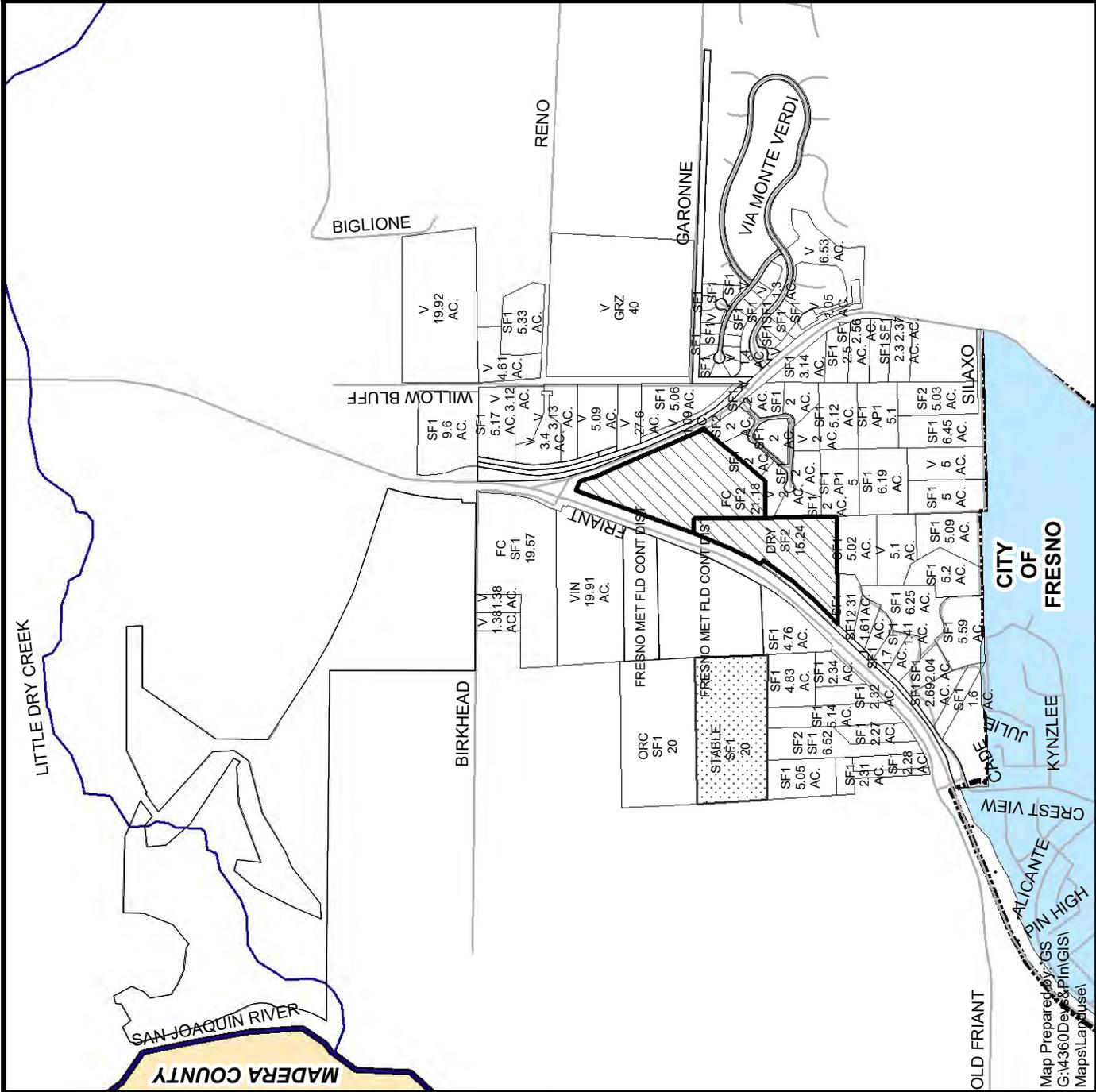
LEGEND	
[Symbol]	API - APARTMENT
[Symbol]	DRY - DRY FARMING
[Symbol]	FC - FIELD CROP
[Symbol]	GRZ - GRAZING
[Symbol]	ORC - ORCHARD
[Symbol]	SF# - SINGLE FAMILY RESIDENCE
[Symbol]	V - VACANT
[Symbol]	VIN - VINEYARD

Legend

- [Symbol] Subject Property
- [Symbol] Ag Contract Land
- [Symbol] City of Fresno
- [Symbol] City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division



Map Prepared by: CS
G:\4360Dev\GIS\Plm\GIS\Maps\LandUse\

EXHIBIT 5

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Uses					
Agricultural Accessory Storage, Structures, and Uses	P	P	P	P	
Agricultural Commercial Center	C		C		834.4.040
Agricultural Processing, Area Products, including Cooperatives	C		C		
Agricultural harvesting, curing, processing, packaging, packing, sales, shipping for products produced on-site (i.e., not subject to Section 834.4.390).	P	P			
Agricultural processing, packaging, sales, shipping, etc. (products may be from on- or off-site holdings when owned by the same entity as the facility).	P	P			834.4.390
Animal Raising, Specialty Commercial	D		D	D	834.4.050
Animal Uses (includes fish and fur bearing in the A-2)	P	P	P	P	834.4.050
Aquaculture (includes Fish Farms, Commercial)	D	D	D	D	
Cattle Dairies and Feedlot Facilities (Does NOT exceed a capacity of 500 cattle)	D		D		834.4.110
Cattle Dairies and Feedlot Facilities (Does exceed a capacity of 500 cattle)	C		C		834.4.110
Crop Production	P	P	P	P	
Grain Elevators, Commercial	C		C		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Uses (Continued)					
Hog/Swine Personal Use (4 max.)	P				834.4.050
Hog/Swine, Sheep, or Goat Feed Lots	C		C		
Hog/Swine Ranches	C		C		834.4.050
Horticulture/Greenhouses	P	D	P	D	
Meat Processing, Commercial	C		C		834.4.230
Mushroom Growing	C	C	C		
Mushroom Growing, Incidental	C	C	C		
Poultry Raising, Large	D		D	D	834.4.290
Poultry Raising, Small	P		P	P	834.4.290
Poultry/Rabbit Processing	C		C		
Stock Yards/Feed Lots	C		C	C	
Value-added agricultural uses in addition to agricultural harvesting, curing, processing, packaging, packing, sales, and shipping for products produced on-site.	P				834.4.390
Commercial establishments for the processing of agricultural products and value-added uses not authorized under the by-right value-added uses above.	C				834.4.390
Wineries/Distilleries, Large	C		C	C	
Wineries/Distilleries, Small	D		D	D	834.4.410
Wholesale Limited Winery Distillery and Brewery	P	P			834.4.415
Micro Winery, Distillery and Brewery	P	P			834.4.415
Minor Winery, Distillery and Brewery	P	P			834.4.415
Agricultural Sales and Service Uses					
Agricultural Chemicals, Sales and Service	C		C		
Agricultural Auction /Sales Yards	C		C	C	
Building Materials Sales	C		C		
Commercial Dehydration Operations	C		C		
Contactors Storage Yard, Agricultural Services	D		D		
Dog Grooming (in conjunction with single-family residence)	D	D	D	D	

Farm Equipment and Machinery Sales, Rental, Storage and Maintenance	C		C		
Farm Labor Contractor Services	D		D		

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1 ³	A-2 ³	See Section
Agricultural Sales and Service Uses (Continued)					
Feed and Farm Supplies Sales	C		C		
Horticultural Services	D	C	C	C	
Horticultural Services, Accessory	P	D	P		
Liquefied Petroleum Gas Distribution Sales, and Storage	C	C	C		
Plant Nurseries	D				834.4.180
Plant Nurseries, Private	P				834.4.180
Roadside Agricultural Stands, Permanent	D	D	D	D	834.4.370
Roadside Agricultural Stands, Temporary	P	P	P	P	834.4.370
Stables, Commercial	D	D	D	D	834.4.050
Stables, Private	P	P	P	P	834.4.050
Veterinary Clinics and Animal Hospitals	D	D	D	D	
Water Well Drilling/Pump Installation	P	P	P	P	
Welding and Blacksmith (as part of farm equipment sales and service).	P		P		
Residential Uses					
Accessory Structures	P	P	P	P	834.4.020
Additional On-Site Dwellings					
Accessory Dwelling Units	P	P	P	P	834.4.030.B
Second Dwelling Units	D	D	D	D	834.4.030.C
Child Day Care Home, (up to 14 children)	P	P	P	P	834.4.100
Employee Housing (six or fewer residents)	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).
3. See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1	A-2	See Section
Residential Uses (Continued)					
Farmworker Housing, Complexes	P	P	P	P	834.4.160
Farmworker Housing, Temporary	P	P	P	P	834.4.150
Home Occupations, Class I	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	834.4.190
Household Pets	P	P	P	P	
Kennels, Private	P	D	P	D	
Manufactured/Factory Built Housing	P	P	P	P	
Mobile Home, Temporary (If 2 nd Residence)	D	D	D	D	
Low Barrier Navigation Center					
Single-Family Dwelling	P	P	P	P	
Supportive Housing (GC 65650)	P	P	P	P	
Swimming Lessons	C		C		834.4.360
Temporary Uses	TUP	TUP			858.5
Transitional Housing	P	P	P	P	
Nonresidential Uses					
Observatories	C	C	C	C	
Public Facilities	D	D	D	D	
Public Utility Facilities	C	C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

**TABLE 2-2
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR AGRICULTURAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²				
	AE	AL	A-1	A-2	See Section
Communication Facilities					
Microwave Relay Structures	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	834.4.420
Education, Public Assembly, and Recreation Uses					
Agritourism	P	P			
Assembly/Meeting Facilities	D	D	D	D	
Golf Courses	C	C			
Guest Ranches	C	C			
Historic and Monument Sites	P	P	P	P	
Off Road Vehicles	C	C			
Philanthropic/Charitable, Agricultural Institutions	D	D	D		
Racetracks	C	C			
Schools, Private	D	D	D	D	
Schools, Public	D	D	D	D	
Stables, Commercial	D	D	D	D	
Stables, Private	P	P	P	P	
Other					
Airports, Small/Private	C	C	C	C	
Antique Sales	D	D	D		
Interstate Interchange Commercial Centers	C		C		
Interstate Interchange Impact Areas	D		D		
Kennels, Boarding and Training	C				
Kennels, Breeding and Personal, on sites with up to five acres.	C				
Kennels, Breeding and Personal, on sites with five or more acres.	D				
Kennels, Commercial	C	C	C	C	
Personal/RV Storage		C			834.4.270
Solar Energy System, Private	P	P	P	P	
Surface Mining Operations	C	C	C	C	
Temporary Mill/Chipping Facilities	P				834.4.380

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

1 See Article 7 for definitions of the land uses listed.

2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review).

EXHIBIT 6

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES**

Land Use ¹	Permit Requirement by Zone ²					
	R-A	R-R	R-2 R-2-A	R-3 R-3-A	T-P	See Section
Residential						
Accessory Structures	P	P	P	P	P	834.4.020
Accessory Vending Machines, expanded			D	D	D	834.4.400
Accessory Vending Machines, regular			P	P	P	834.4.400
Additional On-Site Dwellings						
Accessory Dwelling Units	P	P	P	P		834.4.030. B
Second Dwelling Units	D	D				834.4.030. C
Child Day Care Center	C	C	C	C	C	834.4.100
Child Day Care, (up to 14 children)	P	P	P	P	P	834.4.100
Density Bonus			P	P		824.3.010
Employee Housing (six or fewer residents)	P	P	P	P		
Farmworker Housing Complexes	P	P				834.4.160
Fraternities/Sororities				D		
Home Occupations, Class I	P	P	P	P	P	834.4.190
Home Occupations, Class II	D	D	D	D	D	834.4.190
Household Pets	P	P	P	P	P	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-2-A, R-3, R-3-A, R-4 and T-P a Site Plan Review shall be required. A single-family residence in the R-2 and R-2-A is excepted from this requirement.

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²					
	R-A ³	R-R	R-2 R-2-A	R-3 R-3-A	T-P	See Section
Residential (Continued)						
Manufactured/Factory Built Housing	P	P	P	P	P	834.4.330
Mobile Home Parks					P	
Mobile Home Park Services					D	834.4.240
Mobile Home Planned Residential Developments					C	
Mobile Home, Temporary	D	D				834.4.330
Multi-Family Dwellings			P	P		834.4.430
Planned Residential Developments		C	C	C		834.4.280
Low Barrier Navigation Center			P	P		
Residential Care Homes				D		
Single-Family Dwelling	P	P	P	P		
Single Room Occupancy, Small			P	P		834.4.340
Single Room Occupancy, Large			C	C		834.4.340
Supportive Housing (GC 65650)	P	P	P	P		
Temporary Uses						
Transitional Housing	P	P	P	P		
16B Nonresidential						
Broadcasting Studios	C	C				
Contractors Storage Yard, Agricultural Services	D	D				
Hospitals/Sanitariums			C	C		
Kennel, Commercial	C	C				
Kennel, Private	D	D				
Observatories, up to 3,000 sq. ft.		D				
Observatories, 3,001 sq. ft. or greater		C				
Observatories, any size	C		C	C	C	

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-2-A, R-3, R-3-A, R-4 and T-P a Site Plan Review shall be required. A single-family residence in the R-2 and R-2-A is excepted from this requirement.

- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²						
	R-A ³	R-R	R-2 R-2-A	R-3 R-3-A	R-4	T-P	See Section
Nonresidential (continued)							
Public Utility Facilities, Large	D	D	D	D	D	D	See Article 7
Public Utility Facilities, Small	P	P	P	P	P	P	See Article 7
Rural Commercial Center		C					834.4.040
Swimming Schools, Large	C	C					834.4.360
Swimming Schools, Small	D	D					834.4.360
Agricultural and Open Space Resources							
Agricultural accessory storage, structures, and uses.	P	P					
Agricultural product sales, produced on-site	P	P					
Animal uses, 20,000 sq. ft. or greater		P					834.4.050
Animal Uses, 36,000 sq. ft. or greater	P	P					834.4.050
Beekeeping	P	D					834.4.070
Commercial Crop Production	P	P					
Horticulture/ Greenhouses	C	C					834.4.180
Horticulture/ Greenhouses, Private	P	P					834.4.180

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-2-A, R-3, R-3-A, R-4 and T-P a Site Plan Review shall be required. A single-family residence in the R-2 and R-2-A is excepted from this requirement.
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

**TABLE 2-4
ALLOWABLE USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONES (Continued)**

Land Use ¹	Permit Requirement by Zone ²						
	R-A ³	R-R	R-2 R-2-A	R-3 R-3-A	R-4	T-P	See Section
Agricultural and Open Space Resources (Continued)							
Hog/Swine Ranches	C	C					
Plant Nurseries	C	C					
Plant Nurseries, Private	P	P					
Poultry Raising, Large	C	C					834.4.290
Poultry Raising, Small	D	D					834.4.290
Stables, Commercial		C					
Stables, Private	P	P					
Wholesale Limited Winery Distillery and Brewery		P					834.4.415
Micro Winery, Distillery and Brewery		D					834.4.415
Minor Winery, Distillery and Brewery		C					834.4.415
Landscaping/limited agriculture - Millerton Specific Plan Area (tertiary treated irrigation water)			C				834.4.440
Education, Public Assembly, and Recreation							
Clubs and Lodges			C	C	C		
Country Clubs and Golf Courses	C	C	C	C	C		
Libraries, Public			D	D	D		
Places of Worship	C	C	C	C	C		
Schools, Private	D	D	D	D	D		
Schools, Public	D	D	D	D	D		
Schools, Motorcycle Safety and Training		D					834.4.320
Recreational Vehicle Park						C	
Communication Facilities							
Microwave Relay Structures	D	D	D	D	D	D	834.4.420
Satellite Dish Antenna	P	P	P	P	P	P	834.4.420

Key to Permit Requirements

Symbol	Applicable Process	See Chapter
P	Permitted use	
C	Conditional Use Permit required	842.5
D	Director's Review and Approval required	846.5
TUP	Temporary Use Permit required	858.5
<i>Blank</i>	Use not allowed	

FRESNO COUNTY ORDINANCE CODE - DIVISION 6, ZONING ORDINANCE

Notes:

- 1 See Article 7 for definitions of the land uses listed.
- 2 For any land use listed as permitted (P), a Director approved Site Plan Review Permit may be required for all construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) in compliance with Chapter 854.5 (Site Plan Review). For the R-2, R-2-A, R-3, R-3-A, R-4 and T-P a Site Plan Review shall be required. A single-family residence in the R-2 and R-2-A is excepted from this requirement.
- 3 See Section 806.2.030.C for Obsolete and Deleted Zones.

