

Inter Office Memo



DATE: August 15, 2006

TO: Board of Supervisors

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

SUBJECT: Initial Study Application No. 4993, Classified Conditional Use Permit Application No. 3157, and Tentative Tract Application No. 5239 (James Bratton)

RECOMMENDED ACTION

Consider and take action on appeal filed by Todd Babarovich of the Planning Commission's approval of Tentative Tract Application No. 5239 and Classified Conditional Use Permit Application No. 3157 proposing to allow a planned residential development consisting of 41 lots with private roads on a 164.53-acre parcel in the R-R District.

BACKGROUND / DISCUSSION

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

On June 29, 2006, the Planning Commission considered the subject applications. This site is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather. After considering public testimony from the applicant's representative and supporters and opponents of the project, the Commission by a vote of four to two adopted Resolution No. 11983, adopting the Mitigated Negative Declaration prepared for the project, adopting the recommended findings of fact, and approving Tentative Tract Application No. 5239 and Classified Conditional Use Permit Application No. 3157.

An appeal was filed on July 12, 2006 to your Board for consideration.

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



Agenda Item

DATE: August 15, 2006
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: Resolution No. 11983 - Initial Study Application No. 4993, Tentative Tract Map Application No. 5239, and Classified Conditional Use Permit Application No. 3157

APPLICANT: James Bratton
OWNER: B.W.I.

REQUEST: Allow a planned residential development consisting of 41 lots with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: The east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76)

PLANNING COMMISSION ACTION:

At its hearing of June 29, 2006, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Milligan and seconded by Commissioner Laub to adopt the Mitigated Negative Declaration prepared for the project; and

- Adopt the recommended findings of fact and approve Classified Conditional Use Permit Application No. 3157, subject to the conditions listed in Exhibit "B"; and

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE AUG 15 2006 APPROVED AS RECOMMENDED Page 1 of 3 OTHER 3



Official Action of
Board of Supervisors

SEE PAGE 3 FOR BOARD ACTION.

UNANIMOUS ANDERSON CASE LARSON PEREA WATERSTON

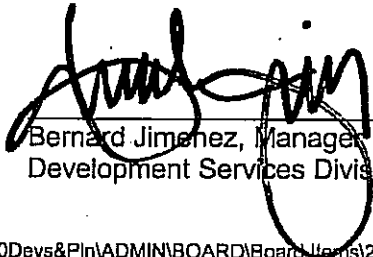
- Adopt the recommended findings of fact and approve Tentative Tract Map Application No. 5239, subject to the conditions listed in Exhibit "B" with modifications to require notification to surrounding property owners if a new well site is located within 1,500 feet of the tract's southern boundary.

This motion passed on the following vote:

VOTING: Yes: Commissioners Milligan, Laub, Hammerstrom, Phillips
 No: Commissioners Abrahamian, Yancey
 Absent: Commissioners Goodman, Woolf
 Abstain: None

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

By:



Bernard Jimenez, Manager
Development Services Division

BJ:lb
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- NOTES: 1. The approval of Classified Conditional Use Permit No. 3157 is tied to Tentative Tract No. 5239 and will expire upon expiration of the Tentative Tract Map. Provision is made that the Conditional Use Permit may be extended in conjunction with an extension request of the tentative tract map.
2. The approval of this project will expire two years from the date of approval unless a final map is recorded. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Attachments

DENIED APPEAL; AND UPHELD THE PLANNING COMMISSION'S ACTION TO ADOPT THE MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT AND APPROVE TENTATIVE TRACT MAP APPLICATION NO. 5239 AND CLASSIFIED CONDITIONAL USE PERMIT NO. 3157 WITH THE FOLLOWING ADDITIONAL CONDITIONS: 1) MAJOR WATER FEATURES SHALL BE PROHIBITED WITHIN THE DEVELOPMENT; 2) WELL NO. 3 SHALL BE CAPPED, BUT CAN BE USED FOR MONITORING AS DEEMED NECESSARY, AND 3) NO STRUCTURES SHALL BE PERMITTED WITHIN THE 200-FOOT SCENIC HIGHWAY SETBACK ADJACENT TO AUBERRY ROAD; AND FURTHER DIRECTED STAFF TO RETURN TO THE BOARD AT A LATER DATE WITH A PROPOSAL FOR A GROUNDWATER MANAGEMENT PLAN FOR THE REGION TO BE IMPLEMENTED BY THE COUNTY SERVICE AREA.

ADOPTED by the following vote, to-wit:

AYES: Supervisors Perea, Waterston, Anderson, Case

NOES: Supervisor Larson

ABSENT: None

EXHIBIT "A"

Initial Study Application No. 4993
Tentative Tract Map Application No. 5239
Classified Conditional Use Permit Application No. 3157

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 29, 2006, and heard a summary presentation by staff.
- Applicant: The applicant's representative concurred with the Staff Report and the recommended condition(s). He offered the following information to clarify the intended use:
- The hydrological test shows project feasibility even though the testing was done when wells were being pumped simultaneously, which would not occur once the project is developed.
 - Oak trees will not be removed unless required for access drives and building pads.
 - The proposed community water system will facilitate fire protection.
 - All residents who currently use the private road through the site were contacted by the applicant, and we don't believe there will be any objection to the private gate.
 - The applicant is willing to provide notification to surrounding property owners if a new well site is located within 1,500 feet of the subdivision's southern boundary.
- Others: One individual located south of the project site spoke in support of the application.
- Six individuals presented information in opposition to the application, indicating concerns with the adequacy of hydrological study performed for the project, that the use will impact the groundwater yields of off-site wells, and that the use does not comply with the County's Scenic Highway standards and will cause negative aesthetic impacts.
- Correspondence: Three letters in opposition to the project and one letter in support were presented to the Planning Commission. Ten letters were presented to the Planning Commission from owners of adjacent properties who currently use the private road through the site indicating no concern with the installation of a gate across the road as proposed by the applicant.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 4993
Tentative Tract Map Application No. 5239
Classified Conditional Use Permit Application No. 3157

CONDITIONAL USE PERMIT NO. 3157

1. Development and operation of the facility shall be in substantial compliance with the site plan and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map Application No. 5239 shall be complied with.
3. This permit shall be tied to Tentative Tract Map Application No. 5239. If that tract expires, the conditional use permit shall also expire.

Note: In accordance with Section 873-I of the Zoning Ordinance, expiration of a conditional use permit authorizing a tentative tract map shall be concurrent with the expiration date of the tentative map and may be extended in the same manner as said map.

TENTATIVE TRACT MAP APPLICATION NO. 5239

A. AUBERRY ROAD

1. Additional road right-of-way shall be provided to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills.

Note: Limits of cuts and fills will be identified by the Subdivider through submission of a conceptual design for Auberry Road widening along the frontage of the subdivision, including supporting topographic survey features outside of the current road right-of-way.
2. Auberry Road is classified as an arterial and as such, the direct access point from the proposed subdivision shall be relinquished except at the locations of the 60-foot wide entrance road and an emergency access road.
3. Adequate sight distance shall be provided at the intersection of the entrance road and Auberry Road.
4. A 30-foot by 30-foot cutoff shall be provided at the entrance road and Auberry Road.
- *5. A natural open space area extending 200 feet from the easterly right-of way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:

- a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
- b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.
- c) The subdivider may construct a tract boundary fence within the natural open space area and described as a white split rail wood fence in the Operational Statement for the concurrent Conditional Use Permit Application No. 3157. Said fence shall conform to this description and to the design depicted in Exhibit 5 of this report. No other fencing shall be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, and which shall be consistent with the design of the boundary fence.
- d) The natural open space area shall be shown on the Final Map.

B. GATED ENTRY

- 1. Shall be constructed to a public road standard in accordance with County Improvement Standard A-2-b (28 feet of base and pavement plus transitions as needed). Applicant has proposed a median island within an 84-foot right-of-way at the entrance.
- 2. Vehicles denied access shall be able to exit the entrance in a continuous forward motion.
- 3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the "queuing theory" to insure that there is a 1% chance or less of a vehicle stopping in the public right-of-way due to a vehicle waiting to be granted access to the development. The analysis shall use a five-minute delay for the peak hour volume entering the development at the gate.
- 4. If a bypass lane with a separate call box or actuator is provided for the residents, their vehicles may be deducted from the analysis. This is assumed to be 90% of the peak hour traffic.
- 5. Each vehicle shall be given a 25-foot envelope in determining the setback from the public road.
- 6. The call box shall be located a minimum of 25 feet from the public right-of-way.
- 7. To address potential visual impacts from Auberry Road, a County Scenic Drive, the entrance gate structure shall be set back a minimum of 200 feet

from Auberry Drive, unless a greater setback is required by other conditions of this subsection.

