

# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 May 16, 2024

SUBJECT: Initial Study No. 7918 for General Plan Amendment No. 561,

Amendment Application No. 3847, Classified Conditional Use

Permit No. 3688

Amend the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan to allow a 200-unit multiple-family residential complex as an alternative to the planned Hotel/Conference Center and 3-Par

Course use, and related text in the Specific Plan; and

Adopt Amendment Application No. 3847 to adjust the boundaries of the existing O(c) (Open Conservation, Conditional) and C-6(c)

(General Commercial, Conditional) Zone Districts, and

Approve Conditional Use Permit No. 3688 to allow a Planned Residential Development for the 200-unit multiple-family

residential complex,

LOCATION: The project site is comprised of a 23-acre site located on the east

side of Mariana Drive, beginning approximately 150-feet south of Millerton Road. The site is approximately three miles east of the unincorporated community of Friant (APN: 300-350-27s) (Sup.Dist.

5).

OWNER/

APPLICANT: Clarksfield Company, Inc. (White Fox Creek, LLC.)

STAFF CONTACT: Elliot Racusin, Planner

(559) 600-4245

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. 7918; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA)

Application No. 561 amending the Land Use Element boundaries and text of the County-adopted Millerton Specific Plan to amend the Millerton Specific Plan to allow a 200-unit multiple-family residential complex as an alternative to the Hotel/Conference Center and 3-Par Course use in the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan; and

- Recommend that the Board of Supervisors approve Amendment Application No. 3847 realigning the Zone District boundaries to correspond to the amended Specific Plan Land Use Designation boundaries; and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit No. 3688 with the recommended findings and conditions of approval listed in the Staff Report; and
- Direct the Secretary to prepare a Resolution documenting the Planning Commission's action and forwarding the above recommendation to the Board of Supervisors.

#### **EXHIBITS:**

- 1. Mitigation Monitoring, Conditions of Approval, and Project Notes
- 2. Location Map
- 3. Existing Zoning Map
- 4. Existing Land Use Map
- 5. Overall Site Plan/Site Plan/Floor Plan/Elevations
- 6. Applicant's Operational Statement
- 7. Summary of Initial Study Application No. 7918
- 8. Proposed Mitigated Negative Declaration
- 9. Proposed Amended Millerton Specific Plan Figures SP1-4, SP1-9 and SP1-A1(b)
- 10. Proposed Millerton Specific Plan Amendments to text
- 11. Site Photos
- 12. Public Comments

#### SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Open Space and Commercial in the County-adopted Millerton Specific Plan	No Change
Zoning	C-6(c) (General Commercial, Conditional) Zone District	O (Open Conservation) and C-6(c) (General Commercial, Conditional) boundary reconfiguration
Parcel Size	23-acre parcel	No Change

Criteria	Existing	Proposed
Project Site	Vacant	200-unit multiple-family residential complex on 23-acres.
Structural Improvements (Project site)	None	200-unit multiple-family residential complex on 23-acres.
Nearest Residence	Approximately 200 feet to the south (Tract No. 4870)	No change
Surrounding Development	South of the project site is a165 lot residential subdivision(Tract No. 4870) zoned R-1(c) Single-Family Residential, District. To the north, east and west is undeveloped property.	No change
Lighting	N/A	Project shall comply with Zoning Ordinance Section 820.3.080 – Regulations of Exterior Light and Glare.

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

#### **ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7918 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 and the proposed Mitigated Negative Declaration are included as Exhibits 8 and 9.

A Notice of Intent to adopt the Mitigated Negative Declaration was published on December 20, 2023.

Pursuant to Assembly Bill (AB) 52, the project was routed to the Native American Tribes in the area. A tribal consultation was requested, and changes were made to increase the amount of open space protecting potential cultural areas of interest. Further, as requested by Table Mountain Rancheria, in the unlikely event that cultural resources are identified on the property, the Tribe should be informed. The Mitigation Measure included in the Cultural Analysis section of the Initial Study will reduce impact to tribal cultural resources to less than significant.

#### **PUBLIC NOTICE:**

Notices were sent to 90 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission's action as practical to

make the final decision on the proposed applications. Information for that hearing will be provided under separate notice.

#### **PUBLIC COMMENT:**

No public comment was received as of the date of preparation of this report.

#### PROCEDURAL CONSIDERATIONS: General Plan Amendment and Rezone

A General Plan Amendment (GPA) and an Amendment Application (AA) for Zoning are legislative acts requiring final action by the Board of Supervisors. A decision by the Planning Commission in support of the applications is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny an AA or GPA, however, is final unless appealed to the Board of Supervisors. The Classified Conditional Use Permit (CUP) is dependent upon the subject General Plan Amendment and can only be approved if the GPA and AA is approved by the Planning Commission.

The existing zoning is consistent with the Specific Plan land use designations, which is a refined element of the County General Plan, the Amendment Application does not propose to change the type of land use designation, but the boundaries must be adjusted in order to align with the proposed residential development and the adjusted Specific Plan land use designation boundaries. The amendment to the General Plan, also amends the language and provision of the Millerton Specific Plan, in particular Appendix SP1-A the White Fox Creek Sub-Unit Plan, is being amended to reflect the proposed project and refinement of relevant policies.

The Millerton Specific Plan Policy SP1-P26 requires that any conditionally zoned parcels require a CUP for development of housing. Conditional Use Permits for Planned Residential Developments are processed under section 834.4.280,C.1 which allows for relaxing of development standards if needed to provide an improved comprehensive development. A Conditional Use Permit application may only be approved if five Findings specified in Zoning Ordinance Section 842.5.050 are recommended by the Planning Commission and approved by the Board of Supervisors.

#### **BACKGROUND INFORMATION:**

The planned community of Millerton is designed to accommodate a population of 8,000 to 10,000 incorporating the necessary housing, commercial and public facilities, recreation areas, and open space to provide for community residents. The Millerton Specific Plan is a set of regulations, conditions, programs, standards, and implementation measures necessary for the development of the planned community of Millerton. The Specific Plan focuses on land use, public facilities, and environmental resources management.

The existing approved conference center use was originally approved by Unclassified Conditional Use Permit No. 2865. An Unclassified Conditional Use Permit No. 3035 added 66 resort units, in conjunction with General Plan Amendment No. 489 and Amendment Application No. 3724 was approved December 7, 2004 which authorized a three-par golf and exercise course on 8.75 acres in the O(c) (Open Conservation, conditional) District, a planned commercial development including a hotel/conference center on approximately 14.73 acres in the C-6(c) (General Commercial, conditional) District, and a service station, convenience store, and 8,400 square feet of retail space on approximately 2.70 acres in the C-4(c) (Central Trading, conditional) District.

The current proposed Specific Plan Amendment, Rezoning and Conditional Use Permit No. 3688 proposes to allow a 200-unit multiple-family residential complex on a 17.4-acre portion of an existing 23-acre parcel in the O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District to accommodate the proposed residential complex.

## **General Plan Amendment Application No. 561:**

The Project as proposed requires amending the boundaries of the land designations and certain portions of the text within the Millerton Specific Plan to realign the boundaries for Special Commercial and Open Space designations within the White Fox Creek Sub-Unit Plan with the proposed multifamily residential development which is being proposed as an alternative use to the conference center in the White Fox Creek Sub-Unit. Amendments to the text of the policies within the subunit plan are also proposed to allow the proposed multifamily use as an alternative to the existing designated conference center, a more flexible nondevelopment setback zone from White Fox Creek, and elimination of the bike and trail improvements along the southern portion of the project site if the Conference site is developed as a multi-family residential use.

In reviewing the proposed amended Millerton Specific Plan Appendix SP1-A, staff has determined that the proposal also requires amendments to Millerton Specific Plan Appendix Figures SP1-4, SP1-9 and a new exhibit SP1-A1(b).

Key Specific plan policy issues relative to the proposed multi-family residential development are set out below:

## SP1-P3:

Commercial development in each of the quadrants in the core area, at the intersection of Millerton Road and Marina Drive, shall require a sub-unit development plan in accordance with Section H.3. The commercial sub-unit development plan shall ensure that internal design is appropriate for the site, that street improvements and utilities are provided during initial project development, and those design proposals are compatible with adjacent properties.

The proposed Planned Residential development while not commercial the adequacy of streets, utilities, and design of the project has been reviewed as part of CUP 3688.

#### B.4c- Standards (commercial land use):

- (1) The uses listed below are essential to the growth of the commercial core. At least four of these uses shall be developed before additional uses, not on the list, are permitted.
- a. Small market
- b. Beauty/barber shop
- c. Drug store
- d. Supermarket
- e. Restaurant
- f. Auto parts

As a Condition of Approval the project shall be subject to this provision of the Specific Plan, Subsequent required Site Plan Review for the project will ensure the condition is met prior to the residential development being constructed.

- g. Professional offices
- h. Hardware/garden store
- i. Bank
- j. Automobile service station
- 3) The commercial center at the southeast corner of Millerton Road and Marina Drive may include a recreation complex, clubhouse, professional offices, hotel, convention facilities, and restaurants.

## SP1-P22:

Figure SP1-9 shows the trail system, which includes: (a) local hiking trails and paths, (b) equestrian trails, only if part of an approved equestrian recreational project, (c) community bicycle lanes which parallel major roads and provide the most direct route into and out of the community. The path systems provide an alternative to automobile travel, link the community with commercial, cultural, and recreation facilities, and contribute to community identity.

Figure SP1-9 shows the trail system, which includes: (a) local hiking trails and paths, (b) equestrian trails, only if part of an approved equestrian recreational project, (c) community bicycle lanes which parallel major roads and provide the most direct route into and out of the community. The recreation trails which are generally located in open space or landscaped areas and serve to provide the local pedestrian and bicycle circulation network shall exclude the White Fox Creek open space area.

#### SP1-P41:

White Fox Creek shall be maintained as a component of the recreation corridor system. Pedestrian and bicycle trails shall be placed along its alignment and public access provided at frequent intervals. The Proposed Amendment to the Specific plan would eliminate the Bike/Hiking trail along the southern Boarder of the Project Site if it is developed as a residential project.

#### SP1-P42:

A system of publicly-owned park lands shall be developed through dedication of land during the initial phases of the development process.

The project shall comply with all CSA requirements pertaining to park lands.

#### SP1-P43:

Each proposed Planned Development or CUP shall contain open space free of buildings, streets, driveways, or parking areas. The common open space shall be designed and located to be easily accessible to all occupants of the development and usable for open space and recreation uses.

The project Site includes the White Fox Creek Open Space and will be accessible from the Multi Family Development.

### E.4c-Standards (open space land use):

- (3) The following facilities shall be provided in the open space corridors:
- a. Hiking/bicycle trails

While these features can be located in other open space areas, the Specific Plan policy SP1-P22 States "The recreation trails which are generally located in open space

b. Jogging trails c. Picnic areas	or landscaped areas and serve to provide the local pedestrian and bicycle circulation network shall exclude the White Fox Creek open space area."
SP1-P46: Drought-resistant landscaping shall be used in all public areas and will be required in residential projects as stipulated in Sections G.3b and G.3d.	These provisions are conditions of Approval for the project which are implemented during the subsequent required Site Plan Review Project.
SP 1-P46 E.6c- Standards (water conservation): (1) Irrigation in new development shall utilize time flow control devices.	These provisions are conditions of Approval for the project which are implemented during the subsequent
(2) Water meters shall be utilized on all new developments.	required Site Plan Review Project.
(3) Water conservation devices shall be installed in residential development at the time of construction.	
(4) All residential units shall be separately metered.	
(5) All commercial and governmental facilities shall have dual meters for interior and exterior uses.	
(6) Each project shall provide to the County Service Area (CSA) necessary information prepared by a knowledgeable professional in the field to develop guidelines for landscape irrigation to reduce consumption and losses due to evaporation.	
(7) All residential projects, where a comprehensive irrigation system is installed, shall also install timing devices to reduce the potential for overwatering.	
(8) All residential units shall have low flow showerheads and low water volume toilets.	
(9) Each residential lot shall be required to have two (2) water meters; one meter will serve the residence and the second meter will serve landscape irrigation needs.	
(10) Prior to the recordation of a final map, a tiered rate schedule for the irrigation service shall be adopted by the Governing Board of the CSA serving the project. In accordance with applicable rules and regulations, the rate for irrigation services shall be significantly tiered to discourage the overuse of irrigation water. As part of a water management and conservation strategy, a process will be developed that shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation	

service due to overuse, an appeal process, and criteria for the recommendations on the water supply for irrigation services. (11) Each project shall establish guidelines and projected water usage applicable to the project unit types and lot size, which shall be enforced by CSA-34, and which will include reduction or elimination of both irrigation water and interior use water if adopted guidelines are exceeded. (12) Individual tracts within a unit allocation area which use water capacity in excess of the criteria established in the Infrastructure Plan shall have the project developer's total number of units in that unit allocation area proportionally reduced to account for the excess use, unless the project proponent obtains at its own cost additional water supplies and required capacity to satisfy such excess needs. The availability of additional water supplies for a project shall not affect the tiered rate schedule, including water use restrictions. SP1-P77: These provisions are conditions of Approval for the project which are Prior to issuance of building permits, the project proponent shall construct the water infrastructure implemented during the subsequent facilities required to serve the development. required Site Plan Review Project. SP1-P78: These provisions are conditions of Approval for the project which are A firm and sustainable water supply with no significant negative impacts on agriculture or other water users implemented during the subsequent consistent with General Plan Policy PF-C. 17 shall be required Site Plan Review Project. demonstrated. SP1-P79: These provisions are conditions of To insure that the Specific Plan area will be served, Approval for the project which are prior to recordation of the Final Tract Map or Site Plan implemented during the subsequent required Site Plan Review Project. Review approval, a finalized agreement shall be completed for the project proponent to provide an adequate water supply to CSA No. 34, with the acquisition costs to be paid by the proponent. SP1-P85: These provisions are conditions of Approval for the project which are Prior to issuance of building permits, the project implemented during the subsequent proponent shall construct the sewage infrastructure facilities required to serve the development. required Site Plan Review Project.

In reviewing the subject proposal, staff has determined that the proposed GPA meets the objective of Millerton Specific Plan and is consistent with the Specific Plan and General Plan policies as noted above and discussed below in Finding 4 (Conditional Use Permit Application No. 3688) of this report.

#### **Reviewing Agency/Department Comments:**

<u>The Policy Planning Section:</u> Indicated the C-6 Zone District is conditionally compatible with the Special Commercial land use designation, and multi-family development is allowed in the C-6 zone District subject to a CUP.

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

## Analysis:

The existing subunit designation of the area to be used as a Conference Center, has been made less viable given the recent substantial improvements made by the nearby Casino complex. An alternative use of a Planned Multifamily Development between the planned Commercial and existing residential subdivision is an appropriate land use for the Millerton Specific Plan area.

### **Recommended Conditions of Approval:**

While not a Condition of Approval for the GPA, a corresponding Condition will be required by the CUP that the Multi Family Development Project shall conform to all policies of the White Fox Creek Sub-Unit Plan (See Exhibit 1).

#### Conclusion:

The proposed amendments to the Millerton Specific plan are compatible with the intent of the Specific Plan.

#### **Amendment Application No. 3847:**

## **Reviewing Agency/Department Comments:**

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

#### Analysis:

The proposed adjustments to the boundaries of the O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone Districts are minor adjustments to allow the configuration of the proposed multi-family development to be within the C-6(c) Zone District. There is not a substantial change in land use pattern that would be problematic.

#### **Recommended Conditions of Approval:**

The required Site Plan Review shall conform to all policies of the White Fox Creek Sub-Unit Plan (See Exhibit 1).

#### **Conclusion:**

The proposed project with amendments will fulfil the intent of the Specific Plan.

## **Conditional Use Permit Application No. 3688**

The Millerton Newtown Specific Plan Policy SP1-P26 requires that conditionally zoned parcels require a CUP (Planned Residential Development) for development of housing. Below is a discussion of the five required finding required to approve the CUP.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	'O' Zone District:  Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet  C-6 Zone District  No requirements, except if the "C-4" District abuts a boundary with any residential district, there shall be a yard of not less than ten (10) feet in width, extending the full length or width of the lot.	<ul> <li>Front (Marina Drive; East property line): 35 feet</li> <li>Street Side (North property line): 72 feet</li> <li>Side (South property line): 63 feet</li> <li>Rear (West Property line): 27 feet</li> <li>Due to the arterial classification of Millerton Rd, the applicant should be required to relinquish any driveway access points and should only use Marina Dr for access to proposed development.</li> <li>Marina Drive shall be constructed to Fresno County Standards with improvements and right-ofway that are in accordance with Millerton New Town Specific Plan.</li> </ul>	Yes
Parking	<ul> <li>O' Zone District:</li> <li>One (1) parking space for each five (5) persons which the facility is intended or designed to serve</li> <li>C-6 Zone District:</li> </ul>	Parking construction shall adhere to the requirements listed within the C-6 Zone District	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	There shall be at least one (1) parking space for each dwelling unit. These spaces shall be on the same lot with the main building which they are intended to serve, or on a contiguous lot, and located to the rear of any required front yard.		
Lot Coverage	'O' (Open Conservation) Zone District:  • 34 percent (34%) of total lot area  C-6 Zone District:  • 65 percent (65%) of total lot area  • No requirements	Proposed 8.0-acres designated O(c) (Open Conservation, Conditional) and 15.0-acres zoned C-6 Zone District .	N/A
Separation Between Buildings	'O' Zone District:  No requirement  C-6 Zone District  No requirements	N/A	N/A
Wall Requirements	<ul> <li>'O' Zone District:</li> <li>Along the perimeter of all areas designated by the Commission to be dangerous to the health, safety and general welfare.</li> <li>C-6 Zone District:</li> <li>None required, except along the boundary between a "C-4" District and any</li> </ul>	Per Section 822.3.050 a solid masonry wall is required between a Multifamily project and the single-family home subdivision.	The Planned Residential CUP allows for this standard to be deviated from.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	residential district, in which case the requirements of the "C-1" District, Section 833.5-H, shall apply. This provision shall not apply when the "C-4" District is developed to residential uses.		
	In addition, a solid masonry wall six (6) feet in height shall be erected along the street frontage on the setback line and along district boundaries between any outdoor storage (and parking) area and any residential district. In addition, there shall be a six (6) foot high fence enclosing the storage yard on all its other property lines.		
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A. The project will connect to CSA 34 water system	N/A

## **Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the dual Zone Districts, and a Site Plan Review is recommended prior to the issuance of a building permit.

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

## Finding 1 Analysis:

Staff review of the Site Plan demonstrates that the project meets the requirements of the C-6 Zone District. The Specific Plan includes various policies that address design issues such as landscaping and architecture that have been made a Condition of approval that is implemented as part of a required Site Plan Review process.

## **Recommended Conditions of Approval:**

Site Plan Review, Conformity with Specific plan Policies (See Exhibit 1).

## **Finding 1 Conclusion:**

Finding 1 can be made as the subject parcel and project site are adequate in size and shape to accommodate the proposed project.

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

		<b>Existing Conditions</b>	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Millerton Road 455 Feet	Marina Drive shall be used for access to
		Marina Drive 545 Feet	proposed development.
Direct Access to Public Road	Yes	N/A	The applicant will be required to relinquish any driveway access along Millerton Road.
Road Annual Daily Trips		1,313	No VMT Analysis or TIS conducted.
			Anticipated traffic not to exceed 1,313 total daily traffic trips previously analyzed for Conference Center.
Road Classification		Millerton Road is County maintained road classified as an arterial road with an existing 60 feet of road right- of-way and an ultimate right- of-way of 106 feet per the Fresno County General Plan	Due to the arterial classification of Millerton Rd, the applicant should be required to relinquish any driveway access points and should only use Marina Dr for access to proposed development.
Traffic Trips		Per Millerton Specific Plan/Clarkfield Traffic Impact Analysis: 1,830 Daily Trips were anticipated	Operational statement anticipated traffic not to exceed 1,313 total daily traffic trips.
Road Improvements Require	ed	Millerton Road currently has 60' of right-of-way.	An additional 23 feet should be dedicated along the parcel frontage

Existing Conditions	Proposed Operation
Pavement width is 26.7 feet with dirt shoulders, ADT is 9400 VPD, and PCI is 99. Roadway is in good condition.	to comply with the ultimate right-of-way for Millerton Road.
Marina Drive is not a County maintained road. It is maintained by CSA 34.	Millerton Road shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan. Applicant should coordinate with Design Division to confirm any road improvements already in progress.
	The structure carrying Marina Dr. and crossing over the creek approximately 0.13 mi south of Millerton Rd shall be improved to have railing and end treatments that comply with current standards.

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

## Road Maintenance and Operations Division:

- Millerton Road currently has 60' of right-of-way. An additional 23' should be dedicated along the parcel frontage to comply with the ultimate right-of-way for Millerton Road.
- Millerton Road shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan. Applicant should coordinate with Design Division to confirm any road improvements already in progress.
- Due to the arterial classification of Millerton Rd, the applicant should be required to relinquish driveway access from Millerton Road and should only use Marina Dr for access to proposed development.
- Marina Drive shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan.
- Applicant should enter into a covenant running with the land whereby they agree to maintain their proportionate share of Marina Drive serving the proposed parcels.
- In SRA Region, access easement must be to SRA standards for emergency access.

- The structure carrying Marina Dr and crossing over the creek approximately 0.13 miles south of Millerton Rd should be improved to have railing and end treatments that comply with current standards.
- An engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinances. If community facilities are not installed or available, the applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 23 inches in depth will require fencing to preclude public access.

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

#### Finding 2 Analysis:

The Design Division of the Fresno County Department of Public Works and Planning determined, based upon their review of the March 29, 2023, Memorandum submitted by VRPA Technologies, Inc., that no additional traffic analysis was required, and that the project will not conflict nor be inconsistent with CEQA Guidelines Section 15064.3.

The site will be conditioned to take ingress and egress only from Marina Drive.

#### **Recommended Conditions of Approval:**

Dedication along Millerton Road and exclusion of access, upgrade of structure on Marina Drive, and covenant to maintain it (See Exhibit 1).

## **Finding 2 Conclusion:**

Finding 2 can be made based on the above information, with the recommended conditions of Approval to provide dedications, improvements and maintenance covenant.

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

#### **Surrounding Parcels**

	Size:	Use:	Zoning:	Nearest Residence:
North	21.6-acres	Undeveloped	R-2 (c) and C-6	None
South	Range (+/- 0.30-acres)	Single-family residences	R-1 (c)	100 feet from the south property line.
East	16.9-acres	Single-family residences (Undeveloped)	R-1 (c)	100 feet from the south property line.
West	10.93-acres	Undeveloped	C-4	20 feet from west property line.

## **Reviewing Agency/Department Comments:**

<u>The Environmental Health Division:</u> The following comments shall be included as condition of approval:

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB).
- Construction permits for the proposed development should be subject to assurance that
  the County of Fresno County Service Area-34 (CSA-34) community water system has
  the capacity and quality to serve this project. Concurrence should be obtained from the
  State Water Resources Control Board, Division of Drinking Water-Southern Branch.

No other comments related to adverse impacts on abutting property, other than those related to regulatory requirements were received by any reviewing agencies or departments.

## Finding 3 Analysis:

The Applicant provided an Air Quality and Greenhouse Gas Impact Analysis completed by Ambient Air Quality & Noise Consulting, dated May 2022. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for comments. No concerns were expressed by that agency.

 The Air Quality and Greenhouse Gas Impact Analysis found that the impacts would be less than significant.

The Initial Study did determine that localized uncontrolled concentrations of construction-generated PM could be considered to have a potentially significant impact. To reduce potential exposure of nearby sensitive receptors to localized pollutant concentrations associated with project construction to less than significant, mitigation related to construction and operations are included in the Mitigation Measures.

The San Joaquin Valley Air Pollution Control District indicated that the project would not exceed the Districts' NOX, ROG, and PM 10 significance thresholds, and concluded the "project specific criteria pollutant emissions would have no significant adverse impact on air quality." Based on the size of the project, the District also concluded that the project was not subject to the District's indirect source Rule 9510.

The project site is undeveloped and surrounded by land designated for approved residential tracts. The proposed development includes the construction of 200-unit multiple-family residential complex and related improvements.

An Initial Study prepared for this project has identified potential impacts to aesthetics, biological resources, cultural resources, and energy. To mitigate aesthetics impact, all outdoor lighting will be hooded and be directed downward to avoid glare on adjoining properties. To mitigate biological impact, the project will adhere to mitigation measures identified by California Department of Fish & Wildlife. To mitigate Cultural Resources impact, all ground-disturbance activities will be stopped if resources are discovered, and an archeologist will be called in to evaluate the find. To mitigate energy impact, during construction, idling of vehicles and equipment during project construction will be minimized to avoid wasteful or inefficient energy consumption. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and public services are less than significant. The project will connect to the County Service Area (CSA) 34 Wastewater Treatment Facility when deemed appropriate, handle hazardous materials according to local and state requirements, remove abandoned wells and tanks to protect groundwater quality per the FCHD protocol, adhere to County Noise Ordinance for construction-related noise, and comply with the California Code of Regulations Title 24-Fire Code and receive Fire District's approval prior to the issuance of building permits.