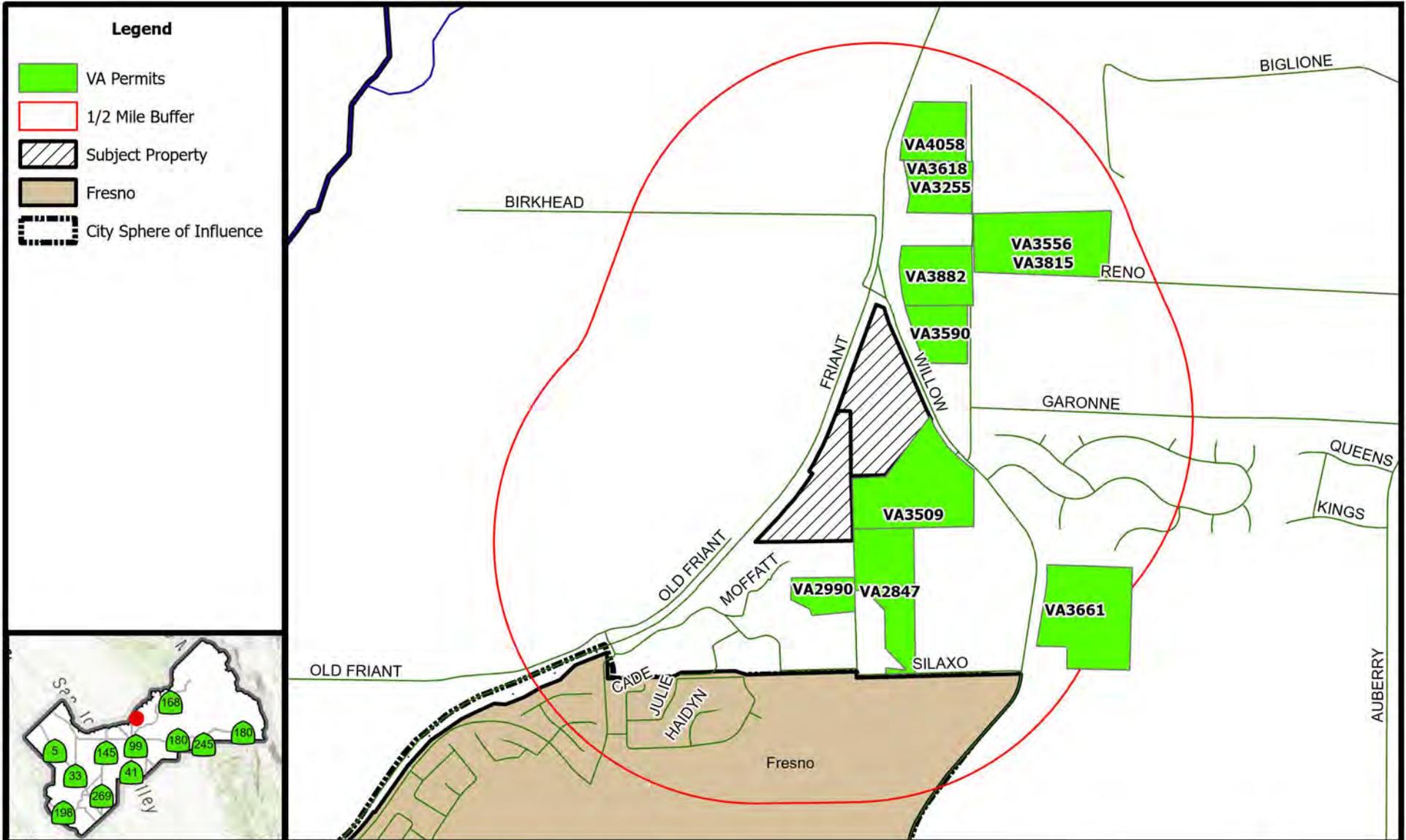


EXHIBIT 7

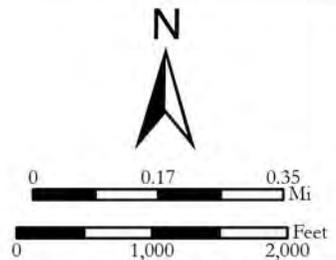


Map of Variances in the Project Vicinity

VA4140

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 3/19/2024



Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 2900: Allow the creation of two 2.5-acre parcels without public road frontage in the AE-20 District.	April 24, 1986	Denial	Denied by the Planning Commission
VA No. 2847: Allow the creation of a 5-acre parcel and a 10-acre parcel from an existing 15 acres in the AE-20 District.	August 2, 1984	Denial	Approved by the Planning Commission
VA No 3618: Allow the creation of a 3.53-acre parcel, a 2.57-acre parcel, and a 2.62-acre parcel with no public road frontage from an existing 8.72 acres in the AE-20 Zone District.	December 15, 1998	Denial	Denied by the Planning Commission Approved by the Board of Supervisors
VA No. 3556: Allow the creation of a two 5-acre parcels, a 5.1-acre parcel, and a 5.2-acre parcel from an existing 20.3 acres in the AE-20 Zone District.	May 20, 1997	Denial	Approved by the Planning Commission
VA No. 4058: Allow the creation of a 3.1-acre parcel, a 3.0-acre parcel, and a 2.7-acre parcel from an existing 8.80-acre parcel in the AE-20 District.	March 28, 2019	Denial	Approved by the Planning Commission
VA No. 3815: Allow the creation of four parcels, 3.9, 4.5, 4.6, and 5 acres in size, allowing three parcels without public road frontage from an existing 18.03-acre parcel in the AE-20 District.	October 12, 206	Denial	Approved by the Planning Commission
VA No. 3882: Allow the creation of a 5.88-acre parcel and a 6.29-acre parcel from a 12.17-acre parcel in the AE-20 District.	September 18, 2008	Denial	Denied by the Planning Commission Denied by the Board of Supervisors
VA No. 3590: Allow the creation of a 2.50-acre parcel and a 5.10-acre parcel with the smaller parcel having no public road frontage from an existing 7.60-acre parcel in the AE-20 District.	November 6, 1997	Approval	Approved by the Planning Commission

<p>VA No. 3509: Rezone a 19.92-acre parcel of land from the AE-20 District to the R-R District; allow division of said 19.92 acres into nine lots with a minimum lot size of two acres and with said lots having no public road frontage to accommodate a gated private road; and allow a six-foot high fence or wall within the required front yards of Lots 1 and 8.</p>	<p>February 13, 1996</p>	<p>Approval</p>	<p>Approved by the Planning Commission</p> <p>Approved by the Board of Supervisors</p>
---	------------------------------	-----------------	--

TENTATIVE TRACT MAP 6420

FOR SUBDIVISION PURPOSES
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

EXISTING ZONING	AE
PLANNED LAND USE	RR
PROPOSED ZONING	RR
NUMBER OF LOTS	19
SOURCE OF WATER	PRIVATE WELL
SOURCE OF SEWER DISPOSAL	PRIVATE SEPTIC SYSTEM
STORM DRAINAGE	IN-PLACE
CROSS-CURVE	36.42 AC
LAND AREA	36.42 AC
PRIOR PLANNING ENTITLEMENT	APN: 579-060-55, APN: 579-060-37

APPLICANT/SUBDIVIDER
ELEGANTE ESTATES, LLC
N. FAIRFAX AVENUE
CLOVIS, CA 93612

RECORD OWNER
SUSAN P. EROSKIN, TRUSTEE OF SUSAN P. EROSKIN
FRESNO TITLE COMPANY
FRESNO, CA 93612
(559) 297-5200 EXT. 1

ENGINEER
HAL LORE, PE
LORE ENGINEERING, INC.
N. FAIRFAX AVENUE, SUITE 101
CLOVIS, CA 93612
(559) 297-5200 EXT. 1

LEGAL DESCRIPTION

PARCEL A: (APN: 579-060-37)
THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1,
TOWNSHIP 12 SOUTH, RANGE 20 EAST, MOUNT DUBLIO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL
PLAT THEREOF, LYING EAST OF THE CENTER LINE OF THE FRONT ROAD, EXCEPTING THEREFROM THAT PORTION COME TO THE COUNTY OF FRESNO,
RECORDED JUNE 4, 1988 IN BOOK 5576, PAGE 688 AS INSTRUMENT NO. 39318 OF OFFICIAL RECORDS.

PARCEL B: (APN: 579-060-55)
THAT PORTION OF THE EAST HALF OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 20 EAST, MOUNT DUBLIO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 20
EAST, MOUNT DUBLIO BASE AND MERIDIAN, SAID POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF THE LAND GRANTED TO WILMA A. BALL BY DEED
RECORDED MAY 24, 1966 IN BOOK 5316 PAGE 672 OF OFFICIAL RECORDS, DOCUMENT NO. 39557; THENCE WESTERLY, ALONG THE SOUTH BOUNDARY OF
THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, TO A POINT 11.00 FEET EAST OF THE SOUTHWEST CORNER OF
THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, SAID COUNTY ROAD RUNNING NORTHEASTERLY THROUGH SAID
SECTION 1; THENCE FOLLOWING THE CENTER LINE OF SAID ROAD AS FOLLOWS, NORTH 48°19' EAST, 188.00 FEET; NORTH 47°52' EAST, 293.00 FEET; NORTH
36°19' EAST, 287.00 FEET; NORTH 36°13' EAST, 229.00 FEET; NORTH 32°20' EAST, 296.00 FEET; NORTH 24°24' EAST, 577.00 FEET; NORTH 14°27' EAST,
426.00 FEET; NORTH 14°01' EAST, 298.00 FEET; NORTH 30°23' EAST, 122.00 FEET; NORTH 19°44' EAST, 125.00 FEET TO THE INTERSECTION WITH THE
CENTER LINE OF A CERTAIN ROAD RUNNING SOUTHEASTERLY THROUGH SAID SECTION 1; THENCE FOLLOWING THE CENTER LINE OF SAID LAST MENTIONED
ROAD AS FOLLOWS, SOUTH 77°06' EAST, 158.00 FEET; SOUTH 16°37' EAST, 314.60 FEET; SOUTH 64°39' EAST, 208.70 FEET; SOUTH 45°13' EAST, 153.40
FEET; SOUTH 29°18' EAST, 140.00 FEET; SOUTH 20°30' EAST, 196.00 FEET; SOUTH 23°42' EAST, 182.00 FEET; SOUTH 39°41' EAST, 181.00 FEET; SOUTH
78°31' EAST, 73.00 FEET; TO A POINT ON THE EAST BOUNDARY OF SAID SECTION 1, 2014.40 FEET NORTH OF THE SOUTHWEST CORNER OF SAID
SECTION, THENCE SOUTHERLY 511.44 FEET TO A POINT 142.25 FEET NORTHERLY FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SAID SECTION 1, THENCE WESTERLY TO A POINT OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER
OF SAID SECTION 1; THENCE SOUTHERLY TO THE POINT OF BEGINNING.

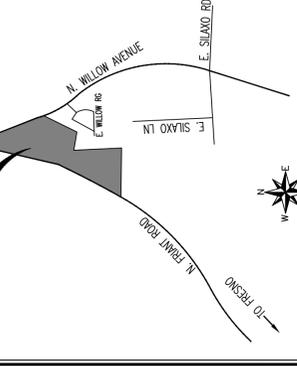
LEGEND - EXISTING NOTE: NOT ALL EXISTING SYMBOLS IN PLANS MAY BE SHOWN HERE

W12	EX WATER MAIN & PIPE SIZE
S312	EX SANITARY SEWER & PIPE SIZE
S315	EX STORM DRAIN & PIPE SIZE
C	EX BURIED COMMUNICATION LINE
T	EX BURIED TELEPHONE LINE
E	EX BURIED ELECTRICAL LINE
OH	EX BURIED OVERHEAD UTILITY
FO	EX BURIED FIBER OPTICS
UU	EX UNKNOWN UTILITY TYPE
EX	EX GAS METER
EX	EX SEWER CLEANOUT
EX	EX TELEPHONE PEDESTAL/BOX
EX	EX ELECTRICAL PULL BOX
EX	EX ELECTRICAL VALVE
EX	EX ELECTRICAL PAD MOUNTED
EX	EX GUY WIRE
EX	EX STREET LIGHT
EX	EX STREET LIGHT ON WOOD POLE
EX	EX POLE LIGHT

LEGEND

---	PARCEL MAP/TRACT PROPERTY BOUNDARY
---	STREET R/W
---	CENTERLINE
---	PROPOSED/EXISTING EASEMENTS
---	EXISTING BUILDING/SHADE PERIMETER
---	PROPOSED LOT

PROJECT

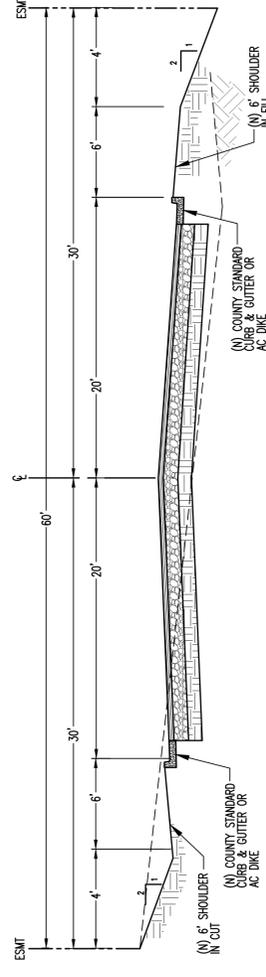


VICINITY MAP
(NOT TO SCALE)



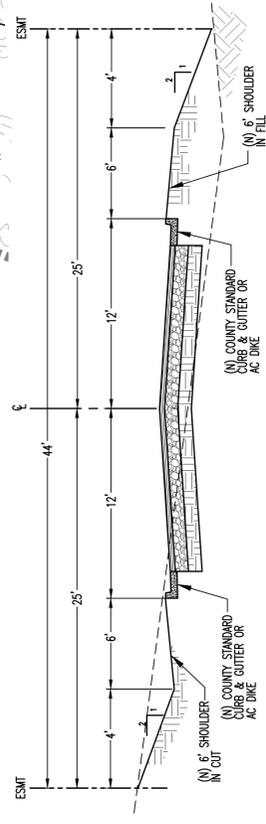
MAP NOTES

- PROPOSED SEWER, WATER, GAS, STORM DRAINAGE, CONCRETE CURBS, GUTTERS, AND SIDEWALKS, STREET LIGHTS, AND STREET IMPROVEMENTS TO BE INSTALLED PER COUNTY OF FRESNO STANDARD PLANS AND SPECIFICATIONS, UNLESS DEVIATION IS GRANTED BY THE AUTHORITY OR BY VARIANCE.
- THERE ARE NO EXISTING OVERHEAD UTILITIES OR EXISTING TREES ALONG PUBLIC RIGHTS OF WAY WITHIN THE FRONTAGE LIMITS OF THIS MAP.
- THERE ARE NO GRADE DIFFERENTIALS OF 6" OR MORE LOCATED AT PROPERTY LINES WITHIN THE LIMITS OF THIS MAP.
- THERE ARE EXISTING PRIVATE WELLS WITHIN THE LIMITS OF THIS MAP.
- THERE ARE ON-SITE EXISTING TREES WITHIN THE BOUNDARY OF THIS MAP.
- LOT AREAS INDICATED IN GROSS, INCLUDING OF ROAD EASEMENTS WITH INTENTION OF SUCH AREAS TO BE APPLICABLE FOR COMPLIANCE OF ALL SEPTIC AND WELL STANDARD APPLICABILITY.