8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
9. Access through the subject site shall continue to be provided to those properties and parcels to the north and east of the proposed tract that had previously utilized Granite Creek Road for ingress and egress. Since the extent of such previous access easement rights is unknown and could affect additional parcels that could be divided in the future, a telephone call box shall be placed at the entrance to allow for calls to be received at parcels outside of the tract boundary in order to permit access through the gate. Since the gate is within a potential wildfire area, the exit gate shall open outwardly and/or permit exit via a crash gate construction feature in the event of a power failure.

C. INTERIOR ROADS AND CUL-DE-SACS

1. The entrance road (Granite Creek Road) shall be constructed to minimum 30 MPH design speed and in accordance with County Improvement Standard A-2b, but with 60 feet of right-of-way as shown on the tentative map (28 feet of pavement and base). The interior roads serving the lots shall be constructed to a 25 MPH. public road standard in accordance with County Improvement Standard A-1b (24-foot minimum width of pavement and base).
- *2. To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm. Landscaping of natural materials shall be planted on the berm and maintained by the Homeowner's Association until the plantings are self-sustaining. The applicant shall provide a landscaping plan to the County for review and approval.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at the intersection of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 MPH. design speed for the interior streets. Roads shall intersect at approximately 90-degree angles.
4. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
5. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
6. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
7. The 25 MPH design speed requires the interior roads to have a minimum curve radius of 230 feet.
8. The improvement plans shall clearly demonstrate how the 60-foot entrance road shall connect to the access road serving parcel maps east of the subject site. (Parcel Maps 7599, 7279, etc.).

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 section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

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. Any additional runoff generated from this tract shall be retained or detained on-site or by other facilities acceptable to the Director of Public Works and Planning.
2. A Hydraulics and Hydrology report shall be prepared for the stream traversing the property. The report shall establish the limits of inundation from a 100 year storm, base flood elevations for the parcels fronting on the stream, and shall establish a high water level at the proposed bridge and flow rate at the bridge for design purposes.
3. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A copy of the Notice shall be provided to the County.
4. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

E. MAINTENANCE

1. A Zone of Benefit in County Service Area 35 or other method acceptable to the Director of Public Works and Planning shall be provided for the Maintenance of new roads and outlots. If the entrance road is gated, maintenance shall be by the Homeowner's Association or other entity acceptable to the Director.
2. The subdivider shall be required to secure the maintenance of the new roads for a period of two years after acceptance thereof.
3. Common facilities, including open space, private roads, and entrance gate, shall be maintained by a homeowners association.

F. UTILITIES

1. All utilities with the exception of the PG&E overhead transmission lines traversing the site shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
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.

G. STREET NAMES

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

H. 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 the Department of Public Works & Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
2. The property is located with State Responsibility Area for fire protection purposes. The applicant shall be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.
3. Engineered plans for the fire protection system shall be reviewed and approved by the fire protection district having jurisdiction for the area in addition to the County.

I. EMERGENCY ACCESS ROADS:

1. Shall be contained within easements (minimum 20' wide) and shall connect to public roads.
2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

J. WATER AND SEWER

- *1. The proposed community water system shall be owned, operated and maintained by a County Service Area (CSA). Prior to the issuance of any building permits for any single family dwellings within the subject tract, the CSA shall submit an application and receive approval for a permit to operate a Public Water System. The permit application shall include supporting information, in the form of a technical report, and be submitted to the Fresno County Department of Community Health, Environmental Health Division for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact Ed Yamamoto at (559) 445-3357 for more information. The subdivider shall assist the CSA staff in preparing the necessary documentation for submission to the Environmental Health Division in order to secure a water purveyor permit for the community system. Well sites shall be designated as outlots, and shall be provided with easement access for maintenance purposes.

- *2. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map. Each lot shall be required to have two (2) water meters. One meter will serve the residence and the second meter will serve the landscape irrigation needs. All such meters shall be equipped with remote read sensors so that homeowners may monitor their water usage. The irrigation meter shall not be installed until a copy of the proposed landscaping plans for the lot is reviewed and approved by the Architectural Review Committee and submitted to the County Service Area for review and forwarding to the County Geologist for approval to ensure that the proposed landscaping will not require more water than is available for the lot. Upon recordation of the final map, this requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet.
- *3. Only drip irrigation shall be allowed. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.
- *4. Prior to recordation of the final map, a tiered rate schedule for the irrigation service for both domestic and landscaping use shall be adopted by the Board of Supervisors as the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the reconnection of the water supply for irrigation services.
- *5. Prior to recordation of the final map, the applicant shall develop and submit to the County Geologist and the Resources Division of Public Works & Development Services Department a groundwater monitoring program for the proposed community water system. The cost of ongoing monitoring shall be included in the rate schedule established by the County Service Area. Approval and acceptance of the groundwater monitoring program shall be made by the County Geologist.
- *6. Wells 4 and 5 shall be used for the community water system. Well No. 3 shall be limited to use only as a monitoring well. Well No. 6 shall be used as a backup well, but only after additional testing to quantify impact on wells to the south and only to the extent that no significant impacts occur. Well 2 cannot be used unless and until arsenic levels are reduced to a level meeting established water quality standards.
- *7. All onsite wells shall be equipped with dedicated pressure transducers and a data logger is to be provided.
- 8. All rights to ground water beneath the tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging any wells.
- *9. Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility

of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

10. Should the CSA propose to add additional well(s) as a water source for the community system serving the project and such well(s) are proposed to be located within 1,500 feet of the southern boundary of the tract, notification of such proposal shall be provided by the CSA to surrounding property owners within 1,500 feet south of the proposed well site.

K. SOILS REPORT

1. A soils report is required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the type of development as proposed.
2. Some lots have grades in excess of 30%. The soils report needs to address limitations on building in these excessive slopes.

L. BIOLOGICAL RESOURCES

*1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing activities, (e.g., grading, fencing, construction, clearing, landscaping, or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- a) Outlot "A", consisting of 12.6 acres, shall be established as a wildlife movement corridor and for public utility purposes. Said corridor shall have a minimum width of 180 feet.
- b) Outlot "B", consisting of 19.43 acres, shall be established for creek riparian purposes and shall include the 4.30 acres depicted as "Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands" on the Yamabe & Horn Engineering, Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 feet buffer from the upper edges of Tributaries 3 and 5.
- c) Outlots "A" and "B" shall be managed and maintained by the Homeowners Association for the benefit of wildlife resources. Input on the management and maintenance shall be provided by a resource management professional(s) approved by the Department of Fish and Game.

- d) Only downward directed lighting shall be used in proximity to open space areas.

***2. OAK MANAGEMENT**

- a) The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).
- b) Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2.a.) above shall incorporate the following measures to mitigate the significant effect:
 - (1) The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.
 - (2) The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.
 - (3) Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.
 - (4) Replacement trees shall be maintained by the Homeowner's Association for a period of seven years after planting. Maintenance shall include replacing dead or diseased trees.
 - (5) Each lot purchaser shall review and understand the information contained in "Living Among the Oaks" and 'Wildlife Among the Oaks' publications prior to applying for a construction permit. These publications shall be provided by the applicant to each lot purchaser.

***3. RAPTOR PROTECTION**

The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

***4. ANNUAL REPORT**

The Homeowner's Association shall retain a qualified professional biologist to prepare and submit a report to the County and the State Department of Fish and Game for review and approval, on an annual basis, for a period of ten years following recordation of the final map. The subdivider and subsequent homeowner's association shall provide funds necessary to implement this condition, including any necessary corrective action. The report shall address the following:

- a) Compliance with state and federal wetland permit requirements.
- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the Condition No. L1 relating to the environmentally sensitive areas within the tract.
- d) Compliance with the approved Oak Management Plan, including mitigation measures.
- e) Compliance with the mitigation relating to tree-nesting raptors.
- f) List of mitigation measures not in compliance, with recommended corrective action.

