



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 8 July 18, 2024

SUBJECT: Vesting Tentative Tract Map No. 5393 - Time Extension No. 4

Grant a fourth, one-year discretionary time extension to exercise Vesting Tentative Tract Map No. 5393, which authorizes a Planned Unit Development consisting of 275 single-family residential lots, two commercial lots, two undesignated lots, and other out lots on approximately 224-acres in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), R-2(c) (Low Density Multiple-Family Residential, 6,600 square-foot minimum parcel size), C-M(c) (Commercial and Light Manufacturing), C-1(c) (Neighborhood Shopping Center), and R-E(c) (Recreational District, 2.0-acre minimum parcel size) Zone Districts.

LOCATION: The subject property is located within the Millerton New Town Specific Plan, south of Millerton Road between the Brighton Crest Subdivision and the Friant Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant (APN: 300-542-23, 26, and 35) (Sup. Dist. 5).

**OWNER/
APPLICANT:** Jeffery Roberts, Assemi Group Inc / 104 Investments, LLC

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve the fourth one-year time extension for Vesting Tentative Tract Map No. 5393 with the additional new conditions included in Exhibit 7; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Land Use Map
3. Zoning Map
4. Tentative Tract Map No. 5393
5. Planning Commission Resolution dated May 8, 2008
6. Time Extension Request Letter
7. Updated Mitigation Monitoring and Reporting, Conditions of Approval and Project Notes

ENVIRONMENTAL DETERMINATION:

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

An Environmental Assessment (Initial Study No. 5310) was prepared for Vesting Tentative Tract Map No. 5393 under the provisions of CEQA, resulting in the determination that the previously certified EIR and Addendum for the Millerton New Town Specific Plan remain adequate for the project. Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless:

- 1) Substantial changes are proposed to the project;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken; or
- 3) New information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

The applicant's requested Time Extension does not include any changes to the previously approved Tract Maps nor has the property in question experience substantive change that would warrant additional environmental analysis. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 10 property owners within 1320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

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

PROCEDURAL CONSIDERATIONS:

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Map expires two years after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date. Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria.

These Bills are:

- 1) Senate Bill (SB) 1185 approved 2008, Map Act Section 66452.21, granted an automatic one-year time extension.
- 2) Assembly Bill (AB) 333 approved 2009, Map Act Section 66452.22, granted an automatic two-year time extension.
- 3) Assembly Bill (AB) 208 approved 2011, Map Act Section 66452.23, granted an automatic two-year time extension.
- 4) Assembly Bill (AB) 116 approved 2013, Map Act Section 66452.24, granted an automatic two-year time extension.
- 5) Assembly Bill (AB) 1303 approved 2015, Map Act Section 66452.25, granted an automatic two-year time extension.
- 6) Assembly Bill (AB) 2973 approved 2018, Map Act Section 66452.26, granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date according to Section 66452.25 of the Subdivision Map Act.

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

BACKGROUND INFORMATION:

On May 8, 2008, the Planning Commission approved Vesting Tentative Tract Map No. 5393, Classified Conditional Use Permit No. 3113 and Site Plan Review No. 7654, authorizing the development of an approximately 224-acre Planned Unit Development consisting of 275 single-family residential lots.

Prior to staff's determination that the Tentative Map would expire on May 8, 2010, a series of legislative time extensions were passed, approving automatic time extensions for Tentative Map 5393, resulting in a new expiration date of May 8, 2019. Subsequently, a two-year time extension was approved by the Board of Supervisors in accordance with Section 66452.26 of the Subdivision Map Act (AB 2973), on September 10, 2019. The applicant applied for and was granted an extension request extending the expiration date to May 8, 2022. The applicant applied for and was granted a second time extension request extending the expiration date to May 8, 2023. The applicant applied for and was granted a third time extension request

extending the expiration date to May 8, 2024. The current application is to allow the fourth discretionary one-year time extension.

Action	Approval Date	Usable Life	Expiration Date
Tentative Map Approved	5/8/2008	2	5/8/2010
AB 1185 (effective 2008)	Auto	+1	5/8/2011
AB 333 (effective 2009)	Auto	+2	5/8/2013
AB 208 (effective 2011)	Auto	+2	5/8/2015
AB 116 (effective 2013)	Auto	+2	5/8/2017
AB 1303 (effective 2015)	Auto	+2	5/8/2019
AB 2973 (required Board action)	8/6/2019	+2	5/8/2021
1st PC Time Extension	6/10/2021	+1	5/8/2022
2 nd PC Time Extension	5/19/2022	+1	5/8/2023
3 rd PC Time Extension	3/23/2023	+1	5/8/2024

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5393 was originally approved on May 8, 2008, concurrently with Classified Conditional Use Permit (CUP) No. 3113, based on a determination that the required CUP findings could be made. Attached (EXHIBIT 5) is a copy of the original Subdivision Review Committee Report and Staff Report with Planning Commission Resolution and Board of Supervisors Report. According to the Applicant, the subject request is necessary to allow additional time due to the condition of the housing market in Fresno County. The high interest rates affect the future home buyers ability to qualify for home mortgages and this has affected the entire County and State of California.

Since the date of its original approval, significant changes to the project’s circumstances affecting public health and safety warrant the imposition of additional conditions of approval to Tentative Tract No. 5393 as discussed below.