## **Recommended Conditions of Approval:**

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

## **Conclusion Finding 3:**

Finding three can be made based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, the proposal should have no adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
Millerton Specific Plan Policy SP1-P75: The water system shall provide sufficient supplies for domestic, commercial, and fire flow requirements. Operation and maintenance of the system shall be the responsibility of the County Service Area.	Consistent: The Project as conditioned will receive through County Service Area (CSA) 34 water system, sufficient water to meet domestic and fire suppression needs of the project. The proposal is consistent with this Policy.
Millerton Specific Plan Policy SP1-P77: Prior to issuance of building permits, the project proponent shall construct the water infrastructure facilities required to serve the development.	Consistent: The project is subject to Conditions of approval listed in Exhibit 1 that will require funds and improvements to be made prior to issuance of building permits that will ensure the necessary infrastructure is provided.
Millerton Specific Plan Policy SP1-P80: All development within the Specific Plan area shall utilize a community sewer system with treatment to a tertiary level allowing reuse of the effluent for irrigation purposes.  Millerton Specific Plan Policy SP1-P82: The sewage collection and treatment facilities shall be operated and maintained by the County Service Area.	Consistent: Wastewater Treatment Facility. CSA 34 will operate and maintain sewer collection and treatment for the project. The project is subject to Conditions of approval listed in Exhibit 1 that will require funds and improvements to be made prior to issuance of building permits that will ensure the necessary infrastructure is provided.
General Plan Policy PF-C.14: The county shall require that water supplies serving new development meet EPA (Environmental Protection Agency) and	Consistent: Water supply to the project through CSA 34 water system will adhere to public water supply standards for water quality and quantity administered by the

Relevant Policies:	Consistency/Considerations:
California Dept of Health Services and other water quality and quantity standards	State Water Resources Control Board, Division of Drinking Water. The proposal is consistent with this Policy.
General Plan Policy PF-H.2: New development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities are provided.	Consistent: The project will comply with the California Code of Regulations Title 24 – Fire Code and join Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The proposal is consistent with this Policy.

#### **Reviewing Agency/Department Comments**

Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy SP1-P75 requires water system be able to provide sufficient supplies to the project for domestic, commercial, and fire flow requirements. Policy SP1-P77 requires water infrastructure facilities be constructed prior to the issuance of building permits. Policy SP1-P80 requires all development within the Specific Plan area utilize a community sewer system. Policy SP1-P82 requires the sewage collection and treatment facilities be operated and maintained by the County Service Area. Policy PF-C.14: require water supplies serving new development meet EPA and California Dept of Health Services water quality and quantity standards. Policy PF-H.2 requires new development in unincorporated areas of the County be approved with adequate fire protection facilities.

### Finding 4 Analysis:

Per the County Zoning Ordinance, the C-6 zoning is intended to serve as sites for the many uses in the commercial classifications which do not belong in either the Neighborhood, Community or Central Trading District. By-right uses allowed in the C-6 Zone District (Section 812.2 of the Ordinance) include retail shops, automobile service stations, storage yards, restaurants, banks, offices, driving schools, laboratories and variety stores. The rezoning of the subject property will be limited to a Planned Unit Residential Development (PUD) consisting of 200-unit multiple-family residential complex. These uses are similar in nature to the uses currently established on adjacent properties.

The C-6 (c) is conditionally compatible with the Special Commercial Land Use Designation of the Specific Plan, and multi-family developments are allowed in the C-6 Zone District subject to a CUP.

The proposed amendment to the specific Plan Sub-Unit text and land use designations boundaries areas along the creek will reduce the non-development setback requirements from 100-foot to an average of 70-feet with no structural improvements closer than 40-feet. The prosed amendment to the required Bike and Hiking trail along the southern border of the project will not be required if the site is developed as a multifamily development.

#### **Recommended Conditions of Approval:**

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1

#### **Conclusion Finding 4:**

Finding 4 can be made based on the above information if the proposed Amendments to the Millerton Specific Plan are also approved.

<u>Finding 5:</u> <u>That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.</u>

### Finding 5 Analysis:

The proposed Mitigation Measures and Conditions of Approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has not advised staff of any specific objection to the proposed Conditions of Approval.

## **Finding 5 Conclusion:**

Finding 5 can be made as the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

## **SUMMARY CUP CONCLUSION:**

Staff believes that with the proposed General Plan Amendment the Conditional Use Permit to allow a 200-unit multiple-family residential development is consistent with the Millerton Specific Plan and the Fresno County General Plan and will have less than significant impacts on the surrounding properties.

#### PROJECT SUMMARY RECOMMENDATION:

Based on the factors cited in the analysis, all the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of Mitigated Negative Declaration prepared based on Initial Study No. 7918, approval of General Plan Amendment Application No. 561, approval of Amendment Application 3847, and Classified Conditional Use Permit No. 3688, subject to the recommended mitigation measures and conditions of approval.

#### **PLANNING COMMISSION MOTIONS:**

#### **Recommended Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared based on Initial Study No. 7918; and
- Recommend that the Board of Supervisors approve the proposed General Plan Amendment No 561 to amend the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan to allow a 200-unit multiple-family residential complex as an alternative Land use and related amendments to the text of the Specific Plan; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3847 to adjust the boundaries of the existing O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District; and
- Recommend approval of Conditional Use Permit No. 3688 to allow a Planned Residential Development for the 200-unit multiple-family residential complex, with recommended findings and conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action and forwarding the above recommendation to the Board of Supervisors.

#### **Alternative Motion** (Denial Action)

- Deny the proposed General Plan Amendment No. 561 to amend the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan to allow an alternative land use for a multiple-family residential development (stating the basis for the denial): and
- Determine that the proposed Amendment to the C-6(c) (General Commercial, Conditional) Zone District and O(c) (Open Conservation, Conditional) is not consistent with the provisions of the General Plan and deny the Amendment Application No. 3847.
- Determine the required Findings cannot be made (state basis for not making Findings) and move to deny Classified Conditional Use Permit Application No. 3688.
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### Mitigation Measures, Conditions of Approval and Project Notes:

See attached Exhibit 1.

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## Mitigation Monitoring and Reporting Program General Plan Amendment No. 561 Unclassified Conditional Use Permit No. 3688 Initial Study No. 7918

	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 to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (Building Plan Check)	On-going; for duration of the project	
2.	Air Quality	At the developer's expense and prior to the issuance of a building permit and during construction, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project	
3.	Air Quality	At the developer's expense and prior to the issuance of a building permit and during Construction, all onsite unpaved roads and off-site unpaved access roads along the project's frontage shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project	
4.	Air Quality	At the developer's expense and prior to the issuance of a building permit, all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project	
5.	Air Quality	At the developer's expense and prior to the issuance of a building permit and during construction when materials are transported off site, all material shall be	Applicant	Applicant/Fresno County Department of	On-going; for duration of the project	

		covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.		Public Works and Planning (PWP)	
6.	Air Quality	At the developer's expense and prior to the issuance of a building permit and during construction, all operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
7.	Air Quality	At the developer's expense and prior to the issuance of a building permit, following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PWP)	On-going; for duration of the project
8.	Biological Resources	At the developer's expense and prior to the issuance of a building permit, the project site is currently within the area covered by Incidental Take Permit (ITP) (ITP No. 2081-2014-079-04) that has been the location of recent burrow clearing and biological fencing as a part of the Morningside Way Road project. The project site shall be checked, cleared, and fenced in accordance with the ITP.	Applicant	Applicant/Californi a Department of Fish and Wildlife (CDFW)	Prior to the construction
9.	Biological Resources	At the developer's expense and prior to the issuance of a building permit, a qualified biologist shall perform a "Pre-Construction Survey" of the site to check for the California Tiger Salamander (CTS), Western Pond Turtle (WPT), Western Spadefoot Toad (WESP), American Badger (AMBA) and Burrowing Owl (BUOW) as listed in the CDFW letter dated February 1, 2021. If no species are found on the site, the next steps of the plan can occur. If species are located, a biologist shall follow State and Federal protocols for their removal from the 5.17-acre project site.	Applicant	Applicant/ CDFW	Prior to the construction

10.	Biological Resources	At the developer's expense and prior to the issuance of a building permit, the biologist shall prepare a "Site Education Pamphlet" for distribution to all contractors and subcontractors that will be working on the site and shall work with the applicant/owner to have a notification sign placed on the site at the construction entrance. This sign shall be 4 feet by 8 feet in size and shall contain the same information as the Site Education Pamphlet.	Applicant	Applicant/ CDFW	As noted
11.	Biological Resources	At the developer's expense and prior to the issuance of a building permit, the owner shall retain the biologist to conduct education "Discussions" with any contractor/subcontractor who will have more than five employees working on the site.	Applicant	Applicant/ CDFW	As noted
12.	Biological Resources	At the developer's expense and prior to the issuance of a building permit and during construction, the owner and/or biologist shall keep a daily log of all workdays and shall document and signs/sightings of the five species listed above.	Applicant	Applicant/ CDFW	As noted
13.	Biological Resources	If a sighting of any of the species occurs during the course of construction, work shall be stopped, and the biologist shall be contacted, and State and federal protocols shall be followed for the removal of the species.	Applicant	Applicant/ CDFW	As noted
14.	Biological Resources	During construction the owner shall contact the California Department of Fish and Wildlife at the end of each month, provide that daily log, and a summary of the month's activities on the site.	Applicant	Applicant/CDFW	As noted
15.	Cultural Resources	The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.	Applicant	Applicant/PWP	As noted
16.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. At the developer's expense, and prior to the issuance of a building	Applicant	Applicant/PWP	As noted

		permit, an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.			
17.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.	Applicant	Applicant/PWP	As noted
18.	Geology and Soils	At the developer's expense, all construction activities that disturb intact native sediments at depths exceeding 5 feet should be initially monitored on a full-time basis by a qualified Paleontological Monitor who will work under the supervision of the Qualified Paleontologist. Ground disturbing activity that is less than 5 feet in depth or in previously disturbed areas do not require monitoring. Work activities that do not involve ground disturbances do not require monitoring (i.e., pull-sites, laydown yards, etc.). Small-diameter auguring (less than 3 feet), and pile driving is exempt from monitoring.	Applicant	Applicant/PWP	As noted
19.	Public Services	At the developer's expense and prior to the issuance of a building permit, the developer shall complete and provide final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.	Applicant	Applicant/PWP	As noted
20.	Public Services	Design and construct Infrastructure necessary to serve the development as per the approved on-site and off-site plans.	Applicant	Applicant/PWP	As noted

21.	Public Services	The project will adhere to Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures relate to fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipment, and site planning as it relates to fire protection measures incorporated into the project design.	Applicant	Applicant/PWP	As noted
22.	Public Services	At the developer's expense and prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.	Applicant	Applicant/PWP	As noted
23.	Public Services	At the developer's expense and prior to the issuance of a building permit, design and construct Infrastructure necessary to serve the development prior to the issuance of building permits as per the approved on-site and off-site plans.	Applicant	Applicant/PWP	As noted
24.	Public Services	The developer shall amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.  a) Address and provide permanent solution for current headworks issues at the wastewater treatment plant.  b) Complete and provide final, stamped Engineer's Report approved by the State Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.	Applicant	Applicant/PWP	As noted

25.	Public Services	To mit	igate potential impacts to the County-	Applicant	Applicant/PWP	As noted
			ined roads, a pro-rata share for future off-site			
			rements is required as defined in item a-s			
			This fee shall either be paid prior to any			
			ce of a Certificates of Occupancy or a			
			ant shall be recorded on the property providing			
			that issuance of a development permit is			
			t to payment of a Public Facilities fee. If the ant opts for the latter, the fee shall be collected			
			er than the date of final inspection or the date of			
			ce of a certificate of occupancy, whichever			
		comes				
			Signalization at the intersection of N. Friant			
			Road and Copper/Millbrook Avenues: The			
			project's maximum share for the 2020			
			scenario is \$0.00. (Note: Improvements are			
			constructed)			
		b.	Signalization at the intersection of N. Friant			
			Road and N. Willow Avenue: The project's			
			maximum share for the 2020 scenario is			
			2.42% or \$30,283.00.			
		C.	Signalization at the intersection of N. Friant			
			Road and North Fork Road: The project's			
			maximum share for the 2020 scenario is			
			2.32% or \$4,299.00.			
		d.	Signalization at the intersection of N. Willow			
			Avenue and E. Copper Avenue: The project's			
			maximum share for the 2020 scenario is			
			0.83% or \$7,736.00.			
		e.	Signalization at the intersection of Millerton			
			Road and Auberry Road: The project's			
			maximum share for the 2020 scenario is			
			0.60% or \$5,654.00.			
		f.	Signalization at the intersection of Millerton			
			Road and Sky Harbor Road: The project's			
			maximum share for the 2020 scenario is			
			1.37% or \$12,878.00.			
-	•	•		•	•	•

g.	Signalization at the intersection of Millerton
	Road and Brighton Crest Drive: The project's
	maximum share for the 2020 scenario is
	1.54% or \$9,518.00.

- h. Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 3.44% or \$21,524.00.
- Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is \$0.00. (Note: Improvements are constructed)
- j. Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 2.09% or \$5,485.00.
- k. Signalization at the intersection of Auberry Road and Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 3.27% or \$30,691.00.
- I. Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 2.83% or \$7,015.00.
- m. Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 2.38% or \$5,897.00.
- n. Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 2.59% or \$6,430.00.
- o. Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork

		p. q.	Road to Marian Drive. The project's maximum share for the 2020 scenario is 3.01% or \$205,345.00.  Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 1.54% or \$105,084.00  Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.95% or \$54,336.00. The project's total right-of-acquisition cost is 1.83% or \$10,984.00.  Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$5,715.00. The project's total right-of-acquisition cost is 0.26% or \$1,843.00.  The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the			
			Engineering New Record (ENR) 20 Cities Construction Cost Index.			
26.	Public Services	of a bu existin serve installa	developer's expense and prior to the issuance uilding permit, the developer shall expand the g wastewater treatment facility as necessary to the development. This could include the ation of a new headworks or other upgrade nined necessary by the Department.	Applicant	Applicant/PWP	As noted
27.	Public Services		developer's expense and prior to the issuance uilding permit, the developer shall amend the	Applicant	Applicant/PWP	As noted

		existing Waste Discharge Requirements issued by the Regional Water Quality Control Board for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.					
28.	Public Services	The developer shall address and provide permanent solution for current headworks issues at the wastewater treatment plant.	Applicant	Applicant/PWP	As noted		
		Conditions of Approval					
1.	Development and ope Operational Statemen	eration shall be in substantial conformance with the appront.	oved Site Plan, Flo	oor Plan, Elevation Dra	wings and		
2.	Prior to the issuance of any development permits, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but are not limited to design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting, right-of-way dedication and all previous mitigation measures and conditions of approval.						
3.	The segment of Millerton Road fronting the project site has existing right-of-way of 60 feet south of section line. Millerton is classified as an Arterial requiring an ultimate road right of way of 53 feet south of the section line. The owner of the property shall record a document irrevocably offering the 23 feet as future right-of-way from the northern side of the subject parcel which abuts Millerton Road.  Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.						
4.	Prior to the issuance of any development permits, the applicant will enter into an agreement with the County to the County Service Area (CSA) 34 for road and trail maintenance purposes as determined by the Director of the Department of Public Works and Planning.						
5.	Prior to issuance of development permits the landowner shall cause to be recorded an irrevocable offer of dedication of the area zoned Open Space along White Fox Creek to CSA 34 or the County of Fresno.						
6.	Prior to the recordation of a final map, the developer must enter into an Allocation of Permanent Water Rights Agreement with the County.						
7.	Prior to any services being provided, the applicant shall have an executed, County Counsel approved, agreement to join a CSA 34 Zone of Benefit as an out of zone water and wastewater user at a rate equivalent to 100 EDUs, until such time as the water and sewer services are administered through separate water and sewer zones of benefits.						

8.	Prior to any services being provided, the Developer at its own expense, shall submit for review and approval all engineered plans for improvements necessary to serve the development. These may include both on-site and off-site improvements and may require the installation of new and or upgrades to existing facilities. The plans must include information for estimated wastewater flows and water use to confirm capacity or identify capacity needs and determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection.
9.	CSA 34 Water System was issued Compliance Order No. 03_23_17R_002 on March 6, 2017, for violation of the MCL for Haloacetic Acids (HAA5) established in the Stage 2 Disinfection Byproduct Rule. The Developer will be responsible for their pro-rata share of improvements necessary for bringing the system into compliance. These improvements must be completed prior to acceptance of water related improvements being constructed with this development.
10.	Millerton Road currently has 60 feet of right-of-way. An additional 23 feet should be dedicated along the parcel frontage to comply with the ultimate right-of-way for Millerton Road.
11.	Prior to the issuance of any development permits, the applicant shall enter into a covenant running with the land whereby they agree to maintain their proportionate share of Marina Drive serving the proposed parcels.
12.	Prior to Appling for and before issuance of any development permits can occur, applicant must comply with the Millerton Specific Plan (2004) CSA 34 Requirements:  Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish & Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U. S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game and have a long-term Management and Monitoring Program.
	After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:
	<ol> <li>Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</li> </ol>
	2. Address long-term management issues of the recreational open space after mitigation monitoring has been completed.
	3. Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval.
	4. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.
	5. A Monitoring Program shall be approved that provides for the following:

	M 11
	-Measurable mitigation objectives
	-Measures which will result in the objectives being met
	-Monitoring protocol for measuring the success of the plan which identifies:
	-When the monitoring shall occur
	-Survey method to be used
	- Reporting requirements
13.	Prior to any services being provided the Developer, at its own expense, shall submit all plans for review and approval to extend sewer and water lines to the subject site. The plans will need to include information related to estimated flows to determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection.
14.	Prior to any services being provided, the Developer will be responsible for installation of improvements required to service the proposed development and/or upgrading any existing infrastructure if it is determined that there is insufficient water or sewer capacity to serve the development.
15.	Prior to any services being provided, the Developer will be responsible for installation of a beneficial re-use area or improvements required to service the proposed development and/or upgrading any existing infrastructure if it is determined that there is insufficient beneficial re-use area to serve the development.
16.	The method of improvement of the surface water treatment plant (SWTP) shall be by the installation of the granular activated carbon (GAC) system to bring the water system back into compliance with the MCL for Haloacetic Acids (HAA5) established in the Stage 2 Disinfection Byproduct Rule. The Developer shall participate in the GAC Cost Sharing Agreement to fund the cost of planning, design, approval and construction or installation of the GAC system.
17.	The final approved site plan shall include three (3) gates for access from the residential development to the open space area.

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

	Notes
The	following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.
1.	This Conditional Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.
2.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.

#### Notes

3. To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:

All applicable Conditions of Approval for any previous applications shall be implemented if not already in place.

Marina Drive is classified as a collector road per Fresno County General Plan Fresno Clovis Metropolitan Area Circulation Diagram Figure TR-1 b dated April 21, 2010. According to the Pavement Management System, Maintained Road Report, it is not currently County maintained. The east side of centerline of Marina Drive, adjacent to the development site, should be improved in accordance with the attached Millerton Specific Plan Road Standards Figure SP1-7.

Millerton Road is classified as an arterial road with an existing total right-of-way width of 60 feet per Plat Book. The minimum total right-of-way width for an arterial road is 106 feet. Furthermore, Millerton Road is an existing and planned bikeways per Fresno County General Plan Rural Bikeways Plan Figure TR-2 dated April 21, 2010, and a scenic drive per Fresno County General Plan Scenic Roadways Figure OS-2 dated August 4, 2010.

Millerton Road is a County-maintained road. Records indicate this section of Millerton Road from approximately 13,200 feet east of Friant-Kern Canal to Sky Harbor Drive has an ADT of 9,400, pavement width of 26.7 feet, structural section of 0.37 feet AC/1.3' IB, and is in excellent condition.

Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion, so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

The subject property is located within the State Responsibility Area (SRA) boundary. Any driveway construction and access should be developed in accordance with the applicable SRA Fire Safe Regulations.

Any proposed driveway should be set back a minimum of 10 feet from the property line.

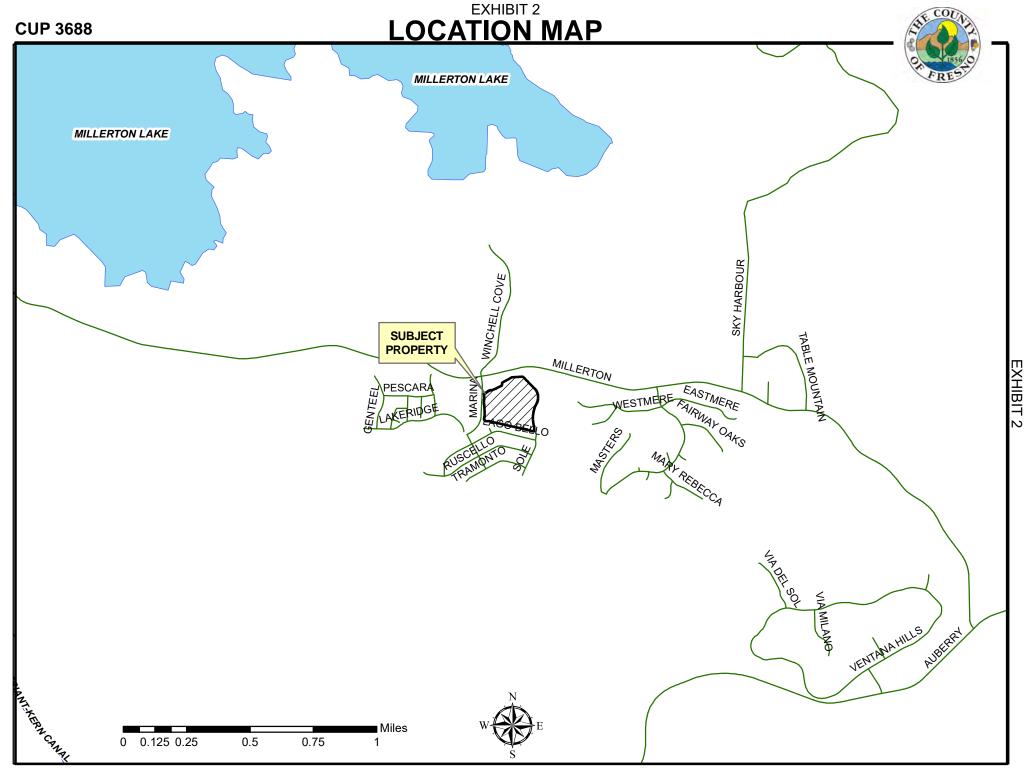
For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved.

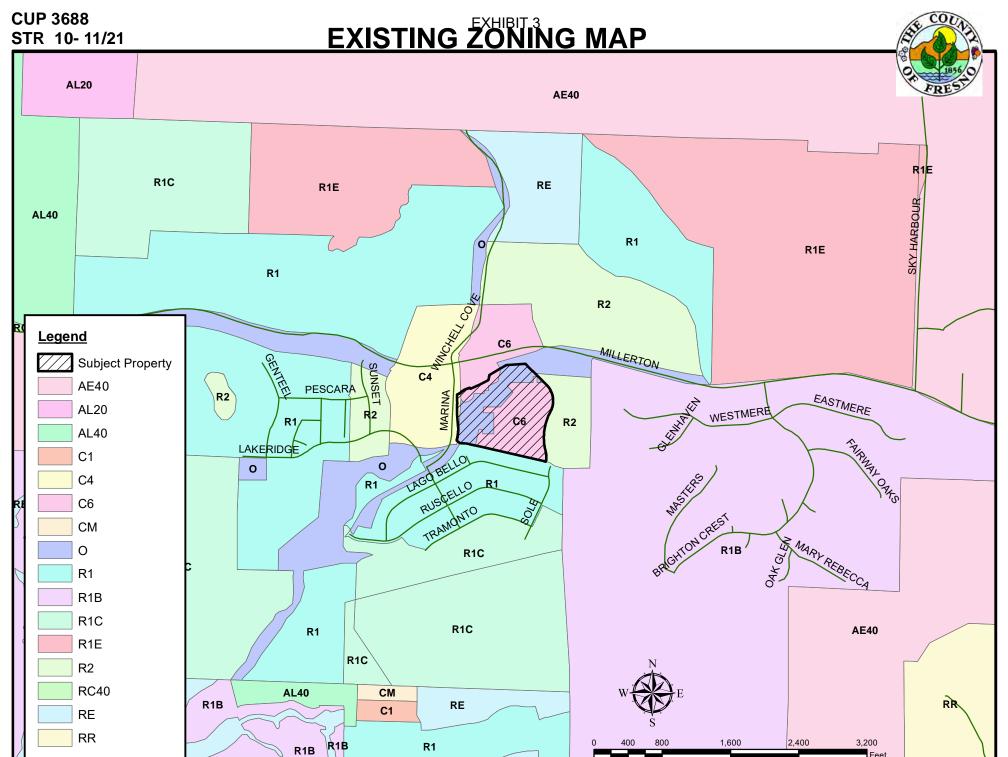
Any proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. Any gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.

Engineered plans for the road improvement shall be required. The access road shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standards. The proposed access road total right-of-way width shall comply with County Improvement Standards. Furthermore, an engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The said plans shall be prepared and submitted by a certified professional engineer for review and approval by the Department of Public Works & Planning. 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.