***M. TRAFFIC**

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:

- a) Signalization improvements at the intersections of:
 - Auberry and Millerton Roads
The project maximum share is 2.54%
 - Auberry Road and Copper Avenue
The project maximum share is 0.95%

- Auberry Road and Marina Avenue
The project maximum share is 1.16%
 - Copper and Willow Avenues
The project maximum share is 0.45%
- b) Improvements to the road segment:
- Auberry Road from Copper Avenue to Millerton Road
The project maximum share is 1.12%
- c) Improvements to the road segment:
- Copper Avenue from Auberry Road to Willow Avenue
The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962.)

NOTE: 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 fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. 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.

2. Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.

N. OUTLOTS

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all Outlots (except for Outlots conveyed to the CSA) shall be by the homeowners association 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 mortgagees. 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. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, the Department of Fish and Game shall be provided with appropriate streambed alteration notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
 - *2. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army, Army Corps of Engineers and a Clean Water Act Section 401 Water Quality Certificate permit shall be obtained from the California Regional Water Quality Control Board.
 - *3. Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the subject property and identified in A Cultural Resources Resource Study of the Everton Property- Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.
 - *4. 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.
 5. Prior to recording a final map, an agreement incorporating the provisions of the "Right-to-Farm" notice (Ordinance Code Section 17.01.100) shall be entered into with Fresno County.
 6. All conditions of concurrent Classified Conditional Use Permit Application No. 3157 shall be complied with.
- * 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.

RESOLUTION NO.: 11983

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 4993
Classified Conditional Use Permit Application No. 3157
Tentative Tract Application No. 5239

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

Initial Study Application:	\$2,687.00
Conditional Use Permit Application:	\$3,390.00
Tentative Tract Application	\$15,680.00
Health Department Review:	\$1,515.00
Total Fees Collected	\$23,272.00



County of Fresno

Department of Public Works and Planning

ALAN WEAVER

Director

Planning Commission Staff Report Agenda Item No. 2 June 29, 2006

SUBJECT: Initial Study Application No. 4993
Classified Conditional Use Permit
Application No. 3157

Allow a planned residential development consisting of 41 lots with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

Applicant: James Bratton
Owner: B.W.I.

STAFF CONTACT: Lew Pond, Staff Analyst
(559) 262-4321

Chris Motta, Senior Staff Analyst
(559) 262-4241

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993;
- Approve Classified Conditional Use Permit Application No. 3157, with recommended conditions; and

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893

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

REGIONAL JOBS INITIATIVE

If approved, this proposal should not impact the short and long-term objectives of the Regional Jobs Initiative (RJI) for the creation of jobs in Fresno County. There will be short-term job opportunities for activities associated with construction of the subdivision and housing improvements.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Operational Statement
5. Applicant's Tentative Tract Map
6. Elevation Drawings of Entrance Gate and Boundary Fence
7. Summary of Initial Study No. 4993
8. Required Findings for a Conditional Use Permit

PROJECT DESCRIPTION/OPERATIONAL STATEMENT SUMMARY:

The key features of the project are based on information contained in the applicant's Operational Statement, Tentative Tract Map, and Elevation Drawing of the entrance gate and boundary fence (Exhibits 4, 5 and 6).

Proposed Use:

- Planned residential development of 41 Rural Residential lots with private roads.

Project Site:

- 164.53 acres

Existing Improvements:

- None

Proposed Improvements:

- Interior roads
- Community water system
- Individual septic systems
- Fire protection improvements
- Gated entrance at Auberry Road
- Underground utilities

Site Plan:

The site plan submitted by the applicant shows the following major features:

- The site plan for the project is Tentative Tract Application No. 5239, containing 41 single-family Rural Residential lots with a minimum size of two acres served by a private road system.
- Gated entrance to the site at Auberry Road.
- Outlots for creek riparian, wildlife movement, utility corridor and landscape and entrance purposes.
- Two emergency access locations.

ENVIRONMENTAL DETERMINATION

Initial Study Application No. 4993 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent of Negative Declaration publication date: May 26, 2006

PUBLIC NOTICE:

Notices were sent to 48 property owners within one-quarter mile of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

Section 820.3.j of the Zoning Ordinance allows the filing of a Classified Conditional Use Permit to authorize projects within the Rural Residential District as Planned Residential Developments. Section 855.N.22 of the ordinance provides that Property Development Standards for Planned Residential Developments may be waived "when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. Planned developments can provide for maximum effective density and improved aesthetics through increased flexibility in building siting, creative use of permanent open space, and the

preservation of significant natural features".

A Conditional Use Permit application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 8). The decision of the Planning Commission on a Conditional Use Permit is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

Tentative Tract Map Application No. 5239 is being considered concurrently with this application. The proposed Conditional Use Permit cannot be approved unless the Tentative Tract Map is approved.

BACKGROUND INFORMATION:

The subject project was originally submitted as a tentative tract of 41 Rural Residential lots, with water to be provided by individual wells on each lot and with each lot having access to a public road. During the scheduled Planning Commission hearing on the project, held on May 26, 2005, the applicant requested that the application be continued to allow the applicant to revise the proposal to include a community water system and private roads with a private gate to be installed at the site's Auberry Road access. Pursuant to Section 855.N.22 of the Zoning Ordinance, the applicant subsequently submitted Classified Conditional Use Permit Application No. 3157 on December 12, 2005, requesting that the subject project be allowed as a Planned Residential Development of 41 Rural Residential lots with an entrance gate and private roads. This application is being processed concurrently with Tentative Tract Map Application No. 5239, which is the subject of a separate Subdivision Review Committee report.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

- Project Location: On the east side of Auberry Road between Caballero and Wellbarn Roads
- Number of Acres: 164.53 acres
- Nearest Residence: Approximately 100 feet south of the southern boundary
- Use of Subject Property: Grazing/Vacant
- Surrounding Land Uses: Single-family residential, grazing
- Nearest City Limits: Approximately four miles west of the unincorporated community of Prather

- Surrounding Parcel sizes: 2.52 to 1,083.90 acres
- General Plan Land Use Designation: Rural Residential
- Current Zoning: RR
- Development Standards: Minimum parcel size: two acres.
Minimum lot width: 165 feet, Minimum lot depth: 170 feet. Minimum building setbacks to property lines (35 foot front, 20 foot side, 20 foot rear)
- Maximum Permitted Building Height: 35 feet
- Public Road Frontage: Auberry Road
- Public Road Access: Auberry Road

ANALYSIS / DISCUSSION:

Finding 1: *That the site for the proposed use is adequate in size and shape to accommodate the proposed use.*

Analysis of the site plan (Exhibit 5) indicates that the subject 164.53-acre site is adequate to accommodate the proposed 41-lot single-family lot Rural Residential subdivision. The proposed lots range in size from 2.30 to 5.15 acres, within the minimum lot size of 2.00 acres. The lots also conform to all other relevant Property Development Standards of the RR District with the exception of the requirement for 165 feet of public road frontage for each lot. The Planned Development concept allows for departure from standard property development standards when development is planned as a unified, integrated whole. The applicant proposes construction of a private security gate at the subdivision entrance off Auberry Road and waiver of the requirement for 165 feet of road frontage for each lot. Conditions of approval of the gated entrance are included in the concurrent Subdivision Review Committee Report for Tentative Tract Map Application No. 5239. These conditions will assure that the entrance will conform to County standards that assure space for the queuing of cars at the gate and adequate turn around area for vehicles that are refused entrance. Exhibit 6 is an elevation drawing of the gate structure indicating that it will conform to the maximum allowed fence height of six feet.

The project site is also adequate in size and shape to accommodate all required public facilities and utilities as well as private roads constructed to County road standards and approximately 32 acres of outlots for riparian habitat and a wildlife movement corridor.

Staff believes that the 164.53-acre parcel is of adequate size and shape to accommodate the planned rural residential development and that Finding No. 1 can be made.