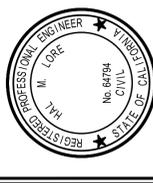
SECTION B - WILLOW AVE. ENTRY DRIVE

SCALE: NTS NOTE: DIMENSIONS PROPOSED SHALL BE ADJUSTED AS NEEDED DURING DESIGN OF THE SUBDIVISION BUT SHALL NOT BE LESS THAN SECTION A FOR WILLOW AVE. ENTRANCE



SECTION A - TYPICAL PUBLIC ACCESS

SCALE: NTS NOTE: DIMENSIONS PROPOSED SHALL BE ADJUSTED AS NEEDED DURING DESIGN OF THE SUBDIVISION BUT SHALL NOT BE LESS THAN ABOVE



DESIGNED BY: H. LORE
DRAWN BY: G. XIONG
CHECKED BY: H. LORE
SCALE:

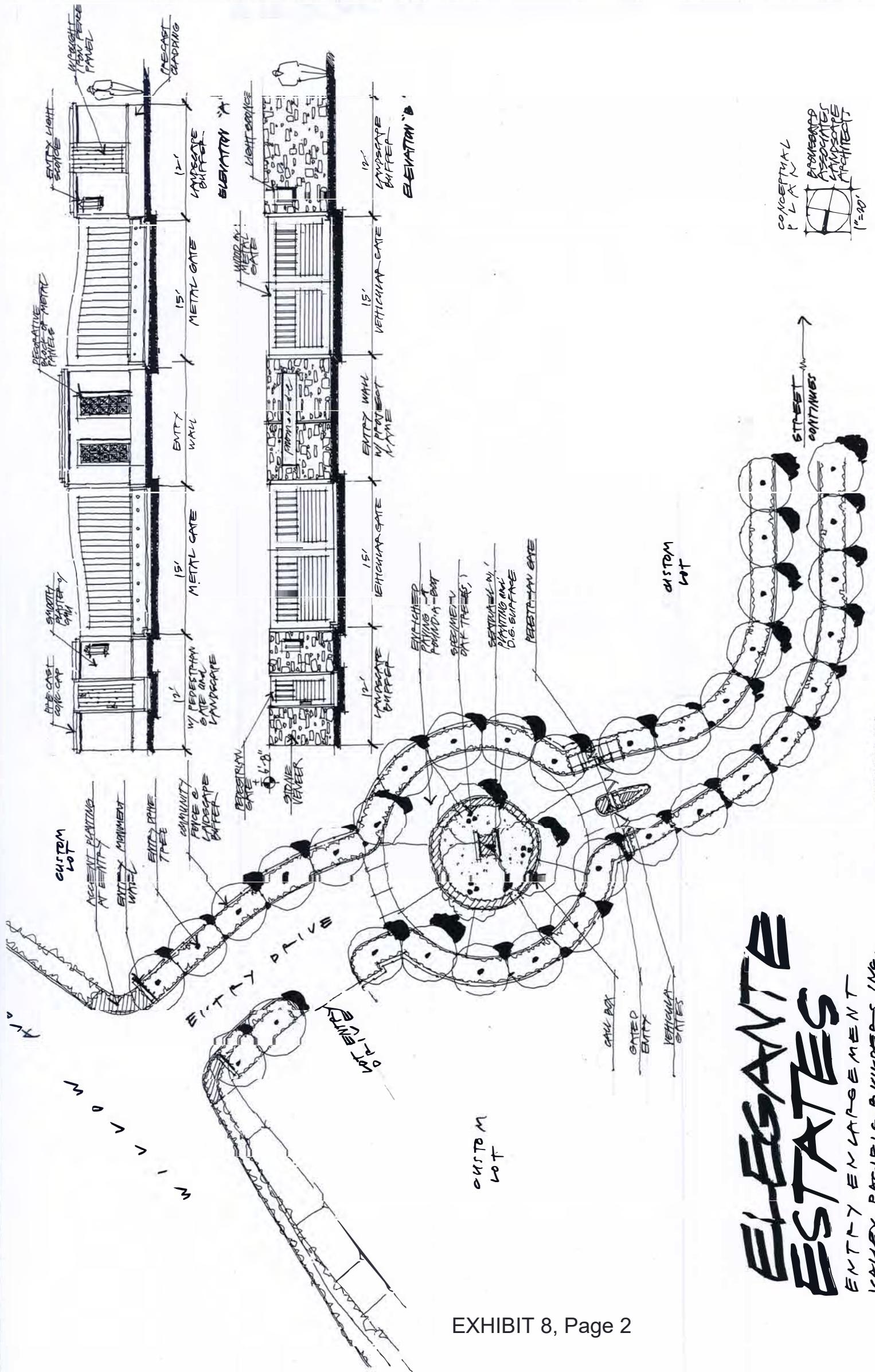
PROJECT: EEL2101
DATE: 12/15/23

TM-1
SHEET 1 OF 1

PROJECT TITLE: ELEGANTE ESTATES - TRACT 6420
TENTATIVE TRACT MAP

PREPARED BY: LORE ENGINEERING, INC.
620 DEWITT AVENUE, SUITE 101
CLOVIS, CA 93619
(559) 297-5200 - FAX
(559) 297-5205 - TEL
EMAIL: HAL@LOREENGINEERING.COM WWW.LOREENGINEERING.COM

PREPARED FOR: ELEGANTE ESTATES, LLC
N. FAIRFAX AVENUE
CLOVIS, CA 93612



CONCEPTUAL
PLAN
PROGRESSIVE
ASSOCIATES
LANDSCAPE
ARCHITECTS
1"=20'

STREET
CONTIGUOUS

CUSTOM
LOT

PUBLIC FRONT ROAD

**ELISANTE
ESTATES**
ENTRY ENLARGEMENT
VALLEY PACIFIC BUILDERS INC.

VINTAGE ON THE BLUFF

A 16-Lot Tentative Tract Map (No. 6420)

Operational Statement

Submitted to:

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

Prepared for:

Vintage on the Bluff, LLC
Fresno, CA
(559) 251-5592

Prepared by:

Ewell Group
735 W. Alluvial Ave. #103
Fresno, CA 93711
(559) 437-1990

May 2024

Operational Statement

Project Description

This Operational Statement provides for the design framework for Tentative Tract Map 6420 for the development of 16 rural residential single-family 2-acre± lots plus a common area, totaling approximately 36± acres within Fresno County (Project). The Project is located on Assessor Parcel Numbers 579-060-37 and 579-060-55, at the intersection of Friant Road and Willow Avenue, approximately one and three-quarter mile north of Copper Avenue. It is bounded on the east side by Willow Avenue and adjacent to residential projects, the north by rural residential and westerly to the Cemex Concrete Plant, and on the south side by Maple Ridge Subdivision consisting of approximately 2-acre lots; on the east side by Monte Verdi Estates, a 125-lot residential subdivision; and to the west, by a mix of agriculture, residential and commercial lots¹.

The Project site's current land use is agricultural and includes 4 dwelling units, multiple wells and is zoned AE20. The proposed land use requested for the project site is a rural residential designation.

The Project is comprised of 16 single family lots with project-related uses in a gated area to be served by a private street system as shown on Tentative Subdivision Map No. 6420. The Project is envisioned as a private gated single-family neighborhood consistent with the surrounding neighborhoods and integrated into the natural environment and open space areas. Special attention has been given to water use, landscaping, and streetscape to provide for a pleasant community lifestyle that is drought tolerant and water conscious. The Project may have a private natural trail system meandering through the natural topography and maintained by the Homeowners Association (HOA). The HOA will be established to monitor and maintain the integrity of the Project, including adherence to drought tolerant requirements, architectural parameters, private roadways and gates provided for in the CC&Rs consistent with this Operational Statement.

The Project includes the following features:

1. Drought Tolerant Irrigation, including refined front and back yards and drought tolerant landscaping.
2. CC&Rs shall require all lots to participate in regional groundwater recharge as a County program is established.
3. The Property may have a natural trail system and these facilities, along with the two Project entryways and perimeter fencing, common area gates, fences and trail will be operated and maintained by the HOA.
4. Each residence at building permit may pay a one-time fee to the San Joaquin River Parkway and Conservation Trust

1. Water Supply - Potable Domestic and Drought Tolerant Irrigation

a) Domestic Water Use: The Project's residential lots will be served by groundwater wells to be individually owned and privately operated by each lot owner for domestic potable water supply within the Project site consistent with the CC&Rs. The common area facilities such as trails, entrances etc. will be served by a groundwater well owned and operated by the HOA. The Project has three existing groundwater wells that have been subjected to County approved testing parameters. The Project may also participate in a recharge program using surface water capture and percolation to enhance groundwater in the area.

b) Outside Irrigation Use: The Project's residential lots will obtain irrigation water in conjunction with the usage of the private groundwater wells to be permitted and installed at the time of development. The Project will incorporate a mandatory requirement that all landscape irrigation, including all front and back yards of residences, be drought tolerant and will have irrigation limitations for the area on each parcel such as a defined boundary where landscaping can occur and leaving the remaining portion of the lot/bordering perimeter in a maintained natural state. The residents will be required to use drought tolerant landscaping for irrigation water efficiency. Any landscape of 500 ft. or more will be subject to the Model Water Efficient Landscape Ordinance.

2. Fire Protection

The Project will consist of either fire sprinklers (in buildings) or hydrants located on each residential lot and to be installed by the lot owner at the time of development. Residential lots shall conform to County and Cal-Fire standards, which generally will consist of internal building fire sprinkler and pressurized (or draft-only type) fire hydrants serving each lot. Fire sprinklers will be a requirement of all residential units. Fire flow and storage requirements of the permitting agency will be met with the use of the private onsite well and/or a private water storage system. Where fire protection facilities are constructed for the common area facilities, each residential unit will pay a HOA fee for the operation and maintenance of the common area fire-related facilities.

3. Open Space and Natural Trail System Plan

The Project may establish a HOA Open Space and Natural Trail System Plan and each residential unit will pay a HOA fee as may be reasonably required. At the developer's option, such open space and trail areas may be reserved by covenant or easement through each lot in favor of the HOA.

4. Mitigation and Monitoring Matrix

The Project may be subject to a Mitigation and Monitoring Matrix as set forth by Fresno County in the conditions of approval.

5. Air Quality

An Air Quality Impact Analysis has been prepared by VRPA, a local air quality consultant, for the Project. The Project will be subject to certain impact fees as adopted by the Air District.

6. Neighborhood Character

The neighborhood setting provides both privacy and convenience compatible with the site's natural setting and neighboring communities. Homes will be designed with special attention given to creating a strong relationship with each other and will strive to capture views, maintain view corridors, and respect the terrain of the natural setting. The Project will require that each property owner review building and landscaping plans and obtain approval from the HOA regarding the building character, aesthetics, and building pad location to confirm Project consistency prior to construction. The Project will be served conveniently by current and future commercial in nearby area.

All 16 lots have a gross minimum square footage of 87,120 square feet unless otherwise indicated on the approved tract map. Where lots deviate from the minimum square footage it shall not be less than 10% below the area standard.

The following residential design guidelines will reinforce the traditional neighborhood qualities and the residents' ability to visually enjoy surrounding vistas and open space amenities.

7. Residential Design Guidelines

The Project will have:

- a) An emphasis on creating residences with strong indoor/outdoor relationships through the generous use of windows, doors, and appropriate drought tolerant landscaping.
- b) Setbacks may vary for maximum flexibility with the goal of creating a comfortable street edge for pedestrians.

c) Building elevations and mass should be articulated to avoid monotony of a single architectural theme yet avoids mixing significantly different architectural styles. Each individual owner shall be required to submit an architectural building theme package to the HOA for approval prior to starting construction.

d) The visual impact of garages shall be reduced by a variety of means, including, but not limited to, garages which are set back from non-garage façade or porch, units with forward garages which also include courtyards, arbors, arches, or other similar treatments to enhance the streetscape, or side-turned garages.

e) Exterior wall materials should reflect the character of the region. Stone accents are encouraged along the building base and columns.

f) The use of lighter, subdued colors as the body color and brighter accent colors to accentuate architectural details are encouraged.

g) Roofing material shall consist of concrete or clay tile and of a natural color depending on the medium. Where medium to dark gray colors and style are used they shall be selected to match the overall architectural theme of the home.

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

8. Residential Development Standards

Since the Planned Unit Development process is not available in the RR Zoning District, minor Variance requests will be made for the Project, in order to provide for private roadways and widths to allow for orderly development, taking into account existing terrain, trees, and other natural features.

Set out below is the request for Variance and Exceptions to Standards.

9. Variance Requests for Tract 6420:

- (a) Private road width
- (b) Private gated community.

10. Landscaping and Neighborhood Entries

Plant materials are a strong unifying element and should reflect the physical, functional, and aesthetic qualities of the site and architectural elements. Limited palettes of material in simple compositions are recommended to achieve the overall semi-rural theme. Areas which will be landscaped, by the HOA, include the two entry points to the Project from Willow Avenue on the east and the emergency only entry on Friant Road; accent or pocket landscape areas may be incorporated at specific locations of the internal local neighborhood streets, cul-de-sacs leading to open space corridors, neighborhood entries; such locations will be determined by the HOA

11. Friant Road and Willow Avenue

Friant Road and Willow Avenue represent important edges for project identification and character due to the visibility of portions of the Project site from this roadway. Generally, landscape will be focused and installed at select locations, where existing or proposed terrains support such installations, but which are generally to be focused on entry points or segments near entries.

The landscape plantings will be in character with the overall semi-rural theme of the area and relate strongly with the neighborhood entry treatments.

All landscaped areas will be drought tolerant to sustain normal growth and capable of being maintained in good repair for long periods.

All front yards and back yards and a buffer zone/natural space for fire protection on each lot, will be irrigated with the respective lot owners' individual well.

12. Neighborhood Entries

Neighborhood entry treatments will be located on the easterly side of the entry point from Willow Avenue. In keeping with the semi-rural theme like the neighboring communities, signage will build upon low-key neighborhood entry treatments that will be easily identifiable to vehicular traffic. Natural materials such as stone or boulder monoliths with signage plaques mounted or carved onto the surface will be used to identify neighborhood entries.

13. Local Street Trees

Street trees play an important role in the quality of the local neighborhood environment. Lot specific property owners will be required to properly plant trees of the correct species that will grow into a shade canopy over local streets. The use of canopy trees saves energy by cooling the area and increases property values by improving the neighborhood streetscape.

14. Fencing

A coordinated system of fencing styles, to be installed by each specific lot owner, established by HOA that responds to a variety of fencing conditions related to aesthetics, privacy, and the overall semi-rural theme of the adjacent neighborhoods.

The following standards are intended to ensure the coordination, quality, and proper design of all fencing materials within the development area. Unless otherwise specified, the following standards shall govern in addition to the fencing requirements of Section 80-4 of the Fresno County Standard Specifications. HOA CC&R's will contain details as to walls, fences, and gates to be developed by the Project and lots with enforcement by the HOA. Set out below is an overview as it relates to fencing:

- a) Individual lots for security purposes may include fencing around the housing unit, however, the following types are prohibited: solid wood board, chain link, barbed wire, and other similar fencing materials.
- b) Where lot fencing is installed, it shall be installed by the lot owner, unless associated with the HOA maintained area.
- c) Property owners, at a minimum, shall be required to install perimeter fencing (consistent with the standard herein) at the time of housing construction where such lots are located on the perimeter of the project limits. Where such perimeter fencing is associated with a HOA maintained facility, it shall be installed by the HOA.

15. Lighting

Simple efficient entry, pathway and landscape lighting may be provided at HOA maintained areas, such as entry points to Willow and Friant Road and select common areas. Lot owners installed architectural lighting effects are encouraged at lot entries or integrated with landscaping to promote nighttime identity and character. Excessive lighting and glare shall be avoided through careful selection and placement of lighting standards and illumination levels.

- a) All lighting which is installed within or adjacent to roadways, private or HOA, shall be similar or identical per the development standards and as approved by the HOA prior to installation.
- b) Lighting fixtures should direct light downward and minimize area glare and light spillover including the avoidance of glaring streetlights.

16. Circulation

Willow Avenue

Willow serves as the primary circulation route to the Project with a required right turn out of the Project.

Local Streets

Local streets will be private, providing access and circulation to individual lots. The street sections are shown on Tract Map 6420.

If required, the developer may enter into a traffic improvement agreement with the County to provide for the funding of the required traffic, signalization and transportation improvements (GAC).

17. Grading

The Project respects the physical character and environmental area and is sensitive to visual qualities, building types, and development efficiency.

The Project will be designed, and will implement through HOA development guidelines, grading and drainage standards that will (to the extent feasible) be compatible with the physical character and environmental qualities of the area to the north and south and the topography that separate the development area from developments surrounding it.

The following general standards apply to the grading within the Project site, subsequent HOA development standards may supersede the information below are supplement the intent and design criteria intentions of the subdivision. The intent of these standards is to establish a balance in the overall approach to site development and the visual qualities of the prominent ridgeline and the site's "rolling" terrain.

Mass Grading Standards

- a) Mass graded sites should be contoured and shaped to resemble, to the extent feasible, the natural topographic forms. It is intended by some grading will be enacted by the Project with secondary grading occurring by each respective lot owner at the time of housing construction.
- b) Pads shall drain to a public street or Storm Drainage System were feasible and consistent with the overall drainage guidelines and requirements of the HOA

development standards and Fresno Metropolitan Flood Control District.