## **Notes** Any proposed access road serving the development site should be developed in accordance with the attached Millerton Specific Plan Street Standards Figure SP1-8. Any proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 foot x 9 foot, and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also 5 feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent [NOi] shall be filed with the State Water Resources Control Board (SWRCB). A copy of this Notice with WDID # shall be provided to the County prior to commencement of any grading activities. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities. A grading permit or voucher is required for any grading proposed with this application. 4. To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. To protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. Apply and obtain a permit(s) to destroy water well(s) from the Health Department prior to commencement of work. If any underground storage tank(s) are found during mining activities, the applicant shall apply for and secure an Underground Storage Tank Removal Permit. 5. To address public health impacts resulting from the project, the San Joaquin Valley Air Pollution Control District requires the following:

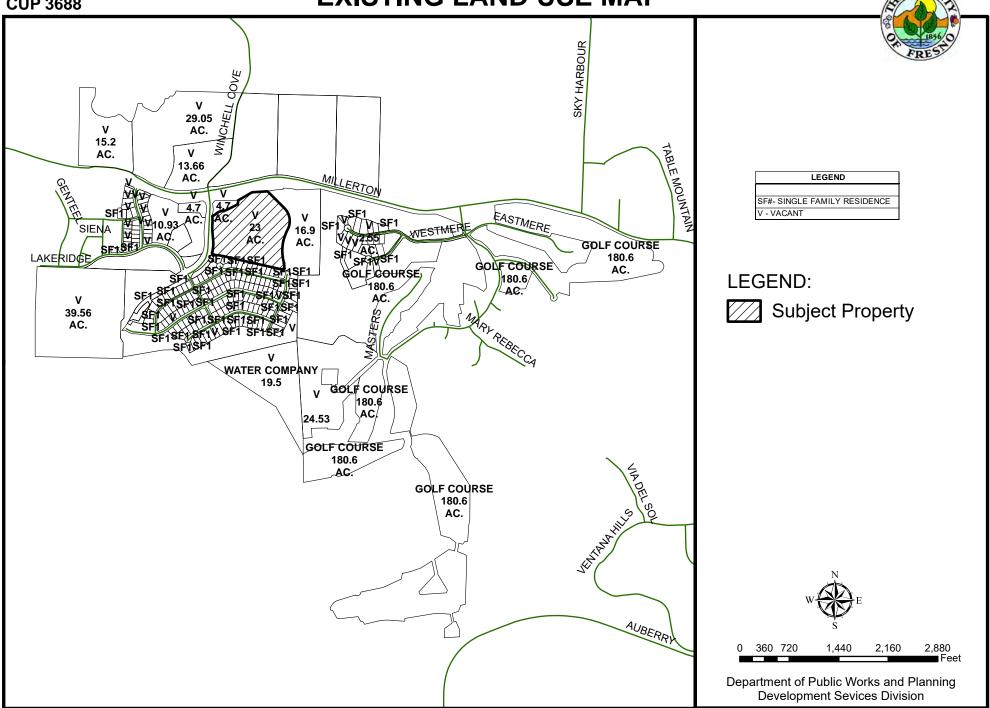
	Notes
	The project shall comply with District Rule 2010 (Permits Required); Rule 2201 (New and Modified Stationary Source Review); District Regulation VIII (Fugitive PM10 Prohibitions) Rule 4102 (Nuisance); Rule 4601 (Agricultural Coatings) and Rule 4641 (Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations).
	District Rule 9510 (Indirect Source Review) shall apply if the project will equal or exceed 10,000 square feet of government space and an AIA Application shall be filed with the District.
	Prior to commencing construction on any permit-required equipment or process, a Authority to Construct (ATC) and a Permit to Operate (PTO) shall be obtained from the District.
6.	The project shall comply with the California Code of Regulations Title 24 – Fire Code and obtain approval of County-approved site plans by the Fresno County Fire Protection District prior to the issuance of building permits. The project shall adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinklers Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures. The project may require joining Community Facilities District No. 2010-01 of the Fire District.
7.	<ul> <li>To address road impacts resulting from the project, Fresno County Roads Maintenance and Operations Division requires the following:</li> <li>Millerton Road shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan. Applicant should coordinate with Design Division to confirm any road improvements already in progress.</li> <li>Any construction performed within the County right-of-way will require an encroachment permit.</li> </ul>
	<ul> <li>Due to the arterial classification of Millerton Rd., the applicant should be required to relinquish any driveway access points and should only use Marina Dr. for access to proposed development.</li> <li>Marina Drive shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan.</li> </ul>
	In SRA Region, access easement must be to SRA standards for emergency access.
	<ul> <li>An engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinances. If community facilities are not installed or available, the applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.</li> </ul>





RE

# **EXISTING LAND USE MAP**





# Site Plan Notes

SECTION 5.106.4.

- ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF CALIFORNIA.
- REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS, AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER, PRIOR TO OCCUPANCY.
- TWO (2) WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT OF WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE
  - BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444
- ALL GATES OR COMMON ACCESS DRIVES SHALL BE EQUIPPED WITH APPROVED POLICE/FIRE BYPASS LOCKS (BEST LOCKS: PADLOCK 21B700 SERIES OR CYLINDER LOCK 1W7B2).
- PROVIDE DESIGNATED PARKING FOR ANY COMBINATION LOW-EMITTING, FUEL EFFICIENT AND CAR POOL/VAN POOL VEHICLES AS REQUIRED BY 2013 CAL GREEN BUILDING STANDARDS CODE
- HYDRANTS ARE NOTED ON PLANS. PROVIDE FIRE HYDRANT FLOW OF 1500 GPM WITH A MIN.

6. PROVIDE BICYCLE PARKING AS REQUIRED BY 2016 CAL GREEN BUILDING STANDARDS CODE

- PROVIDE SIGN(S) (17'x22' MINIMUM) AT ALL PUBLIC ACCESS DRIVES TO THE PROPERTY "WARNING-VEHICLES STOPPED, PARKED, OR LEFT STANDING IN FIRE LANES WILL BE IMMEDIATELY REMOVED AT OWNER'S EXPENSE-22658 CALIFORNIA VEHICLE CODE."
- STREETS DESIGNATED ON THE PLAN SHALL BE IDENTIFIED AS FIRE LANES AS PROVIDED IN THE CALIFORNIA VEHICLE CODE, SECTION 22500.1. DESIGNATE HIGHLIGHTED CURBS AS FIRE LANES (RED CURB WITH 'FIRE LANE' IN 3' LETTERS EVERY 50 FEET) FIRE LANES ARE REPRESENTED AS ON THE PLANS.
- LO. VERTICAL CLEARANCE AT ACCESSIBLE PARKING SPACES WITHIN PARKING FACILITIES SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 8'-2" FROM THE FLOOR TO THE LOWEST PROJECTION OF THE
- 1. EXTERIOR ACCESSIBLE ROUTES OVER 200 FEET IN LENGTH WITH A CLEAR WIDTH OF LESS THAN GO INCHES, SHALL PROVIDE PASSING SPACES AT INTERVALS OF 200 FEET MAXIMUM. PASSING SPACES SHALL BE EITHER: A SPACE GO INCHES MINIMUM BY GO INCHES MINIMUM; OR AN INTERSECTION OF TWO WALKING SURFACES PROVIDING A "T" SHAPE SPACE.
- 12. ALL GARAGES TO BE PRE-WIRED FOR SOLAR PANELS
- 13. DEED(S) OF EASMENT(S) FOR THE REQUIRED DEDICATION'S SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO ISSUANCE OF BUILDING PERMITS. RECORDED PARCEL MAP REQUIRED PRIOR TO PERMITS FOR THIS CONFIGURATION.
- 14. UNDERGROUND ALL EXISTING OFFSITE OVERHEAD UTILITIES WITHIN THE LIMITS OF THIS SITE/MAP AS PER FMC SECTION 15-2017.

# **Keyed Notes**

- NEW BUILDING TYPE 1 9.586 Sq.Ft. 2-STORY APARTMENT BUILDING (4,793
- (2) NEW BUILDING TYPE 2 9,488 Sq.Ft. 2-STORY APARTMENT BUILDING (4,744

FOOTPRINT INCLUDING LIVING AREA, PATIO'S + COVERED ENTRY)

Sq.Ft. FOOTPRINT INCLUDING LIVING AREA, PATIO'S + COVERED ENTRY) NEW BUILDING TYPE 3 - 10,670 Sq.Ft. 2-STORY APARTMENT BUILDING - (5,335 Sq.Ft.

Sq.Ft. FOOTPRINT INCLUDING LIVING AREA. PATIO'S + COVERED ENTRY)

- FOOTPRINT INCLUDING LIVING AREA, PATIO'S + COVERED ENTRY) NEW BUILDING TYPE 4 - 7.152 Sq.Ft. 2-STORY APARTMENT BUILDING - (3.576 Sq.Ft.
- 5 NEW BUILDING TYPE 5 3,300 Sq.Ft. 1-STORY 3 BEDROOM, 2 BATH DUPLEX APARTMENT BUILDING (SEE PLAN FOR EXTERIOR ELEVATION OPTION)
- NEW BUILDING TYPE 6 3.300 Sq.Ft. 1-STORY 3 BEDROOM, 2 BATH DUPLEX
- APARTMENT BUILDING NEW 22,612 Sq.Ft. 2-STORY APARTMENT + CLUBHOUSE BUILDING -
- (11,306 Sq.Ft. FOOTPRINT INCLUDING LIVING AREA + COVERED ENTRY) 8 NEW 2.022 Sq.Ft. 1-STORY 8 CAR GARAGE BUILDING TYPE 'G-1'
- 9 NEW COMMERCIAL DRIVEWAY APPROACH PER COUNTY OF FRESHO
- (I) NEW 6' CONCRETE CURB PER COUNTY OF FRESNO STD. ST40.
- NEW G'CONC. CURB + GUTTER PER COUNTY OF FRESNO STD. ST40.
- NEW SITE ENTRANCE SIGN, (REGARDING UNAUTHORIZED VEHICLE PARKING)
  PER CBC DIV. 2 SITE ACCESSIBILITY STANDARDS (SEC. 11B-502.6). (3) NEW CURB RAMP PER COUNTY OF FRESNO STD. ST42.
- (14) NEW 6' HIGH ORNAMENTAL FENCING
- NEW SECURITY GATE W/KEYPAD, REMOTE CONTROL, SENSOR LOOP FOR EXITING + STROBE ACTIVATED OPERATION FOR FIRE ACCESS.
- (16) NEW CONCRETE DRIVEWAY. OWNER TO SELECT TEXTURE AND COLOR. NEW A.C. PAVING PER SOILS REPORT AND/OR COUNTY OF FRESNO STD.
- ST15. WHICH EVER IS MOST STRINGENT. (B) NEW ACCESSIBLE PARKING STALL WITH DESIGNATED UNLOADING ZONE AND
- ACCESSIBLE RAMP WITH SIGNAGE PER CBC DIV. 2 SITE ACCESSIBILITY STANDARDS (SEC. 11B-406 + 11B-502).
- (19) NEW 4' WIDE CROSSWALK WITH 4' WIDE STRIPES AT 36' OC
- (20) NEW WHITE PAINT PARKING STRIPING, TYP.
- NEW DASHED LINE INDICATES LOCATION OF 3 FT. VEHICLE OVERHANG WITH NO OBSTRUCTIONS WITHIN THE 3 FT. OVERHANG (GROUND COVER IS
- ALLOWABLE). WHERE WALKWAYS ARE ADJACENT TO PARKING THE WALK
- (22) NEW CONCRETE WALK WITH TOOLED CONTROL JOINTS. EXPANSION JOINTS + BROOM FINISH. (7'-O' MIN. WALK WHEN ADJ. TO PARKING TYP). (23) NEW RED-PAINTED CURB w/ WHITE LETTERING READING 'FIRE LANES' IN
- NEW WHITE PAINTED DIRECTIONAL ARROWS AT BEGINNING AND END OF AISLES, TYPICAL

3' LETTERS EVERY 50' OR APPROVED SIGN(S) EVERY 50'.

25) NEW LANDSCAPE AREA.

DESCRIPTION

/|18|36 SPACES | 18 | 36 SPACES

168 SPACES

AREA / NO.

22.25 Ac. or 969,473 Sq.Ft

202,596 Sq.Ft. or 21%

202 UNITS

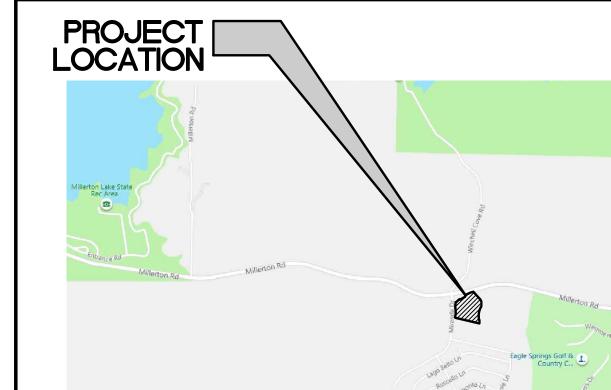
240 Spaces

125 Spaces.

365 Spaces.

- (26) NEW TRASH INCLOSURE.
- NEW FIRE HYDRANT PER COUNTY OF FRESNO STD. W1, W2. + W3.
- (28) NEW 6' HIGH CMU WALL. SEE CIVIL DWG'S.
- NEW CURB RAMP PER CBC DIV. 2 EXTERIOR FACILITIES (SEC. 1112A + 1114A) NEW 4' WIDE CONCRETE SIDEWALK. PER COUNTY OF FRESNO STD. ST38.
- (31) LOCATION OF NEW PEDESTRIAN ACCESS GATE.
- LOCATION OF FUTURE ELECTRIC VEHICLE CHARGING STATION PARKING PROVIDE ELECTRICAL RACEWAY AND DEDICATED BRANCH CIRCUIT PER CAL GREEN BUILDING STANDARD CODE SEC. 4106.4.2 + 5106.5.3.1
- (33) NEW CONCRETE VALLEY GUTTER. SEE CIVIL DWG'S.
- (34) NEW EMERGENCY VEHICLE ACCESS.
- (35) NEW SWIMMING POOL. (UNDER SEPARATE PERMIT). (36) NEW CABANA STRUCTURE. (UNDER SEPARATE PERMIT).
- NEW PERGOLA SHADE STRUCTURE. (UNDER SEPARATE PERMIT). (38) NEW 5-STALL BICYCLE RACK. VERIFY LOCATION WITH OWNER.
- (39) NEW BUILT-IN BBQ AND FIREPLACE.
- (40) NEW POOL PUMP/FILTER EQUIPMENT LOCATION..

VICINITY MAP

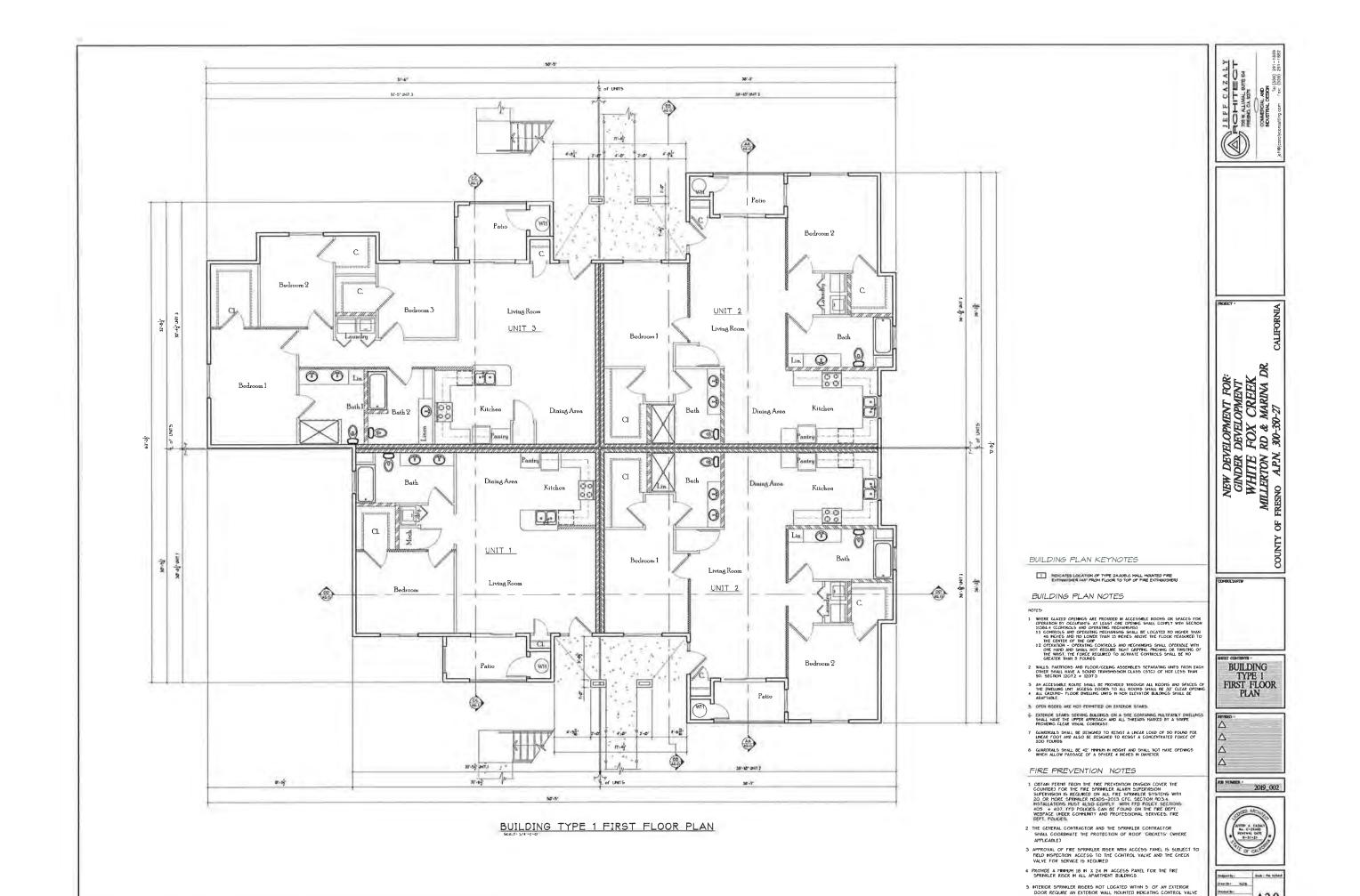


**ARCHITECTURAL** SITE PLAN

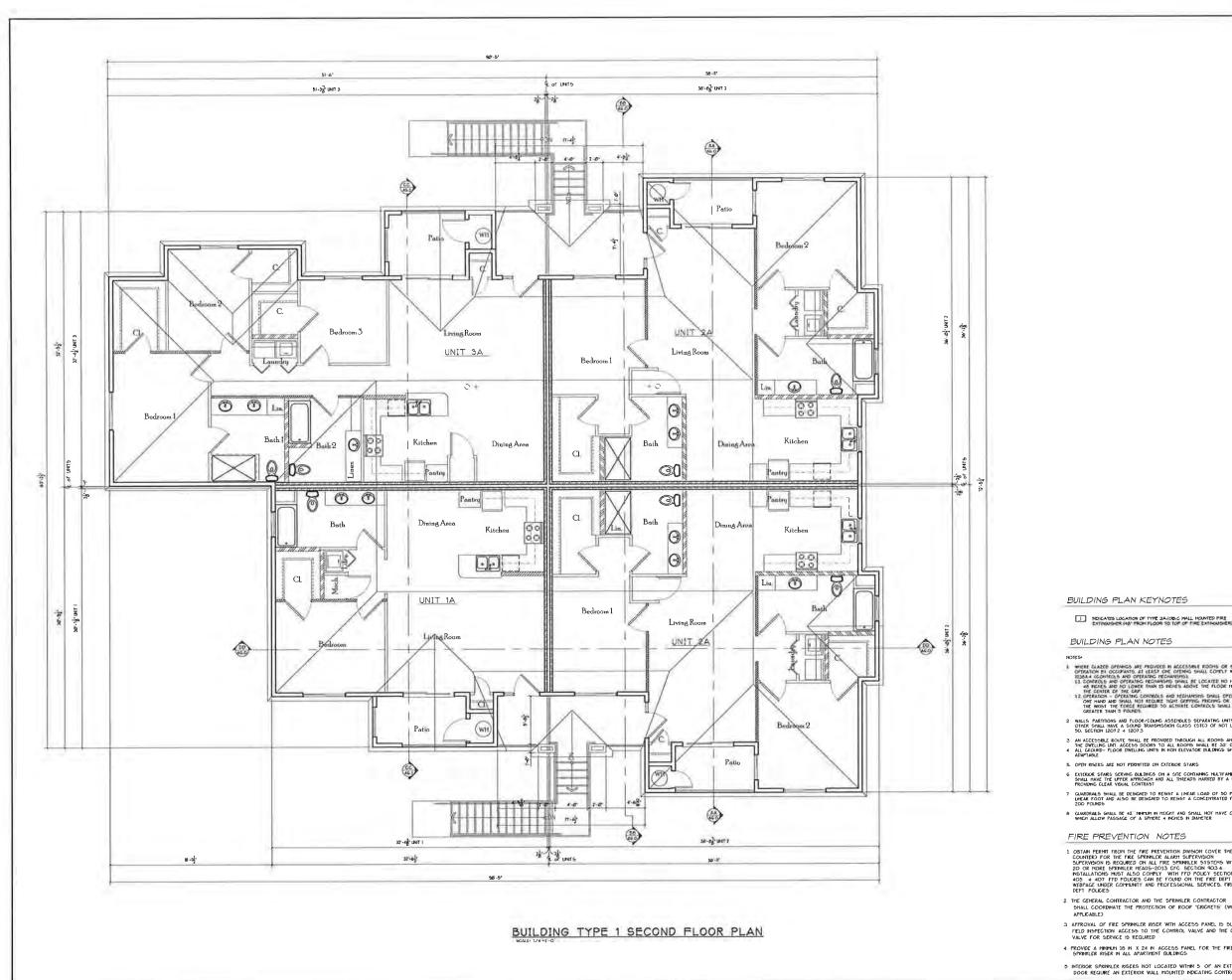
CONSULTANTS:

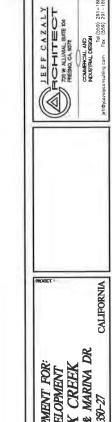
JOB NUMBER : 2019\_002

Drawn By: KCS Reviewed By: JAC



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- 5. OPEN RISERS ARE NOT PERMITTED ON EXTERIOR STARS
- GUARDRALS SHALL BE DESIGNED TO RESIST A LINEAR LOAD OF 30 POUND PER LINEAR FOOT AND ALSO BE DESIGNED TO RESIST A CONCENTRATED FORCE OF ZOO POUNDS
- 8 GUARDRAILS SHALL BE 42 INSTEM IN HEIGHT AND SHALL NOT HAVE OPENINGS WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER
- OBTAIN PERMETROR THE FRE PREVENTION DIVISION COVER THE COUNTER FOR THE FRE SPRINLER ALARM SUPERVISION SUPERVISION OF ECOURED ON ALL FRE SPRINLER SYSTEMS WITH 20 OR NORE SPRINLER HEADS-2013 CFC SECTION 9034 NSTALLANDING HISTALLSCOPPLY WITH FEP POLICY SECTIONS 409 & 407 FFD POLICYS OF STAND ON THE FIRE DEPT WEDRACE LUBBER CHIERTY AND PROFESSIONAL SERVICES. FRE DEPT FOLICES
- 2 THE GENERAL CONTRACTOR AND THE SPRINCLER CONTRACTOR SHALL COORDNATE THE PROTECTION OF ROOF "CRICKETS" (WHERE APPLICABLE)
- 3 APPROVAL OF FRE SPRINGER RISER WITH ACCESS PANEL IS SUBJECT TO FIELD INSPECTION ACCESS TO THE CONTROL VALVE AND THE CHECK VALVE FOR SERVICE IS REQUIRED
- 4 PROVIDE A MINIMUM 18 IN X 24 IN ACCESS PANEL FOR THE FIRE SPRINKLER RISER IN ALL APARTHENT BUILDINGS