Finding 2: *That the streets and highways are adequate to accommodate the traffic generated by the proposed use.*

Access into the proposed subdivision will be provided via Auberry Road, which is classified as an Arterial in the General Plan. The access is proposed to be gated, with private roads serving each of the lots in the tract. The project entrance will allow for adequate turn around area should vehicles be denied entrance into the development at the gate. As indicated in the Subdivision Review Committee Report for concurrent Tentative Tract Map Application No. 5239, a condition of approval is included requiring additional road right-of-way to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills. In addition, direct access rights shall be relinquished along the Auberry Road frontage with the exception of one access point into the subdivision and one emergency access road. An additional point of emergency access will be provided along the northern boundary of the site.

Also as discussed in the Subdivision Review Committee Report, a number of mitigation measures have been included to address potential impacts to State and County roads serving the proposed development. If the recommended conditions of approval are applied, staff believes that all roads can be found to be adequate in width and pavement type to accommodate the type of traffic that will be generated by this development and that Finding No. 2 can be made.

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

If approved, the proposal would allow the concurrent of 41-lot tract to be gated with private roads. One measure of potential impact on surrounding properties is whether the private gate would limit access to these properties. The site is partially bordered on the south by land previously subdivided into parcels that range in size from 2.20 to 7.05 acres that are served by an internal road system. Two large parcels zoned AE-40 border the remainder of the southern boundary of the site and a portion of the eastern boundary. The project would not limit current access to these two parcels, and future access issues would not be significant due to the development limitations of the AE-40 district. However, the remaining area east and north of the site is zoned Rural Residential and has been divided into a number of parcels that are a minimum of five acres in size, each without public road frontage. (The Zoning Ordinance allows Rural Residential parcels in the Sierra North Regional Plan Area to be created without public road frontage if the parcels are greater than five acres in size.) County records show that 16 of these parcels, all directly east of the site, were created with provision for access to Auberry Road along a private road

(Granite Creek Road) that traverses the subject site. The parcel maps for these properties were approved subject to the recording of easements providing such access. Approval of the project with a private gate could therefore impact properties to the east and north of the site unless precautions are taken to preserve unrestricted access through the private gate.

To address possible current access concerns, a condition is included in the Subdivision Review Committee report for concurrent Tentative Tract Map Application No. 5239 stipulating that access through the subject site shall continue to be provided to those properties and parcels to the north and east of the proposed tract that had previously utilized Granite Creek Road for ingress and egress. The condition further provides that since the extent of such previous access easement rights is unknown and could affect additional parcels that could be divided in the future; a telephone call box shall be placed at the entrance to allow for calls to be received at parcels outside of the tract boundary in order to permit access through the gate. If approved subject to this condition, the request to allow a private gated community would not limit access to surrounding lots.

The proposal to construct a private gate was reviewed by the Fresno County Fire Protection District and the Sheriff's Office, both whom indicated no concern with their ability to provide service to the project subject to provision of a Knox Box and the access code for the gate.

As indicated in the Subdivision Review Committee Report for concurrent Tentative Tract Map Application No. 5239, the applicant is proposing a community water system for the subject project utilizing groundwater from on-site wells. A water supply evaluation was conducted to assist the County in making the water related determinations required by General Plan Policy PF-C.17. Based upon the report, the Geologist has determined that the determinations as required by Policy PF-C.17 can be made for the project, subject to the inclusion of several mitigation measures listed in the Subdivision Review Committee Report.

Also as indicated in the Subdivision Review Committee Report, a number of other potential environment impacts were identified in Initial Study Application No. 4993. These include impacts related to aesthetics, air quality, geology, soils and storm water runoff, noise, utilities and service systems, water quality and quantity, biological and cultural resources, traffic and transportation, and police services. These impacts will either be addressed by mitigation measures included as conditions of Tentative Tract Map Application No. 5239 or have been determined to be less than significant.

Based on these considerations, staff does not believe that there will be an adverse effect on the neighborhood and that Finding 3 can be made.

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

The subject property is designated Foothill Rural Residential in the Sierra North Regional Plan. The applicant proposes that the subject 41-lot subdivision be approved as a Planned Residential Development.

The General Plan (Policies (LU-E.5, LU-E.6, and LU-H.7) and the Zoning Ordinance (Section 855-N.20) provide that planned developments are intended to promote efficient use of the land through increased design flexibility and quality site planning. Planned Residential Development may allow for departure from standard property development regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. Planned Residential Developments can benefit the community through the more efficient use of land, greater provision of open space, and improved aesthetics.

The applicant has requested waiver of one property development standard for the Rural Residential Zone District, which is the requirement that each lot have 165 feet of public road frontage. In this case, because the proposal is to allow a gated community, there will be no public road frontage within the development.

The private gate proposed by the applicant will be approximately 90 feet from Auberry Road, which is designated as a Scenic Drive in the General Plan. General Plan Policy OS-L.3 states that intensive land development proposals along a Scenic Drive, including subdivisions of more than four lots, shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The policy further provides that the design of said development proposals shall provide for maintenance for a natural open space area two hundred (200) feet in depth parallel to the right-of-way. The policy does allow for modification of the setback when topographic or vegetative characteristics preclude such a setback and when topographic or vegetative characteristics provide screening of building and parking areas from the right-of-way. As discussed in the concurrent Subdivision Review Committee Report for Tentative Tract Map Application No. 5239, staff believes that an adequate basis exists for modifying the 200-foot setback based upon topographic or vegetative characteristics in the case of one interior road and improvements on three lots. However, no such basis exists for the proposed private gate. A condition is therefore included in the Subdivision Review Committee Report for concurrent Tentative Tract Map Application No. 5239 requiring that the gate be set back a minimum of 200 feet from Auberry Road unless a greater setback is required per County requirements for private gates. Staff does point out that the size of the gate structure is consistent with the scale of the proposed project and the proposed design of the gate as reflected in Exhibit 6, is suitable for a foothill setting. As a matter of information, the applicant indicates an intent to place a subdivision sign at the entrance gate that will comply with the maximum County standard of four square feet.

In consideration of the flexibility allowed through waiver of property development standards, the General Plan and Zoning Ordinance include requirements that the project design provide common open space free of improvements that is accessible to all residents of the project, perpetual maintenance of open space areas, adequate off-street parking, and conservation of natural site features such as topography, vegetation and water courses.

In this instance, as discussed in the Subdivision Review Committee Report for the concurrent Tentative Tract Map Application No. 5239, the site is traversed by a seasonal stream, Little Dry Creek, which has been designated as Army Corps of Engineers (ACOE) jurisdictional "Waters of the United States". The site is also traversed by a 180-foot wide easement held by PG&E for two sets of high voltage transmission lines. Based upon a biological assessment of the site, the State Department of Fish and Game requested that mitigation measures be adopted which establish a wildlife movement corridor and stream setbacks for riparian habitat. In accordance with the measures, the tract includes two "no build, no disturb" outlots. Outlot "A", consisting of 12.6 acres, is to be established coterminous with the PG&E easement as a wildlife movement corridor. Outlot "B", consisting of 19.43 acres, includes Little Dry Creek together with 30 to 50-foot buffers. Although ground disturbances will not be allowed in the two outlots, they will be accessible to all residents of the project. In addition, the tract includes a 1.43-acre outlot, Outlot "C", at the project entrance for landscape and entrance purposes. Recommended conditions of approval of Tentative Tract Map Application No. 5239 require maintenance of the outlots by the Homeowner's Association.

Staff believes that the designation of these outlots together with related conditions of approval meet the criteria established for Planned Residential Developments in the General Plan and Zoning Ordinance. In particular, the outlots conserve natural features of the site including the seasonal stream, a number of rock outcroppings in the vicinity of the stream, and natural vegetation.

Based on the above information, staff believes that the project does not conflict with the objectives of the Fresno County General Plan if approved subject to the conditions in this staff report and to the conditions recommended in the Subdivision Review Committee Report for concurrent Tentative Tract Map Application No. 5239 and, therefore, Finding 4 can be made.