- c) The maximum vertical height of retaining walls between pads or benches may be no more than five vertical feet as measured from the base of wall to top of wall. Where additional retaining height is required, walls shall be tiered with offsets not less than 10 horizontal feet between walls. The criteria above does not indicate that such standards are applicable to all construction, each lot owner shall be required to obtain the recommendations of qualified geotechnical consultant for verification of all construction.
- d) All retaining walls to create building pads shall be constructed of reinforced materials.
- e) The exposed face of a foundation stem wall shall not exceed five feet in average height and shall be landscaped and/or screened with surface materials to disguise typical foundation building materials (concrete, etc.)
- f) Stockpile and borrow sites may be permitted within an area that is scheduled for future development. Such stockpiles must be knocked down to provide suitable access for fire management of regular discing or mowing. Stockpiles shall not divert drainage to unauthorized discharge points.

Hillside Grading Standards

- a) Toe and crest of manufactured slopes should be rounded to blend with adjoining terrain to the extent feasible. Generally, slopes shall not exceed 3:1.
- b) Where graded slopes intersect, the ends of each slope should be horizontally rounded and blended.
- c) All grading should be phased so that prompt revegetation or construction of improvements will control erosion. Temporary erosion control methods will be utilized where permanent installation is infeasible.

18. Infrastructure

All permanent utilities in the subdivision will be underground. Temporary overhead facilities will be allowed during the construction phases of the Project.

All potable water to serve each lot will be served with groundwater to be delivered

through individual wells within the Project area and maintained by the individual lot owners with HOA oversight.

The Project preliminarily identifies the following Developer infrastructure obligations:

- a) Construction of on-site improvements, roadways, entry features.
- b) Right-of-way dedication and construction of improvements as applicable on major street frontages.
- c) If required, extension of facilities from the proposed Project to the nearest improved point of connection if existing facilities are not adequate to serve the Project. This includes right-of-way dedication for streets, water and sewer lines, and construction of these facilities. Temporary facilities may be installed to serve the Project at the cost of the Project developer.
- d) At specific locations, dedication and improvement of drain ways, trail system and open space where applicable. Additional drainage ways and channels, with respect to or within some lots, may be constructed by individual property owners.
- e) Dedication of right-of-way for outside travel lanes and intersection improvements where applicable.

19. Number of Employees:

As a residential development there are no permanent employees that will be staffed on site. The HOA will implement the use of landscaping maintenance which will be part-time.

20. Service and Delivery Vehicles:

Third-party service facilities (vehicles, equipment, etc.) for the general maintenance of private residences and HOA common areas shall typically operate only during regular business hours. Service to the common landscape areas includes delivery of special fertilizers and maintenance supplies. It is projected that minimal trips per month will be necessary for supplies and materials.

21. Number of Parking Spaces for Employees, Customers, and Service/Delivery

Type of Surface on Parking Area: Parking spaces are generally not provided, either on street or at the residential lots, but where such areas accommodate parking within the street it shall be limited to less than 24 hours of time. Overnight on-street parking will not be allowed unless specifically approved by the HOA.

22. Water and Energy Conservation and Fire Protection:

Water Conservation:

(1) Each lot is divided into two zones. Zone A, a buffer/natural zone around the dwelling unit and yard to serve as an area to maintain a natural terrain and topography as well as protect the dwelling unit from grass fire, and Zone B or Yard Area is the area immediately surrounding the home providing for residential landscaping but within a reasonably sized and drought tolerant defined area.

Yard Area - Zone B: Approximately 19,000 to 35,000 square feet per yard.

Natural Terrain - Zone A: Approximately 45,000 to 59,000 square feet per yard.

All HOA areas and lots shall include the use of time-controlled irrigation facilities and metered devices.

(2) Landscape irrigation practices will be consistent with City of Fresno standards, for instance reduced during daylight hours in the months of May through October. This measure will reduce loss due to evapotranspiration. Property owners shall be required to follow the water schedules. Where excess watering or irrigation run-off occurs property owners shall be required to repair such occurrences and may pay HOA imposed fines.

(3) Yard landscape for each unit shall be designed by the homeowner using architectural guidelines. Each landscape plan shall be approved by the Project/HOA based on an overall landscape approach of appropriate drought tolerant vegetation and square footage of area, understanding the limitation of water available for yard landscape irrigation. Well water shall be applied by water efficient means and methods between the hours of 9 P.M. and 6 A.M.

b) Energy Conservation:

(1) Building energy consumption shall be reduced through site planning and building development standards.

(2) The lot plans prepared by each property for each individual lot will include optimization of appropriate tree planting to provide shading of paved areas.

(3) Additional measures for energy efficiency and conservation which describes the efforts toward achieving energy efficiency in site planning and building design may

be implemented

c) Fire Protection:

(1) Each residential unit in the subdivision will have a requirement for the installation of residential fire sprinklers and the minimum fire water storage (if required) in accordance with CalFire standards. Such facilities shall be the obligation of each property owner at the time of construction.

(2) As required by the Fresno Cal Fire, private lot owner water lines and fire hydrants (draft or pressurized) may be provided adjacent to structures.

23. Landscape Plan:

The Project will be landscaped with drought tolerant plants, which will be irrigated with groundwater approved by the HOA.

24. Sale of Goods on Site:

Not applicable.

25. Equipment to be Used:

Landscaping: Equipment used for mowing and maintaining landscaping, and irrigation-related equipment.

26. Supplies and Materials:

Only those minimal supplies required to maintain lots and common HOA area.

27. Does the Use Cause an Unsightly Appearance? Noise? Glare? Dust? Odor? If so, Explain How This Will be Reduced or Eliminated:

The entire project will produce negligible amounts of dust, glare, and odor. Some additional noise will be generated by the normal operation of cars and service vehicles.

28. List Any Solid or Liquid Wastes to be Produced: Estimated Volume of Wastes: How and Where is it Stored? How is it Hauled and Where is it Disposed? How Often?:

Not applicable to solid waste.

29. Estimated Volume (Acre-feet) of Water to be Used: Source of Water:

Consistent with the Ken Schmidt Hydrology analysis and report, the estimation of pumpage for the proposed project is approximately .74 acre-foot per lot per year, or a total of 11.8 acre-feet per year. Of this amount, 85 percent of the inside use (.21 acre-foot per year) and about .54 acre-foot per year of storm runoff, or a total of .75 acre-foot per lot per year, would be recharged. The consumptive use would be .39 acre-foot per year per lot, or a total of 6.1 acre-feet per year. Storm runoff for the project would be recharged at one or more storm runoff basins near Friant Road. This would recharge an average of .54 acre-foot per lot, or about 8.6 acre-feet per year, and exceed the consumptive use for the project.

30. Describe Any Proposed Advertising, Including Size, Appearance, and Placement:

No signage is involved in the project except as required by applicable health and safety standards.

31. 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:

New residences will be constructed consistent with the standards described in this operational statement.

32. Will Any Outdoor Lighting or an Outdoor Sound Amplification System be Used? Describe and Indicate When Used:

Landscaping lighting and street lighting as described in the Operational Statement.

33. Landscaping or Fencing Proposed? Describe Type and Location:

Fencing requirements will be in accordance with the Operational Statement.

EXHIBIT 10

To: County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project: Vintage on the Bluff is a project development consisting of 16 rural residential single-family 2-acre± lots , totaling approximately 37± acres within Fresno County (Project). The Project is located on Assessors Parcel Numbers 579-060-37 and 579-060-55, at the intersection of Friant Road and Willow Avenue, approximately one and three-quarter mile north of Copper Avenue.

1. **Variance Request:** Waive public road frontage requirement for the proposed parcels in Tract 6420 and Allow private roads (not subject to county public road standards) within the proposed Tract 6420 secured by a gated entry.

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A
VARIANCE

- a. **There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

Tract 6420 is unique in that it is in an area that is predominately encumbered by a bluff-type (steep terrain) condition through the middle of the project, as well as being encumbered by steep adjacent County expressway/roadway frontage conditions that limit access to the project. These existing conditions have caused circumstances which necessitate a non-standard private-public roadway network through the project and therefore due to the "private" element of such network a grant of variance from the County Road Frontage Requirement is required for needed access to the project residential parcels. The bluff type segment has created impractical conditions for construction of a standard County public road right of way width, the conditions of the site would necessitate special (private) road right of way for mitigation of the slope and creating narrower private-public access that can sufficiently navigate the bluff and rock conditions. Generally, the bluff conditions throughout the site are proposed to remain and generally the bluff segments control significant portions of land which limit the land availability for road network utilization. Therefore, to mitigate the exceptional circumstances due to the bluff, the project will construct a slightly narrower road right of way width with a private designation which still provides equal access as a County roadway but allows the roadway network to coexist with the bluff conditions. The proposed public access private roads will be consistent with the surrounding area as numerous existing and neighboring projects, which have similar conditions, similar proposed zoning and also have been constructed with similar road frontages due to these circumstances.

- b. **Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like**

conditions in the vicinity having the identical zoning classification.

Tract 6420 is unique in that it is located on a broad steeped face; this cliff is locally known as the San Joaquin River bluff. Because of the need to preserve the uniqueness of the topography from the bluff, the existing residential developments in the area have utilized construction that preserves these existing bluff elements, not only from a visual perspective, but also due to the construction feasibility perspective of each project. Preservation of the bluff-type conditions, in general, has afforded reductions in overall land disturbances, grading impacts, and preservation of existing ecology in the bluff segment as the land is generally preserved in their existing state. Additionally, through these preservation efforts, it is needed to adapt typical County standards road right of way to match the "community" standard of a narrower right of way for handling the bluff condition.

The project proposes to adapt the on-site road right of way standards, in order to preserve the bluff and to adapt construction to make development feasible for this condition. This adaptation is consistent with other adjacent and nearby projects and properties that have also reduced road widths to preserve the bluff condition with development.

c. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

There are no known detrimental or injurious impacts on adjacent properties in granting this Variance. The proposed project will allow for private-public road improvements which are similar in function to other County roads including those adjacent to the property which will also be maintained privately and will be within a gated community. Roadways would be protected and preserved through the common private maintenance of the roadway. All roadways will be reviewed and approved for the expected fire truck apparatus and shall be reviewed by the local fire authority as part of the improvement process. Individual lot owners will have adequate vehicular access to their residential lots within the development, and no third party (off-site property owner) is proposed to utilize the project roadway network on a common basis.

d. The granting of such Variance will not be contrary to the objectives of the General Plan.

The granting of this Variance would appear to carry out the objectives of the General Plan and allow for additional residential development as required by the State of California housing element and such development would not impact highly productive agricultural lands. The proposed private-public roadway network through the project will provide equivalent access to a County standard right of way, only privately maintained and constructed.

- e. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

Tract 6420 is unique in that it is in an area that is predominately encumbered by a bluff-type (steep terrain) condition through the middle of the project, as well as being encumbered by steep adjacent County expressway/roadway frontage conditions that limit access to the project. These existing conditions have caused circumstances which necessitate non-standard private-public roadway network through the project and therefore due to the "private" element of such network a grant of variance from the County Road Frontage Requirement is needed for needed access to the project residential parcels. The bluff type segment has created impractical conditions for construction of a standard County public road right of way width, the conditions of the site would necessitate special (private) road right of way for mitigation of the slope and creating narrower private-public access that can sufficiently navigate the bluff and rock conditions. Generally the bluff conditions throughout the site are proposed to remain and generally the bluff segments control significant portions of land which limit the land availability for road network utilization. Therefore, to mitigate the exceptional circumstances due to the bluff, the project will construct a slightly narrower road right of way width with a private designation which still provides equal access as a County roadway but allows the roadway network to coexist with the bluff conditions. The proposed public access private roads will be consistent with the surrounding area as numerous existing projects, which have similar conditions, also have been constructed with similar road frontages due to these circumstances.

- f. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

Tract 6420 is unique in that it is located on a broad steeped face; this cliff is locally known as the San Joaquin River bluff. Because of the need to preserve the uniqueness of the topography from the bluff, the existing residential developments in the area have utilized construction that preserves these existing bluff elements, not only from a visual perspective, but also due to the construction feasibility perspective of each project. Preservation of the bluff-type conditions, in general, has afforded for reductions in overall land disturbances, grading impacts, and preservation of existing wildlife in the bluff segment as the land is generally preserved in their existing state. Additionally through these preservation efforts, it is needed to adapt typical County standards road right of way to match the "community" standard of a narrower right of way for handling the bluff condition.

The project proposes to adapt the on-site road right of way standards, in order to preserve the bluff and to adapt construction to make development feasible for this

condition. This adaptation is consistent with other nearby projects and properties that have also reduce road widths to preserve the bluff condition with development.

- g. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.**

There are no known detrimental or injurious impacts on adjacent properties in granting this Variance. The proposed project will allow for private-public road improvements which are similar in function to other County roads which will also be maintained privately and will be within a gated community. Roadways would be protected and preserved through the common private maintenance of the roadway. All roadways will be reviewed and approved for the expected fire truck apparatus and shall be reviewed by the local fire authority as part of the improvement process. Individual lot owners will have adequate vehicular access to their residential lots within the development, and no third party (off-site property owner) is proposed to utilize the project roadway network on a common basis.

- h. The granting of such Variance will not be contrary to the objectives of the General Plan.**

The granting of this Variance would appear to carry out the objectives of the General Plan and allow for additional residential development as required by the State of California housing element and such development would not impact highly productive agricultural lands. The proposed private-public roadway network through the project will be provide equivalent access to a County standard right of way, only privately maintained and constructed..

2. Variance Request: Waive lot depth to lot width ratio (4 to 1) in the proposed RR Zone District.

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A VARIANCE

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.**

Tract 6420 is unique in that it is in an area that is predominately encumbered by a bluff-type (steep terrain) condition through the middle of the project, as well as being encumbered by steep adjacent County expressway/roadway frontage conditions that limit access to the project. These existing conditions have caused circumstances which necessitate non-standard residential lot design which must deviate from the County's depth to width ratio of 4:1. The bluff type segment has created impractical conditions for construction of a standard 4:1 depth to lot ratios, as road access and lot frontages must be placed in areas that avoid the bluffs to gain access to the site. In providing access, the locations of the proposed roads create lot conditions which exceed the County's

depth to lot ratio. Generally the bluff conditions persist throughout the site and there is limited the land availability for road network utilization therefore the depth to width ratio variance will persist throughout the project. The proposed lot configurations are consistent with other properties with similar bluff conditions which also have similar narrow corridors for roadway access.

b. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Tract 6420 is unique in that it is located on a broad steeped face; this cliff is locally known as the San Joaquin River bluff. Because of the need to address the unique topography and meet slope requirements, the streets for this Project can only be placed in certain specific areas and within certain alignments in order to preserve bluff conditions. Placement of the streets to meet these requirements will require adjustments to lot depth to width ratio standards so that all project lands are utilized as lots and such lots would follow the limited land availability for the road network corridor. Although the bluff conditions provide challenges to development, it is deemed highly important to preserve said bluffs for the enjoyment of the property as well as to meet the expectations of the community to preserve the bluff presence.

c. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

There are no known detrimental or injurious impacts on adjacent property in granting this Variance. The project is being designed in a single phase and improvements will be in place accommodate drainage to mitigate the depth to lot ratios of the entire project. The project is bound by three sides with existing County public right of way and will not have impacts to adjacent properties.

d. The granting of such Variance will not be contrary to the objectives of the General Plan.

The granting of this Variance would appear to carry out the objectives of the General Plan and allow for additional residential development as required by the State of California housing element and such development would not impact highly productive agricultural lands. Due to the unique headland of the property including its rocky topography, soils and terrain it is not suitable for commercial, agricultural or other uses.

To: County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Date: 06/05/2024

Project: Vintage on the Bluff is a project development consisting of 16 rural residential single-family 2-acre± lots, totaling approximately 37± acres within Fresno County (Project). The Project is located on Assessors Parcel Numbers 579-060-37 and 579-060-55, at the intersection of Friant Road and Willow Avenue, approximately one and three-quarter mile north of Copper Avenue.