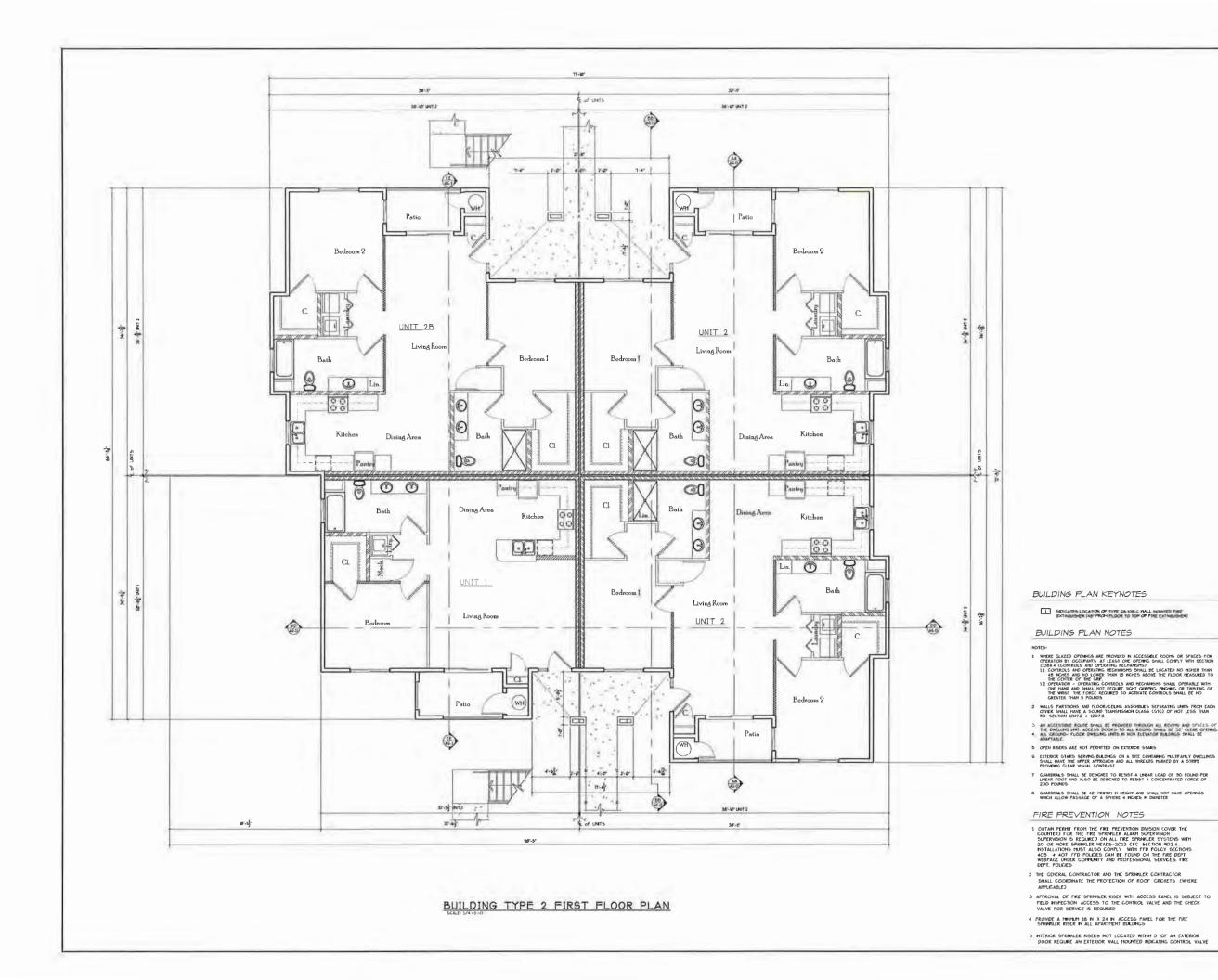


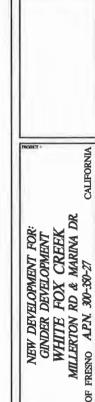






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BUILDING

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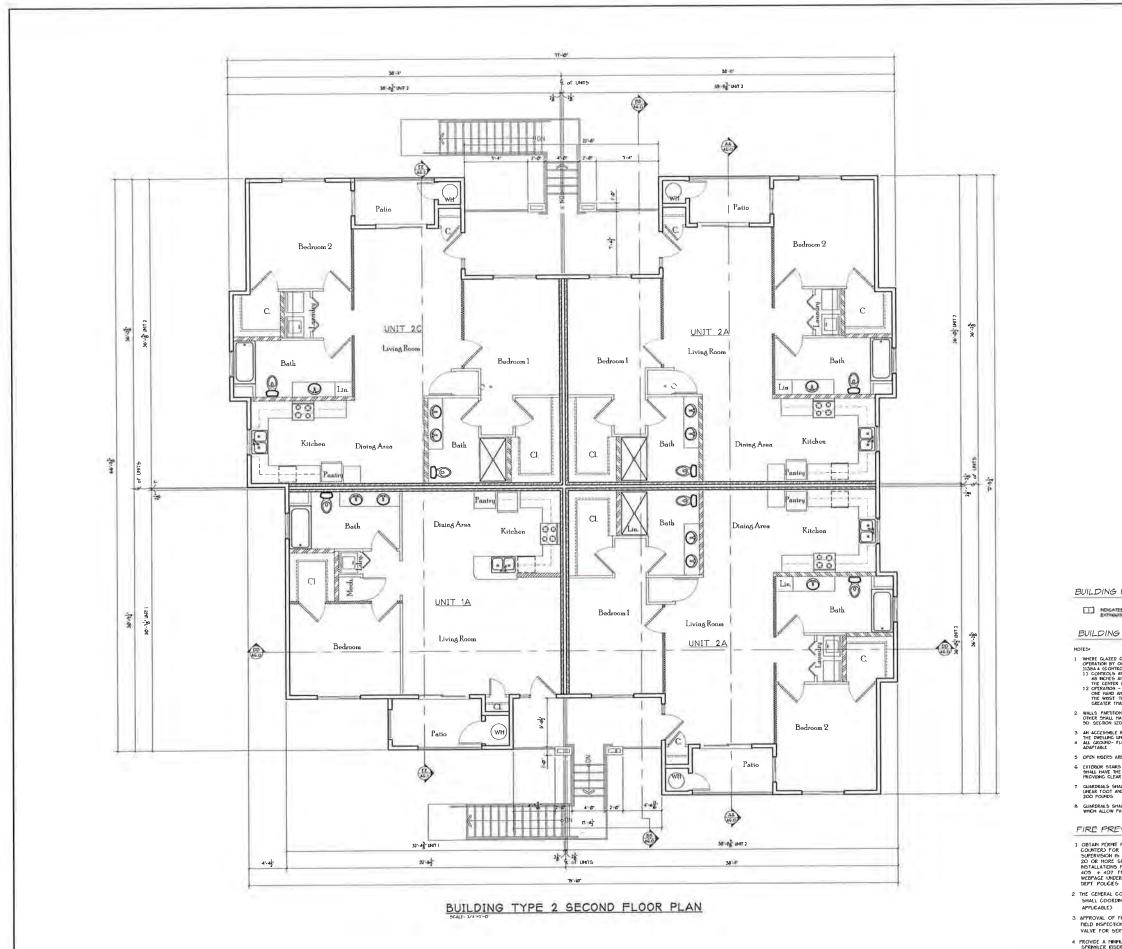
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TYPE 2 FIRST FLOOR PLAN

2019\_002

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A3.2





EXCHANGE (45" PROM FLOOR TO TOP OF FIRE EXTINSUSHER)

#### BUILDING PLAN NOTES

- 1 WHERE CLAZED OPENNOS ARE PROVIDED IN ACCESSIBLE ROOMS OR SPACES FOR OPERATION BY OCCUPANTS AT LEAST ONE OPENNO SHALL COMEN'S WITH SECTION 1138A4 CONTROLS AND OPERATION (SECHANSISS)
  11 CONTROLS AND OPERATION FECHANISMS SHALL BILLOCATED NO HIGHER THAM AB INCHES AND NO LOWER THAN 15 POCHES ABOVE THE FLOOR FRASHERD TO
- THE CENTER OF THE CAR".

  12 CIPERATION OPERATING CONTROLS AND HECHANISMS SHALL OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT CAPPING. PINCHING OR TWISTING OF THE WINST THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 POURDS.
- OTHER SHALL HAVE A SOLARD TRANSHISSION CLASS (STC) OF NOT LESS THAN 50 SECTION 12072 + 12073

  3 AN ACCESSIVE ROUTE SHALL BE PROVIDED THROUGH ALL ROOMS AND SPACES (
- 4 ALL GROUND- FLOOR DWELLING UNITS IN NON ELEVATOR BUILDINGS SHALL BE ADAPTABLE
- 5 OPEN RISERS ARE NOT PERMITTED ON EXTERIOR STAIRS.
- G EXTERIOR STARS SERVING BILDINGS ON A SITE CONTAINS MILITERILY DWELLINGS SHALL HAVE THE UPPER APPROACH AND ALL THREADS HARRED BY A STRPE PROVIDING CLEAR VISUAL CONTRAST
- 7 GUARDRALS SHALL BE DESCRED TO RESIST A LINEAR LOAD OF 50 POLND FER LINEAR FOOT AND ALSO BE DESIGNED TO RESIST A CONCENTRATED FORCE OF ZOO POLNIDS
- B GUARDRALS SHALL BE 42 IMMUM IN HEICHT AND SHALL NOT HAVE OPENINGS WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER

#### FIRE PREVENTION NOTES

- 1 OBTAIN PERMIT FROM THE FRE PREVENTION DIVISION (OVER THE COUNTER) FOR THE FRE SPRANGER ALARM SUPERVISION. SUPERVISION IS PREUNED ON ALL FRE SPRANGE SYSTEMS WITH 20 OR HORE SPRANGE STEED ON ALL FRE STRINGER OF SECTION 903-4. AND FRANKER HEADS-2013 CFC SECTION 903-4. ADD FROM COMPLY WITH FED POLICE SECTIONS 405-4-4-07 FFD POLICES CAN BE FOUND ON THE FRE DEPT WEBFAGE LINDER COMMUNITY AND PROFESSIONAL SERVICES FRE DEPT POLICES.
- 2 THE GENERAL CONTRACTOR AND THE SPRINKLER CONTRACTOR SHALL COORDINATE THE PROTECTION OF ROOF CRICKETS (WHERE APPLICABLE)
- 3 APPROVAL OF FIRE SPRINKLER RISER WITH ACCESS PANEL IS SUBJECT TO FIELD INSPECTION ACCESS TO THE CONTROL VALVE AND THE CHECK VALVE FOR SERVICE IS REQUIRED.
- 4 PROVIDE A MINIMUM 1B IN X 24 IN ACCESS PANEL FOR THE FIRE SPRINGER RISER IN ALL APARTMENT BUILDINGS
- 5 INTERIOR SPRINKLER RISERS NOT LOCATED WITHIN 5' OF AN EXTERIOR DOOR REQUIRE AN EXTERIOR WALL MOUNTED INDICATING CONTROL VALVE

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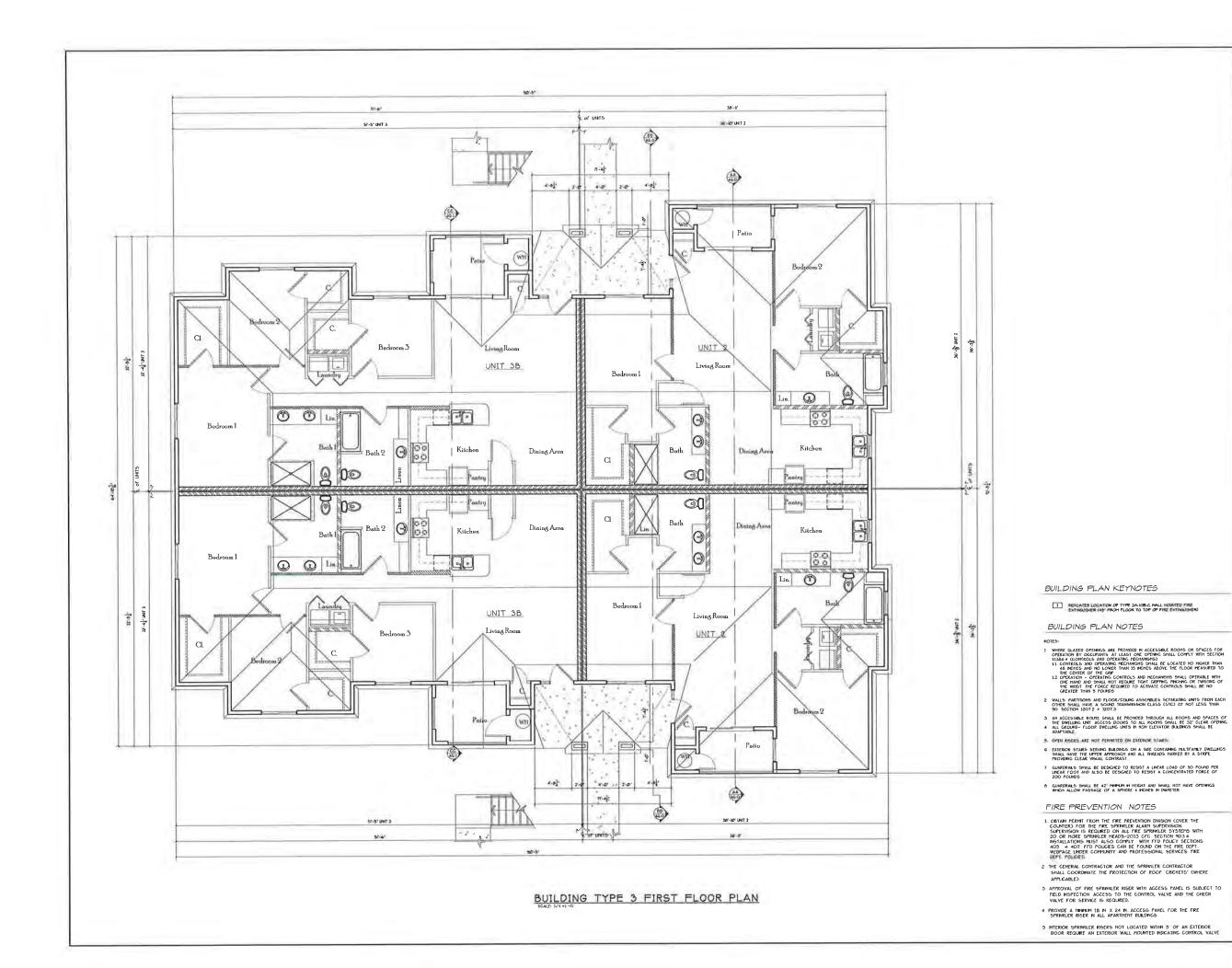












JEFFCAZALY

TECHITECT

NEW DEVELOPMENT FOR:
GINDER DEVELOPMENT
WHITE FOX CREEK
MILERTON RD & MARINA DI
TRESNO APN. 300-30-27

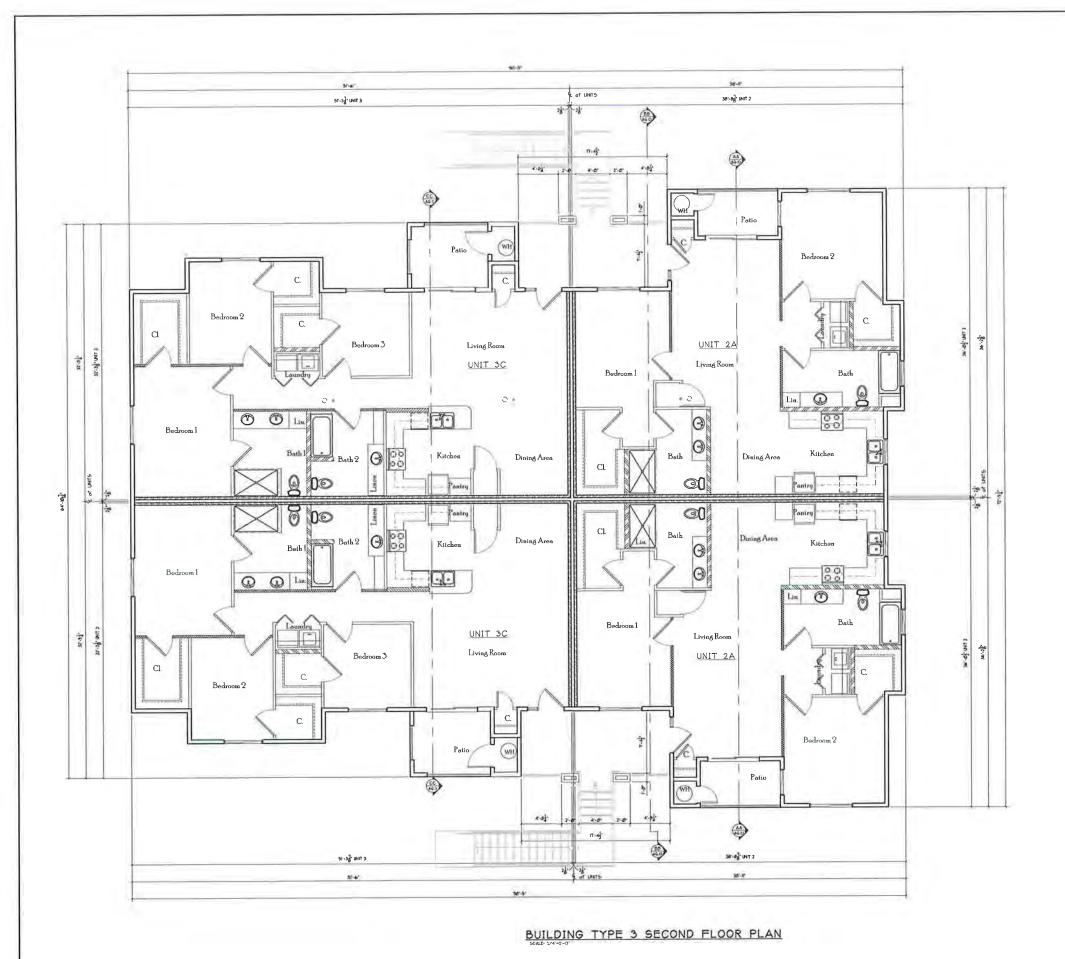
BUILDING TYPE 3 FIRST FLOOR PLAN

2019\_002

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BOIGATES LOCATION OF THTE 2A LODIC HALL HOWITED FIRE ENTHAUGHEN

#### BUILDING PLAN NOTES

- MHERE GLAZED OPENNOS ARE PROVIDED IN ACCESSBUE ROOMS OR SPACES FOR OPERATION BY OCCURANTS AT LEAST ONE OPENNOS MAIL COPETY WITH SECTION 1130A 4 CONTROL SAME DEFENDANCE INCLINENCES DE LICACIÓN IN MERCE TIMA 130 NO INCLINENT DE LICACIÓN IN MERCE TIMA 140 NOCIÓN AND ALONER TIMA 130 NOLES ADOVE THE FLORE OF THE COPE 12 OPERATION OPERATION CONTROL TO THE CONTROL OF THE CONTROL TO THE CONTROL THE CONTROL TO THE CONTROL THE

- S OFFIN RESPES ARE NOT PERFETTED ON EXTENSE STARS
- 6 EXTERIOR STARS SERVICE BULDINGS ON A STE CONTAINING HALTITATHLY DWELLINGS SHALL HAVE THE LIFTER APPROACH AND ALL THREADS HARKED BY A STRPE PROVIDING CLEAR VISUAL CONTRAST
- 8 CHARDRALS SHALL BE 42" HENUM IN HEIGHT AND SHALL NOT HAVE OPENINGS WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER

#### FIRE PREVENTION NOTES

- 1 OBTAIN PERMIT FROM THE FRE PREVENTION DRISSION COVER THE COUNTERS FOR THE FRE SPREINLER ALARM SUPERVISION SUPERVISION IS PERVISION OF ALL FIRE SPREINLER SYSTEMS SYSTEMS WITH 20 OR HORE SPREINLER HEADS-2013 CFC SECTION 403 HISTALLATIONS HUST ALSO COPHTY WITH FTP POLICY SECTIONS 405 + 407. FTP POLICES CAN BE FOUND ON THE FIRE DEFT WEBRACE MORRE COMPRINTLY AND PROFESSIONAL SERVICES FRE DEFT FOLICE'S
- 2 THE GENERAL CONTRACTOR AND THE SPRINKLER CONTRACTOR SHALL COORDNATE THE PROTECTION OF ROOF "CRICKETS" (WHERE APPLICABLE)
- 4 PROVIDE A MINIMUM 18 IN X 24 IN ACCESS PANEL FOR THE FIRE SPRINKLER RISER IN ALL APARTMENT BUILDINGS



NEW DEVELOPMENT FOR: GINDER DEVELOPMENT WHITE FOX CREEK MILLERTON RD & MARINA DI F FRESNO APN 300-30-27

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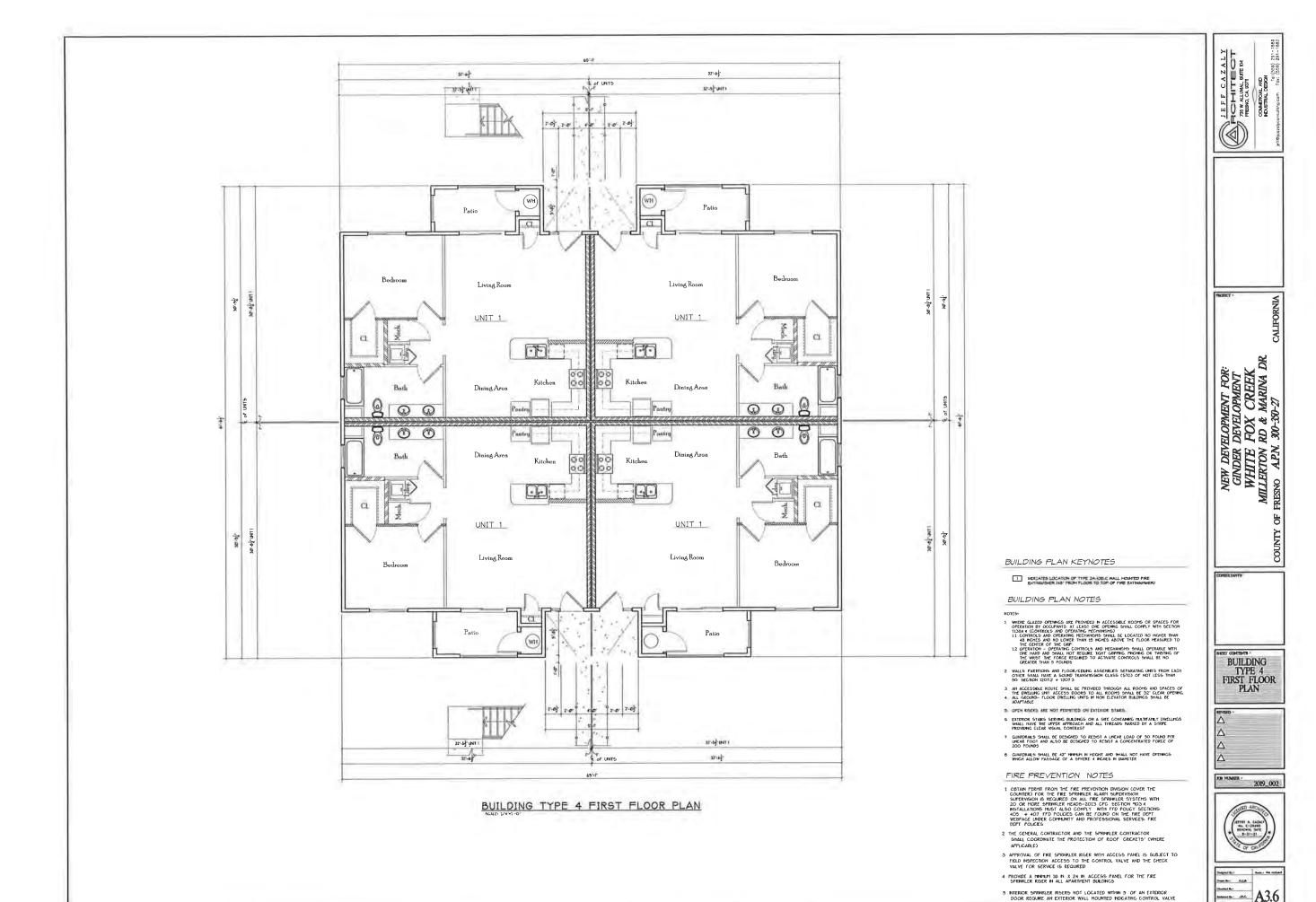
BUILDING
TYPE 3
SECOND FLOOR
PLAN

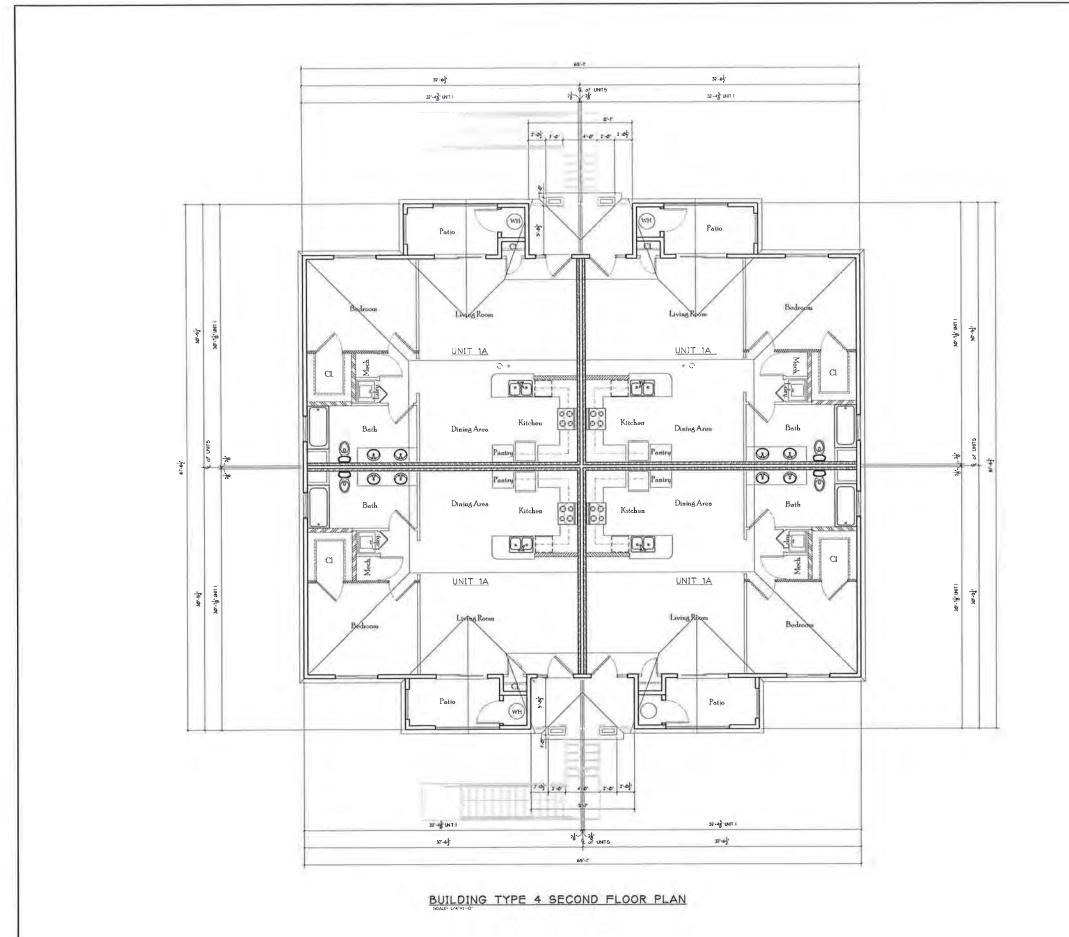












BUILDING PLAN KEYNOTES

I BOICATES LOCATION OF TYPE 2A IOB.C WALL MOUNTED FIRE ENTINGUISHER!