CONCLUSION:

Staff believes the required findings can be made, based on the factors cited in the analysis, the recommended conditions, and the notes regarding mandatory requirements. Staff therefore recommends that Classified Conditional Use Permit Application No. 3157 be approved.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993, adopt findings as stated below, and approve Classified Conditional Use Permit Application No. 3157 with conditions and notes as stated below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (denial action)

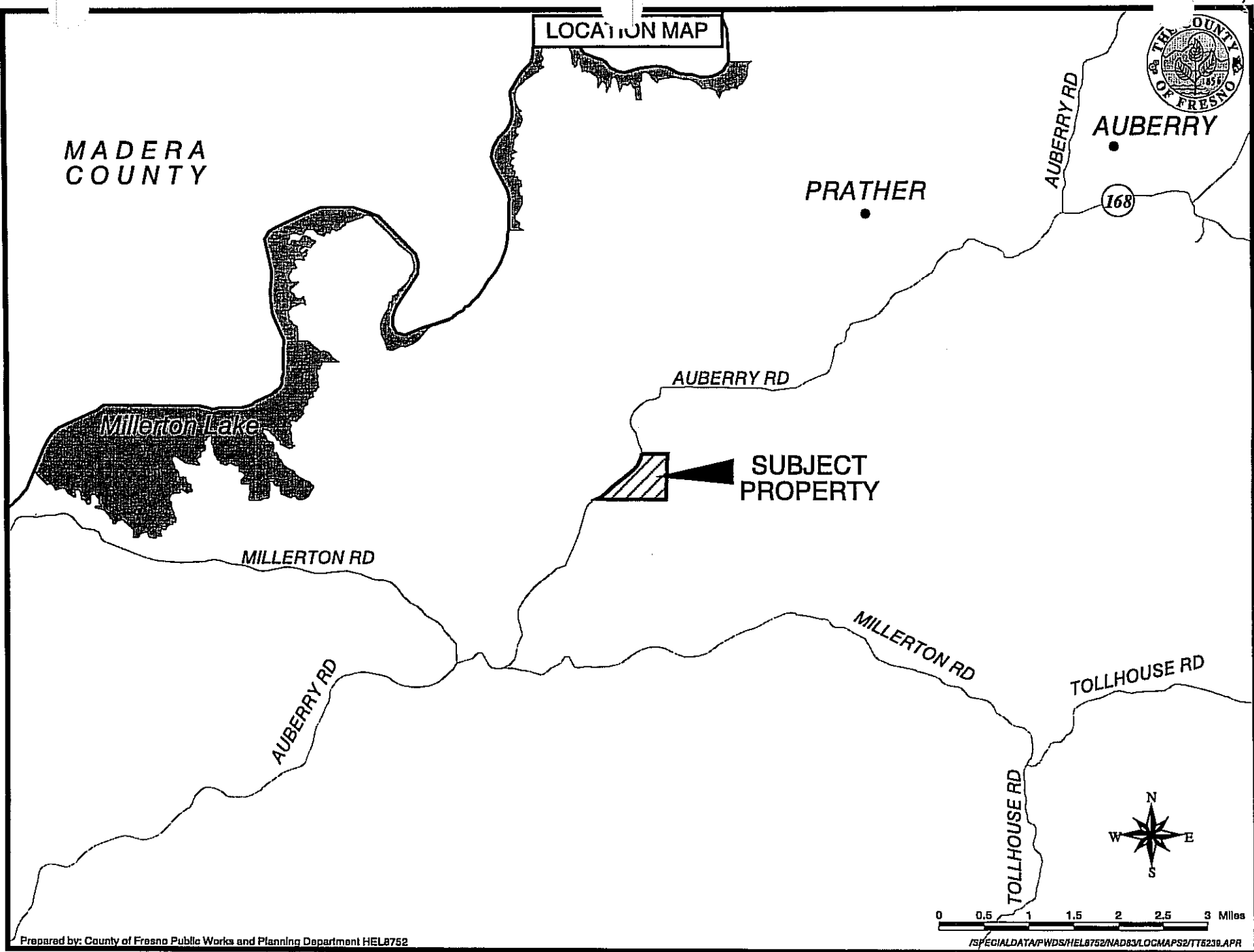
- Move to determine one or more of the required findings can not be made for the following reasons (state which finding(s) and reasons), and move to deny the project; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval:

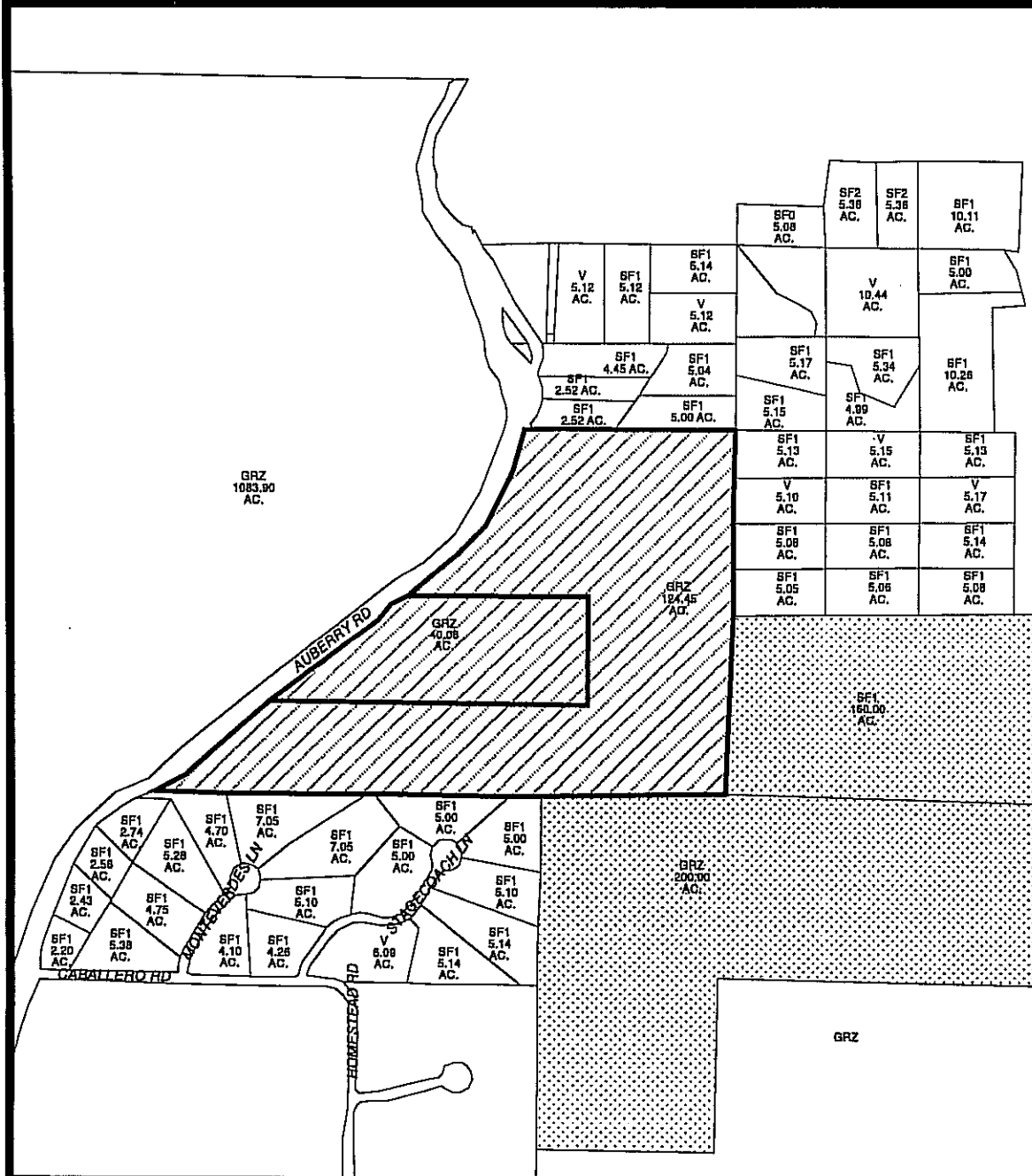
1. Development and operation of the facility shall be in substantial compliance with the site plan and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map Application No. 5239 shall be complied with.
3. This permit shall be tied to Tentative Tract Map Application No. 5239. If that tract expires, the conditional use permit shall also expire.

Note: In accordance with Section 873-I of the Zoning Ordinance, expiration of a conditional use permit authorizing a tentative tract map shall be concurrent with the expiration date of the tentative map and may be extended in the same manner as said map.