Water:

The Millerton Specific Plan and its associated Environmental Impact Report were approved by the Board of Supervisors on December 18, 1984. Under the December 19, 2000 Infrastructure Plan, the physical infrastructure to support the specific plan area, including the Surface Water Treatment Plant (SWTP) and Wastewater Treatment Plant (WWTP) and their related appurtenances, would be constructed by the developers and accepted by the County into the newly-formed County Service Area 34 (CSA 34), upon completion of those infrastructure improvements by the developers.

Development within the Millerton Specific Plan Area has progressed at a slower rate than originally anticipated. To date, roughly 10%-15% of the original number of residential units anticipated in the Plan have been built out. Although Phase I of the SWTP had been constructed and operated with no treatment issues for a number of years, in 2017, CSA 34 was issued Compliance Order No. 03-2317R_002 by the State Regional Water Quality Control Board (RWQCB). The Compliance Order was issued on March 23, 2017, for violation of the Stage 2 Disinfection Byproduct Rule Haloacetic Acids Maximum Contaminant Level. CCR, Title 22, Chapter 15.5 (Stage 2 Disinfection Byproduct Rule) adopted by the State of California,

effective June 21, 2012, requires water systems serving less than 10,000 persons to monitor and report disinfection byproduct and residual disinfectant levels. The County has determined that the addition of a Granular Activated Carbon System (GAC system) is an appropriate method of treatment to render the SWTP capable of supporting additional homes in the Millerton Specific Plan Area and to lift the State issued Compliance Order for the SWTP. As a result, the County has placed the added condition related to the method of improvement, the requirement to enter into an agreement between the County and the developers, and requiring those developers to collectively pay an initial fair share to the County to cover the estimated costs of the design and construction of the GAC system.

Wastewater:

The existing wastewater treatment plant was approved by the Board on October 9, 2003 by Conditional Use Permit (CUP) No. 2979. CUP 2979 authorized the construction of the existing Tertiary Wastewater Treatment Plant and the existing 45-acre foot lined treated effluent storage pond.

CUP 3698 was approved by the Planning Commission on November 18, 2021. CUP 3698 was approved to authorize the construction and use of two additional inground effluent storage ponds with the related supply and distribution lines. The total capacity for the approved ponds is approximately 100-acre feet. Construction of the ponds has not been completed. The developer still needs to obtain the required permits from the RWQCB and install the required lining for the ponds.

In December 2022 the County of Fresno experienced a severe weather event resulting in heavy rains which rapidly increased the amount of treated effluent in the existing 45-acre foot storage causing the pond level to begin encroaching into the required freeboard level.

In February of 2023 the County hired a contractor to transport treated effluent from the existing 45-acre foot treated effluent storage pond to the City of Fresno Regional Wastewater Reclamation Facility (RWRF). If the transportation of treated effluent had not occurred, the County CSA 34 risked having the pond overflowing which would have resulted in the treated effluent discharging into White Fox Creek and the County CSA 34 would have faced fines and penalties from the RWQCB in the amount of \$10,000 a day.

In December of 2023 and January of 2024, the County again experienced heavy rainfall events creating the same issue of the existing 45-acre foot storage pond level rising and encroaching into the required freeboard level.

In January of 2024 JPJ Incorporated retained a contractor to transport treated effluent from the existing 45-acre foot treated effluent storage pond to the City of Fresno RWRF.

Under a Tract 4968 Subdivision Agreement between the County and JPJ Incorporated, the latter is obligated to construct treated effluent beneficial reuse areas (spray fields). JPJ Incorporated is also required to obtain all permits at its sole cost and expense, including the required State permitting.

These obligations remain incomplete despite prior performance schedules. Completion of these obligations is necessary to provide the capacity for additional homes currently proposed to be constructed.

The County is adding the condition for installation of a beneficial re-use area or improvements required to service the proposed development and/or upgrading any existing infrastructure to serve existing and future development.

At this time the County is not releasing any building permits for the construction of new residences within the Millerton Specific Plan until the necessary improvements are completed. The request for a time extension does not grant the developer the ability to develop, and the Tentative Map is a discretionary action.

Recommended Additional Conditions of Approval:

1. 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 in order to determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection.
2. 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 tract.
3. 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 tract.
4. 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.

CONCLUSION:

Staff believes the fourth one-year time extension for Vesting Tentative Tract Map No. 5393 should be approved with the additional recommended conditions of approval included in Exhibit 7, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to May 8, 2025.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the fourth one-year time extension for Vesting Tentative Tract Map No. 5393 with the additional new conditions included in Exhibit 7; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the fourth one-year time extension request for Vesting Tentative Tract Map No. 5393 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required to comply with State or Federal law);