#### BUILDING PLAN NOTES

#### NOTES

- 12 OFFRATION OFFRATING CONTROLS AND HECHANISHS SHALL OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRETPING PROTING OF TWISTING OF THE WRIST THE FORCE REQUIRED TO ACTIVATE CONTROLS SHALL BE NO GREATER THAN 5 POUNDS
- OTHER STALL HAVE A SOUND TRANSHISSION CLASS (STC) OF NOT LESS THAN SO SECTION 1207.2 + 1207.3
- ADAPTABLE
- 5 OPEN RISERS ARE NOT PERMITTED ON EXTERIOR STARS
- 6 EXTERIOR STARES SERVING BIRDINGS ON A SITE CONTAINING HILLTEATHY DWELLINGS SHALL HAVE THE UPPER APPROACH AND ALL THREADS MARKED BY A STRPE PROVIDING CLEAR VISUAL CONTRAST
- 7 CUARDRALS SHALL BE DESIGNED TO RESIST A LINEAR LOAD OF SO FOUND PER LINEAR FOOT AND ALSO BE DESIGNED TO RESIST A CONCENTRATED FORCE OF 200 POINDS
- 8 GUARDRALS SHALL BE 42 HINTERN IN HEIGHT AND SHALL NOT HAVE OPENINGS WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAHETER

#### FIRE PREVENTION NOTES

- 1 OD THE FERTH FRON, THE FRE PREVENTION DUSION COVER THE COMMITCH FOR THE FIRST SPRINGLIFE ALLERY SETTEMBERS. SHERRY STREAM STRE
- 2 THE GENERAL CONTRACTOR AND THE SPRINKLER CONTRACTOR SHALL COORDINATE THE PROTECTION OF ROOF "CRICKETS" (WHERE APPLICABLE)
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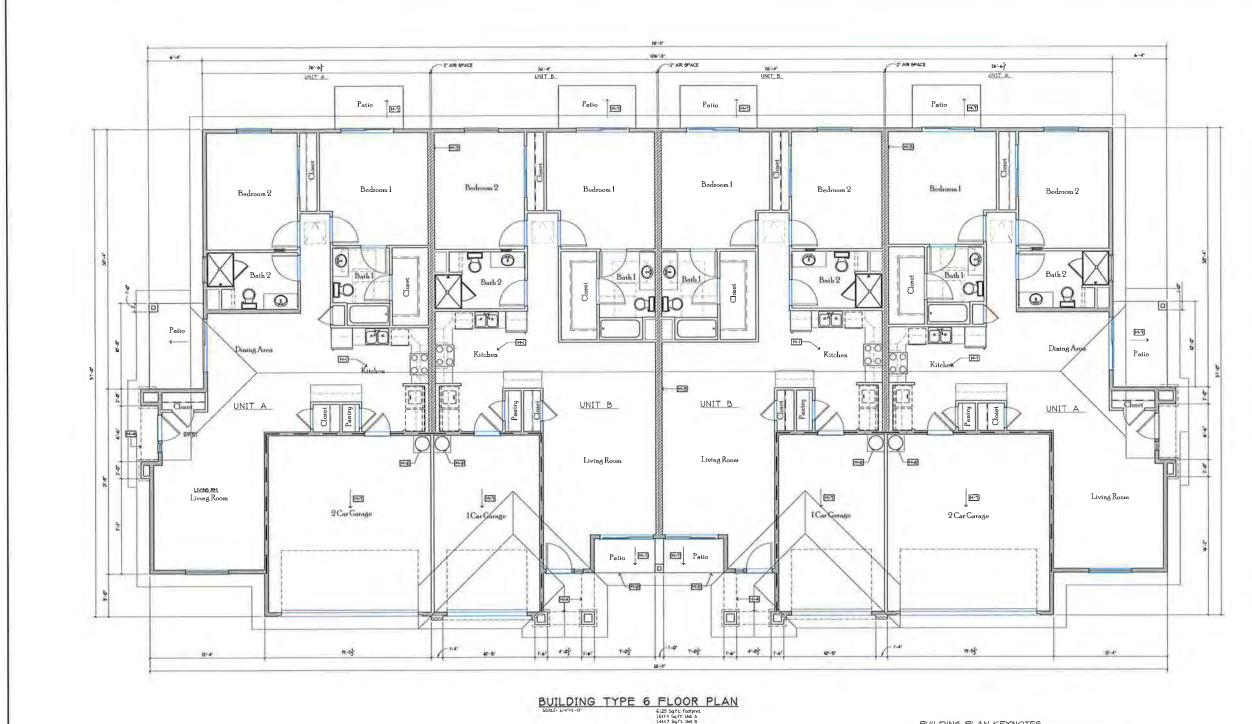












FIRE PREVENTION NOTES

- DOBTAN PERMIT FROM THE FRE PREVIOUS DIVISION COVER THE COUNTER FOR THE THE STRUMER ALARM SHE EXPLANATION OF THE SECRETARY OF
- 2 THE GENERAL CONTRACTOR AND THE SPRINKLER CONTRACTOR SHALL COORDINATE THE PROTECTION OF ROOF CRICKETS' CWHERE APPLICABLED
- 3 APPROVAL OF FRE SPRINKLER RISER WITH ACCESS PANEL IS SUBJECT TO FELD INSPECTION ACCESS TO THE CONTROL VALVE AND THE CHECK VALVE FOR SERVICE IS REQUIRED
- 4 PROVIDE A MINITUM 18 IN X 24 IN ACCESS PANEL FOR THE FRE SPRINTLER RISER IN ALL APARTMENT BUILDINGS
- 5 INTERIOR SPRINKLER RISERS NOT LOCATED WITHIN 5 OF AN EXTERIOR DOOR REQUIRE AN EXTERIOR WALL MOUNTED INDICATING CONTROL VALVE

# BUILDING PLAN KEYNOTES

HOICATES LOCATION OF TYPE 28 100 C WALL MOUNTED FIRE EXTINGUISHER 145" FROM FLOOR TO TOP OF FIRE EXTINGUISHER)

# BUILDING PLAN NOTES

- WHERE CLAZED OPENNOS ARE PROVIDED IN ACCESSIBLE ROOMS OR SPACES FOR OPERATION BY OCCUPANTS, AT LEAST ONE OPENNOS SHALL COMPLY WITH SECTION 1308-AC COUNTROLS AND OPENNOS CHECK THE CHAMBER'S SHALL OF LOCATED NO MICHER THAN 11 CONTROLS AND ONE HEAD TO THE CONTROL ON MICHER THAN 15 MONES ABOVE THE FLOOR MEASURED TO THE CONTROL OF THE CONTROLS AND PECULAMENTS SHALL OPERATION OF THE MICHER COUNTROLS AND PECULAMENTS SHALL OPERATION OF THE WAST THE FORCE REQUIRED TO ACTIVATE COMPROLS SHALL OF WISHING OF CREATER HAM 5 POUNDS

- 5. OPEN RISERS ARE NOT PERMITTED ON EXTERIOR STARS
- EXTENSE SIZES SERVING BELLINGS ON A SIZE CONTAINED, HEREALT DESCRINGS SHALL HAVE THE LIPPER APPROACH AND ALL THREADS MARKED BY A SIZE PROVING CLEAR YIGHLA CONTRAST.
- 7 GUARDRALS SHALL BE DESCRED TO BESIST A LIPEAR LOAD OF SO FOUND FER LINEAR FOOT AND ALSO BE DESCRED TO RESIST A CONCENTRATED FORCE OF 200 FOUNDS.
- 8 GUARDRALS SHALL BE 42 HENRUM IN HEIGHT AND SHALL NOT HAVE OPENINGS WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER



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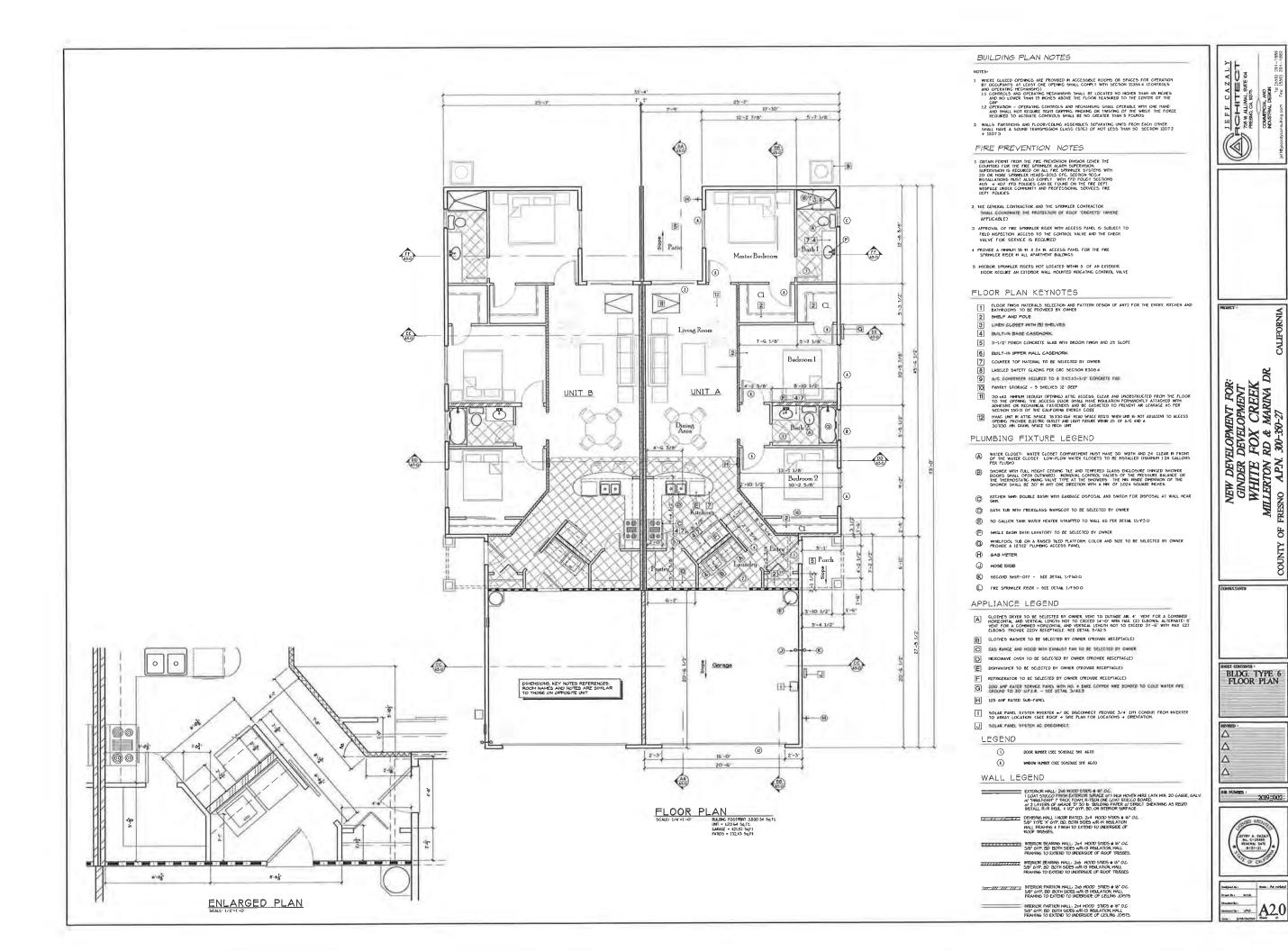
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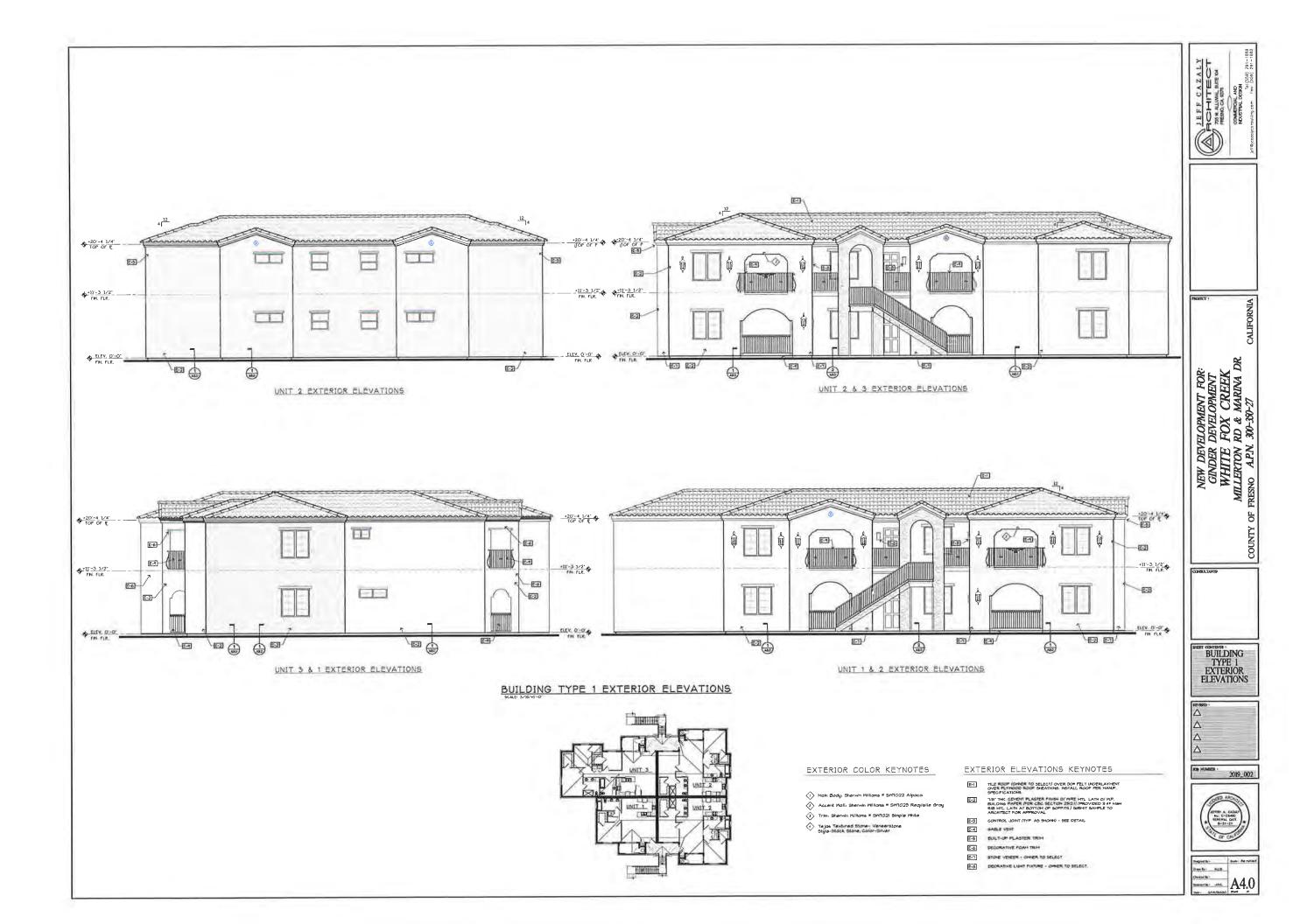
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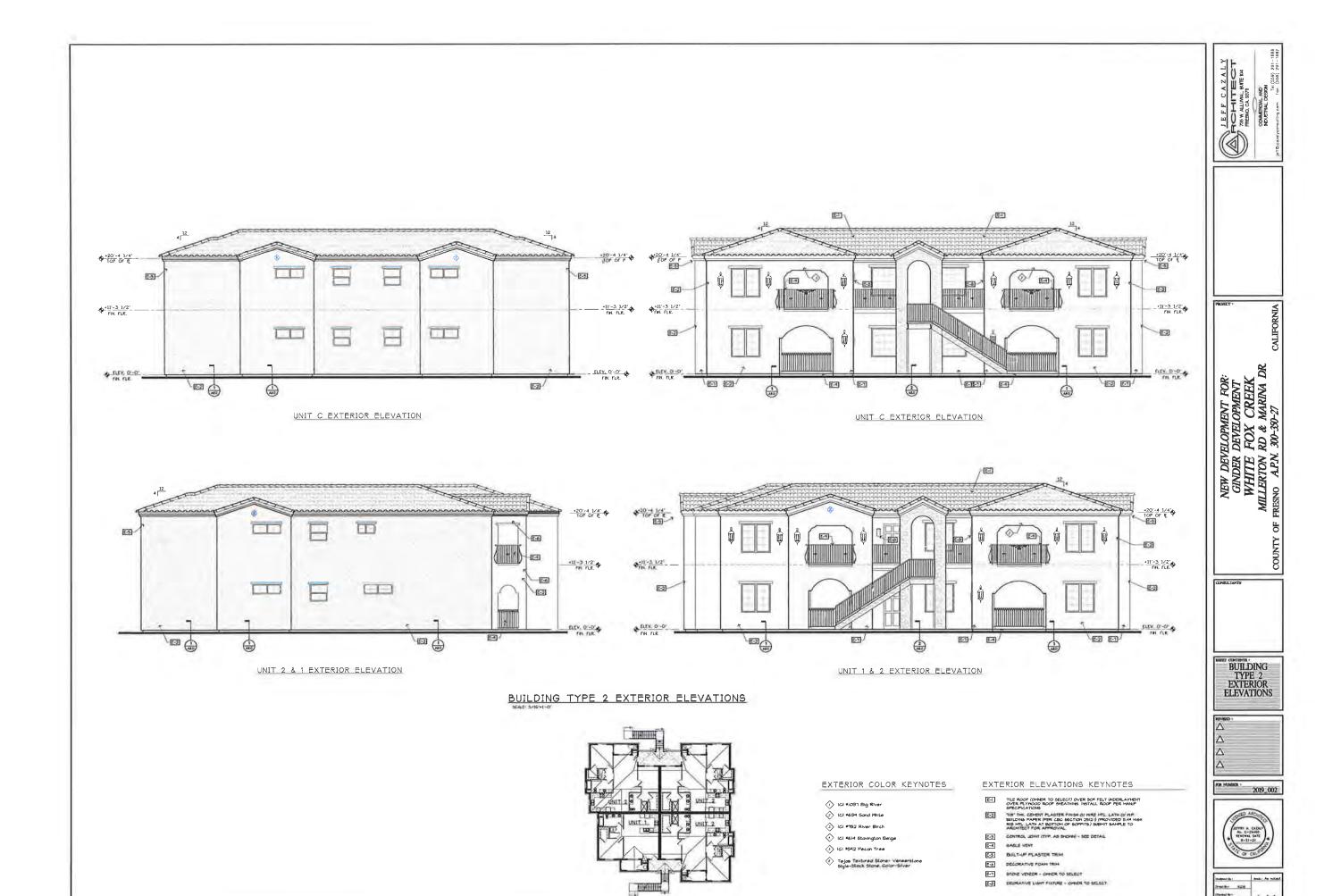
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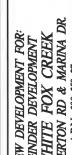












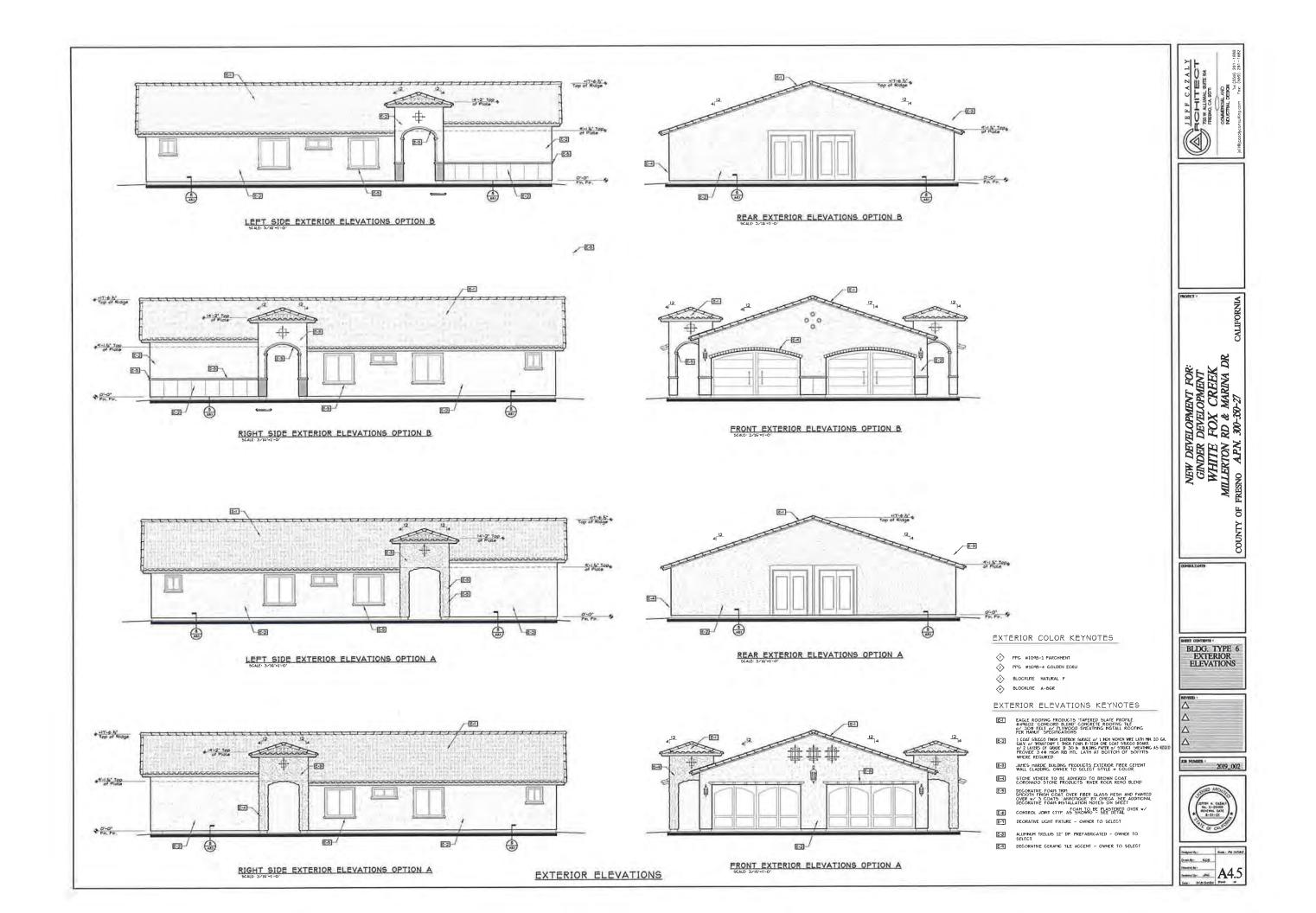
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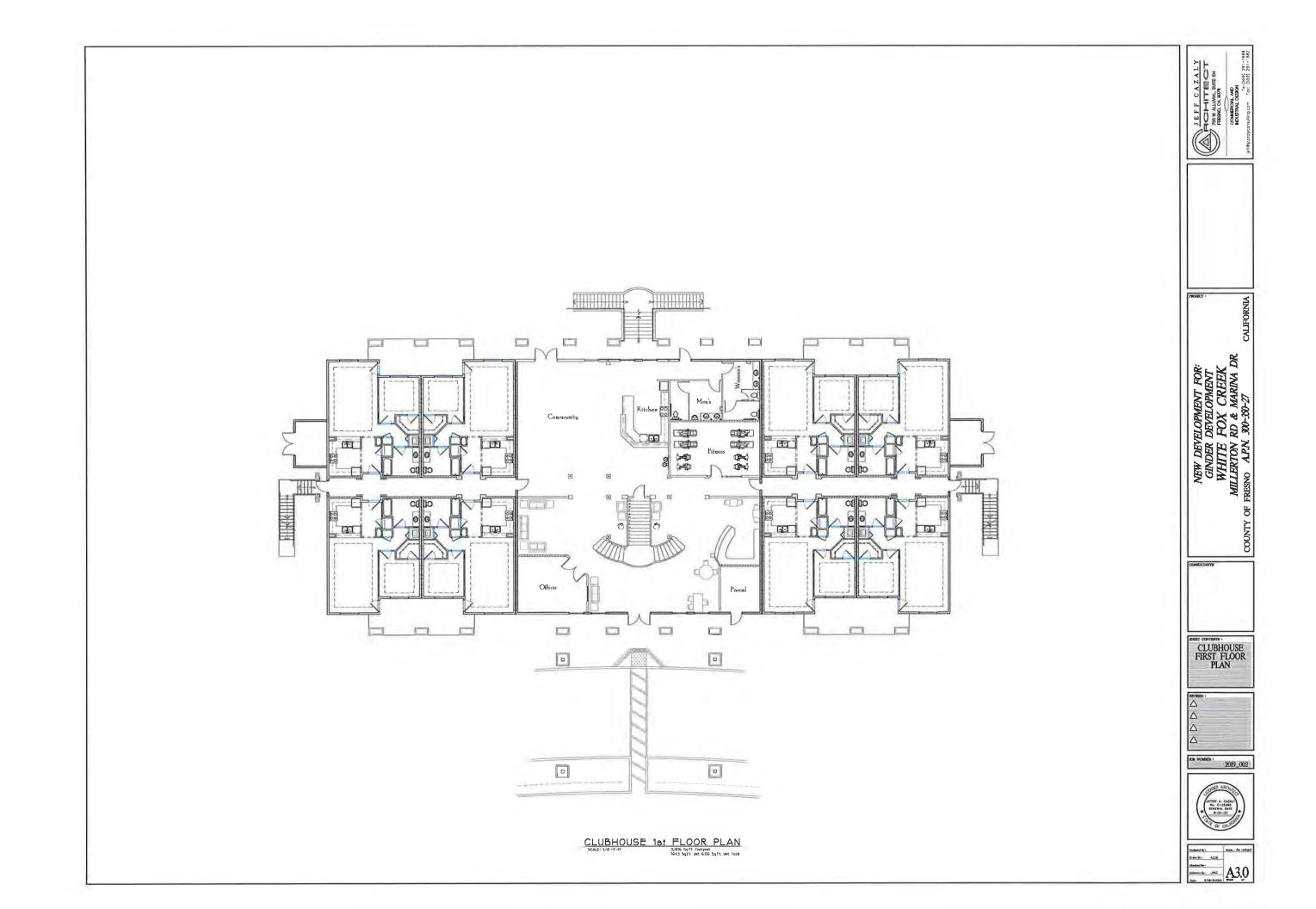