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EXISTING LAND USE MAP



Legend
GRZ - GRAZING
SF# - SINGLE FAMILY RESIDENCE
V - VACANT

- Subject Property
- Ag Contract Land



300 0 300 600 900 Feet

EXISTING ZONING MAP

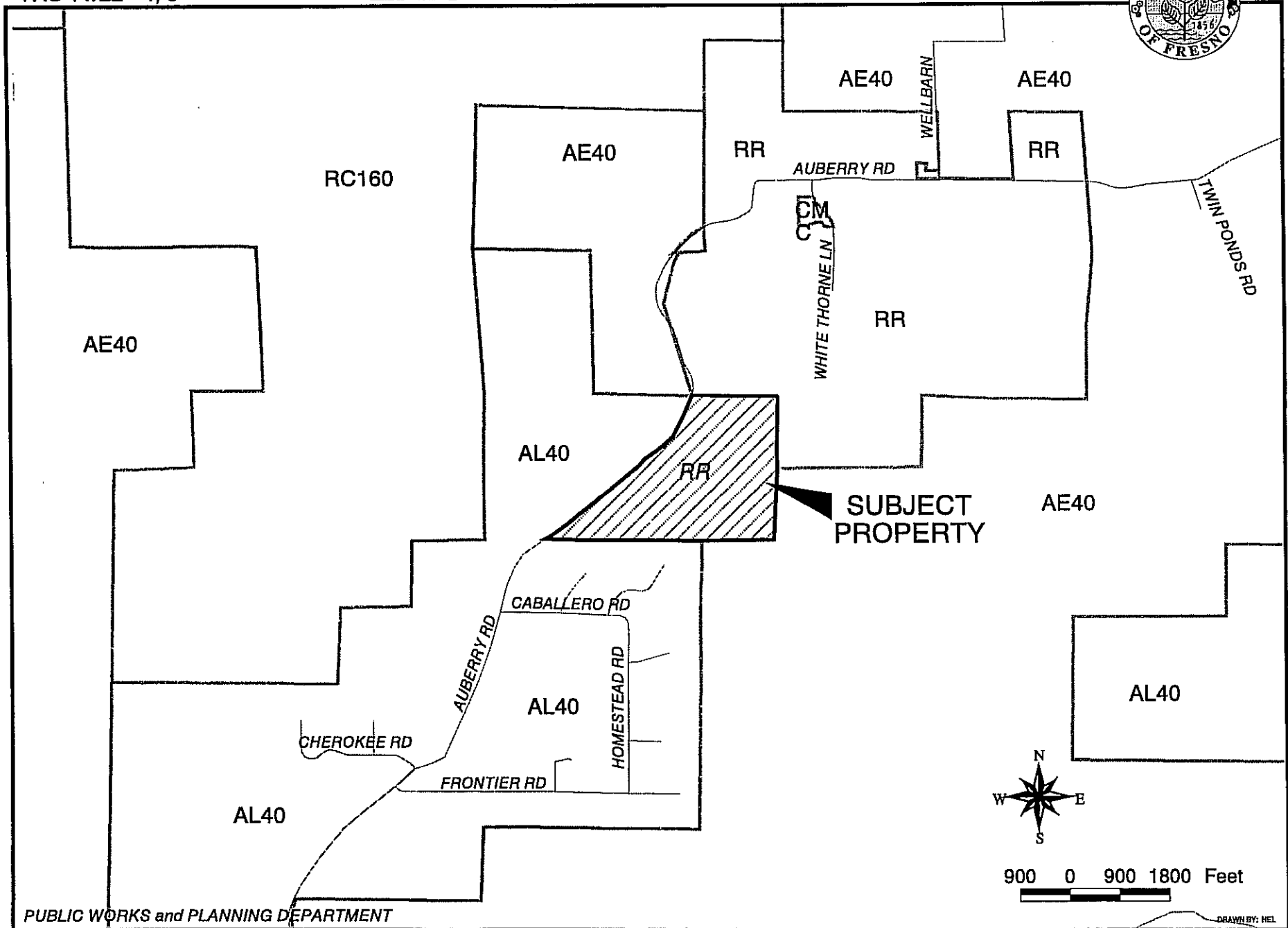


EXHIBIT 4

Table Mountain Creek Planned Residential Development Conditional Use Permit

Table Mountain Creek (TTM 5239) is a proposed 41 lot subdivision of 163 acres located on Auberry Road approximately six mile south of Prather. In addition, the project will include three outlots. These outlots will provide passive open space, open space protection of natural streamways, wetlands and open space corridors. The property is on relatively steep terrain with elevations ranging from 748 feet above MSL to 1,100 feet above MSL. It is proposed to develop the project as a planned residential development with private streets and a gated entry from Auberry Road.

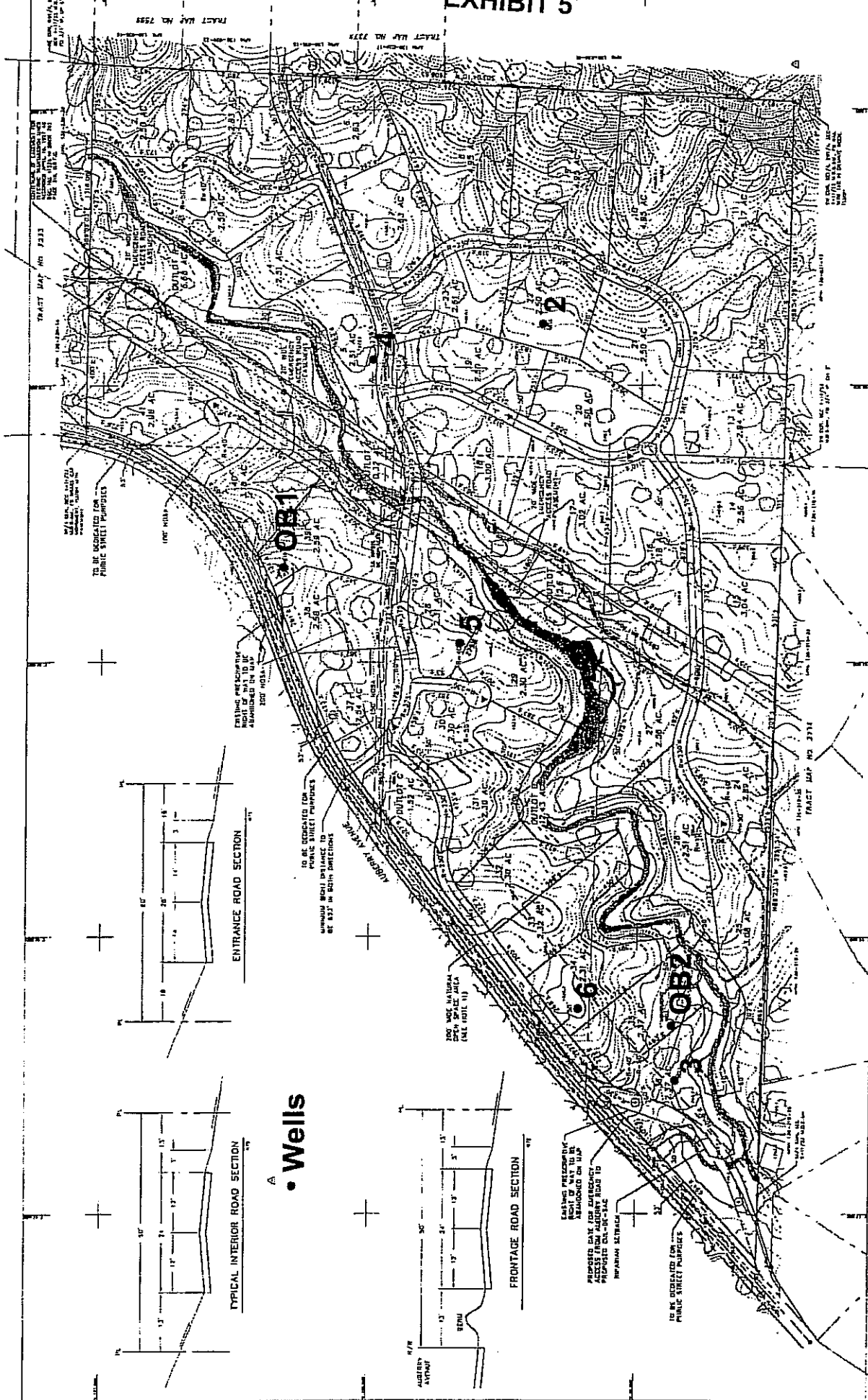
The property is bisected by both Little Dry Creek, which has a wetland protection zone with a minimum width of 100 feet and expanding to as much as 190 feet, as well as an electrical transmission/wildlife corridor easement 180 feet in width. Both the Little Dry Creek and electrical/wildlife corridor easement run in a northeast/southwest direction.