and

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

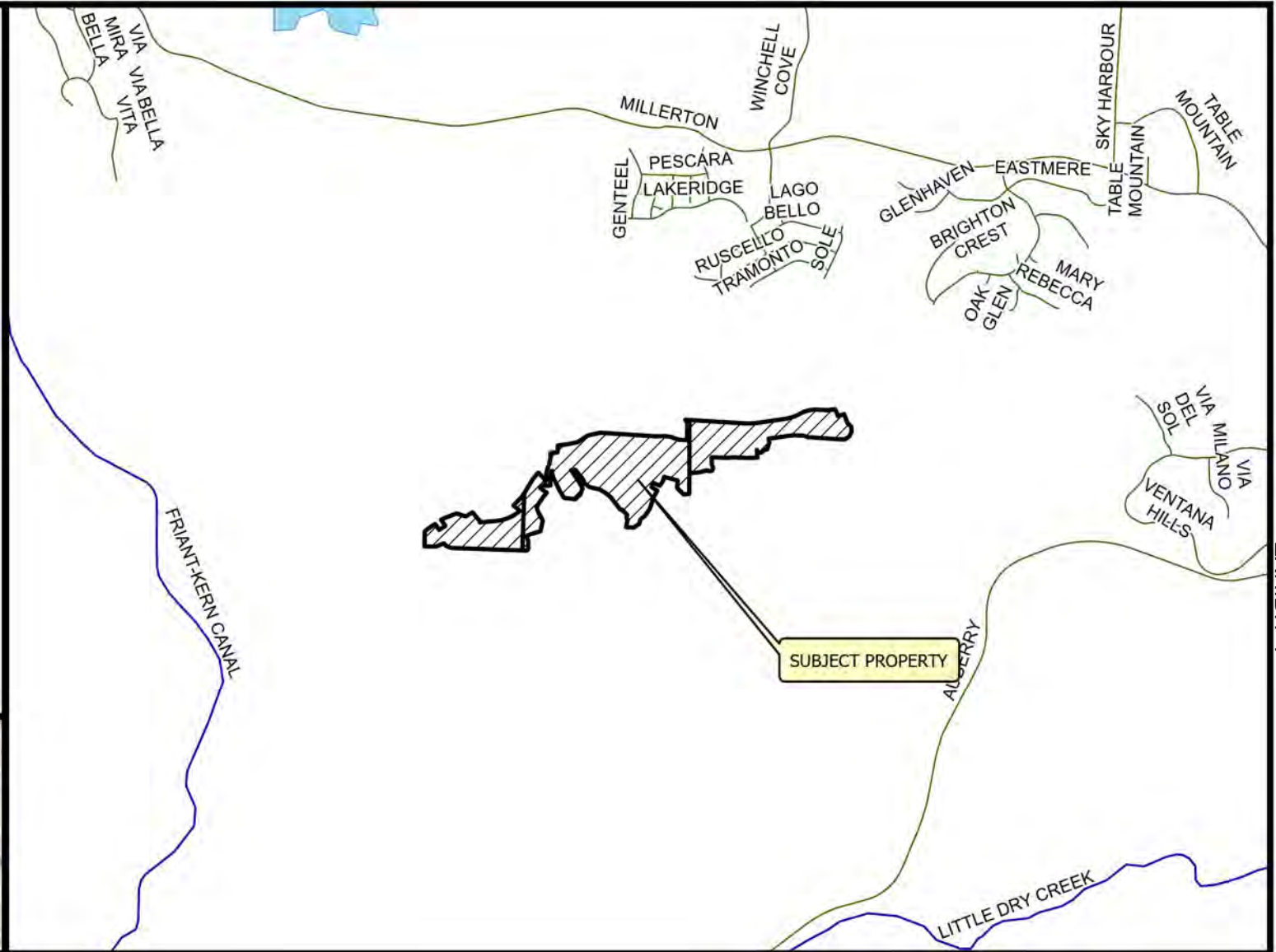
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Legend



Subject Property



VICINITY MAP

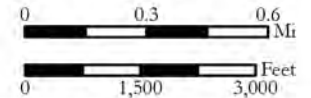


LOCATION MAP



TT5393EXT4

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 4/17/2024



LEGEND:

-  Subject Property
-  Ag Contract Land

LEGEND
DRY - DRY FARMING
GRZ - GRAZING
REC - RECREATION
SF#- SINGLE FAMILY R
V - VACANT

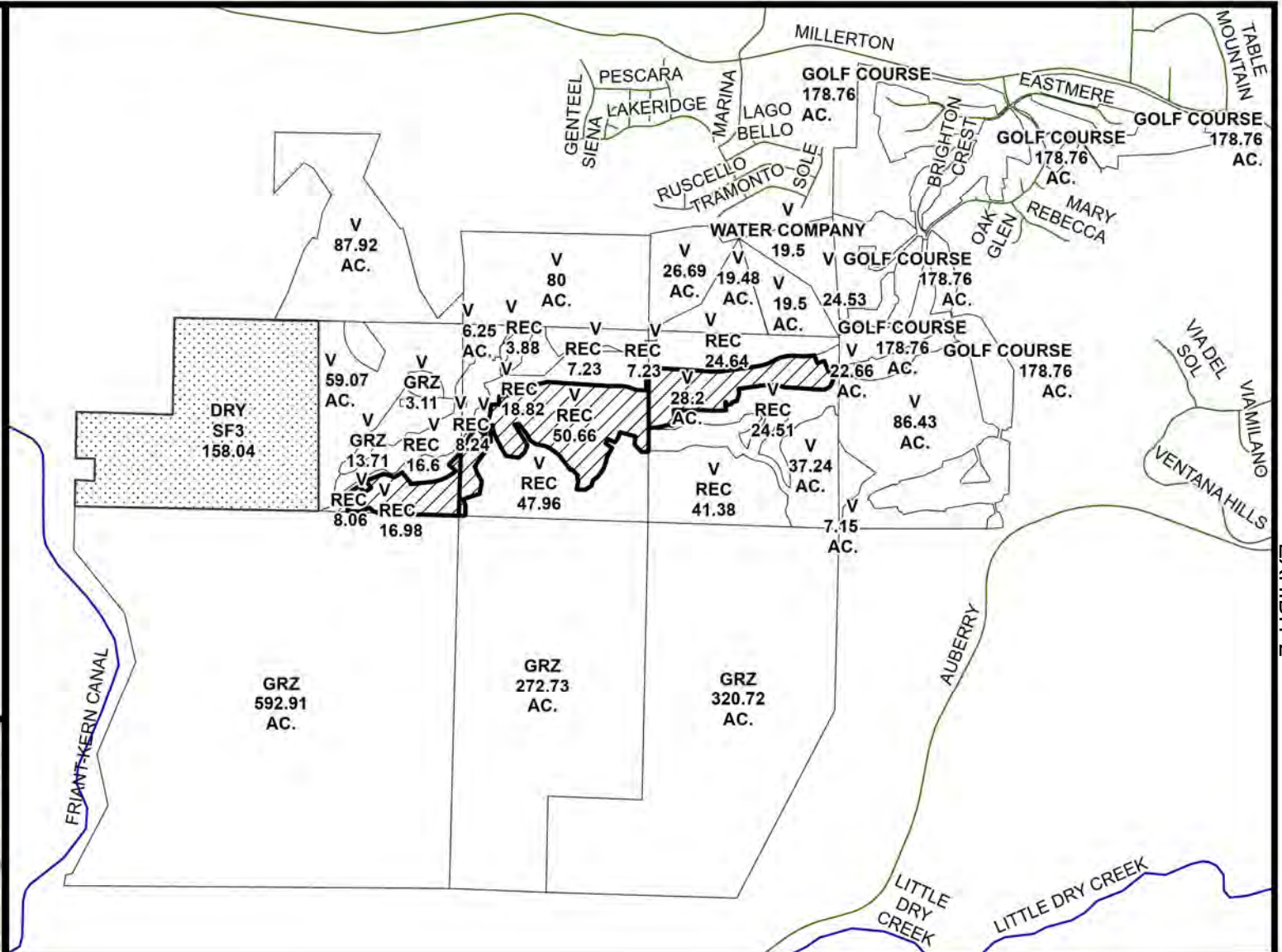


EXHIBIT 2

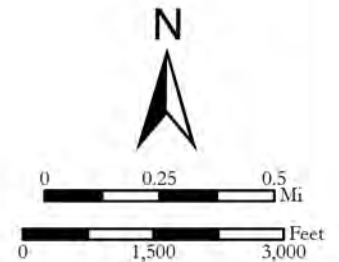


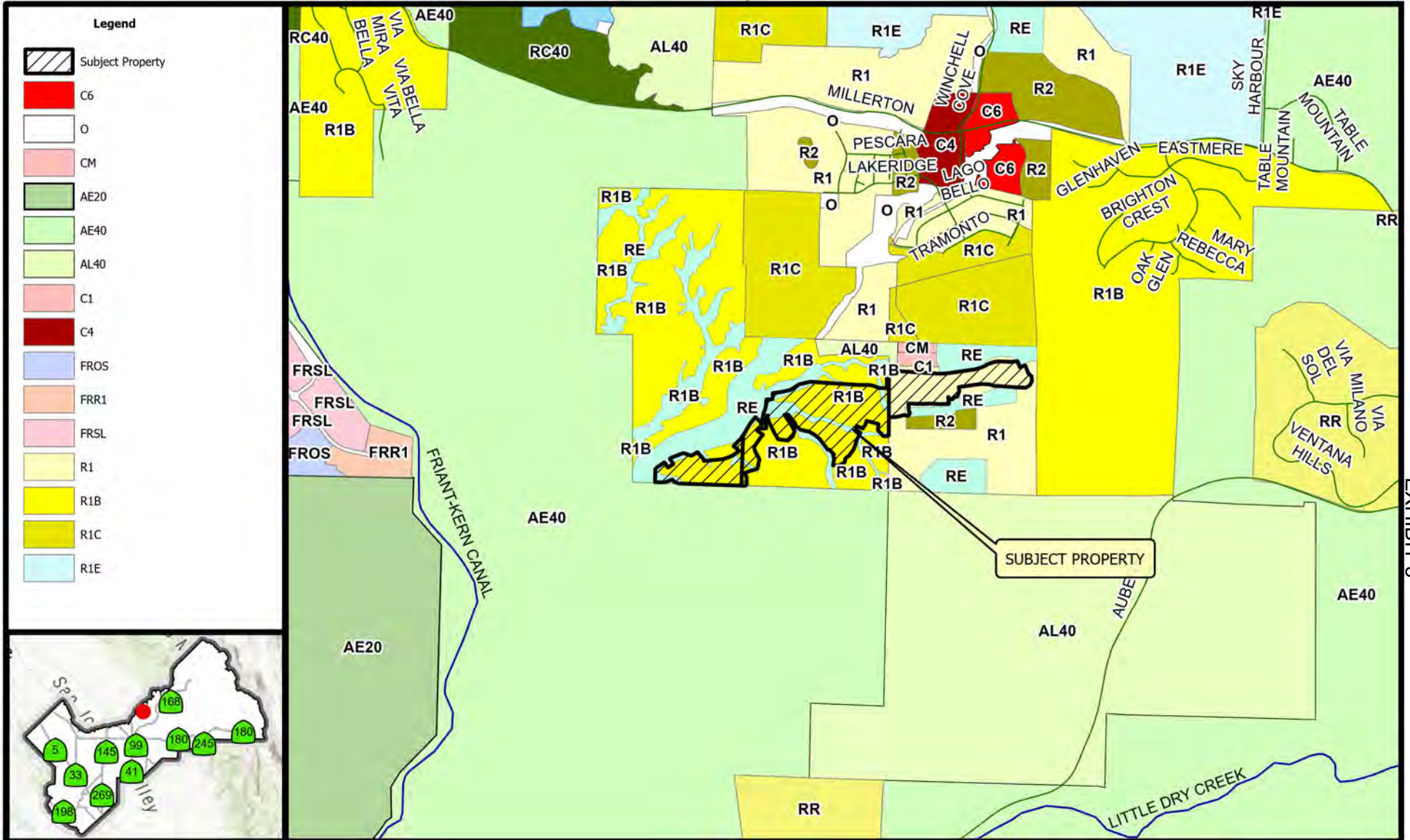
Existing Land Use Map

TT5393EXT4

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 4/17/2024





- Legend**
- Subject Property
 - C6
 - O
 - CM
 - AE20
 - AE40
 - AL40
 - C1
 - C4
 - FROS
 - FRR1
 - FRSL
 - R1
 - R1B
 - R1C
 - R1E



EXHIBIT 3

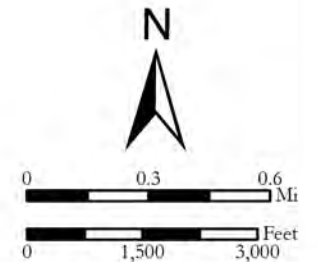


Existing Zoning Map

TT5393EXT4
STR 15 - 11S / 21E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : jocervantes
On Date : 4/17/2024



Inter Office Memo



DATE: May 8, 2008

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12104 - INITIAL STUDY APPLICATION NO. 5310,
VESTING TENTATIVE TRACT MAP APPLICATION NO. 5393,
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3113
AND SITE PLAN REVIEW APPLICATION NO. 7654

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

REQUEST: Allow a planned unit development consisting of 275 single-family residential lots, two commercial lots, two lots for future use, and other outlots on approximately 224-acres in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional), R-1(c) (Single-Family Residential, 6,000 square-foot minimum parcel size, Conditional), R-2(c) (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size), C-M(c) (Commercial and Light Manufacturing), C-1(c) (Neighborhood Shopping Center), R-E(c) (Recreational District, 2-acre minimum parcel size) Districts.

LOCATION: The subject property is located within the Millerton New Town Specific Plan, south of Millerton Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately 2.5 miles east of the unincorporated community of Friant. (SUP. DIST. 5) (APN: 300-540-16, 17, 22, 23, 37, 69, 71, 84, 91, 93, 94, 95, & 96).

PLANNING COMMISSION ACTION:

At its hearing of May 8, 2008, the Commission considered the Subdivision Review Committee Report and Staff Report and testimony (summarized in Exhibit "A").

EXHIBIT "A"

Initial Study Application No. 5310
Tentative Tract Map Application No. 5393
Classified Conditional Use Permit Application No. 3113
Site Plan Review Application No. 7654

Staff: The Fresno County Planning Commission considered the Subdivision Review Committee Report and Staff Report dated May 8, 2008, and heard a summary presentation by staff.