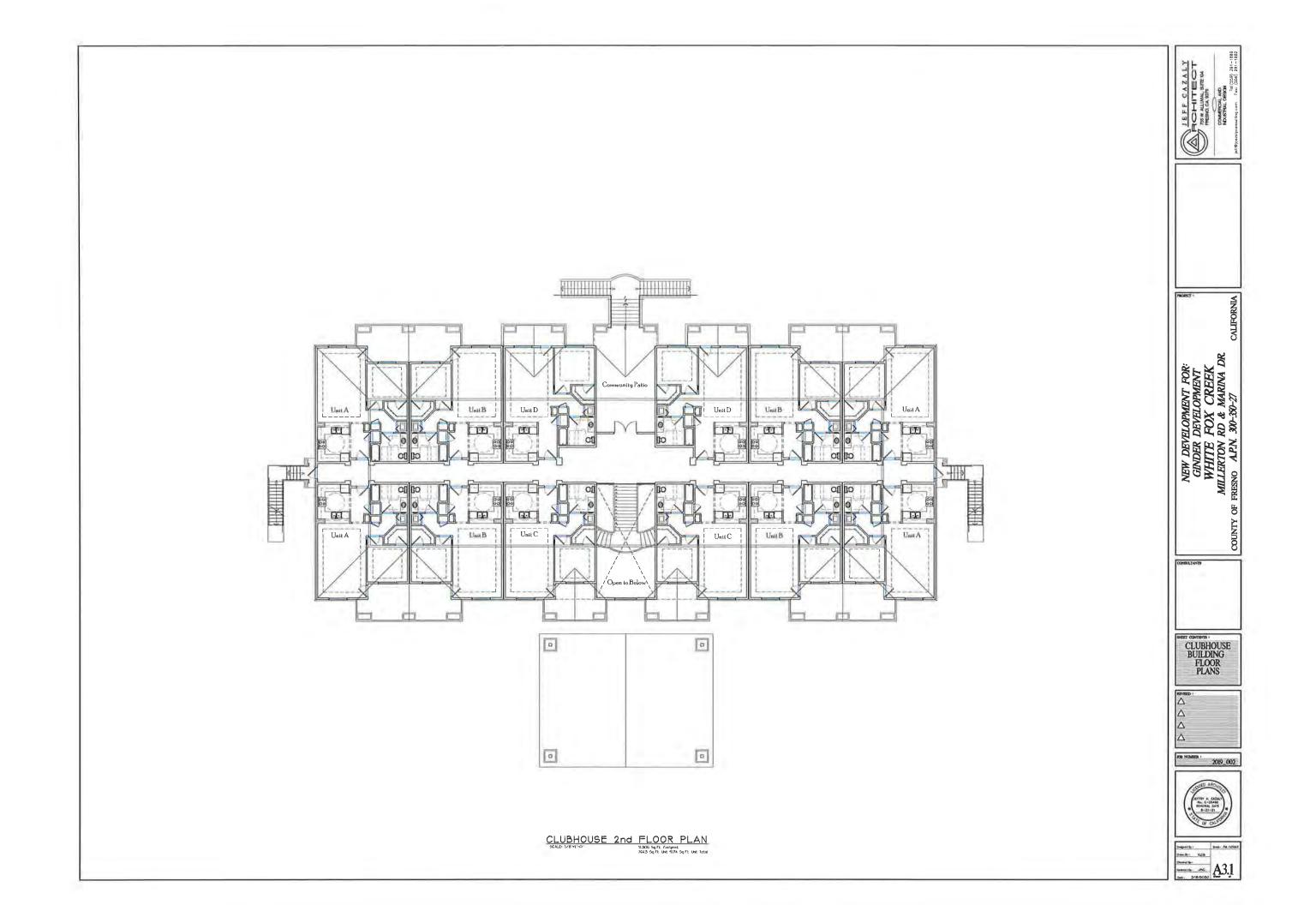


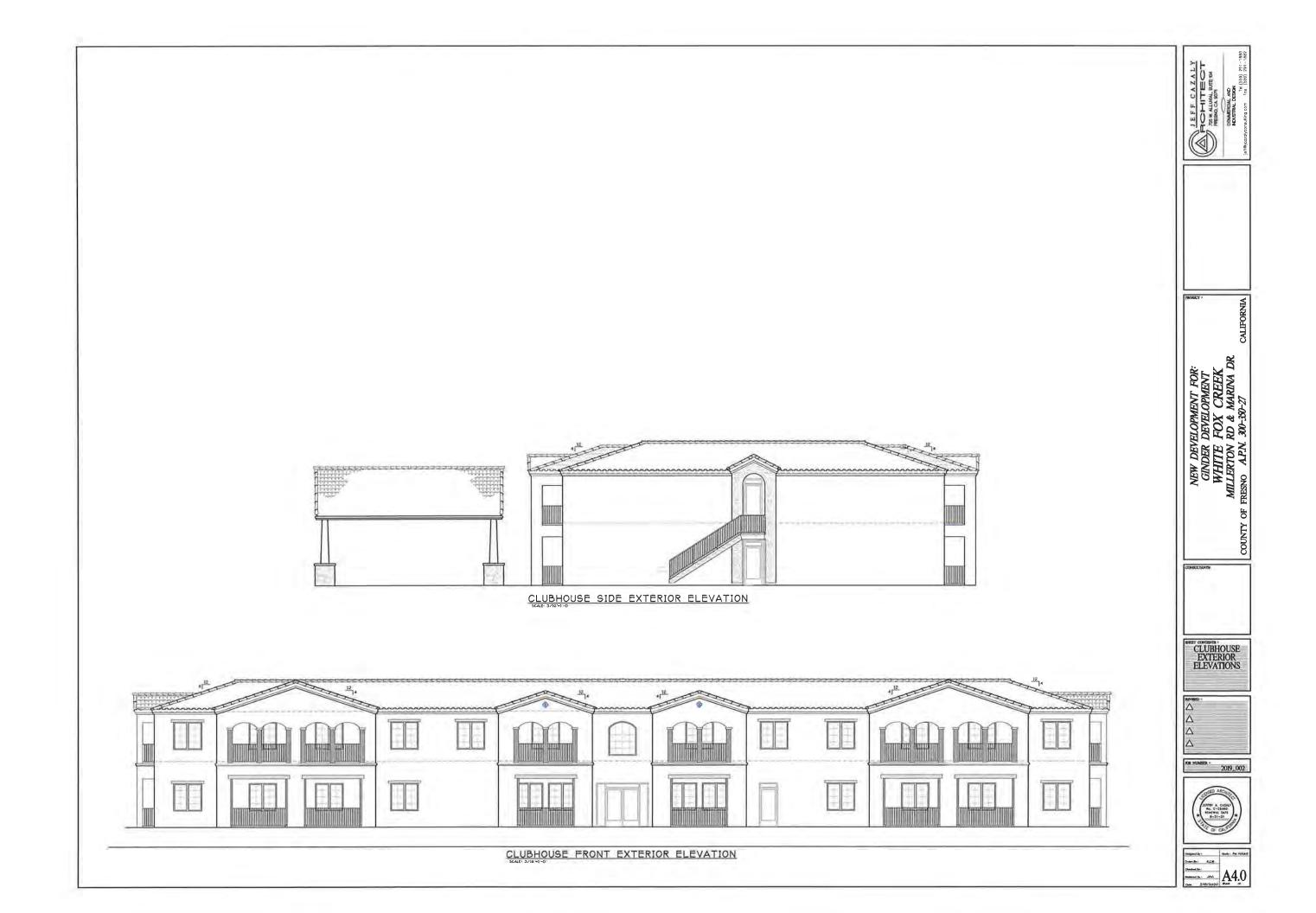
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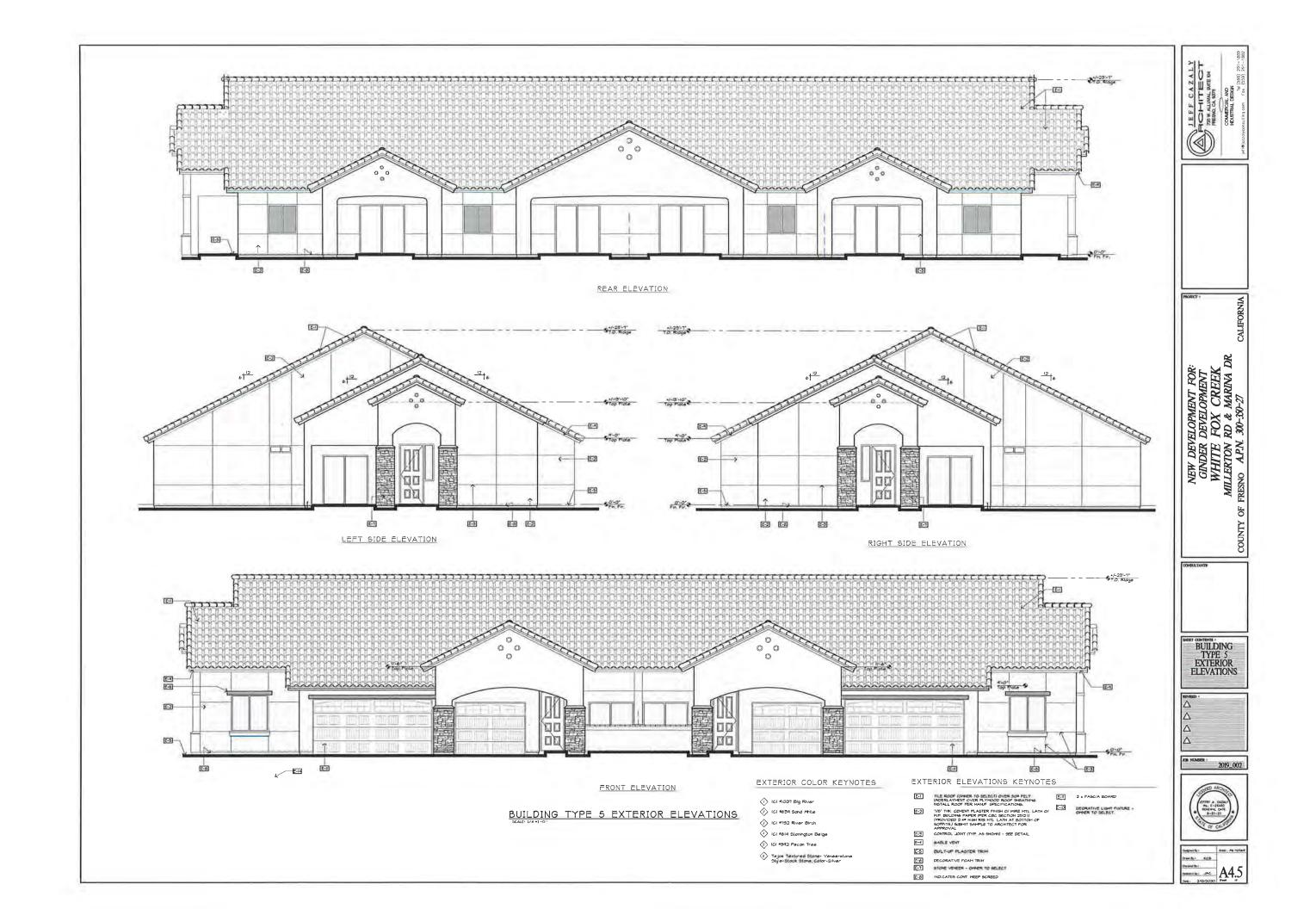












#### **EXHIBIT 6**

# <u>OPERATIONAL STATEMENT</u> WHITE FOX CREEK RENTAL UNIT PROJECT,

# AMENDMENT TO CUP 2865 AND 3035

- 1. <u>Nature of the Operation</u>: This Operational Statement will address one component of CUP 2865 and 3035: The Rental Unit Project. The other two components, of CUP 2865 and 3035 (Gas Station/Convenience Store and Retail Site B) are no being changed.
- A. <u>Rental Unit Project</u>: This proposed facility will replace the prior approved Hotel/Conference Center CUP 2865 and will replace the 66 Villa Units in CUP 3035, at full build out with a total of 200 Rental Units, clubhouse with swimming pool and those ancillary uses required for the normal operation of the facility. The 200 Villa units total 182,572 square feet of 164 units, 59,070 square feet of 36 restricted age units and 7200 square feet of clubhouse.

# (1) <u>Description of Use and Square Footage</u>:

172 – Market rate units	182,572 square feet
38 – Restricted age units	59,070 square feet
Clubhouse	7,200 square feet
Non Occupied Garages	
and Detached Garages	41,162 square feet

## (2) Description of Occupancy Term

The units will provide for both short term and longer term rental subject to market demand. The restricted age units will tend to be longer while the clubhouse units will be shorter term rental.

# (3) Description of Clubhouse Use.

The Clubhouse will contain 20 one bedroom units. Other space in the Clubhouse will contain facilities for use by the rental unit project occupants subject to the following hours of operation:

Facilities: 9am to 5pm except as noted below

Gym: 24 hours

Pool: Open only when management present Great Room: Only when reserved for use

B. <u>Due to the determination that construction and operation of the original PAR golf and exercise course could adversely impact the White Fox Creek corridor and open space area, it will not be built and is hereby deleted from the CUP 2865 and this Operational Statement.</u>

White Fox Creek Corridor will be a visual amenity for the overall Specific Plan area, but because of the size and location of this area, it will not be a part of the overall Specific Plan Trail System. The Specific Plan Trail System starting point will be at the southerly boundary of the Sub-Unit Plan area. The Commercial Area at this location, which also includes the Government Center, offers a convenient staging area for the trail. Marina Drive, which includes sidewalks and a bike lane, provides a linkage of the Trail System and bike lanes to Millerton Road.

# 2. Operational Time Limits:

A. <u>The Rental Unit Project</u>: The Rental Unit Project is to be used year round and operational 24 hours per day.,

## 3. Number of Customers or Visitors:

A. <u>Rental Unit Project</u>: Operating at full occupancy, the Rental Units will have approximately 360 residents at 2.2 residents per unit in 164 units and 54 residents in 36 restricted age units at 1.5 for restricted age for market rate.

## 4. Number of Employees:

A. <u>Rental Unit Project</u>: The Rental Unit Project will likely employ between 3 to 5 persons, some of which will be part time or shift work. At least one employee will live on site.

## 5. Service and Delivery Vehicles:

A. <u>Rental Unit Project</u>: Service and Delivery vehicles will include typical common delivery services such as USPS, UPS and Fed Ex. All service and delivery vehicles will typically operate only during regular business hours.

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# 6. <u>Number of Parking Spaces for Employees, Customers, and</u> Service/Delivery Vehicles; Type of Surface on Parking Area:

A. <u>Rental Unit Projects</u>: The Rental Unit Project will have a total of 164 garages plus addition 72 in the restricted age area and 138 open parking stalls for a total of 374 parking spaces.

# 7. Sale of Goods On-site:

A. <u>Rental Unit Project</u>: No goods will be sold on site. Some pastries and soft drinks, coffee and tea will be provided as a complimentary amenity to residents in the clubhouse area.

# 8. Equipment to be Used:

A. <u>Rental Unit Project</u>: No special equipment is to be used beyond that required for the normal operation of the rental unit facility.

# 9. Supplies or Materials:

A. <u>Rental Unit Project</u>: paper goods, cleaning supplies will be kept on site at the clubhouse.

# 10. <u>Does The Use Cause an Unsightly Appearance? Noise? Glare? Dust?</u> Odor? If so, Explain How This Will be Reduced or Eliminated:

A. <u>Rental Unit Project</u>: The entire facility will produce negligible amounts of dust, glare, and odor. Some additional noise will be generated by the normal operation of cars and service vehicles.

- 11. <u>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?</u>
- A. <u>Rental Unit Project</u>: The facility will generate an estimated 828 pounds per day of solid waste, which will be held in a trash receptacle until pickup. A franchise hauler will pick up refuse one to two times per week for disposal at the County's American Avenue landfill.

This facility at full occupancy will generate an estimated average of approximately 20,000 gpd of liquid waste at stabilized occupancy. Effluent will be treated and disposed of in the existing permanent wastewater treatment plant operated by CSA No. 34, in which the applicant, The Clarksfield Company, Inc., holds capacity to serve the Rental Unit Project and capacity in the storage pond.

- 12. <u>Estimated Volume of Water to be Used (Gallons Per Day): Source of Water:</u>
- A. <u>Villa Unit Project</u>: At full occupancy, there will be approximately 20,000 gallons per day of water used for the 200 Rental Unit Project.
- 13. <u>Describe Any Proposed Advertising Including Size, Appearance, and Placement:</u>
- A. <u>Rental Unit Project</u>: Site signage will be located at Millerton Road and Marina Drive, at the intersection of Marina Drive and Lakeridge Drive at a location that meets the Specific Plan setback requirements, and at the top of the Drive leading to the Rental Unit Project. The site signage will be up lit (not self-illuminated) and will be constructed of materials similar to mission tile, stone, stucco, etc.. Building signage will be provided only to the extent required to convey directional or Coderequired information.
- 14. <u>Will Existing Buildings be Used or Will New Buildings be Constructed?</u>

  <u>Describe Type of Construction Materials, Height, Color, Etc. Provide Floor Plan and Elevations, if Appropriate:</u>
- A. <u>Rental Unit Project</u>: All buildings will be new, wood frame, 2 coat stucco with accent stone veneer over wood, one hour construction. See attached plans and elevations for details of materials, height, color, etc.

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- 15. Explain Which Buildings or What Portion of Buildings Will be Used in the Operation:
- A. <u>Rental Unit Project</u>: all buildings will be new multifamily residential buildings, with community center/clubhouse.
- 16. <u>Will Any Outdoor Lighting or an Outdoor Sound Amplification System be</u> Used? Describe and Indicate When Used:
- A. <u>Rental Unit Project</u>: Outdoor site lighting will be provided to up light exterior walls and roof elements of the facility, and hooded pole mounted parking lot lights will be provided for security. There will be no outdoor sound amplification features.
  - 17. Landscaping or Fencing Proposed? Describe Type and Location:
- A. <u>Rental Unit Project</u>: No site fencing is proposed beyond some limited ornamental accent fencing at key areas. The clubhouse swimming pool will be secured with ornamental iron fencing. Plans for preliminary landscape design and examples will be submitted.

<u>Examples of Plant Varieties to be Used for A, Above</u>: A Xeriscape Landscape Plan for the Site Plan Area has been prepared and is part of the project plan. There will be substantial use of native plant species and drought tolerate plants in the Conditional Use Permit area. Set forth below is a summary of examples of those varieties that will be acceptable:

- (1) Ceanothus "Joyce Coulter";
- (2) Fremontodendron Californicum (Flannel Bush);
- (3) Heteromeles Arbutifolla (Toyon);
- (4) Alnus Rhombifolla (White Alder);
- (5) Populus Baisamifera "Mojave Hycrid" (Cottonless Cottonwood);
- (6) Salix Species (Native Willow); and

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# (7) Platanus Racemosa (California Sycamore).

# 18. <u>Any Other Information That Will Provide a Clear Understanding of the Project or Operation:</u>

# A. Phasing:

- 1. <u>Rental Unit Project</u>: The Rental Unit Project will be constructed in a single phase unless otherwise required by the Project Lender. If the Project is phased it is expected there would be two approximately equal phases. Total construction time will be between 18 to 24 months.
- B. <u>Bus Turnout</u>: The Rental Unit Project does not include a bus turnout since the prior influx of members of public for use of conference center will now not take place.

# C. Water and Energy Conservation, and Fire Protection:

## 1. Water Conservation:

- (a) Methods will be instituted which are consistent with the State of California WE10 requirements because total outside irrigation used with Xeriscaping is a minimal amount for the entire project site. Xeriscape landscape will be installed with moisture sensors and "Smart" timer systems.
- (b) Drought-resistant landscaping will be used in all public areas and will be required in residential projects where a comprehensive irrigation system is used.
- (c) Irrigation in new development will utilize time flow control devices with moisture sensors and satellite produces real time meters.
- (d) All commercial and governmental facilities will be metered.
- (e) Landscape irrigation will be restricted or prohibited between the hours of 10:00 a.m. and 6:00 p.m. in the months of May through October. This measure will reduce losses due to evapotranspiration.

## 2. Energy Conservation:

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

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- (b) The Site Plans for the Commercial Projects in the Site Plan Area of CUP 2865 include a Tree Planting and Landscaping Plan to provide substantial shading of paved areas.
- (c) Emphasis of the Street Tree Planting Program will be on providing shade of pavement and/or structures without interfering with solar access. The street tree planting plan will be coordinated with solar access planning and the proposed location of structures and street width.
- (d) As a part of the site plan review process, the County will require an evaluation of the project by the developer which described the efforts toward achieving energy efficiency in site planning and building design.
- (e) Solar will be installed on the entire Rental Unit Project.

# 3. Fire Protection:

- (a) A funding mechanism for fire protection and maintenance facilities for the Commercial CUP Site Plan Area has been developed and the Villa Unit Project will pay the required fee.
- (b) As required by the Fresno County Fire Protection District, water lines and fire hydrants shall be provided adjacent to structures.
- (c) A fuel modification zone may be required around a development for fire protection purposes. The width of the zone shall depend upon slope accessibility and availability of water and fire district conditions. Fresno Fire Protection District, in conjunction with the County, shall determine the appropriate width.
- (d) Automatic fire sprinkler systems shall be provided in all occupied Villa Units buildings
- (e) A fire station, will be relocated within the Millerton Plan area, shall be constructed and furnished with all necessary fire-fighting equipment prior to the County of Fresno allowing occupancy of the required dwelling unit. Any commercial, office, or multi-family development to be constructed prior to completion shall be equipped with an approved fire sprinkler system.

# 18D. Infrastructure Plan, Water. Wastewater, Drainage, and Roads:

planning of the connection of the CUP Project 2865 and CUP 3035 Site Plan Area including the Rental Unit Project with other future residential and commercial projects in the Specific Plan area, an Infrastructure Plan for the Specific Plan and certain adjacent properties was prepared in accordance with a Scope of Work prepared by all the landowners in the Specific Plan area in coordination with Fresno County. The

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Infrastructure Plan provides for an area-wide system for the treatment of wastewater, use of reclaimed water, and for the treatment, storage, and distribution of surface water. The Infrastructure Plan was adopted by the Fresno County Board of Supervisors in December 2000. The Infrastructure Plan also summarizes applicable standards for drainage plans for site-specific projects in conformance with the Millerton Specific Plan.

The Rental Unit Project has prepared traffic studies and will address any needed improvement in their timing and location.