Access to the proposed subdivision is via Granite Creek Road, which not only serves the subject property but 16 properties immediately east of the subject property, as well. The gated access will be utilized by the residents and guests of both the proposed subdivision and the existing property owners to the east. All of the property owners to the east have agreed to the installation of the gate and appropriate agreements will be recorded to protect the access rights of all affected property owners.

The proposed gate will be located approximately 80 feet from Auberry road and will be equipped with a by-pass lane, key pad entry and communication system. The communication system will provide the opportunity for guests to contact residents and gain access to the properties. The gate will be equipped with appropriate locks and bypass mechanisms to insure access for emergency vehicles. The proposed gate will reduce the amount of incidental traffic within the proposed and existing properties, thus reducing "opportunistic" crimes and fire hazards.

The proposed project will be served by a community water system. This system will be installed by the developer per Fresno County Standards. Upon completion of the system, the system will be dedicated to the appropriate CSA.

The streets, open space and other commons areas will be maintained by a Home Owners' Association (HOA), Master Architectural Control Committee (MACC), or other entity acceptable to Fresno County. In addition, the entire property frontage on Auberry Road will be fenced with a white rail fence. This fence will be installed by the developer at the time the gate is installed and will be maintained by the HOA, Master Architectural Control Committee or other entity acceptable to Fresno County.