Applicant: The applicant's representative concurred with the Subdivision Review Committee Report and Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:

- The tract will receive water from Millerton Lake via Place of Use Contracts.
- Millerton New Town is allocated 3,000 acre feet annually. The subject tract will use approximately 500 acre feet annually.
- County Service Area No. 41 will treat and deliver the domestic water to the proposed tract.
- Clustering of development is proposed in order to avoid wetlands, existing creeks, and sloped terrain in the area.

Others: No other individuals presented information in support of or in opposition to the project.

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

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EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5310
Tentative Tract Map Application No. 5393
Site Plan Review Application No. 7654

A. MARINA DRIVE:

1. Shall be developed as four-lane divided roadway, in a 106-foot right-of-way, through the commercial area and government center. South of the commercial area and government center, Marina Drive shall be constructed as a two-lane undivided 35 mph design speed public road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant. Development of Marina shall be in accordance with Figure 7 of the Millerton Specific Plan.
2. The proposed roundabout shall be developed in accordance with U.S. Department of Transportation Publication No. FHWA-RD-00-067, except that the roundabout shall be surfaced with an impervious surface approved by the Director of the Department of Public Works and Planning.
3. The proposed roundabout and its transitions shall be maintained by CSA 34 regardless of the future maintenance entity for Marina Drive.
4. Left-turn lanes shall be provided on Marina Drive at all intersections.
5. The applicant shall provide a 15-foot wide landscaped setback along both sides of Marina Drive within the boundaries of the proposed subdivision. No structures or advertising signs shall be allowed within the setback, except for temporary real estate or directional signs.
6. Thirty-foot by thirty-foot corner cutoffs shall be provided at all intersections.
7. A Class III bicycle path (Bike Route) shall be provided having a minimum paved width of five feet along each side of the roadway and signed for no on-street parking.
8. An emergency access easement shall be provided from the east end of the road to connect with a public road.