The CUP Project 2865 and CUP 3035 Site Plan Area is subject to the provisions of the Millerton Specific Plan set forth in Section 8:06-07:3:5:00. All necessary infrastructure to provide service shall be completed prior to acceptance by CSA-34. The CSA shall be responsible for maintenance and appropriate upgrading of information but are not responsible for the construction of infrastructure.

The White Fox Rental Unit Project Proponent will access Marina Drive outside of the commercial area, which shall be taken into account when determining its proration share of Marina Drive Area. Further, the Specific Plan provides for the following obligations of the developer:

- (a) Construction of on-site improvements.
- (b) Right-of-way dedication and construction of curb, gutter, and sidewalk improvements on major street frontages.
- (c) Extension of facilities from the proposed project to the nearest improved point of connection if existing facilities have been improved and are adequate to serve the Project. This includes right-of-way dedication for streets, water and sewer lines, and construction of these facilities. For roads, depending upon timing of construction for the different components of the commercial area, means dedication of right-of-way and construction of two travel lanes to the nearest improved road (half of a four-lane collector or arterial and construction of the entire travel width of two-lane roads). As adjacent properties develop, each developer shall be responsible for construction of curb, gutter, and parking lane improvements and for reimbursement to the original developer of their fair share of travel width improvements.
- (d) Construction of oversize sewer and water lines to nearest point of connection. First-in developers have installed off-site oversized primary facilities to the nearest point of connection to serve the Rental Unit Project area larger than their own project. An agreement will be required between the subdivider and the County Service Area for future reimbursement to the subdivider for the extra cost of trunk line construction.
- (e) Dedication and improvement of drain ways, recreation corridors, and open space.

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- (f) Dedication of public facilities sites.
- (g) Dedication and improvement of bike lanes.
- (h) Dedication of right-of-way for outside travel lanes, median islands, and intersection improvements.
  - (i) Construction of required berms and walls.
- of surface water out of Millerton Lake to be delivered through County Service Area No. 34 facilities. A Contract entered into with Fresno County, The Clarksfield Company, Inc. and the Deer Creek and Tule River Authority will provide a firm water supply to the Project. The facility for the withdrawal of water from Millerton Lake and the conveyance of the raw water to the treatment plant site is in place. The CSA-34 water treatment plant is built and operational to treat the water supply for the Rental Unit Project and other projects in the CSA-34 that have been approved by Fresno County. The Rental Unit Project landowner holds sufficient capacity in the CSA-34 water treatment plant to serve the 200 Rental Units.
- 3. <u>Wastewater</u>: The Rental Unit Project Area will be served with an existing tertiary level wastewater treatment facility subject to any required expansion. The project landowner holds sufficient treatment capacity contract to serve the 200 units.
- 18E. <u>Proposed Building Architecture Design and Related Matters</u>: The general building design theme of the Commercial Area, including the Rental Unit Project is in keeping with the Specific Plan and Sub-unit Plan requirements, and may be described as 'contemporary Mediterranean'. The exterior materials and color palette will include the following:

<u>Use</u>	<u>Material</u>	Color
Roofing Walls Fascias/trim Windows Frames Canopies	mission tile smooth troweled stucco smooth troweled stucco reflective glass aluminum storefront "sunbrella" fabric	terra cotta pale salmon white green bronze forest green

18F. <u>Relationship of Phasing of Convenience Store, Service Station and Retail B Sites to Development of Rental Unit Project</u>: The Convenience Store and Service Station are proposed to be constructed as future development. Retail B site is not proposed to be developed at the same time as the Convenience Store and Service Station. The development of the Rental Unit Project will be as a separate facility and not related to the phasing of the Convenience Store and Service Station, except that the requirement

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of completion of the four required initial uses in the Specific Plan Sub-Unit Area will be met at the time of proceeding with additional development. The Rental Unit Project will be Phase 1 of the CUP 2865 and 3035 commercial development. The balance of CUP 2865 and 3035 will be Phase II.

The Rental Unit Project will be Phase 1 of the CUPs 2865 and 3035 commercial. Phase (1) of the commercial will consist of the balance of the CUP 2865 and 3035

- Plan as shown in the CUP project maps include a series of extended detention ponds. The plan will incorporate source control BMP's (described below) to help eliminate pollutant discharge at first, and then use treatment control BMP's (described below) to treat residual pollutants. This will be done with grass swales/biofilters first, then direct storm water to extended detention ponds to provide sufficient detention time so that particular pollutants can settle out in the ponds. These ponds will also provide treatment by infiltration.
- 1. <u>Source Control BMP's</u>: Prevention and/or reduction of pollutants discharge to storm water is of utmost importance. Several activities have been identified that can reduce or eliminate pollution discharge:
  - (a) Outdoor loading/unloading of materials;
  - (b) Outdoor container storage of liquids;
  - (c) Building and grounds maintenance;
  - (d) Employee training.
- 2. <u>Treatment Control BMP's</u>: Several activities have been identified that can treat pollutants in storm water:
  - (a) Infiltration ponds;
  - (b) Biofilters;
  - (c) Extended detention basins;
  - (d) Multiple systems.
- within this Site Plan Review, is located within an area that varies in elevation between approximately 630 feet to 720 feet and is surrounded by prominent ridgelines on adjoining properties. To the east and south of the Commercial Area are prominent ridgelines that rise to approximately a 900-foot elevation; to the north approximate 900 feet in elevation, and to the west approximately 784 feet in elevation. The Rental Unit Project has been designed to set beside a knoll on the property. The Restricted Age Units have been designed to take advantage of the views from this knoll and still keep the profile of the knoll. Its floor elevation will be 714 feet, with the top of this one-story facility situated at 733 feet in elevation. For a maximum elevation of 748 feet which is less than the existing peak. The clubhouse has been located in a valley of the property at





# County of Fresno

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

# **EVALUATION OF ENVIRONMENTAL IMPACTS**

APPLICANT: White Fox Creek, LLC. (Austin Ben Ewell Jr.)

APPLICATION NOS.: Initial Study No. 7918, General Plan Amendment No. 561,

Classified Conditional Use Permit No. 3688, and

Amendment Application No. 3847.

DESCRIPTION: Amend the White Fox Creek Sub-Unit Plan of the Millerton

Specific Plan to allow a 200-unit multiple-family residential complex as an alternative to the planned Hotel/Conference Center and 3-Par Course use, and approve Conditional Use

Permit No. 3688 to allow a Planned Residential

Development for the 200-unit multiple-family residential complex, and adopt Amendment Application No. 3847 to

adjust the boundaries of the existing O(c) (Open

Conservation, Conditional) and C-6(c) (General Commercial,

Conditional) Zone District.

LOCATION: The project site is comprised of a 23-acre site located on the

east side of Mariana Drive, beginning approximately 150-feet south of Millerton Road. The site is approximately three miles east of the unincorporated community of Friant (APN:

300-350-27s) (Dist. No. 5).

#### I. AESTHETICS

Except as provided in Public Resources Code Section 20099, would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is in a predominantly agricultural area with tract homes pocketed throughout the region. Images of the subject site depict views of the nearby foothill range located east and northeast of the subject site. Underlying development standards established by the Zone District will regulate construction of the structure to a maximum height of 35 feet. In considering the project will be following development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

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 site is situated along Millerton Road where the terrain begins to change from the valley floor to the foothills. To the north is Millerton Lake and further east of the site is the Sierra Nevada Mountain Range. Per Figure OS-2 of the Fresno County General Plan, Millerton Road at the project site is designated as a scenic road. Although the project site is in areas deemed scenic, these areas are not observed from the project site where an impact to a scenic vista could potentially occur. As there were no scenic resources identified on the project site, the project is not expected to have a significant impact on a scenic vista or scenic resource.

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 point). 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 subject parcel is dual zoned O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional). The O Zone District would provide a buffer of the project site from the right-of-way where public views of the site would occur. The proposed multi-family residential development is expected to comply with the development and architectural standards as described in the White Fox Creek Sub-Unit Plan of the Millerton New Town Specific Plan. The change to the area will not negatively affect the visual character of the surrounding site.

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:

Per the Applicant's Operational Statement, the project will utilize outdoor site lighting and pole mounted parking lot lights to provide security for the development. To ensure that new sources of lights and glare do not adversely affect day or nighttime views in the area and not substantially impact adjacent properties or public right-of-way, mitigation measures for the placement and design of outdoor lighting will be implemented.

# Mitigation Measure(s)

1. All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.

# II. AGRICULTURAL AND FORESTRY RESOURCES

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

A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmland Map, the subject property is designated Grazing Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: NO IMPACT:

The subject parcel is zoned O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District The subject parcel is not subject to a Williamson Act Contract. The project will not conflict with the existing zoning for agricultural use and would not conflict with the Williamson Act 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will be placed adjacent to existing land development. Given its limited scope; this proposed project is not expected to significantly affect farmland nor forest.

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

# FINDING: NO IMPACT:

The project site is not zoned for agricultural use or forestland. The subject parcel is not Williamson Act Contracted. The subject parcel is located within the boundaries of the Millerton Specific Plan and is designated for commercial use. Surrounding areas are designated for commercial, residential, and open space use. The project would not result in the conversion of Farmland to non-agricultural use or forest lant to non-forest use.

#### III. AIR QUALITY

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

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

## FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant provided an Air Quality and Greenhouse Gas Impact Analysis, completed by VRPA Technologies, dated May 2022. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by the Air District.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). 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 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NOx, CO, SOx, PM <sub>2.5</sub>, or PM<sub>10</sub> emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM<sub>10</sub> emissions during the construction period. Implementation of Mitigation Measures as noted below would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts. Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), the following measures would be implemented under the District's regulations for dust control during construction:

- At the developer's expense and prior to the issuance of a building permit, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- 2. At the developer's expense and prior to the issuance of a building permit, all onsite unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- 3. At the developer's expense and prior to the issuance of a building permit, all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- 4. At the developer's expense and prior to the issuance of a building permit when materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- 5. At the developer's expense and prior to the issuance of a building permit, all operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- 6. At the developer's expense and prior to the issuance of a building permit, following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.

The Long-Term Operational Emissions are associated with mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as landscape equipment would also result in pollutant emissions. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NOx, CO, SOx, PM<sub>10</sub>, or PM<sub>2.5</sub> emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

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; or

## FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the 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 O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, lead and others.

Per the Air Quality and Greenhouse Gas Impact Analysis by VRPA Technologies, the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

C. Expose sensitive receptors to substantial pollutant concentrations; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the clearing of vegetation and grading of the proposed construction area. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease areas. The adjacent residential development are considered sensitive receptors, but would not be subject to excessive pollutant concentrations from the Air Quality Plan.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality and Greenhouse Gas Impact Analysis, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the project.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the district nuisance rule requires that any Evaluation of Environmental Impacts – Page 6

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project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

# IV. BIOLOGICAL RESOURCES

Would the project:

A. Has 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project is within an area identified as California Tiger Salamander and Vernal Pool Fairy Shrimp. Several vernal pools and other seasonal wetlands are located within the low-lying grasslands, along upper terraces of the streams. A Biological Resources Survey Report conducted by Vollmar Natural Land Consulting in 2014 for an adjacent property (located west to the project site) includes Mitigation Measures addressing potential ecologically sensitive areas (creek). White Fox Creek is an ephemeral stream which, under natural conditions, would likely flow only during the winter and spring. White Fox Creek contains some moderately deep (approximately 3' deep) pools shaded by overhanging riparian trees which may remain ponded for much of the dry season, or even perennially in wet years, but most of the stream is dry by early summer. Within the Site, most of the creek's length supports riparian vegetation. However, any potential special-status species location is located within an area designated as Open Space, and therefore impacts resulting in disturbing these habitats can be mitigated to less than significant. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to the species potentially affected.

# *Mitigation Measure(s)*

- 1. The project site is currently within the area covered by Incidental Take Permit (ITP) (ITP No. 2081-2014-079-04) that has been the location of recent burrow clearing and biological fencing as a part of the Morningside Way Road project. Approximately two-third of the site is already cleared and fenced as per the requirements of the ITP. Prior to construction on the development site, the balance of the site shall be checked, cleared, and fenced in accordance with the ITP.
- 2. A qualified biologist shall perform a "Pre- Construction Survey" of the site to check for the California Tiger Salamander (CTS), Western Pond Turtle (WPT), Western Spadefoot toad (WESP), American Badger (AMBA) and Burrowing Owl (BUOW) as listed in the CDFW letter dated February 1, 2021. If no species are

found on the site, the next steps of the plan can occur. If species are located, a biologist shall follow State and Federal protocols for their removal from the 5.17-acre project site.

- 3. The biologist shall prepare a "Site Education Pamphlet" for distribution both in English and Spanish to all contractors and subcontractors that will be working on the site and shall work with the applicant/owner to have a notification sign placed on the site at the construction entrance. This sign shall be 4 feet by 8 feet in size and shall contain the same information as the Site Education Pamphlet.
- 4. The owner shall retain the biologist to conduct education "Discussions" with any contractor/subcontractor who will have more than five employees working on the site.
- 5. The owner and/or biologist shall keep a daily log of all workdays and shall document and signs/sightings of the five species listed above.
- 6. If a sighting of any of the species occurs during the course of construction, work shall be stopped, and the biologist shall be contacted, and State and federal protocols shall be followed for the removal of the species.
- 7. The owner shall contact the California Department of Fish and Wildlife at the end of each month, provide that daily log, and a summary of the month's activities on the site.
- 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; or

# FINDING:LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the National Wetlands Inventory mapper web application, the project site is classified under the Palustrine System, of which includes all nontidal wetlands dominated by trees, shrubs, persistent emergent, emergent mosses, or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation. The wetland location is located within an area designated as Open Space, and therefore impacts resulting in disturbing these habitats can be mitigated to less than significant per Biological Resources Section A Mitigation Measures.

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; or

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not located within a state or federally-protected wetland. However, the stream traversing southward from eastern portion of the project site has been designated as open space and will not be disturbed. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to the species potentially affected.

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not likely to affect nor interfere substantially with the movement of any native resident or migratory fish or wildlife species. However, any potential fish would be located within the area designated as Open Space (eastern portion of the parcel). Impacts resulting in disturbing these habitats are deemed less than significant. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to potentially affected species.

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

This project does not conflict with any local policies or ordinances protecting biological resources. The proposed general plan amendment concerning the proposed creek will reduce the setback requirements to 40-feet from the required 100-foot setback previously required by a certified biologist.

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:

Per the Millerton Specific Plan Policy SP1-P68, Habitat Preservation, an Open Space and Natural Resource Plan (OSNRP) has been established for the Millerton, Dry Creek and Sierra Foothill areas. The OSNRP will provide protection to sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge tops and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The project site is unimproved with limited vegetation. The Millerton Specific Plan has a Oak Tree management plan of which the project shall comply with. In addition, the project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinance.

#### 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:

Identification efforts in cooperation with the Table Mountain Rancheria as part of consultation under the provisions of Assembly Bill 52 (AB 52) resulted in updated zoning boundaries reflected in the Amendment Application (rezone). It provides a separation between the proposed development and potential sites for cultural resources through the proposed open space zoning which would ensure that the project would not encroach into the identified archeological/tribal cultural site.

Additional mitigation measures including proper procedure for identification of cultural resources should they be identified during project construction and the requirement of an archeological monitor being present during ground-disturbing activity will further ensure that the project would result in a less than significant impact. See Section 7.E and the mitigation measures listed below.

# **Mitigation Measure(s)**

- 1. The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.
- 2. In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

#### VI. ENERGY

Would the project:

A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the proposed residential uses on the subject property would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction. 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.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020, to meet the goals of Assembly Bill (AB) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Energy resource consumption is expected to occur during project construction and operation. The proposed development is subject to current building code standards which would consider state and local energy efficiency standards and renewable energy goals. The project would result in a less than significant impact with Mitigation Measures incorporated.

# *Mitigation Measure(s)*

1. The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.

#### 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?

FINDING: NO IMPACT:

Per the California Department of Conservation's Earthquake Hazard Zone Web Application, the project is not located within or near an Earthquake Fault Zone or known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is located on land that has a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with 10% probability in 50 years. In consideration of Figure 9-5, the project site has a low chance of reaching peak horizontal ground acceleration and would have a low chance of being subject to strong seismic ground shaking.

- 3. Seismic-related ground failure, including liquefaction?
- 4. Landslides?

FINDING: NO IMPACT:

As depicted in Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located within an area with landslide hazard or subsidence hazard. In addition, as noted above, the project site is not expected to be subject to strong seismic shaking which if prolonged would result in liquefaction nor landslides of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction will result in the loss of topsoil due to the addition of impervious surface. The existing terrain of the project site contains small hills and a seasonally flooded stream. The project would be subject to local and state standards for development of the site. Development of the site would be further reviewed under regulatory permits for grading and construction which would ensure that the development would not result in substantial soil erosion where increased risk would occur.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site.

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 the Fresno County General Plan Background Report, the project site is not located on soils exhibiting moderately high to high expansion potential.

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:

Septic tanks or alternative wastewater disposal systems will not be on site. The subject parcel is located within the boundaries of County Service Area (CSA) 34 and receives sewer service from the CSA. The Fresno County Resources Division indicated in their comments of the project that sewer treatment capacity from the existing wastewater treatment facility will require procurement of additional capacity units if the developer does not have enough units for the proposed development. Confirmation of available capacity units with the Resources Division would occur prior to building permits being issued for the project. As the project will not be allowed to construct septic systems and will be required to hook into the existing CSA and wastewater treatment facility, the project would have a less than significant impact.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project is located in a medium paleontologically sensitive area which may contain unique paleontological resource or unique geologic feature identified on the project site. Ground disturbances related to grading, trenching, foundation work and other excavations exceeding 5 feet in depth has the potential to impact paleontological resources. The project shall initially be monitored on a full-time basis by a qualified paleontological monitor. Mitigation Measures Procedures for paleontological monitoring are described below.

# Mitigation Measure(s)

1. At the applicant's expense, all construction activities that disturb intact native sediments at depths exceeding 5 feet should be initially monitored on a full-time basis by a qualified Paleontological Monitor who will work under the supervision of the

Qualified Paleontologist. Ground disturbing activity that is less than 5 feet in depth or in previously disturbed areas do not require monitoring. Work activities that do not involve ground disturbances do not require monitoring (i.e., pull-sites, laydown yards, etc.). Small-diameter auguring (less than 3 feet), and pile driving is exempt from monitoring.

#### VIII. GREENHOUSE GAS EMISSIONS

Would the project:

A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated in the Air Quality and Greenhouse Gas by VRPA Technologies Consulting Services dated May 2022. Existing air quality concerns within Fresno County and the entire SJVAB are related to increases of regional criteria air pollutants (e.g., ozone and particulate matter), exposure to toxic air contaminants, odors, and increases in greenhouse gas emissions contributing to climate change. The primary source of ozone (smog) pollution is motor vehicles. Long-Term emissions from the Project would be generated primarily by mobile source (vehicle) emissions from the Project site and area sources such as lawn maintenance equipment. Since Fresno County does not have GHG thresholds, the study utilized the South Coast Air Quality Management District's (SCAQMD) threshold of 3,000 MTCO2eq./year for GHG for construction emissions amortized over a 30-year project lifetime, plus annual operation emissions. Using a CalEEMod model, it was found the project would generate 2,440.89 MT/yr. This is below the SCAQMD threshold for criteria pollutants. Therefore, operational emissions and greenhouse gas emissions associated with the Project are considered less than significant.

C. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Analysis Report*, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted Climate Action Plan cannot be applied to the project because it does not contain measures that are applicable to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with the South Coast Air Quality Management District's (SCAQMD) threshold This would be achieved with an assessment of the project's compliance with Assembly Bill (AB) 32 Scoping Plan measures. See Section VIII. Greenhouse Gas Emission A for further details.

#### VIII. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comments. There comments include compliance of the project with State and local regulations for the use and/or storage of hazardous materials and wastes should they be utilized. Regulations include compliance with the California Health and Safety Code and preparation of submittal of a Hazardous Materials Business Plan. The project proposes to construct a multi-family residential complex and does not propose the storage of hazardous materials in amounts where a significant hazard to the public or environment could occur. With the project's compliance with applicable State and local handling and reporting requirements, the project is not likely to result in a significant hazard or result in a significant hazard due to accident conditions involving the release of hazardous materials into the environment.

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: NO IMPACT:

There are no existing schools within a one-quarter mile of the project site. Additionally, review of the Millerton New Town Specific Plan indicates that there are no designated sites for a school within the Specific Plan area.

E. 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:

According to the NEPAssist database, there are no listed hazardous materials sites located on the project site, nor in proximity of the subject site.

F. 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area; or

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 13.0 miles south of the site.

Given the distance between airport and the project site, the safety and noise impacts resulting from flying operations on people residing or working in the project area would be less than significant.

G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility area for wildland fire. Potential exposure to wildland fires is deemed less than significant as fire prevention services can adequately service the increased residences.

X. HYDROLOGY AND WATER QUALITY

Would the project:

A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not violate any water quality standards. The existing surface water treatment facility located within Millerton New Town Specific Plan and operated by County Service Area (CSA) No. 34 will provide water to the project.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, the following shall be included as Project Notes: Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). Construction permits for the proposed development should be subject

to assurance that the County of Fresno County Service Area-34 (CSA-34) community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project obtains water from CSA 34. Water procured from this CSA from treated surface water. Therefore, the project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

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 result in substantial erosion or siltation on or off site?

FINDING: NO IMPACT:

The project site has designated the identified stream/ creek (White Fox Creek) as open conservation space and will therefore not propose construction which would alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.

1. Result in substantial erosion or siltation on- or off-site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading and drainage associated with the construction of all structures will adhere to the Grading and Drainage Sections of the County Ordinance Code.

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

- 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- 4. Impede or redirect flood flows?

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall require: 1) an engineered grading and drainage plan to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3)providing copies of completed NOI and SWPPP to Development Engineering prior to any grading work. These regulatory requirements will be included as Project Notes.

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

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1035 revised to reflect LOMR Effective January 25, 2013, the westerly and northerly portions of the area of the subject property is within the Special Flood Hazard Area, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Furthermore, any proposed structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring; walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements.

All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every structure proposed to be constructed within the flood zone. If the proposed work is near the flood zone, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required.

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

FINDING: NO IMPACT:

The subject proposal would not conflict with any Water Quality Control Plan or sustainable groundwater management plan. Water to the project will be provided by County Service Area (CSA) 34.

#### XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Open Space and Medium-Density Residential in the County-adopted Millerton Specific Plan and zoned for 'O' (Open Conservation) and C-6) General Commercial, Conditional) in the County Zoning Ordinance.

An amendment to Land Use Element of the Millerton Specific Plan is required to redesignate the proposed project site from Open Space and substitute the Hotel/Conference Center and 3-Par Course use from the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan and substitute those uses with a 200-unit multiple-family residential complex.

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

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

Regarding Millerton Specific Plan Policy SP1-P77, the project will construct the necessary water infrastructure facilities required to serve the development. Regarding Millerton Specific Plan Policy SP1-P80 and Policy SP1-P82, County Service Area 34 will operate and maintain sewer collection and treatment for the project.

Regarding General Plan Policy PF-C.14, water supply obtained from CSA 34 will adhere to public water supply standards for water quality and quantity administered by the State Water Resources Control Board, Division of Drinking Water.

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

#### XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located 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 more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Noise from increased vehicular traffic on and around the project site during construction of the storage pond would be less than significant. Construction-related noises are expected to be short term and exempt from compliance with the Fresno County Noise Ordinance, provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

The project will adhere to Mitigation Measure No. 19.a - Noise, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that projects adjacent to Millerton Road, shall provide shielding incorporated into the specific design of buildings in the form of noise barriers.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed rezone involves the creation of a 200-unit multiple-family residential complex. A Project Note would require that the construction of the project shall comply with the County Noise Ordinance regulations.

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 be residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not near an airport to be subject to airport noise. The nearest public airport, Fresno Yosemite International Airport, is approximately 13.0 miles south of the site.

# XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed multi-family residential development is expected to comply with the development and growth as described in the White Fox Creek Sub-Unit Plan of the Millerton New Town Specific Plan. Therefore, with the project's mandatory compliance of the standards laid out in the White Fox Creek Sub-Unit Plan will ensure that the planned population growth follows all development of the Sub-Unit planned area.

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

FINDING: NO IMPACT:

The project proposes create 200-unit multiple-family residential complex on an approximately 18-acre portion of an existing 23-acre parcel. The site is currently vacant and will not displace any exiting people or houses necessitating housing replacement 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, to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
  - 1. Fire protection.

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures relate to fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipment, and site planning as it relates to fire protection measures incorporated into the project design.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will have less than a significant impact on police protection, parks, and schools as the specific plan accounted for services to the public. Regarding public facilities (CSA 34), The Resources Division has identified the following conditions that will need to be met before CSA 34 can serve the 100 EDU multi-family development. Prior to any services being provided, the Developer at its own expense, shall submit for review and approval all engineered plans for improvements necessary to serve the development. These may include both on-site and off-site improvements and may require the installation of new and or upgrades to existing facilities. The plans must include information for estimated wastewater flows and water use to confirm capacity or identify capacity needs and determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection. Developer will be responsible for demonstrating how CSA 34 will provide treatment capacity prior to issuances of building permits and services.

#### Mitigation Measure(s)

1. At the developer's expense and prior to the issuance of a building permit, the developer shall complete and provide final, stamped Engineer's Report approved by the State

Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.