1. **Subdivision Exception Request: To allow a reduced right of way from 60' to 34' and allow a 75' minimum centerline road radius as an exception to the required 60' road easement and minimum road radius per County ordinance 17.72.333.A. This Subdivision Exception is requested due to constraints from existing terrain from existing bluff locations (to be preserved).**

REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF A SUBDIVISION EXCEPTION

1. **There are exceptional circumstances or conditions that affect said property or the reasonable use thereof.**

The bluff type segment has created impractical conditions for construction of a standard 60' County public road right of way width, the conditions of the site would necessitate special (private) road right of way width for mitigation of the impacts due to existing bluff slope and creating narrower private-public access that can sufficiently navigate the bluff and rock conditions. Generally, the bluff conditions throughout the site are proposed to remain, to be preserved and generally the bluff segments control significant portions of land which limit the land availability for road network utilization. Therefore, to mitigate the exceptional circumstances due to the bluff, the project will construct a private roadway, with a slightly narrower road right of way width of 34' and with a minimum 75' centerline radius designation which will still provide equivalent and similar access as a County 60' roadway but allows the roadway network to coexist with the bluff conditions. The proposed public-private roads will be consistent with the surrounding area as numerous existing projects, which have similar conditions, also have been constructed with similar narrow roadway networks.

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

Tract 6420 is unique in that it is located within a broad steeped face embankment; this embankment is locally known as the San Joaquin River bluff. Because of the need to preserve to the degree possible, the uniqueness of the topography from the bluff. The existing residential developments in the area have utilized construction that preserves these existing bluff elements, not only from a visual perspective, but also due to the construction feasibility perspective of each

project. Preservation of the bluff-type conditions, in general, has afforded for reductions in overall land disturbances, grading impacts, and preservation of existing wildlife in the bluff segment as the land is generally preserved in their existing state. Without this exception the property cannot enjoy the same property right and permit use that other properties have enjoyed in the area.

3. The granting of the exception will not be detrimental to the public safety, health and welfare.

There are no known detrimental or injurious impacts on adjacent properties in granting this Subdivision Exception. The proposed project will be gated to the general public, but will allow for private-public road improvements which are similar in function to other County roads which will also be maintained privately and will be within a gated community. Roadways would be protected and preserved through the common private maintenance of the roadway. All roadways will be reviewed and approved for the anticipated fire truck apparatus and shall be reviewed by the local fire authority as part of the improvement process. Individual lot owners will have adequate vehicular access to their residential lots within the development, and no third party (off-site property owner) is proposed to utilize the project roadway network on a common basis.

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

The granting of this Subdivision Exception would appear to carry out the objectives of the General Plan and allow for additional residential development as required by the State of California housing element and such development would not impact highly productive agricultural lands. The proposed 34' private-public road right of way network through the project will provide equivalent access to a 60' County standard right of way, only privately maintained and constructed.

Given that there is no impeding of existing county public road traffic function, there will not be any other property or County public interest involved in use of the reduced 34' wide rights of way and no injury or impact to other property. This gated community would have no through traffic that would be of concern.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Vintage on the Bluff LLC

APPLICATION NOS.: Initial Study No. 8307, General Plan Amendment Application No. 566, Amendment Application No. 3850, Tentative Tract Map Application No. 6420; Variance Application No. 4140.

DESCRIPTION: Amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel known as Assessor Parcel Number (APN) 579-060-37 and a 21.18-acre parcel known as APN 579-060-55 from Agricultural to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; allow a Tentative Tract Map with the division of two subject parcels totaling 36.42 acres into 18 single-family residential lots as a Planned Residential Development.

LOCATION: The subject parcels are located at the junction of Friant Road and Willow Avenue, approximately 1,870 feet north of the City of Fresno boundary (APN: 579-060-37; 55) (12760 and 12762 N. Friant Road) (Sup. Dist. 2).

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: LESS THAN SIGNIFICANT IMPACT:

The project area is rural residential in character and is mostly developed with single-family homes. The single-family homes are located on the project site and on abutting

parcels to the east and south. Abutting parcels to the north and west are either undeveloped, developed with single-family homes, or planted in vineyard.

There are no scenic vista or qualitative scenic resources including trees, rock outcroppings, or historic buildings on or near the project site to be impacted by the proposed project.

The project site fronts on Friant Road and Willow Avenue. Friant Road at the project site is designated as a Scenic Highway in the Open Space and Conservation Element of Fresno County General Plan. General Plan Policy OS-L.3 states that development on a Scenic highway shall adhere to a 200-foot setback of natural open space parallel to the right-of-way. This Policy also provides for flexibility if the topographic or vegetative characteristics of the site provide screening of buildings and parking areas from the right-of way.

Regarding flexibility, all lots fronting on Friant Road right-of-way have topographic elevation variations ranging from 320-feet along Friant Road right-of-way to 380 feet into the parcels. The more recent adjacent development, excluding the existing two structures on the project site that are proposed to be removed, are along the top of the bluff near the 380-foot elevation, approximately 60-feet above Friant Road. The aesthetic impact here is more a function of elevation than distance. Hence, as long as new structures are built elevated to a minimum of the 360-foot elevation the aesthetic value is not impacted. This topographic variation also minimizes the exposure of homes off Friant Road right-of-way from noise, lights, and potential collisions. A Condition of Approval for the project requires that residential development on all parcels along Friant Road shall maintain a scenic setback of 200-feet or more measured from the ultimate right-of-way for Friant Road, or above an elevation of 360 feet. The setback area may be landscaped or may provide access roads, however, there shall be no structures except for the entry/gate features as shown in the submitted elevations for TTM 6420.

- 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 design, height, and construction of single-family homes within the proposed planned residential development will be consistent with the design, height, and construction of existing homes in the area, and as such will not degrade the visual character of the neighborhood. The impact would be less than significant.

- 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:

According to the Applicant's Operational Statement, the proposed planned residential development (PRD) will utilize street lighting mounted on standard poles. Lighting and glare impacts will be minimized through careful selection and placement of lighting standards and illumination levels by requiring all lighting fixtures direct light downward to minimize area glare and light spillover. To ensure that PRD will have a less than significant impact on the surrounding area resulting from new source of lighting, the project shall adhere to the following mitigation measure.

* **Mitigation Measure:**

1. *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 Department 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?

FINDING: NO IMPACT:

The project will not convert prime agricultural land into non-agricultural use. The project site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is designated by the 2016 Department of Conservation Important Farmlands Map as Rural Residential Land suitable for residential development.

According to a letter provided by a Certified Crop Advisor, Sustainability Specialist and Farmer, dated October 13, 2022, review of soils, elevations, and current markets indicates that the project site is not feasible to farm today. The top of the property is 41 percent Pollasky and 39 percent Montpelier soil composition with some Cometa and San Joaquin summit, knolls, and terraces. The site is classified as "Not of Farmland Quality" with 12 percent water holding capacity.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning on the project site does not allow the proposed planned residential development without General Plan Amendment (GPA) and Rezone of the property. With the approval of the subject GPA from Agriculture to Rural Residential and rezone from the AE-20 Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, the project site will be consistent with the subject proposal.

The project site is not restricted by Williamson Act Land Conservation Contract.

- 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?

FINDING: NO IMPACT:

The project site is not forest land, timberland or land zoned for Timberland Production. No forests occur in the vicinity of the site and therefore no impacts to forests, conversion of forestland, or timberland zoning would occur from the project.

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Land in the immediate surrounding is designated Agriculture and Rural Residential in the County General Plan, zoned AE-20 and R-1-B in the County Zoning Ordinance and is developed with single-family homes as a by-right use. The proposed residential development is similar in nature to the existing residential development in the area, and therefore would cause less than significant change in the area's existing environment.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant provided an *Air Quality and Greenhouse Gas Impact Assessment (Analysis) dated April 2022*. The Analysis was provided to the San Joaquin Valley Air

Pollution Control District (SJVAPCD) which responded with “No Comments” on the project.

Per the Analysis, the construction and operation of the proposed use (single-family residences) on the property will contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

An Air Quality Plan (AQP) describes air pollution control strategies to be implemented by county, or region classified as a non-attainment area. The main purpose of AQP is to bring the area into compliance with the requirements of the Federal and State air quality standards.

The California Environmental Quality Act requires that certain projects be analyzed for consistency with the Applicable Air Quality Plan (AAQP). For a project to be consistent with San Joaquin Valley Air Pollution Control District AAQP, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of AAQP. As discussed in Section II, B below, construction and operation of the proposed Planned Residential Development would not result in the generation of criteria air pollutants that would exceed SJVAPCD thresholds of significance. Therefore, the project would not conflict with or obstruct implementation of AAQP.

- 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:

The project area is within the San Joaquin Valley Air Basin (SJVAB), which consist of eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable, then the project’s impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the SJVAPCD considered the emission levels for which a project's individual emissions would be cumulatively considerable.

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) *Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI)* adopted in 2015 contains threshold for CO, NO_x, ROG, SO_x PM₁₀ and PM_{2.5}. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions per year are 10 tons for ROG, 10 tons for NO_x, 100 tons for CO, 27 tons for SO_x, and 15 tons for PM₁₀ and 15 tons per year PM_{2.5}.

Per the *Air Quality and Greenhouse Gas Impact Assessment (Analysis)*, the short-term project construction emissions (tons per year) are 5.58 for ROG, 6.04 for NO_x, 3.84 for CO, 0.007 for SO_x, 3.91 for PM₁₀ and 2.12 for PM_{2.5}. Likewise, the long-term project operational emission (tones per year) primarily resulting from mobile source (vehicle) emissions from the project site and area sources such as lawn maintenance equipment are 0.27 for ROG, 0.19 for NO_x, 1.17 for CO, 0.001 for SO₂, and 0.19 for PM₁₀ and PM_{2.5}.

Per this analysis, both construction emissions and operational emissions associated with the project would not exceed the significance criteria for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions. Therefore, construction and operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State Ambient Air Quality Standards.

The SJVAPCD is currently in unclassified/attainment for Federal standards and attainment for State standards for CO (Carbon Monoxide). An analysis of localized CO concentrations is typically warranted to ensure that standards are maintained. The traffic analysis prepared for the project demonstrates that adjacent study intersections will operate at LOS 'D' or better through the Cumulative Plus Project scenario. As a result, the overall CO concentrations at roadways and intersections in the study area would be less than significant.

Regarding Toxic Air Contaminants (TAC) the SJVAPCD identifies the need for projects to analyze the potential for adverse air quality impacts to sensitive receptors which include schools, parks, playgrounds, daycare centers, nursing homes, hospitals, and residential communities. From a health risk perspective, the proposed planned residential development is a type of project that would not emit significant levels of TACs and there are no potentially significant sources of TAC emissions in the vicinity.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. From a health risk perspective, the proposed planned residential development is not known to generate significant Toxic Air Contaminants (TAC) emissions nor is it near such a use that could affect future residents.

As discussed in Section II. B. above, the annual emissions from the construction phase of the project will be less than the applicable SJVAPCD emission thresholds for criteria pollutants. Likewise, annual emissions from operational phase of the project will be less than the SJVAPCD emission thresholds for criteria pollutants. Therefore, both the construction emissions and operational emissions associated with the project are less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (District) has not established a rule or standard regarding odor emissions; rather, the District Nuisance Rule 4102 (Nuisance) requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Per the *Air Quality and Greenhouse Gas Impact Assessment (Analysis)*, the common odor producing land uses identified by SJVAPCD are landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed planned residential development to allow for single-family homes on the parcels will not generate odorous emissions. Therefore, the project would not be a generator of objectionable odors during operations.

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?
- 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 WITH MITIGATIONS
INCORPORATED:

A *Biological Memorandum* titled as *Elegante Estates Property Preliminary Assessment of Potential Biological Resource Values (Biological Memorandum)* was prepared for the project by *Vollmar Natural Lands Consulting* and dated November 11, 2022. The *Biological Memorandum* assessed the project's impact on protected and/or sensitive biological resources and copies were provided to U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. Neither agency offered any comments on the project.

Per the *Biological Memorandum*, remote assessment and reconnaissance site visit was conducted to provide a preliminary evaluation of the potential for the project area to support protected biological resources.

Regarding remote assessment, publicly available data for the region, including a nine-quad search of the California Natural Diversity Database (CNDDDB, CDFW 2022) was reviewed. Also, reviewed were the California Aquatic Resource Inventory (CARI, SFEI 2017), designated critical habitat (USFWS 2015), and topographic maps (USGS 2021),

An in-person reconnaissance level survey of the site was conducted. A biologist visited habitat between the project area and documented California Tiger Salamander (CTS) habitat to observe the intervening condition and evaluate the possibility of CTS migrating to the project area. The visit found that California Tiger Salamander (CTS) would be unlikely to reach the project area due to the fact that the site does not support any aquatic features that could provide breeding and is greater than 1.24 miles from the nearest existing documented breeding habitat. Previously documented breeding habitats within 1.24 miles have been converted to a golf course and intensive agriculture (as evidenced on aerial imagery). In addition, the biologist who assessed the area between the proposed project site and historic occurrences noted that several significant barriers exist between the site and the historic occurrences.

Per the US Fish and Wildlife Service "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander October 2003" protocol-level surveys are comprised of two components: 1) Aquatic larval sampling of potential breeding ponds; and 2) Upland drift fence studies for sites that support breeding ponds or are within 1.2 miles of potential breeding ponds. Since the project area does not support breeding ponds (making aquatic sampling infeasible) and is outside of 1.2 miles of potential breeding habitat (making the drift fence survey unnecessary), the *Biological Memorandum* determined that protocol-level CTS surveys of the site are not needed.

Furthermore, according to *Biological Memorandum*, although nest surveys for Swainson's hawk and American badger were not conducted, the project area may still provide foraging habitat for these species who may occasionally move through the site. The San Joaquin kit fox is treated as having "low potential" to occur, encountering this species in this region is extremely unlikely, based on the long period since any positive

documentations in the region. The same is true for western pond turtle, given the great distance to occupied habitat.

As the project area provides for foraging habitat for Swainson's hawk, the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. *A qualified wildlife biologist shall conduct surveys for nesting Swainson's hawk (SWHA) following the survey methods developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000) prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.*
2. *If expansion of any project activities will take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of the project implementation. A minimum no-disturbance buffer of one-half mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.*
3. *In the event an active SWHA nest is detected during surveys and the one-half mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, Take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is warranted to comply with California Endangered Species Act.*

As the project area provides for foraging habitat for American Badger, the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. *Prior to initiating ground-disturbing activities on the project site, a qualified biologist shall conduct a habitat assessment, well in advance of the project implementation, to determine if the project area or its immediate vicinity contain suitable habitat for the American badger.*
2. *If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badgers and their requisite habitat features (dens) to evaluate potential impacts resulting from ground and vegetation disturbance.*

3. *Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.*

- 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: NO IMPACT:

According to the *Biological Memorandum* (Memo), no wetlands or waters are mapped in the California Aquatic Resource Inventory (CARI) or on U.S. Geological Survey (USGS) topo maps. During the reconnaissance level site survey, no seasonal wetlands or remnant vernal pools were observed in the ruderal grasslands the project site is mostly comprised of. No streams, ponds, or large wetlands exist in the project area.

- 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?

FINDING: NO IMPACT:

The project site is approximately one-quarter mile north of the City of Fresno boundary in an area not designated as a migratory wildlife corridor. The project site contains no water feature to provide for the migration of resident or migratory fish.

- 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: NO IMPACT:

No conflicts with local policies or ordinances, habitat conservation plans, or natural community conservation plans were identified pertaining to the project site or its immediate vicinity.

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 within an area moderately sensitive to historical, archeological, or paleontological resources. A record search conducted by the Southern San Joaquin Valley Information Center (SSJVIC) indicated that the archeological sensitivity of the area is high and was last surveyed in 2016. As the prehistoric or historic cultural resources may be present within the project site, the SSJVIC recommended for; 1) an archaeological survey of the property; 2) retention of an architectural historian to evaluate any 45 plus year old built environment of the site for local, state, and national significance, and 3) a retention of an archeologist to monitor any ground disturbance activities.

An Archaeological Resources Inventory and Built Resources Evaluation (Study) was prepared by ECORP Consulting, Inc. and dated January 2023. The Study was based on background research and a field survey of the site.

The Study identified two known architectural resources, P-10-4485 and P-10-4730, and identified two new architectural resources, EE-001 and EE-002. None of these resources are eligible for listing in the NRHP (National Register of Historic Places) or CRHR (California Register of Historical Resources).

Furthermore, there is a low potential for buried pre-contact archaeological sites in the project area. While there is Plio-Pleistocene aged alluvium from the San Joaquin River along the first terrace area in the western portion of the project area, and the presence of alluvium increases the likelihood of pre-contact archaeological sites located along perennial waterways, the age of the alluvium far exceeds the date of human occupation. Therefore, any pre-contact archaeological sites would be near the surface and portions would have likely been brought to the surface during discing. The remainder of the project area has an even lower potential for buried pre-contact archaeological sites due to the erosional nature of the environment and lack of alluvium.