B. SAUBRICE AVENUE:

1. Shall be developed as a Collector road in accordance with Figure SP1-8 of the Millerton Specific Plan.

C. INTERIOR ROADS:

1. Shall be developed in accordance with the Millerton Specific Plan.
2. Shall be constructed to a 25 M.P.H. local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 M.P.H. design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 M.P.H. design speed for the interior streets.
4. Roads shall intersect at approximately 90-degree angles.
5. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
6. All cul-de-sac roads shall have a maximum length of 500 feet with a fire hydrant at the end of the street.
7. All cul-de-sac streets in excess of 300 feet in length require a fire hydrant installed at the end of the street.
8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
9. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report which shall identify a recommended traffic index, R-value, and pavement structural section. If significant cuts and fills are involved, subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.
10. Direct access to each lot shall be certified by a licensed civil engineer.

D. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.

2. Additional runoff generated by the development including full residential build-out of the subdivision shall be retained on-site within drainage ponds or approved pipe storage systems or other facilities acceptable to the Director of the Department of Public Works and Planning. Fresno County shall review and approve the Grading and Drainage Plan for the project.
3. A drainage study inclusive of both hydrology specific to the area (rational method will most likely not be appropriate due to excessive topography) and hydraulics will be needed to determine sizes and locations of culverts and/or relocated drainage channels.
4. Proposed basins in excess of eighteen inches in depth shall be fenced. Type of fencing shall be chain link or other form that would discourage public access.
5. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels and a maintenance organization to maintain them will be required. Said work will require that the applicant obtain a Stream Bed Alteration Agreement with the State Department of Fish and Game, and/or a Section 404 Permit from the US Army Corps of Engineers.
6. Liberal drainage easements and building setbacks shall be provided for all natural watercourses.
7. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
8. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent [NOI] shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencement of any grading activities.
9. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities.
10. Design of individual building pads with specific areas of grading for each lot shall be provided as part of the drainage improvement plans submitted for this development.

E. MAINTENANCE:

1. A Zone of Benefit in County Service Area 34 or other method acceptable to the Director of the Department of Public Works and Planning shall be provided for the maintenance of the new roads.

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

F. FIRE PROTECTION:

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

G. WATER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed water facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The Community Water System must be completed and accepted by the County prior to the issuance of building permits for residential/commercial construction.

H. SEWER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed sewer facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The Community Sewer System must be completed and accepted by the County prior to the issuance of building permits for residential/commercial construction.

I. UTILITIES:

1. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance. Any existing utilities within this tract not in conformance with these requirements shall be removed or placed underground.
2. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
3. A ten-foot wide public utility easement shall be dedicated along all lot boundaries located adjacent to any street located within the tract.

J. FLOOD WATER:

1. A portion of the property is in Flood Zone A, an area determined to be within the 100-year floodplain per FEMA Firm Panel 1035 F. Work within designated flood zones shall conform to provisions established in County Ordinance Code Chapter 15.48, Flood Hazard Areas. The limits of inundation shall be shown on an additional map sheet.
2. Site specific grading plans, permits and elevation certificates may be required for individual lots lying within Zone A.
3. U.S.G.S. Quad Map "FRIANT" shows existing streams traversing the subject property. The centerline of all streams shall be shown on the map. The Quad map also shows an existing pond which should be shown on the map. Any development near a stream will require clearance including any necessary permits from the State Department of Fish and Game, State Department of Water Resources and the Army Corps of Engineers. These requirements apply for all work around drainage channels, including the proposed culverts shown along the well road.

K. STREET NAMES:

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

L. EMERGENCY ACCESS ROADS:

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

M. SOILS:

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

N. OUTLOTS:

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

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

O. OTHER CONDITIONS:

1. All conditions of Classified Conditional Use Permit Application No. 3113 shall be complied with.
2. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.
3. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
4. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer.

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

5. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage overuse of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
6. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.
7. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.

8. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Department of Public Works and Planning.
9. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
10. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
- *11. In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- *12. To mitigate potential noise impacts, noise-generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
- *13. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.
- *14. The applicant shall comply with the Endangered Species Act. The applicant shall complete and submit a Biological Assessment and resulting Biological Opinion, which shall include Mitigation and Avoidance Measures for plants and animals and acceptable to the United States Fish and Wildlife Service.

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

Conditions of Approval

Initial Study Application No. 5310
Classified Conditional Use Permit Application No. 3113

1. Development shall be in accordance with the site plan and project description as it pertains to property development standards, landscaping, fencing, lighting, circulation, grading, infrastructure, except as may be modified below.
2. The conditions of the Subdivision Review Committee Report for Vesting Tentative Subdivision Map No. 5393 shall be complied with.
3. This permit shall be tied to Vesting Tentative Subdivision Map No. 5393; if the tract is denied or expires, the Conditional Use Permit shall also expire.