- 2. Design and construct Infrastructure necessary to serve the development as per the approved on-site and off-site plans.
- 3. The project will adhere to Fire Protection Mitigation Measures (No. 6.a e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures relate to fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipment, and site planning as it relates to fire protection measures incorporated into the project design.
- 4. At the developer's expense and prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.
- 5. At the developer's expense and prior to the issuance of a building permit, the developer shall design and construct water infrastructure necessary to serve the development prior to the issuance of development permits, as per the approved on-site and off-site plans.
- 6. At the developer's expense and prior to the issuance of a building permit, amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.
- 7. At the developer's expense and prior to the issuance of a building permit, address and provide permanent solution for current headworks issues at the wastewater treatment plant.
- 8. At the developer's expense and prior to the issuance of a building permit, design and construct Infrastructure necessary to serve the development prior to the issuance of building permits as per the approved on-site and off-site plans.
- 9. To mitigate potential impacts to the County-maintained roads, a pro-rata share for future off-site improvements is required as defined in item a-s below. This fee shall either be paid prior to recordation of the map, or a covenant shall be recorded on each lot providing notice that issuance of a development permit is subject to payment of a Public Facilities fee. If the Applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.

- a. Signalization at the intersection of N. Friant Road and Copper/ Millbrook Avenues: The project's maximum share for the 2020 scenario is \$0.00. (Note: Improvements are constructed)
- b. Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 2.42% or \$30,283.00.
- c. Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 2.32% or \$4,299.00.
- d. Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.83% or \$7,736.00.
- e. Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.60% or \$5,654.00.
- f. Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 1.37% or \$12,878.00.
- g. Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 1.54% or \$9,518.00.
- h. Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 3.44% or \$21,524.00.
- i. Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is \$0.00. (Note: Improvements are constructed)
- j. Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 2.09% or \$5,485.00.
- k. Signalization at the intersection of Auberry Road and Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 3.27% or \$30,691.00.
- I. Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 2.83% or \$7,015.00.
- m. Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 2.38% or \$5,897.00.
- n. Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 2.59% or \$6,430.00.

- o. Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Marian Drive. The project's maximum share for the 2020 scenario is 3.01% or \$205,345.00.
- p. Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 1.54% or \$105,084.00
- q. Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.95% or \$54,336.00. The project's total right-of-acquisition cost is 1.83% or \$10,984.00.
- r. Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$5,715.00. The project's total right-of-acquisition cost is 0.26% or \$1,843.00.
- s. The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

#### 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 would not result in the increased use of existing neighborhood and regional parks or other recreational facilities as the project will incorporate the existing eight-acres of Open Space and create future housing facilities within the project scope. This increase of recreational facilities will not require construction or expansion of existing recreational facilities which would have an adverse physical effect on the environment.

#### XVI. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and did not require a Traffic Impact Study (TIS) to determine the project's impacts to County roads and intersections, A Transportation Impact Analysis dated October 1998 (EIR) was prepared for the project. The memo concludes that the change in the Specific Plan would have a less than significant impact as the proposed project would generate fewer trips than previously approved.

B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Additional traffic from the proposed subdivision was not sufficient to require a traffic analysis. The Design Division and Transportation Division stated "The Transportation Planning Unit has reviewed the subject applications and has determined that no additional traffic analysis required at this time. This determination is made based upon our review of the March 29, 2023, Memorandum submitted by the Applicant's transportation consultant, VRPA Technologies, Inc." Therefore, the project will not conflict nor be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

# Mitigation Measure(s)

1. Millerton Road shall be constructed to Fresno County Standards with improvements not limited to railing, end treatments, and right-of-way that are in accordance with Fresno County Standards to reduce potential hazards and provide adequate emergency access.

The Road Maintenance & Operations division reviewed the proposal and requires the following: Millerton Road is County maintained road classified as an arterial road with an existing 60' of road right-of-way and an ultimate right-of-way of 106' per the Fresno County General Plan. Pavement width is 26.7' with dirt shoulders, ADT is 9,400 VPD, and PCI is 99. Roadway is in good condition. Millerton Road shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan to reduce potential hazards and provide adequate emergency access.

#### XVIII. TRIBAL CULTURAL RESOURCES

#### Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 20074 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 WITH MITIGATION INCORPORATED:

The project site is in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 20080.3(b) with a 30-day window to formally respond to the County letter.

A cultural survey was requested by Table Mountain Rancheria and prepared by C. Kristina Roper with Sierra Valley Cultural Planning. The report states there is a high likelihood that buried archaeological deposits may be present. In the event that cultural resources are identified on the property, the Mitigation Measure included in the CULTURAL ANALYSIS section V of this report shall apply to reduce potential impacts to tribal cultural resources resulting in less than significant impact.

# 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; or

#### FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Adopted Millerton New Town Infrastructure Plan "requires each new project to provide an adequate water supply to CSA-34, with the water supply acquisition costs to be borne by the project proponent." Water supply from Millerton Lake has been allocated for the Specific Plan site and surrounding areas under agreements with County Service Area #34. This water allocated for use within the CSA-34 boundaries is up to 1,242 acre-feet per year, plus an additional 278 acre-feet per year under existing exchange Agreements. These water allocations, together with additional supplies that have been or will be acquired by project developers, will provide a supply in excess of that required by Specific Plan area households. Additional water and sewage capacity supplies to adequately serve the Plan Area must be acquired by the project proponent shall be provided at no cost to the County as required by the Millerton New Town Infrastructure Plan. Further utility expansion for increased demand shall be addressed during the period of future construction. The Developer will be responsible for demonstrating how it will provide treatment capacity, effluent storage capacity, and reclaimed water reuse area(s) sufficient to treat and dispose of wastewater flow from the development.

# Mitigation Measure(s)

- 1. The Mitigation Measures included in the Public Services Section XV of this report shall apply.
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

## FINDING: LESS THAN SIGNIFICANT IMPACT:

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

# XX. WILDFIRE

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

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

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

Although, the project is located within the State Responsibility Area (SRA), it would not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

#### 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

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.

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 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, Cultural Resources, and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and 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 MITIGATION INCORPORATED:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts 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 Energy will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V and Section VI.

#### CONCLUSION/SUMMARY

Based upon Initial Study No. 7918 prepared for General Plan Amendment No. 561, Classified Conditional Use Permit No. 3688, and Amendment Application No. 3847, staff has concluded that the project will not have a significant effect on the environment.

No potential impacts were identified related to agricultural and forestry resources, and mineral resources.

Impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, population and housing, hydrology and water quality, land use and planning, noise, public services, ,recreation, and wildfire have been determined to be less than significant.

Impacts related to aesthetics, biological resources, energy, transportation, utilities and service systems and tribal cultural resources have been determined to be less than significant with adherence to the proposed Mitigation Measures.

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

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.

ER
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File original and one copy with: Space Below For County Clerk Only. Fresno County Clerk 2221 Kern Street Fresno, California 93721 CLK-2046.00 E04-73 R00-00 Agency File No: County Clerk File No: LOCAL AGENCY Initial Study (IS) 7918 **MITIGATED NEGATIVE** E-202310000336 **DECLARATION** Responsible Agency (Name): Address (Street and P.O. Box): Zip Code: City: 2220 Tulare St. Sixth Floor 93721 Fresno County Fresno Agency Contact Person (Name and Title): Area Code: Telephone Number: Extension: Elliot Racusin, Planner 559 600-4245 N/A Project Applicant/Sponsor (Name): Project Title: Ben Ewell/ White Fox Creek, LLC. Initial Study No. 7918, General Plan Amendment Application No. 561. Conditional Use Permit Application No. 3688 Project Description: Proposing to amend Unclassified Conditional Use Permit Application No. 2865 and 3035, (the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan) to allow a 200-unit multiple-family residential complex as an alternative to the planned Hotel/Conference Center and 3-Par Course use, and approve Conditional Use Permit No. 3688 to allow a Planned Residential Development for the 200-unit multiple-family residential complex, and adopt Amendment Application No. 3847 to adjust the boundaries of the existing O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District. The project site is comprised of a 23acre site located on the east side of Mariana Drive, beginning approximately 150-feet south of Millerton Road. The site is approximately three miles east of the unincorporated community of Friant (APN: 300-350-27s) (Dist. No. 5). Justification for Negative Declaration: Based upon the Initial Study (IS 7918) prepared for General Plan Amendment Application No. 561 and Conditional Use Permit Application No. 3688, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agricultural and forestry resources, and mineral resources. Potential impacts related to air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire have been determined to be less than significant. Potential impact related to aesthetics, cultural resources, geology and soils, hydrology and water quality and transportation have been determined to be less than significant with the identified mitigation measure. The Initial Study and Mitigated Negative Declaration (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 – December 20, 2023

Planning Commission Hearing-TBD

Date:

Type or Print Signature:

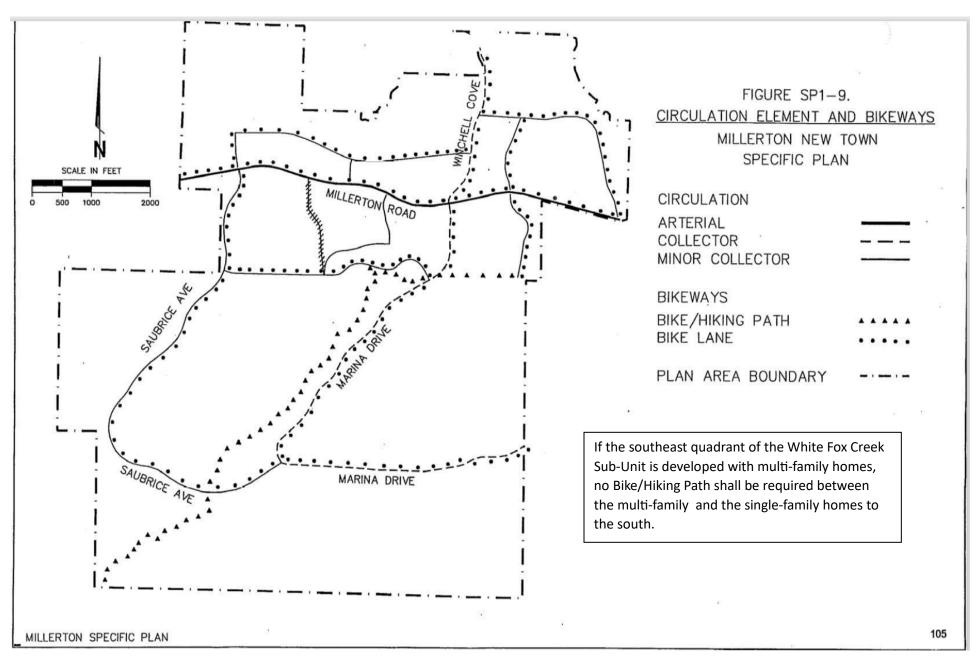
David Randall, Senior Planner

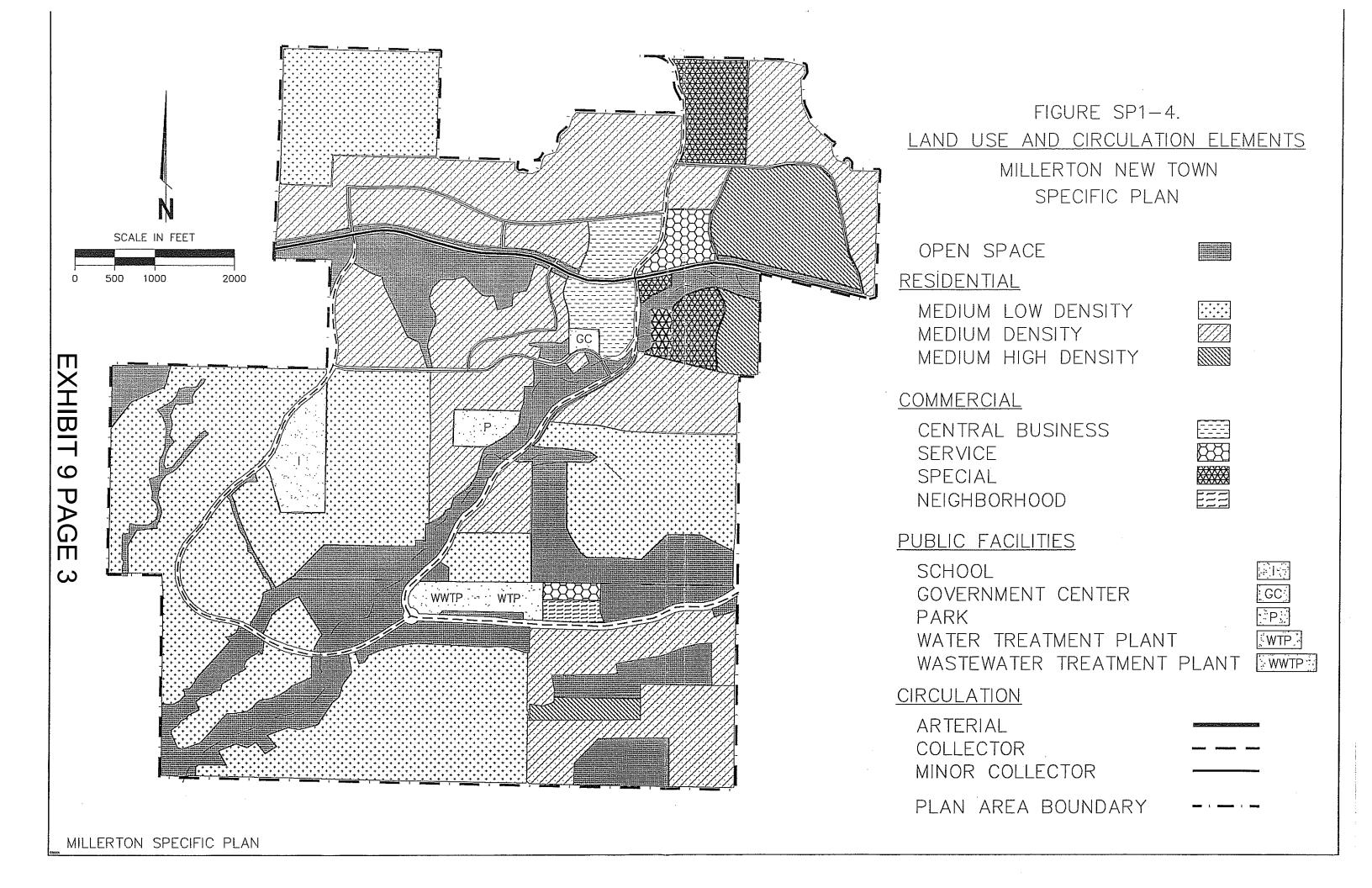
Elliot Racusin Elliot Racusin

State 15083, 15085

County Clerk File No.: E202310000336

# LOCAL AGENCY MITIGATED NEGATIVE DECLARATION









WHITE FOX CREEK

Ginder Development

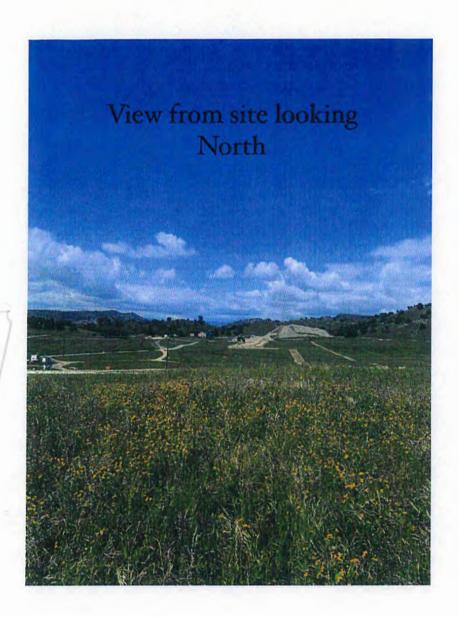
0' 60' 120' 300' SCALE: 1" = 60'-0"



# **Amendment to Text Millerton Specific Plan**

E.5(3) Recreation Corridors: A non-development setback shall be required on either side of the creek as determined by a biological study and recommendations of the Department of Fish and Game. The setback is to be placed in an open space easement and dedicated to the County or CSA for open space purposes, including a recreational corridor; in no case should the total easement for drainage and open space purposes be less than 70 feet.

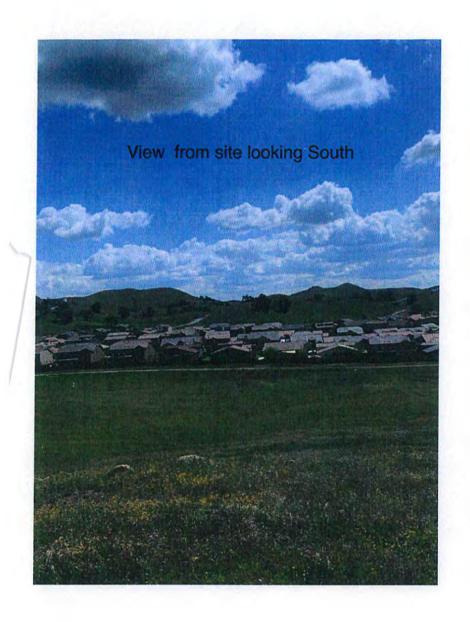
The proposed amendment to the specific Plan Sub-Unit text and land use designations boundaries areas along the creek will reduce the non-development setback requirements from 100-foot to an average of 70-feet with no structural improvements closer than 40-feet. The prosed amendment to the required Bike and Hiking trail along the southern border of the project will not be required if the site is developed as a multifamily development.



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AUG 1 3 2020

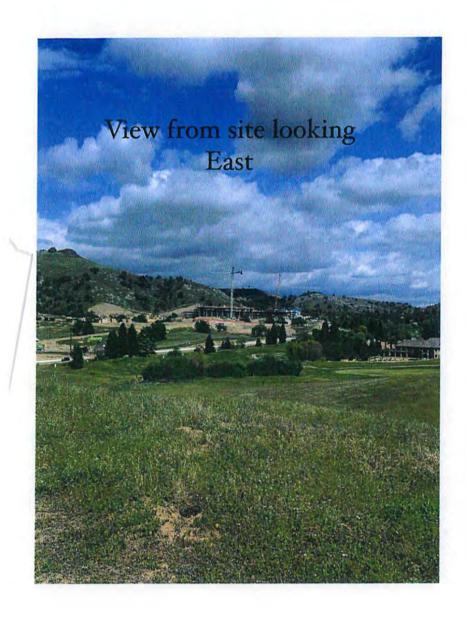
DEPARTMENT OF PUBLIC WORKS AND PLANNING DEVELOPMENT SERVICES DIVISION



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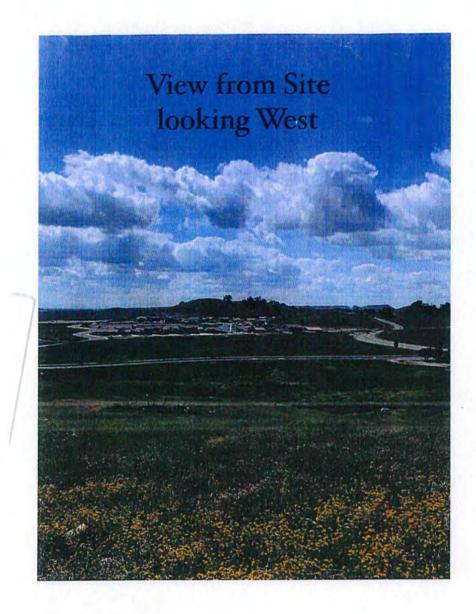
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



RECEIVED COUNTY OF FRESNO

AUG 1 3 2020

DEPARTMENT OF PUBLIC WORKS AND PLANNING DEVELOPMENT SERVICES DIVISION



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#### **EXHIBIT 12**

From: gabriel ledesma
To: Racusin, Elliot

Subject: Re: Millerton Specific Plan (CUP 3688) (New Town EIR Document Request)

**Date:** Monday, January 8, 2024 11:45:20 PM

Attachments: <u>image001.pnq</u>

Hi Elliot,

Here is my public comment/request:

I was initially concerned about this project disturbing California Tiger Salamander and other vernal pool species. Specifically, upland habitat for California Tiger Salamander that may not be included in the designated Open Space.

I saw that the Initial Study write-up references a 2014 biological resources report by Vollmar Natural Land Consulting and an Incidental Take Permit. Could you send me copies of those documents so that I can see their findings? Or at least include it in your MND submission (if that's possible)?

Could you also send a map/diagram showing the expanded Open Space area, if you have one?

Again, I'm concerned that upland habitat may be destroyed. If upland habitat is not included in the Open Space area, I recommend including this area for any CTS in the protected area. Of course, if your biologist(s) believe(s) this is unnecessary due to the burrow clearing, then I understand.

I appreciate the opportunity to comment and thank you for your responsiveness.

Thank you,

Gabriel L.

On Mon, Jan 8, 2024 at 7:56 AM Racusin, Elliot <eracusin@fresnocountyca.gov> wrote:

Good morning,

You are correct.

I believe the AP 3390 Millerton New Town EIR is a combination of the Specific Plan and the EIR.



#### Elliot Racusin| Planner

**Department of Public Works and Planning** 

#### **Development Services and Capital Projects**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4230 Direct: (559) 600-4245

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From: gabriel ledesma <gjledesm@gmail.com> Sent: Friday, January 5, 2024 4:30 PM To: Racusin, Elliot <eracusin@fresnocountyca.gov> Subject: Re: Millerton Specific Plan (CUP 3688) (New Town EIR Document Request)</eracusin@fresnocountyca.gov></gjledesm@gmail.com>
Hi Elliot,
I appreciate your responsiveness.
Is the AP 3390 Millerton New Town EIR a combination of the Specific Plan and the EIR? I noticed it discusses environmental issues within the specific plan.
I ask because the links sends me to the same specific plan that you sent me earlier in our email chain. I was expecting a full-fledged EIR with chapters discussing impacts and mitigation measures, but the link sends me to a Specific Plan (which does discuss environmental impacts).
Thank you,
Gabriel L.
On Thu, Jan 4, 2024 at 11:03 Racusin, Elliot < eracusin@fresnocountyca.gov > wrote:
Good morning,
AP 3390 Millerton New Town EIR was the original EIR for the project.
All relevant documents concerning that EIR is in the link provided: <a href="https://fresnocountyca.gov/EIR#MillertonEIR">https://fresnocountyca.gov/EIR#MillertonEIR</a>
BACKGROUND INFORMATION:
By way of background, CUP No. 2865 was approved on April 20, 1999, to allow a three-par golf and exercise course on 8.75 acres in the O(c) (Open Conservation, conditional) District, a Planned

Commercial Development including a Hotel/Conference Center on approximately 14.73 acres in the C-6(c)

(General Commercial, conditional) District, and a Service Station, Convenience Store and 8,400 square feet of retail space on approximately 2.70 acres in the C-4(c) District.

Two subsequent one-year time extensions were approved on April 26, 2001 and June 20, 2002.

On May 14, 2003, a Notice of Directors Determination was issued stating that the Director of the Department of Public Works and Planning of the County of Fresno determination that substantial development of the project described below has occurred prior to the expiration date.

CUP No. 3035, in conjunction with General Plan Amendment No. 489 and Amendment Application No. 3724, was approved on December 7, 2004 which amended CUP No. 2865 by allowing development of sixty-six (66) resort units in conjunction with the Hotel/Conference Center in the C-6(c) (General Commercial, conditional) District and a library in the southwest quadrant of the White Fox Creek Sub-Unit Plan. A one-year time extension was approved on January 25, 2007.

Upon analysis of the Specific Plan's intent for a Master Plan Community and the integral nature of the commercial and residential uses in the Plan, as well as consideration of the technical and legal delays associated with the recordation/development of the approved subdivisions (e.g. moratorium on residential subdivisions associated with the Place of Use deliberations), which impacted the feasible establishment of the aforementioned approved commercial uses within the Plan area, it was determined that CUP Nos. 2865 and 3035 were still valid and remained in full force and effect. As such, the commercial uses could be developed according to the approved land use permits/plan subject to the Conditions of Approval. The life of these use permits shall remain active concurrent with the life of the subdivision maps.

The current Unclassified Conditional Use Permit No. 3688 proposes to remove the Hotel/Conference Center and 3-Par Course use from the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan and replace those uses with a 200-unit multiple-family residential complex on an approximately 23-acre portion of an existing 23-acre parcel in the O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District to accommodate the proposed residential complex.



#### Elliot Racusin| Planner

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**From:** gabriel ledesma < <u>giledesm@gmail.com</u>> Sent: Thursday, January 4, 2024 9:55 AM To: Racusin, Elliot < eracusin@fresnocountyca.gov> Subject: Re: Millerton Specific Plan (CUP 3688) (New Town EIR Document Request) CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK Hi Elliot, It looks like the link named: GPA 196 AP 3390 Millerton New Town EIR is just the County Resolution and the 2000 Millerton New Town Specific Plan. Is the most recent EIR the County General Plan EIR? Or is the link wrong? Thank you, Gabriel On Fri, Dec 29, 2023 at 11:40 Racusin, Elliot < eracusin@fresnocountyca.gov > wrote: Good morning, The Millerton New Town original EIR is located on our website: https://fresnocountyca.gov/EIR#MillertonEIR Thank you. Elliot Racusin| Planner **Department of Public Works and Planning Development Services and Capital Projects** 

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