As there always remains the potential for ground-disturbing activities to expose previously unrecorded cultural resources, implementation of the following mitigation measures will reduce the impact to less than significant:

* **Mitigation Measures:**

1. *If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:*

- a. *If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately with no agency notifications required.*
- b. *If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA (National Historic Preservation act), if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.*
- c. *If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Fresno County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the Public Resources Code, PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (Assembly Bill 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.*

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction activities related to the proposed planned residential development (PRD) is not anticipated to result in significant environmental impacts due to significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

All construction activities related to the planned residential development will comply with 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans for residential building/structures are submitted.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project area has 10 percent probability of seismic hazard in 50 years. Development of single-family dwellings within PRD would be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

The project site includes hilltop, slopes, and adjacent flat areas.

According to Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-3 of the Fresno County General Plan Background Report, the project site is not located in a generalized erosion hazard area. Grading activities resulting from residential development may result in loss of some topsoil due to compaction and over covering of soil for construction of buildings and structures for the project. However, the impact would be less than significant with a Project Note requiring all improvements on the property shall comply with Fresno County Improvement Standards and a grading permit shall be secured for construction of single-family homes and adjacent driveways.

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?

FINDING: NO IMPACT:

As noted above, the project site has topographic variations and is not located in an area which is subject to increased lateral spreading, subsidence, liquefaction, or collapse due to the site development. As a standard practice, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for any proposed structure/building.

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: NO IMPACT:

According to Figure 7-1 of Fresno County General Plan Background Report, the project site is not located in an area where soils have been determined to exhibit moderately high to high expansion potential. The project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of expansive soils.

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:

Each lot within the proposed planned residential development will be required to construct engineered sewage disposal system. Such system will be designed, and installation certified by the California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. Additionally, prior to initiation of any onsite work, a sewage feasibility analysis may be required and be approved by Fresno County Public Works Department.

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

FINDING: NO IMPACT:

No paleontological resources or geologic features were identified in the analysis. See Section V, CULTURAL RESOURCES above.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction and operational activities associated with the project would generate greenhouse gas (GHG) emissions. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. In the *Air Quality and Greenhouse Gas Impact Assessment (Analysis)* prepared for the project and dated April 2022, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. The Analysis were provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comments.

An *Air Quality and Greenhouse Gas Impact Assessment (Analysis)* prepared for the project and dated April 2022, indicates that the San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction related GHG emissions. As such, in the absence of a local air district's guidance for addressing GHG impacts at the lead agency's discretion, a neighboring air district's GHG threshold may be used to determine impacts. The South Coast Air Quality Management District (SCAQMD) Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency. The SCAQMD guidance identifies a threshold of 3,500 MTCO₂eq./year for GHG for construction emissions amortized over a 30-year project lifetime, plus annual operation emissions. Though the

project is under SJVAPCD jurisdiction, the SCAQMD GHG threshold provides some perspective on the GHG emissions generated by the project. The project yearly GHG emissions as determined by the CalEEMod model, is 303.32 MT/year (Project Operational Emissions Per Year Plus amortized construction emissions) which is less than the threshold identified by the SCAQMD. The resulting permanent greenhouse gas increases related to project operations would be within the greenhouse gas increases analyzed in the County of Fresno General Plan EIR since the project meets the applicable zoning requirements. There would be no increase in severity to the greenhouse gas impacts, and implementation of the project will not result in project-specific or site-specific significant adverse impacts from greenhouse gas emissions within the project study area.

- 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:

According to the *Air Quality and Greenhouse Gas Impact Assessment (Analysis)*, the project would not conflict with the State's GHG emissions reductions objectives embodied in Assembly Bill (AB) 32 Scoping Plan (reduction in GHG emissions to 1990 level by 2020), Executive Order B-30-15 (GHG emissions reductions target of at least 40 percent below 1990 levels by 2030), and Senate Bill (SB) 32 (expends on AB 32 to reduce GHG emissions to 40 percent below the 1990 levels by 2030). Therefore, the proposed project's incremental contribution to cumulative GHG emissions would not be cumulatively considerable.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not involve use, handling of, or a disposal of hazardous materials and is not within one-quarter mile of a school. The project requires General Plan Amendment and Rezone of a 36.42-acre project site to allow an 18-unit planned residential development in the R-R Zone District.

The Fresno County Department of Public Health, Environmental Health Division (Health Department), review of the project requires that prior to demolition of any existing structures, any active rodent or insect infestation shall be abated to prevent the spread of vectors to adjacent properties. Further, during demolition and/or remodel work: 1) upon encountering asbestos material, San Joaquin Valley Air Pollution Control District shall be contacted; 2) upon encountering lead-based paints used in the structures constructed prior to 1979, California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, and the State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 3) any construction materials deemed hazardous as identified in the demolition process shall be characterized and disposed of in accordance with current federal, state, and local requirements. These requirements will be included as Project Notes.

- 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, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Checking of the California Department of Toxic Substances Control Site (Envirostor), reveals that the project site is not a hazardous material site.

- 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:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 8.8 miles south of the project site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people living in the proposed residential subdivision.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards.

All lots within the proposed planned residential development will be served by a 50-foot-wide private public access easement off willow Avenue. This easement, provided with onsite turn-around areas, will comply with Fire Code, and County standards related to emergency access.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is not within the State Responsibility Area for wildland fire. As such, the proposed planned residential development will not expose people or structures to risk of loss, injury, or death involving wildland fires.

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 project will not violate waste discharge requirements. See discussion in Section VII. E. GEOLOGY AND SOILS above. Also, per the discussion below, the project will not violate groundwater quality. Each lot within the proposed planned residential development will be served by individual well, owned and operated by individual property owner.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), the project shall adhere to the following requirements; 1) in an effort to protect groundwater, all abandoned water wells and/or septic system on the parcel shall be properly destroyed by a licensed contractor; 2) permit shall be obtained from the Health Department to construct water well on the property; and 3) any underground storage tank found during construction shall be removed by obtaining an Underground Storage Tank Removal permit from the Health Department.

According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW), the proposed project does not meet the definition of a public water system and a permit from SWRCB-DDW to operate onsite well is not required.

The Regional Water Quality Control Board, Central Valley Region identified no issue related to groundwater supply and quality to the project.

- 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:

The project site is within a water-short area of Fresno County. This required a hydro-study to demonstrate that the groundwater supply is adequate to meet the highest

demand that could be permitted on the proposed lots; use of the proposed water supply will have no effects on other water users in Fresno County; and the water supply is sustainable.

A hydro-study titled as *Groundwater Conditions at and in the Vicinity of Elegante Estates, Friant Road and Willow Avenue* (Hydro-study) was prepared by *Kenneth D. Schmidt and Associates* and dated August 2022.

According to the hydro-study, a 72-hour of continuous pump test was conducted on two existing onsite wells (Upper and Lower) with one nearby monitoring. The Upper well resulted in 145,000 gallons being pumped with an average discharge rate of 33.6 gallons per minute. The Lower well resulted in 168.310 gallon being pumped with an average discharge rate of 39.0 gallons per minute. The hydro-study concluded the project has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property will not result in significant pumping-related impacts to surrounding properties. The Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works concurred with the hydro-study and required that the project shall adhere to the following mandatory requirement as a Project Note: the proposed parcels are located within an area defined as a low water area of the county; as such, prior to the issuance of a permit for the construction of a new residence, the owner of the property shall conduct a water well yield test to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190. The water well yield test must be reviewed and approved adequate by the Water and Natural Resources Division of the 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:

According to the *Biological Memorandum* prepared for the project, a survey of the project site has revealed that there are no intermittent stream or river on or near the project site. As such, the project will not alter the existing drainage pattern of the site or area.

Construction of homes and related improvements within the proposed planned

residential development would cause no significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. The project would require a Grading Permit and also storm water runoff generated by site development shall be retained on-site per County Standards unless Fresno Metropolitan Flood Control District specifies otherwise.

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

FINDING: NO IMPACT:

The project site is not within any flood hazard, tsunami or seiche zones. According to Figure 9-7 of the Fresno County General Plan Background Report, the project site is not within 100-year flood inundation areas.

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

FINDING: NO IMPACT:

The project is located within the North Kings Groundwater Sustainability Area (NKGSA) boundary and was routed to that agency, but no response was received.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not create barriers that would divide an established community in the area. The site is outside of the City of Fresno boundary or the community of Friant boundary.

- 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 would amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel (Assessor Parcel Number 579-060-37) and a 21.18-acre parcel (Assessor Parcel Number 579-060-55) from Agricultural to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; allow a Vesting Tentative

Tract Map with the division of subject parcels totaling 36.42 acres into a 18-lot planned residential development; and waive public road frontage requirement for the lots in the RR Zone District. The project site is within one-half mile of the City of Fresno boundary but outside the City's Sphere of influence (SOI) and as such was not referable to the City for annexation. The project was determined to be consistent with the following General Plan policies.

Regarding consistency with General Plan Policy LU-A.1, urban growth and development that surrounds the project site include the existence of public facilities and infrastructure for connection and use by the proposed planned residential development. Due to the existing residential development in the area, topography/bluff and inadequate soils, and elevation, the project site is not viable for a commercial farming operation.

Regarding consistency with General Plan Policy LU-A.12., the project site is not of farmland quality due to soil composition needed for a commercial farming operation and is surrounded by the existing single-family homes (Monte Verde 15,000 sq ft average parcel size and Willow Ridge two-acre parcel size) to the east and south.

Regarding consistency with General Plan Policy LU-E. 16, the creation of two-acre parcel is consistent with Rural Residential uses prevalent in the surrounding area. Numerous two-acre parcels have been created and developed within one half-mile radius. Given the adjacent and neighboring residential parcel size, the proposed two-acre planned residential development is consistent with use, growth, and demand for the area. The unique circumstances concerning the bluff, elevation and rocky topography require two-acre minimum parcels for residential development while the terrain prohibits commercial farming.

Regarding consistency with General Plan Policy LU-E.17., within a one-mile to five-mile radius of the project site, more than 60 percent (%) of available lots that are zoned RR (Rural Residential) has been developed with single-family homes.

Regarding consistency with General Plan Policy PF-C. 12 and Policy PF-C. 17, a hydro-study prepared for the project and discussed in Section X. A. above concluded that adequate groundwater supply is available for the project. The project will not add to groundwater overdraft.

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:

According to Figure 7-8 of the Fresno County General Plan Background Report, the project site is not within a mineral-producing area of the County.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department) the proposed residential development shall adhere to the Fresno County Noise Ordinance Code.

The VRPA Technologies, Inc., prepared a *Noise Study Report* (Report) for the project dated May 25, 2022, and was provided to the Health Department for review and comments.

According to the Report, noise from construction activities will add to the noise environment in the immediate area. However, construction activities will be temporary in nature and is expected to occur during normal daytime working hours. It is not anticipated that any portion of the construction phase will take place during nighttime hours. The nearest single-family residence at 170 feet to the east of the project site may be subject to short-term noise reaching 66 to 74 dBA Lmax generated by construction activities. Considering the maximum sound level of 70 dBA Lmax from the Fresno County Stationary Noise Sources, construction of the project will not impact neighboring residences. Short-term impacts would therefore be less than significant.

Regarding long term mobile noise related to traffic, the project will generate a total of 215 daily trips, 18 AM Peak hour trips and 20 PM peak hour trips. Since, traffic volumes associated with the project are small, project traffic will not create a significant impact at sensitive receptors in the area. Long-term impacts would therefore be less than significant.

Regarding stationary noise, the hourly and maximum sound level allowed at sensitive receivers (residential, transient lodging) during daytime (7:00am to 10:00pm) hours is 50 dBA and 70 dBA, respectively. According to the Report, none of the sensitive receivers will be impacted by off-site noise sources. The estimated maximum noise levels anticipated for the project will not exceed the Fresno County Stationary Noise Source criteria. Impacts would be less than significant, and no mitigation is required.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Nosie Study Report* (Report), ambient vibration levels in residential areas are typically 50 VdB, which is well below human perception. The operation of heating/air conditioning systems and slamming of doors produce typical indoor vibrations that are noticeable to humans but not considered adverse or significant.

Operation of construction equipment causes ground vibrations, which spread through the ground and diminish in strength with distance from the source generating the vibration. Ground vibrations because of typical construction activities very rarely reach vibration levels that will damage structures but can cause low rumbling sounds and detectable vibrations for buildings very close to the site. Construction activities that generally create the most severe vibrations are blasting and impact pile driving. Neither of these activities will be needed to construct the project.

The primary concern with construction vibration is building damage. Therefore, construction vibration is generally assessed in terms of PPV. Using the highest vibration level (Lv 87), the anticipated vibration level at 100 feet, 150 feet, and 200 feet is 75, 71, and 69 VdB, respectively.

The project related construction activities would likely use large and small bulldozers, dump trucks, drilling, and jackhammer. Ground vibration generated by common construction equipment would be 75 VdB or less at 100 feet or more. Because of the location of the project site and the nearest residential units to the northeast at 170 feet, construction of the planned residential development is not anticipated to impact adjacent residential units. As a result, the anticipated vibration levels at the nearest off-site structures will not exceed vibration levels greater than 75 VdB. Therefore, impacts would be less than significant without mitigation.

- 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, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

Per the discussion in Section IX. E. above, the project will not be impacted by airport noise.

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 existing single-family homes/related improvements on the project site will be demolished and replaced with the proposed 18-lot planned residential development (PRD). Upon full buildout, PRD is estimated to add 57 people (18 multiplied by 3.14 persons per household) to the area's existing population. However, this increase in population is small and less than significant. No indirect population growth will occur as the project will not require new roads or extension of existing road or other infrastructure.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will replace three existing single-family homes with 18 single family homes. However, the replacement of 10 people (3 multiplied by 3.14 person per household) from the property is less than significant and would not require replacement housing elsewhere.

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 (CalFire), the planned residential development on the property will require compliance with the California Code of Regulations Title 24 – Fire Code, and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The PRD may also require annexing into Community Facilities District No. 2010-01 of the CalFire.

- 2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A Condition of Approval has, therefore, been included requiring that prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support costs 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.

3. Schools?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within the boundary of Clovis Unified School District. Residential development within the proposed planned residential development would require paying school facilities fee prior to the issuance of building permits.

4. Parks?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed above, the proposed planned residential development will add 57 people to the area population. This number is less than significant to have any significant impact on local parks the nearest of which is Cooper River Park located approximately 1.5 miles southwest of the project site.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Pacific Gas & Electric Company (PG&E), the proposed planned residential development will comply with the agency's requirements relating to the provision of electric power and gas supply.

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:

The project will not require construction of a new or expansion of an existing neighborhood, or regional park, or any recreational facilities in the area. See discussion in Section XV above.

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:

According to the Transportation Planning Unit of the Fresno County Department of Public Works and Planning, the project is likely to impact county roadways. As such, a Traffic Impact Study is required for the project.

VRPA Technologies, Inc., prepared a *Transportation Impact Study (TIS)*, dated January 25, 2023. The TIS was provided to the Fresno County Transportation Planning Unit (TPU), Road Maintenance and Operations (RMO) Division, and the California Department of Transportation (Caltrans) for review and comments.

Per the determination made by TIS, all intersections in the traffic analysis study area are expected to operate at target levels of service or better with project in 2024 scenarios and for that reason, no mitigation measures are needed. However, in its review of TIS, the County Transportation Planning Unit (TPU) requires that: 1) the intersection of Friant Road and Willow Avenue, adjacent to the subject property be signalized in the near-term future; and 2) to ensure that the project will not impact the future design and construction of the signal, a Geometric Approved Drawings (GAD) showing the intersection layout shall be prepared and approved by the county prior to the approval of final tract map. Additionally, in preparing GAD, the county-adopted Precise Plan Line for Willow Avenue shall be considered. Furthermore, as the TIS did not identify the need for the signal, it shall be revised to include a calculation of a fair contribution for the installation of the signal at Friant Road and Willow Avenue intersection.

VRPA Technologies, Inc., prepared a *revised Transportation Impact Study (TIS)*, dated August 17, 2023. The TIS established need for a traffic signal and geometric improvements at the intersection of Friant Road and Willow Avenue; and need for the project to pay its fair share toward such improvements.

The TPU concurred with TIS and the applicant on the project's pro-rata share (3.36%) of the cost of improvements for the installation and geometric improvements at the intersection of Friant Road and Willow Avenue, based on Geometric Approval Drawings (GAD) designs, and an engineered cost estimate to be provided by the applicant. All of this is reflected in the following mitigation measure for the project.