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

4. For those areas zoned R-1(c) and R-1-B (c) Districts, all existing property development standards of R-1(c) and R-1-B (c) Districts listed in the Zoning Ordinance, shall apply except for the following deviations:

R-1(c) and R-1-B (c) Districts:

1. The minimum front and rear yard setbacks will be ten feet for a structure.
2. The minimum side yard setback will be five feet.

R-1-B(c) District:

1. Lot Area: 7,500 square feet
 2. Interior Lot Width: 60 feet
 3. Corner Lot Width: 65 feet
 4. Curved/Cul-de-Sac Street Frontage: 30 feet
 5. Lot Depth: 100 feet
5. An Infrastructure Plan for water, sewer, and drainage that addresses the policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. All appropriate infrastructures required for this project by the approved Infrastructure Plan shall be constructed and accepted by County Service Area No. 34 prior to issuance of building permits.
 6. The California Department of Transportation (Caltrans) also reviewed the project and indicated that the existing mitigation measure within the Millerton Specific

Plan (No. 2.j) identifies that a pro-rata share of for improvements to the State Route (SR) 41/Friant Road interchange is to be paid through an impact fee based on the amount of dwelling units per approved tract. Based on the proposed 275 lots the applicant shall pay impact fees in the amount of \$107,205 prior to recording final map. The agency had no additional comments to offer.

7. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.
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- *9. In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
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- *11. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

Jeff Roberts

Subject: Tentative Tract No. 5393 (Time Extension Request)

Request for Time Extension:

The owners of the property known at Tentative Tract No. 5393 request an extension of time. The main factor causing the request is the condition of the housing market in Fresno County. The high interest rates affect the future home buyers ability to qualify for home mortgages and this has affected the entire County and State of California.



Jeffrey T. Roberts | Entitlement Director

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5260 N. Palm Ave., Ste. 421, Fresno, CA 93704

EXHIBIT 7

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5310
Tentative Tract Map Application No. 5393
Site Plan Review Application No. 7654

A. MARINA DRIVE:

1. Shall be developed as four-lane divided roadway, in a 106-foot right-of-way, through the commercial area and government center. South of the commercial area and government center, Marina Drive shall be constructed as a two-lane undivided 35 mph design speed public road in an 84-foot right-of-way with provisions for the future addition of two travel lanes when traffic volumes warrant. Development of Marina shall be in accordance with Figure 7 of the Millerton Specific Plan.
2. The proposed roundabout shall be developed in accordance with U.S. Department of Transportation Publication No. FHWA-RD-00-067, except that the roundabout shall be surfaced with an impervious surface approved by the Director of the Department of Public Works and Planning.
3. The proposed roundabout and its transitions shall be maintained by CSA 34 regardless of the future maintenance entity for Marina Drive.
4. Left-turn lanes shall be provided on Marina Drive at all intersections.
5. The applicant shall provide a 15-foot wide landscaped setback along both sides of Marina Drive within the boundaries of the proposed subdivision. No structures or advertising signs shall be allowed within the setback, except for temporary real estate or directional signs.
6. Thirty-foot by thirty-foot corner cutoffs shall be provided at all intersections.
7. A Class III bicycle path (Bike Route) shall be provided having a minimum paved width of five feet along each side of the roadway and signed for no on-street parking.
8. An emergency access easement shall be provided from the east end of the road to connect with a public road.

DEVELOPMENT SERVICES DIVISION

B. SAUBRICE AVENUE:

1. Shall be developed as a Collector road in accordance with Figure SP1-8 of the Millerton Specific Plan.

C. INTERIOR ROADS:

1. Shall be developed in accordance with the Millerton Specific Plan.
2. Shall be constructed to a 25 M.P.H. local residential street standard as shown in Figure SP1-8 of the Millerton Specific Plan. The 25 M.P.H. design speed requires the interior roads to have a minimum centerline curve radius of 230 feet.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at all intersections of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 M.P.H. design speed for the interior streets.
4. Roads shall intersect at approximately 90-degree angles.
5. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
6. All cul-de-sac roads shall have a maximum length of 500 feet with a fire hydrant at the end of the street.
7. All cul-de-sac streets in excess of 300 feet in length require a fire hydrant installed at the end of the street.
8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
9. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report which shall identify a recommended traffic index, R-value, and pavement structural section. If significant cuts and fills are involved, subsequent R-values shall be obtained for sub-grade after completion of earthwork operations.
10. Direct access to each lot shall be certified by a licensed civil engineer.

D. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing

drainage characteristics of those parcels adjacent to the development.

2. Additional runoff generated by the development including full residential build-out of the subdivision shall be retained on-site within drainage ponds or approved pipe storage systems or other facilities acceptable to the Director of the Department of Public Works and Planning. Fresno County shall review and approve the Grading and Drainage Plan for the project.
3. A drainage study inclusive of both hydrology specific to the area (rational method will most likely not be appropriate due to excessive topography) and hydraulics will be needed to determine sizes and locations of culverts and/or relocated drainage channels.
4. Proposed basins in excess of eighteen inches in depth shall be fenced. Type of fencing shall be chain link or other form that would discourage public access.
5. If natural drainage swales are piped or rerouted, easements for the pipelines and/or channels and a maintenance organization to maintain them will be required. Said work will require that the applicant obtain a Stream Bed Alteration Agreement with the State Department of Fish and Game, and/or a Section 404 Permit from the US Army Corps of Engineers.
6. Liberal drainage easements and building setbacks shall be provided for all natural watercourses.
7. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
8. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent [NOI] shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencement of any grading activities.
9. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The plan shall be submitted to the County prior to commencement of any grading activities.
10. Design of individual building pads with specific areas of grading for each lot shall be provided as part of the drainage improvement plans submitted for this development.

E. MAINTENANCE:

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

F. FIRE PROTECTION:

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

G. WATER SERVICE:

1. The applicant's engineer shall provide a design for all elements of the system to the County for review and approval.
2. All proposed water facilities improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The Community Water System must be completed and accepted by the County prior to the issuance of building permits for residential/commercial construction.
4. 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 tract.
5. 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.

H. SEWER SERVICE:

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

3. The Community Sewer System must be completed and accepted by the County prior to the issuance of building permits for residential/commercial construction.
4. 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 in order to determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection.
5. 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 tract.

I. UTILITIES:

1. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance. Any existing utilities within this tract not in conformance with these requirements shall be removed or placed underground.
2. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
3. A ten-foot wide public utility easement shall be dedicated along all lot boundaries located adjacent to any street located within the tract.

J. FLOOD WATER:

1. A portion of the property is in Flood Zone A, an area determined to be within the 100-year floodplain per FEMA Firm Panel 1035 F. Work within designated flood zones shall conform to provisions established in County Ordinance Code Chapter 15.48, Flood Hazard Areas. The limits of inundation shall be shown on an additional map sheet.
2. Site specific grading plans, permits and elevation certificates may be required for individual lots lying within Zone A.
3. U.S.G.S. Quad Map "FRIANT" shows existing streams traversing the subject property. The centerline of all streams shall be shown on the map. The Quad map also shows an existing pond which should be shown on the map. Any development near a stream will require clearance including any necessary permits from the State Department of Fish and Game, State Department of Water Resources and the Army Corps of Engineers. These requirements apply for all work around drainage channels,

including the proposed culverts shown along the well road.

K. STREET NAMES:

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

L. EMERGENCY ACCESS ROADS:

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

M. SOILS:

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

N. OUTLOTS:

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

O. OTHER CONDITIONS:

1. All conditions of Classified Conditional Use Permit Application No. 3113 shall be complied with.
2. Prior to recordation of the final map, a zone of benefit within County Service Area 34 shall be established for the project.

3. Prior to recordation of the final map, an agreement between the developer and the CSA shall be entered in which the developer is responsible for all costs associated with the operation, maintenance, and administration of the CSA until such time as these costs can be met by the CSA through assessments or fees. This agreement shall be recorded.
4. Prior to recordation of the final map, all services proposed to be provided by the CSA, the level of each service and the proposed rate of each service shall be identified in a Service Plan prepared by an engineer.

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

5. Prior to recordation of the final map, the tiered rate structures for the use of water for domestic and landscape/irrigation purposes shall be submitted for review and approval. The tiered rate structure for landscape/irrigation water shall be significantly tiered to discourage overuse of landscape/irrigation water and shall also outline when the landscape/irrigation water shall be disconnected and the procedures to be implemented for disconnection and enforcement.
6. Prior to recordation of the final map, a preliminary budget shall be completed for the operation and maintenance of the CSA including contingencies and reserves. An estimate of these costs shall be prepared by the developer's engineer and will be subject to review by the County.
7. The water and wastewater facilities shall be designed and constructed in accordance with the approved Infrastructure Plans.
8. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Department of Public Works and Planning.
9. All rights to groundwater beneath the subdivision shall be dedicated to the County Service Area subject to development by the subdivider or his assignee.
10. All mitigation measures listed in the Mitigation Measures and Monitoring Program Matrix for the Millerton Specific Plan EIR (Exhibit 6) that are applicable to the proposed development shall be complied with unless the Fresno County Ordinance Code or Improvement Standards requires a higher standard, in which case the higher standard shall be met. Prior to any development, the applicant shall enter into an agreement with Fresno County for the purpose of reimbursing the County for all costs incurred by

the County in complying with the mitigation and monitoring requirements of CEQA (Public Resources Code Section 21081.6). These costs shall include, but are not limited to, staff and consultant services.

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

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Classified Conditional Use Permit Application No. 3113

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

4. For those areas zoned R-1(c) and R-1-B (c) Districts, all existing property development standards of R-1(c) and R-1-B (c) Districts listed in the Zoning Ordinance, shall apply except for the following deviations:

R-1(c) and R-1-B (c) Districts:

1. The minimum front and rear yard setbacks will be ten feet for a structure.
2. The minimum side yard setback will be five feet.

R-1-B(c) District:

1. Lot Area: 7,500 square feet
 2. Interior Lot Width: 60 feet
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 4. Curved/Cul-de-Sac Street Frontage: 30 feet
 5. Lot Depth: 100 feet
5. An Infrastructure Plan for water, sewer, and drainage that addresses the policies in Sections 806-07:5.01, 5.02, 5.03, and 5.04 of the Millerton Specific Plan, together with the terms of the Use and Allocation of Capacities and Reimbursement Agreement dated January 29, 1991, shall be adopted by Fresno County prior to approval of a Final Map. All appropriate infrastructures required for this project by the approved Infrastructure Plan shall be constructed and accepted by County Service Area No. 34 prior to issuance of building permits.

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