* **Mitigation Measure:**

- a. The project proponent shall pay the project's pro-rata share (3.36 %) of the cost of improvements for the installation and geometric improvements at the intersection of Friant Road and Willow Avenue, based on Geometric Approval Drawings (GAD) designs and an engineered cost estimate provided by the applicant and approved by the County. The pro-rata share cost 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.

The applicant shall be credited the cost of preparing the GAD drawings towards Public Facility Fees, specifically signalization of the intersection of Willow Avenue and Friant Road associated with the development in accordance with Chapter 17.88 of the County code.

The California Department of Transportation (Caltrans) and the County Road Maintenance and Operations offered no comments on TIS. However, the Road Maintenance and Operations (RMO) Division's comment on the project requires that all frontage access to Friant Road (Expressway) shall be relinquished, excluding the proposed fire emergency access, and all frontage access to Willow Avenue (Super Arterial) shall be relinquished except for the proposed access easement on Willow Avenue. Additionally, a Condition of Approval would require that additional road right-of-way across the subject property along Willow Avenue shall be dedicated to the County in accordance with the Official Plan Line North Willow Avenue.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

VRPA Technologies, Inc., prepared a *Vehicle Miles Traveled (VMT) Analysis* for the project, dated *November 17, 2021*. Per the VMT Analysis, the project is expected to generate a total of 215 daily trips, including 18 AM peak hour trips, and 20 PM peak.

The VMT Analysis further stated that the Fresno Council of Governments (COG) has completed a document titled *Fresno County SB 743 Implementation Regional Guidelines dated January 2021* that presents substantial evidence that projects generating fewer than 500 trips per day may be presumed to cause a less than significant transportation impact. The Fresno County Transportation Planning Unit concurs with COG's threshold of VMT Analysis in that the project will generate 215 trips per day which is less than 500 trips per day. As such, the project would result in less than significant VMT impacts.

- 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:

The proposed planned residential development (PRD) is situated at the intersection of Friant Road and Willow Avenue with access to the proposed PRD provided from Willow Avenue approximately 400 feet south of its intersection with Friant Road. To minimize road hazard, a Condition of Approval would require that the Corner of project site (Friant Road and Willow Avenue) shall maintain all sight distance requirements determined

appropriate based on the Geometric Approval Drawings (GAD) to be provided by the project proponent and approved by the County.

The Fresno County Road Maintenance and Operations Division review of the project did not identify any road hazard due to the site access off Willow Avenue, or configuration of the proposed roadways for PRD.

Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

The project will not result in inadequate emergency access. As required by the Fresno County Fire Protection District (CalFire), an emergency access path into the project site will be provided from Friant Road frontage with its design being such that it would deter motorists from utilizing said access as a driveway. This requirement is reflected in the following mitigation measure:

• **Mitigation Measure:**

1. *An emergency access path to the project site consisting of a metal swinging gate with a padlock for emergency vehicle access only shall be provided from the Friant Road frontage of the property. To deter motorists from utilizing this emergency access path as a regular driveway, this access shall be designed to not appear as a routine driving surface but must be capable of supporting emergency response vehicles. Features such as the use of grasscrete or other non-typical driving surfaces shall be reviewed and approved by the Fresno County Fire Protection District and the Fresno County Department of Public Works and Planning prior to the approval of final Vesting Tract Map.*

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 site is moderately sensitive for archeological resources. 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 them 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, resulting in no further action on the part of the County. However, in the unlikely event that cultural resources are identified on the property, Mitigation Measures included in the Section V. CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

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:

The proposed planned residential development (PRD) will connect to existing electrical, natural gas and telecommunications facilities in the area. Relocation of the existing or new power poles may occur per the determination made by local electric and gas company (PG&E) but that change is expected to be less than significant. All lots within PRD will be served by individual well and individual septic systems. No significant environmental effects resulting from the provision of new utilities were identified by any reviewing agencies.

- 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:

Each lot in the proposed planned residential development will be served by individual well. A hydro-study prepared for the project has determined that the project has an adequate and sustainable supply of groundwater, and that future use of groundwater would not result in significant pumping-related impacts to surrounding properties. The project will be subject to a mitigation measure discussed in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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:

Each lot in the proposed subdivision will be served by an engineered sewage disposal system. Such system will be designed and installed by a certified California Registered Geologist, Professional Engineer, or Registered Environmental Health Specialist. See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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: NO IMPACT:

All solid wastes generated by the planned residential development will be subject to Solid Waste provisions of County Ordinance Code Chapter 8.20. and compliance with applicable federal, state, and local solid waste reduction goals.

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: NO IMPACT:

The project site is in Local Responsibility Area (LRA) which is not classified as very high fire hazard severity zone.

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 impact to biological resources and cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measures discussed in Section IV BIOLOGICAL RESOURCES and Section V. CULTURAL RESOURCES above.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project's impacts to less than significant levels. Projects are 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. No cumulatively considerable impacts were identified by any reviewing agencies or departments.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time residential development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Transportation will be mitigated through compliance with the Mitigation Measures listed in Section I, Section IV, Section V, and Section XVII of this report.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the adherence to the conditions of approval and mitigation measures contained in this report, development and operation of the proposed 18-lot planned residential development would not result in a direct or indirect substantial adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8307 prepared for General Plan Amendment Application No. 566, Amendment Application No. 3850, Tentative Tract Map No. 6420, Variance Application No. 4140, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to mineral resources, recreation, or wildfire.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, hydrology and water quality, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, biological resources, cultural resources, and Transportation, 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 southwest corner of Tulare and "M" Streets, Fresno, California.

EA:JP

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3850 - See GPA 566, VA 4140, TTM 6420\IS CEQAAA 3850 IS wu with track changes.docx

EXHIBIT 12

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) No 8307	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: 600-4042	Extension: N/A
Project Applicant/Sponsor (Name): Elegant Estates LLC aka Vintage on the Bluff LLC	Project Title: General Plan Amendment Application No. 566, Amendment Application No. 3850, Tentative Tract Map Application No. 6420; Variance Application No. 4140		
Project Description: Amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel known as Assessor Parcel Number (APN) 579-060-37 and a 21.18-acre parcel known as APN 579-060-55 from Agricultural to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District; allow a Tentative Tract Map with the division of two subject parcels totaling 36.42 acres into 18 single-family residential lots. The subject parcels are located at the junction of Friant Road and Willow Avenue, approximately 1,870 feet north of the City of Fresno boundary (APN 579-060-37; 55) (12760 and 12762 N. Friant Road, Fresno) (Sup. Dist. 2)			
Justification for Negative Declaration: Based upon the Initial Study (IS 8307) prepared for General Plan Amendment Application No. 566, Amendment Application No. 3850, Tentative Tract Map Application No. 6420; and Variance Application No. 4140, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to mineral resources, recreation, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, hydrology and water quality, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, tribal cultural resources and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics, biological resources, cultural resources, and transportation have been determined to be less than significant with the identified mitigation measures. 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 – July 5, 2024		Review Date Deadline: Planning Commission – July 18, 2024	
Date:	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Ejaz Ahmad, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
 MITIGATED NEGATIVE DECLARATION**



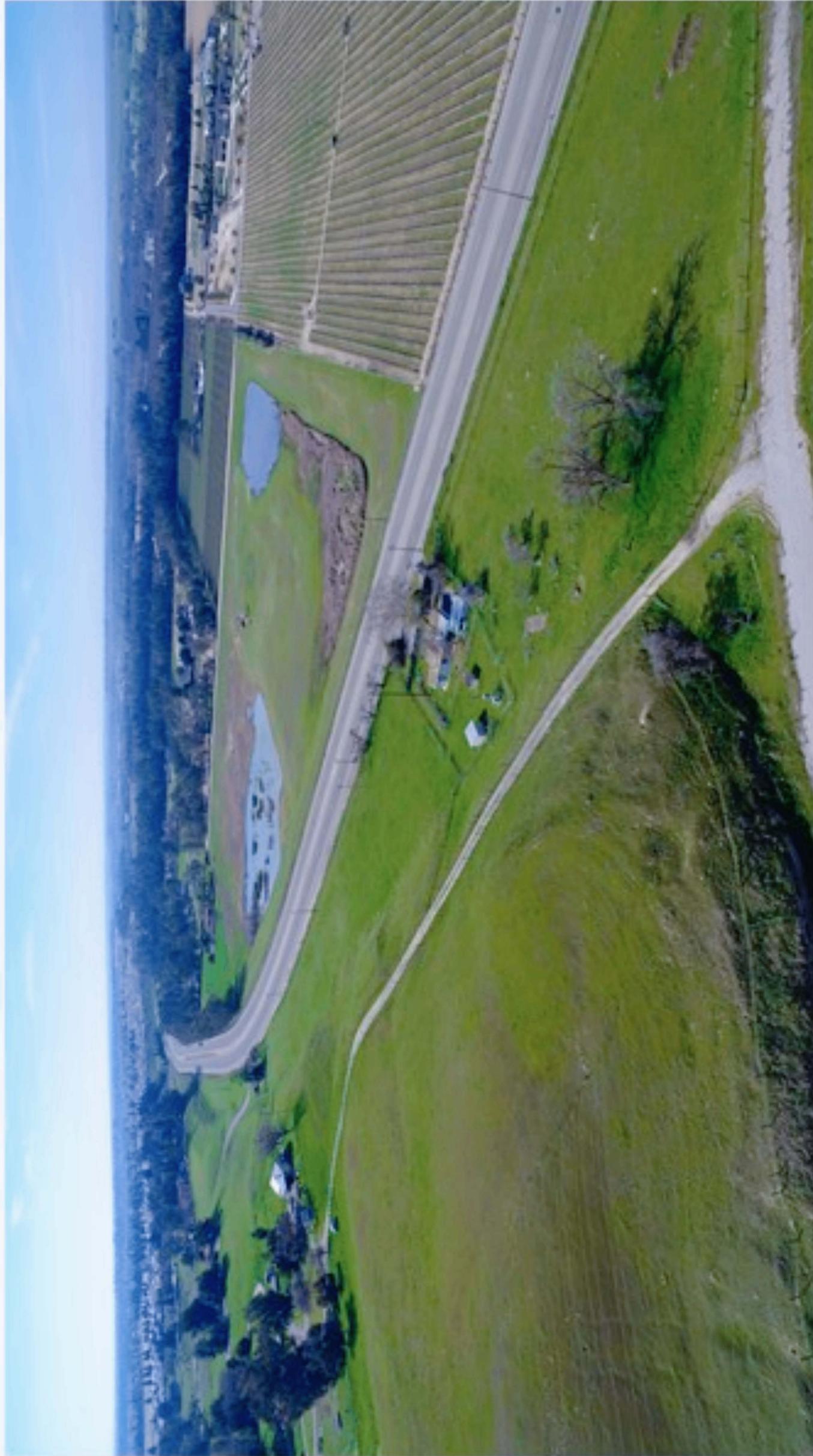
#1 Friant and Willow Intersection.



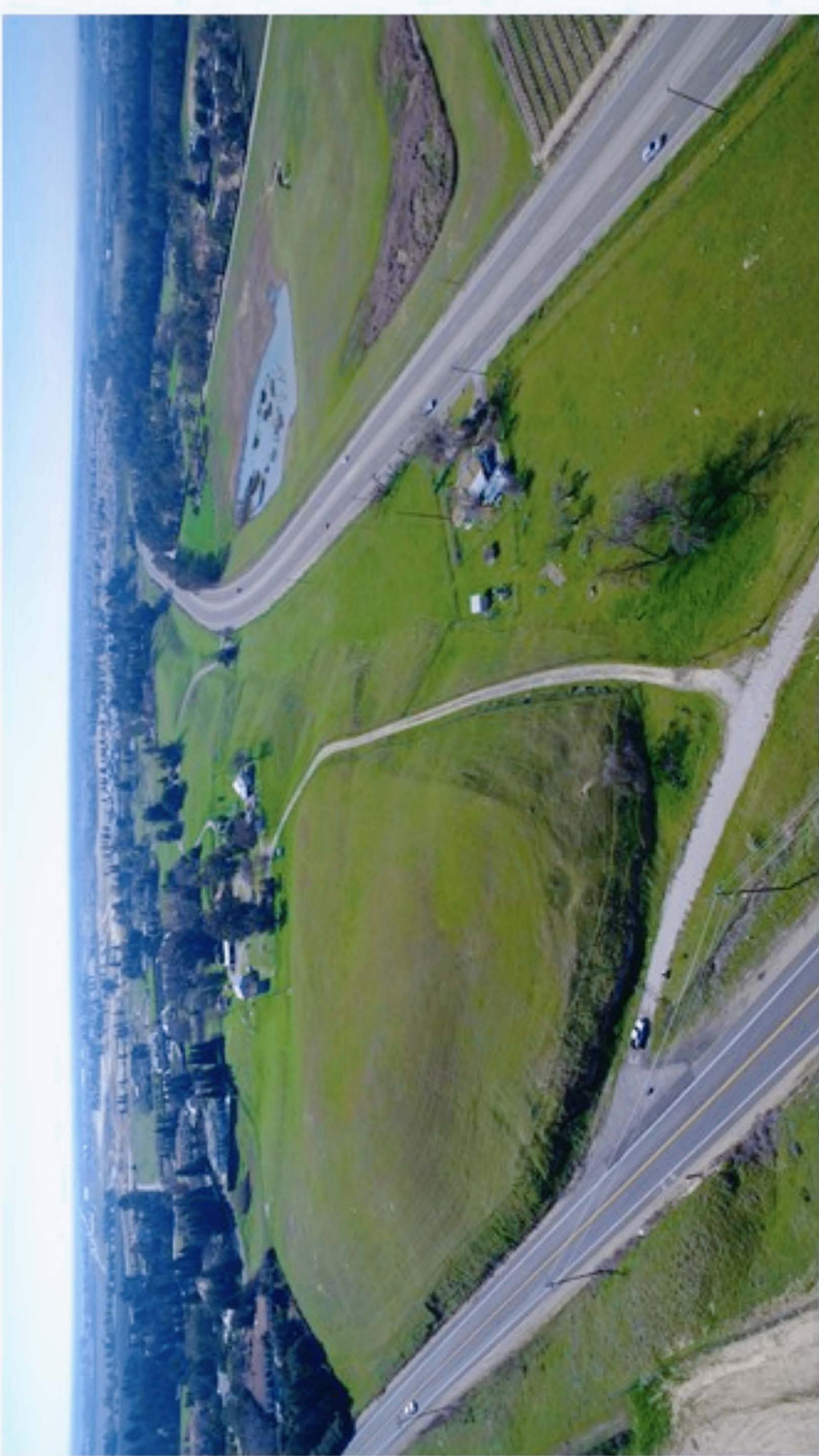
#2 Existing Property looking South.



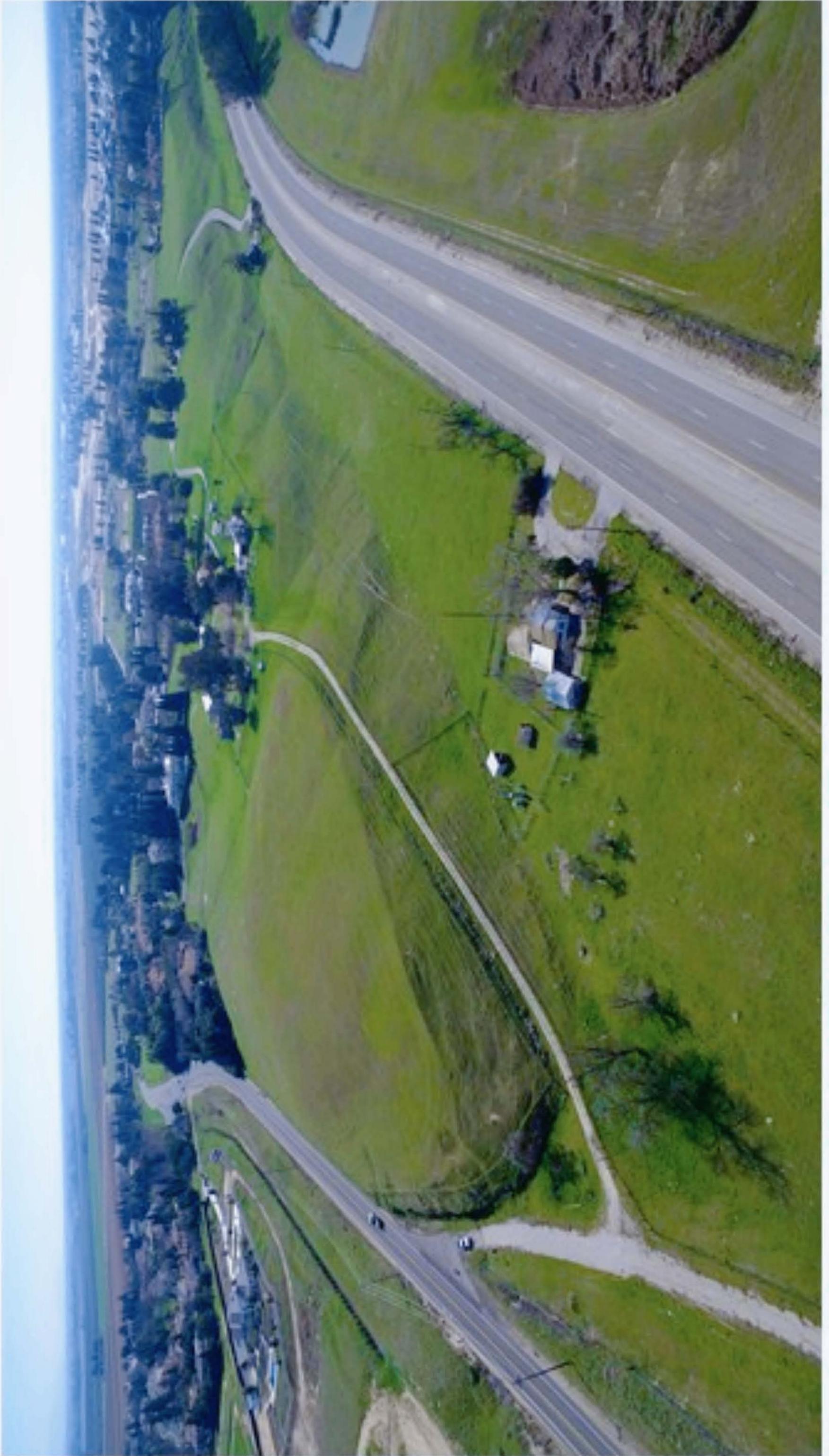
#3 Rear of Property looking at Frniat and Willow Northwest.



#4 Along Friant road viewing property looking Southwest.



#5 Viewing whole property looking Southwest with Friant Rd. on the Right side of picture and Willow on the Left side.



#6 Whole property looking South.

EXHIBIT 14

From: angeliak@aol.com
To: Ahmad.Ejaz
Subject: RE: County of Fresno - Initial Study 8307
Date: Tuesday, March 26, 2024 1:55:24 PM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Willow Ridge Estates HOA agrees with Dr Simonian. This project is immediately behind us on Friant Ave and our community already has water issues. The water table is stressed already. The developer came to us purporting to have tested all our wells and declared them “great”, but nothing was ever given to us in writing about that. He was the original developer of Willow Ridge Estates over 20 yrs ago and it has been quite some time since he told us he was sending people over to test our wells. No one really remembers that happening. We assumed there should be a detailed study before attempting such a project.

If we can't attend the public meeting, I hope you can allow us to give you our thoughts via email.

Angelia Kwok, Pharm.D.
Resident and Account Manager
Willow Ridge Estates HOA
1099 E Champlain Dr Ste A PMB 147
Fresno, CA 93720-5033
Cellphone: 559-930-5671

From: Peter Simonian <peter@psimonian.com>
Sent: Monday, March 25, 2024 6:39 AM
To: angeliak@aol.com
Subject: FW: County of Fresno - Initial Study 8307
Importance: High

From: Peter/Simonian User <ptsimonian@earthlink.net>
Date: Sunday, March 24, 2024 at 6:53 PM
To: <eahmad@fresnocountyca.gov>
Cc: Peter Simonian <pts1@earthlink.net>
Subject: County of Fresno - Initial Study 8307

Dear Mr. Ahmad:

In anticipation of the Planning Commission meeting on March 28, 2024,

regarding the enclosed proposed development and zoning change from Agricultural (AE-20) to Rural Residential, there are concerns that such a change will have a significant negative impact on many established families in the following neighborhoods: Monte Verdi, Willow Ridge, Pill Hill, Willow Bluff, and Silaxo Rd. Unfortunately, my work schedule will not allow me to attend in person.

This proposed development will add 18 more domestic wells to an area with an already severely compromised water supply. Many homes in the area have had to drill multiple wells and still struggle with the consequences of a diminishing water table. The proposed development also plans to add 18 new septic systems in this confined area which could additionally have a negative impact on the environment and water supply.

Many have paid a premium for their property, to be closely located to the parcels in question with pre-existing Agricultural zoning. This proposed development and zoning change from Agricultural to Rural Residential will unfairly devalue these surrounding existing homes.

I have bcc'd many of the concerned families in the area.

Thank you for your consideration.

Best wishes,

Peter Simonian

From: [Rena Rutledge](#)
To: [Ahmad Ejaz](#)
Subject: Monte Verdi impact
Date: Tuesday, March 26, 2024 8:55:34 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr Ahmad

I am astonished the Fresno County has put us on Stage 1 water conservation, and the county wants to have 18 more wells diminish our and our surrounding neighbors water tables. I know about several residence in Willow Ridge & several wells in Silaxo that have drilled deeper until they hit granite. THIS IS CONCERNING!!!! I do not want another Madera Ranchos or Appaloosa Acres saga in our Monte Verdi Estates neighborhood and our surrounding neighbors.

I will not be able to make your meeting, but I urge you to reconsider and relook at the finding on substantially decreasing groundwater supply.

Thank you.

Rena Rutledge

From: [theroxy](#)
To: [Ahmad_Ejaz](#)
Subject: WATER CONSERVATION 18 WELLS Initial Study 8307
Date: Monday, March 25, 2024 12:06:51 PM
Attachments: [20240325_County of Fresno.pdf](#)
[PastedGraphic-1.pdf](#)

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr. Ahmad,

Forgive me, but I never received the below letter regarding Elegante Estates, as we will be affected. I am very concerned Fresno County is allowing this when we are already on a Water Conservation list. How can this be?

Please educate me. It is very concerning.

Thanks.

Rena Rutledge



County of Fresno

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

March 8, 2024

IMPORTANT NOTICE WATER CONSERVATION STAGE ONE

Dear Resident,

You are receiving this letter because you are an owner of a property within one of the districts listed below:

CSA 1 – Tamarack	CSA 43W – Raisin City Water
CSA 5 – Wildwood Estates	CSA 44C – River View
CSA 10 – Cumorah Knolls	CSA 44D – Monte Verdi
CSA 10A – Mansionette Estates	CSA 47 – Quail Lake
CSA 14 – Belmont Manor	WWD 37 – Mile High
CSA 23 – Exchequer Heights	WWD 38 – Millerton Lake Estates
CSA 34– Millerton New Town and its Zones (A, C, D, F, G)	WWD 41W – Shaver Lake
CSA 34B – Ventana Hills	WWD 42 – Alluvial & Fancher

On March 5, 2024, the County of Fresno Board of Supervisors, which sits as the Board of Directors for Districts listed above, approved a resolution implementing **Water Conservation Stage One** (Severe Water Shortage Emergency Condition) for your water district beginning on **April 1, 2024, through March 31, 2025**.

Enclosed is a flyer that highlights the main regulations under Water Conservation Stage One. The flyer also provides tips for conserving water. All regulations for Water Conservation Stage One are detailed in the Fresno County Ordinance Code Chapter 14.01. An electronic version of this ordinance can be found at the website: <https://www.fresnocountyca.gov/Water-Conservation>.

If you have any questions regarding this notification, please call Fresno County, Special Districts, at (559) 600-4259.

Sincerely,

Special Districts Administration



Water Conservation Stage 1 Regulations Quick Reference

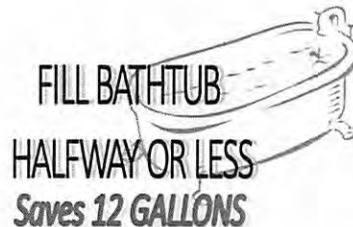
Significant Water Shortage Emergency Condition

Critical Water Shortage Emergency Condition

Stage 1 Regulation Highlights:

- Effective April 1, 2024 - March 31, 2025
- Three days a week watering schedule, NO watering between 9AM and 6PM
ODD Numbered Addresses: Tuesdays, Thursdays, and Saturdays
EVEN Numbered Addresses: Sundays, Wednesdays and Fridays
- ALL leaks in plumbing, water conduits, or other water fixtures must be repaired
- NO washing down sidewalks, driveways, parking areas, patios, or other paved or hard surfaces
- NO transferring water from one property to a neighboring property
- NO use of water from hydrants except for fire suppression
- Please read Fresno County Ordinance Code 14-01 for all **Stage 1** restrictions or go online to <https://www.fresnocountyca.gov/Water-Conservation> for additional information

Indoor Water Conservation Tips





County of Fresno

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

NOTICE OF PUBLIC HEARING FRESNO COUNTY PLANNING COMMISSION

A public hearing will be held on **INITIAL STUDY NO. 8307, GENERAL PLAN AMENDMENT APPLICATION NO. 566, AMENDMENT APPLICATION NO. 3850, TENTATIVE TRACT MAP APPLICATION NO. 6420, and VARIANCE APPLICATION NO. 4140** filed by Elegante Estates LLC aka VINTAGE ON THE BLUFF proposing to:

Amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel and a 21.18-acre parcel from Agriculture to Rural Residential; change the zoning of the subject parcels from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District to allow the creation of 18 single-family residential lots (Tract 6420) from the subject parcels; and allow variances to waive public road frontage and lot depth to lot width ratio requirements for the proposed lots in RR Zone District; and to allow Final Map lot areas inclusive of roadway easements (gross acreage) and for individual septic system and individual water wells on the proposed lots (2-acre gross) within the proposed tract. The subject parcels are located at the junction of Friant Road and Willow Avenue, approximately 1,870 feet north of the City of Fresno boundary (APN: 579-060-37; 55) (12760 and 12762 N. Friant Road) (Sup. Dist. 2).

The Planning Commission hearing will be at **8:45 a.m. on March 28, 2024** (or as soon thereafter as possible) in Room 301, Hall of Records, 2281 Tulare Street (Tulare & "M" Streets), Fresno, CA.

The Agenda and Staff Reports will be on the Fresno County web site
www.fresnocountyca.gov/PlanningCommission
by Saturday, March 23, 2024, 6:00 a.m.

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities, and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4230 or at jpotthast@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

From: [Hany Nasr](#)
To: [Peter Simonian](#)
Cc: [Ahmad, Ejaz](#); [Peter Simonian](#)
Subject: Re: County of Fresno - Initial Study 8307
Date: Sunday, March 24, 2024 7:38:57 PM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr. Ahmad

I disagree with the zoning change from agricultural to rural residential
Adding another 18 Wells to our neighborhood will negatively impact our water just to tell you
an example we moved about six years ago and up till now we cannot water the lawn with the
water from the well because we concerned it will not be enough for us imagine you approve to
add 18 more Wells For water use residential/landscape ??

Development will only be beneficial for the developer as homeowners will suffer from the
lack of water to their homes and families

What I will not be able to attend the meeting in person secondary to the work schedule

Thank you for your time and consideration

Hany Nasr MD

Sent from my iPhone

On Mar 24, 2024, at 6:54 PM, Peter Simonian <ptsimonian@earthlink.net> wrote:

Dear Mr. Ahmad:

In anticipation of the Planning Commission meeting on March 28, 2024, regarding the enclosed proposed development and zoning change from Agricultural (AE-20) to Rural Residential, there are concerns that such a change will have a significant negative impact on many established families in the following neighborhoods: Monte Verdi, Willow Ridge, Pill Hill, Willow Bluff, and Silaxo Rd. Unfortunately, my work schedule will not allow me to attend in person.

This proposed development will add 18 more domestic wells to an area with an already severely compromised water supply. Many

homes in the area have had to drill multiple wells and still struggle with the consequences of a diminishing water table. The proposed development also plans to add 18 new septic systems in this confined area which could additionally have a negative impact on the environment and water supply.

Many have paid a premium for their property, to be closely located to the parcels in question with pre-existing Agricultural zoning. This proposed development and zoning change from Agricultural to Rural Residential will unfairly devalue these surrounding existing homes.

I have bcc'd many of the concerned families in the area.

Thank you for your consideration.

Best wishes,

Peter Simonian

<Xerox Scan_03232024115115[4][2].pdf>

From: [Peter Simonian](#)
To: [Ahmad Ejaz](#)
Cc: [Peter Simonian](#)
Subject: Re: County of Fresno - Initial Study 8307
Date: Monday, March 25, 2024 3:29:13 PM
Attachments: [20240325_County of Fresno21.pdf](#)

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Dear Mr Ahmad:

To further point to the issue of a significant water shortage in the area, Monti Verdi, a neighborhood in the near vicinity (within a 1 mile radius) to this proposed project has been placed on Stage 1 Water Conservation by Fresno County, please see enclosed.

Thank you, Peter Simonian

From: Peter/Simonian User <ptsimonian@earthlink.net>
Date: Sunday, March 24, 2024 at 6:53 PM
To: <eahmad@fresnocountyca.gov>
Cc: Peter Simonian <pts1@earthlink.net>
Subject: County of Fresno - Initial Study 8307

Dear Mr. Ahmad:

In anticipation of the Planning Commission meeting on March 28, 2024, regarding the enclosed proposed development and zoning change from Agricultural (AE-20) to Rural Residential, there are concerns that such a change will have a significant negative impact on many established families in the following neighborhoods: Monte Verdi, Willow Ridge, Pill Hill, Willow Bluff, and Silaxo Rd. Unfortunately, my work schedule will not allow me to attend in person.

This proposed development will add 18 more domestic wells to an area with an already severely compromised water supply. Many homes in the area have had to drill multiple wells and still struggle with the consequences of a diminishing water table. The proposed development also plans to add 18 new septic systems in this confined area which could additionally have a negative impact on the environment and water supply.

Many have paid a premium for their property, to be closely located to the parcels in question with pre-existing Agricultural zoning. This proposed development and zoning change from Agricultural to Rural Residential will unfairly devalue these surrounding existing homes.

I have bcc'd many of the concerned families in the area.

Thank you for your consideration.

Best wishes,

Peter Simonian



County of Fresno

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

March 8, 2024

IMPORTANT NOTICE WATER CONSERVATION STAGE ONE

Dear Resident,

You are receiving this letter because you are an owner of a property within one of the districts listed below:

CSA 1 – Tamarack	CSA 43W – Raisin City Water
CSA 5 – Wildwood Estates	CSA 44C – River View
CSA 10 – Cumorah Knolls	CSA 44D – Monte Verdi
CSA 10A – Mansionette Estates	CSA 47 – Quail Lake
CSA 14 – Belmont Manor	WWD 37 – Mile High
CSA 23 – Exchequer Heights	WWD 38 – Millerton Lake Estates
CSA 34– Millerton New Town and its Zones (A, C, D, F, G)	WWD 41W – Shaver Lake
CSA 34B – Ventana Hills	WWD 42 – Alluvial & Fancher

On March 5, 2024, the County of Fresno Board of Supervisors, which sits as the Board of Directors for Districts listed above, approved a resolution implementing **Water Conservation Stage One** (Severe Water Shortage Emergency Condition) for your water district beginning on **April 1, 2024, through March 31, 2025**.

Enclosed is a flyer that highlights the main regulations under Water Conservation Stage One. The flyer also provides tips for conserving water. All regulations for Water Conservation Stage One are detailed in the Fresno County Ordinance Code Chapter 14.01. An electronic version of this ordinance can be found at the website: <https://www.fresnocountyca.gov/Water-Conservation>.

If you have any questions regarding this notification, please call Fresno County, Special Districts, at (559) 600-4259.

Sincerely,

Special Districts Administration



Water Conservation Stage 1 Regulations Quick Reference

Significant Water Shortage Emergency Condition

Critical Water Shortage Emergency Condition

Stage 1 Regulation Highlights:

- Effective April 1, 2024 - March 31, 2025
- Three days a week watering schedule, NO watering between 9AM and 6PM
ODD Numbered Addresses: Tuesdays, Thursdays, and Saturdays
EVEN Numbered Addresses: Sundays, Wednesdays and Fridays
- ALL leaks in plumbing, water conduits, or other water fixtures must be repaired
- NO washing down sidewalks, driveways, parking areas, patios, or other paved or hard surfaces
- NO transferring water from one property to a neighboring property
- NO use of water from hydrants except for fire suppression
- Please read Fresno County Ordinance Code 14-01 for all **Stage 1** restrictions or go online to <https://www.fresnocountyca.gov/Water-Conservation> for additional information

Indoor Water Conservation Tips