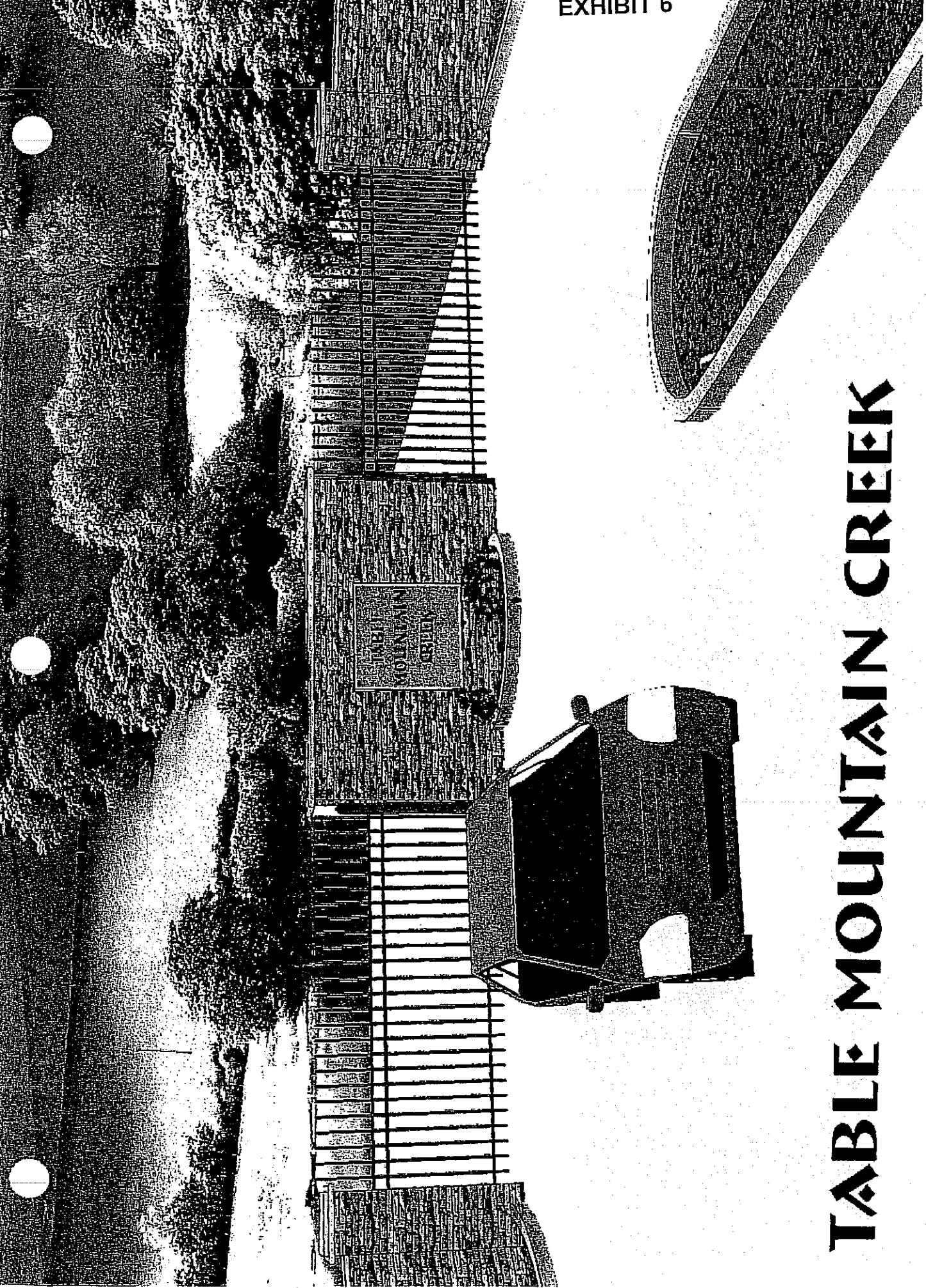


TABLE MOUNTAIN CREEK

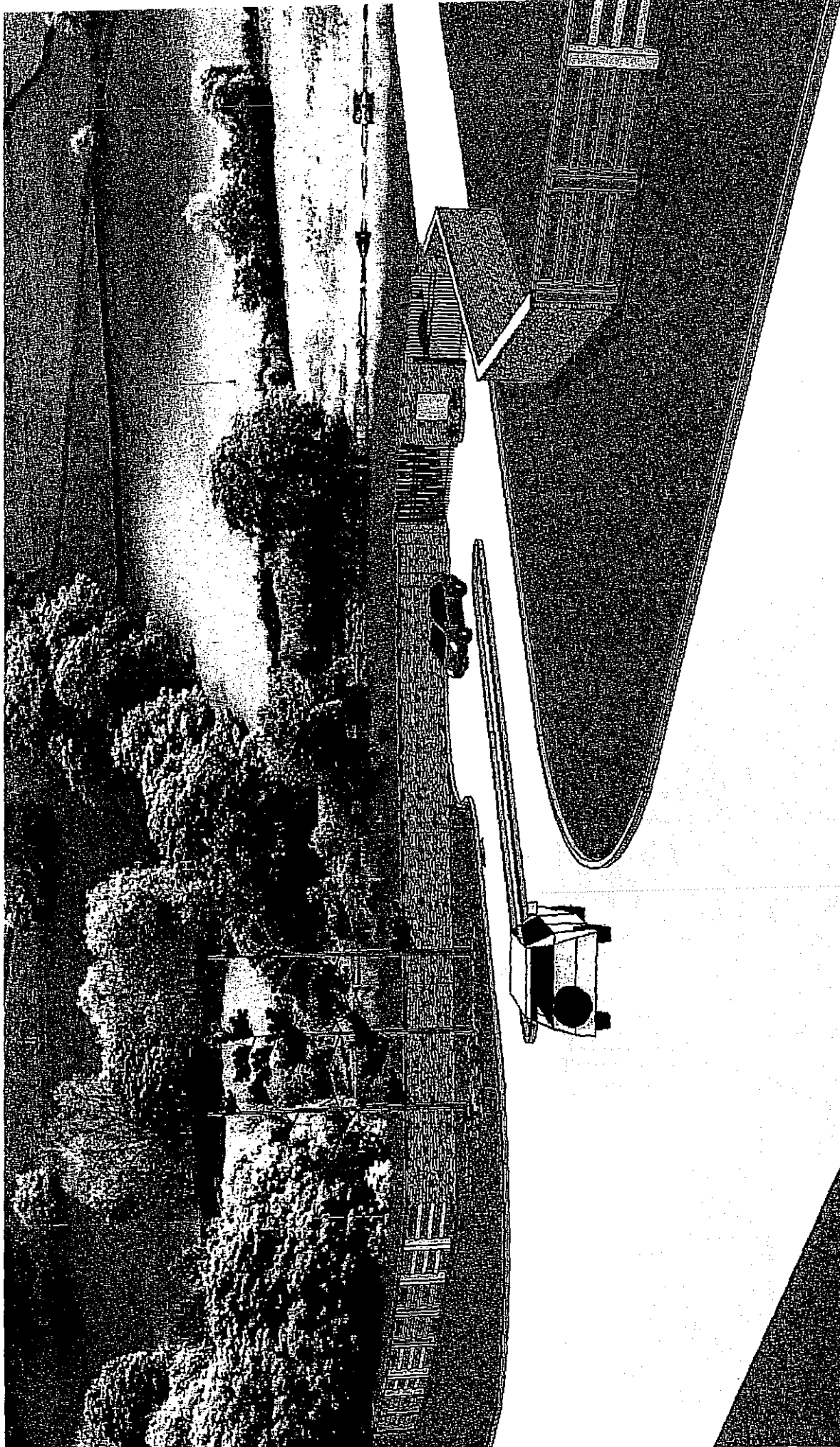


TABLE MOUNTAIN CREEK

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
 DIRECTOR



INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

A. INTRODUCTION

1. **Project title:**
Tentative Tract Application No. 5239; Classified Conditional Use Permit Application No. 3157; Initial Study Application No. 4993
2. **Lead agency name and address:**
*Fresno County Department of Public Works and Planning
 Development Services – 6th Floor
 2220 Tulare Street, Fresno, CA 93721-2104*
3. **Contact person and phone number:**
Lew Pond, Planning & Resource Analyst (559) 262-4321
4. **Project location:**
The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).
5. **Project sponsor's name and address:**
James Bratton, 2763 N. Argyle Avenue, Fresno, CA 93727
6. **General plan designation:**
Rural Residential, Sierra North Regional Plan
7. **Zoning:**
RR (Rural Residential)
8. **Description of project:**
Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District. The project proposes a community water system and individual septic systems for each lot. Outlots are proposed for a utility easement through the site and to protect identified biological habitats. The project is proposed as a gated community with private roads.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**
The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather. The site is located in the foothills of the Sierra approximately four miles west of the unincorporated community of Prather. Single-family residential uses are located on two to five acre parcels north and south of the site on the east side of Auberry Road. The land east of the site and to the west across Auberry Road is used for grazing.

DEVELOPMENT SERVICES DIVISION

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the Initial Study Environmental Checklist on the following pages.

- ☐ Aesthetics
- ☐ Air Quality
- ☐ Cultural Resources
- ☐ Hazards & Hazardous Materials
- ☐ Land Use/Planning
- ☐ Noise
- ☐ Public Services
- ☐ Transportation/Traffic
- ☐ Mandatory Findings of Significance

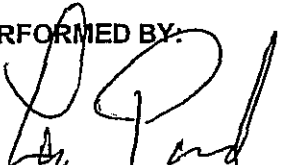
- ☐ Agriculture Resources
- ☐ Biological Resources
- ☐ Geology/Soils
- ☐ Hydrology/Water Quality
- ☐ Mineral Resources
- ☐ Population/Housing
- ☐ Recreation
- ☐ Utilities/Service Systems

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- ☐ I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required, that have not been addressed within the scope of a previous Environmental Impact Report.

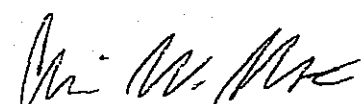
PERFORMED BY:



Low Pond, Planning and Resource Analyst

Date: 4/20/06

REVIEWED BY:



Chris Motta, Senior Staff Analyst

Date: 4/20/06

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Initial Study Application No. 4993

Tentative Tract Map Application No. 5239

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1-No Impact

2-Less Than Significant Impact

3-Less Than Significant Impact with Mitigation Incorporated

4-Potentially Significant Impact

1. AESTHETICS

Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 3 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

2. AGRICULTURAL RESOURCES

Would the project:

- 1 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?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

3. AIR QUALITY

Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 2 c) Result in a cumulatively considerable net increase of any

criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- 2 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

4. BIOLOGICAL RESOURCES

Would the project:

- 3 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 3 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 Game or U.S. Fish and Wildlife Service?
- 3 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 3 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?
- 3 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
 - 1 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?

5. CULTURAL RESOURCES

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Would the project:

- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

6. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) 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?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 3 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 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?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires,

including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

8. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements?
- 3 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 1 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- 2 e) 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?
- 2 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- 1 j) Inundation by seiche, tsunami, or mudflow?

9. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

10. MINERAL RESOURCES

Would the project:

- 1 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?
- 1 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?

11. NOISE

Would the project:

- 2 a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 2 d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project

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

- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

12. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial 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)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

13. PUBLIC SERVICES

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- 2 i) Fire protection?
- 3 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

14. RECREATION

Would the project:

- 1 a) Would the project 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?

- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

15. TRANSPORTATION/TRAFFIC

Would the project:

- 3 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 3 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 3 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Result in inadequate parking capacity?
- 1 g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 3 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 3 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which

could cause significant environmental effects?

- 2 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 3 e) 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?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

17. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to degrade the quality of the environment, substantially reduce

the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- 1 b) Does the project 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)?
- 1 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Documents Referenced:

This Initial Study references the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services Division, 2220 Tulare Street, Fresno, California (corner of M & Tulare Streets).

- a. Fresno County General Plan, Policy Document
- b. Final EIR for the Fresno County General Plan, Policy Document
- c. Fresno County Zoning Ordinance
- d. Biological Evaluation Report; Live Oak Associates, Sept. 16, 2003
- e. Waters of the United States, Vesting Tentative Tract Map 5239, Live Oak Associates, March 26, 2004
- f. Traffic Impact Study, Peters Engineering Group, November 10, 2003
- g. Geology and Sewage Feasibility Study, Norbert Larsen, Ph.D.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: James Bratton

APPLICATION NOS: Initial Study Application No. 4993, Tentative Tract Map Application No. 5239, and Classified Conditional Use Permit Application No. 3157

DESCRIPTION: Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District. The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

1. AESTHETICS

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

FINDING – Less Than Significant Impact With Mitigation Incorporated:

The subject site lies in the foothills of the Sierra Nevada Mountains between the elevations of 750 and 1,100 feet. The site is located just east of Auberry Road, which is designated as an Arterial in the Transportation and Circulation Element of the General Plan, and is also designated as a Scenic Highway within the Open Space and Conservation Element of the General Plan.

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893
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Auberry Road's designation as a Scenic Highway in the General Plan requires that the project be reviewed for conformance with the Scenic Roadway provisions of the Plan, including Goal OS-L, which is "To preserve, protect and maintain the scenic quality of land and landscape adjacent to scenic roads in Fresno County."

Approval of the project would result in the construction of a private gate at the project entrance, approximately two miles of interior roadways and allow construction of 41 single-family residences and related improvements, including a community water system and individual septic systems.

The north fork of Little Dry Creek, a seasonal stream that traverses the site in a northeast to southwest direction. The stream bed is parallel to Auberry Road, at a distance ranging from 200 to 800 feet. The creek is visible to passersby only at the very southwest corner of the site. This area is designated as an outlot for biological conservation purposes, and no improvements will be allowed that would alter the existing view of the creek from the road. There are no existing improvements on the site with the exception of a high voltage power line that traverses the site generally in a northeast to southwest direction. The transmission towers are constructed of lattice design of heavy steel materials. This line is within a 180-foot easement owned by PG&E.

As indicated by the tentative map, all but five or six of the proposed lots lie between the elevations of 800 and 950 feet. The remaining lots would allow homes to be constructed against a steep hillside rising from 950 to 1,100 feet at the southeastern corner of the site. The hillside terminates at an elevation of 1,275 feet, at a distance of approximately 700 feet off-site. No improvements are proposed on any ridge lines.

The Biological Evaluation prepared for the project classifies the site as mixed oak woodland, with blue oaks, live oaks and foothill pines as the dominant woodlands. Rock outcroppings are found on the site, particularly in the lower portions along Little Dry Creek.

In summary, the existing aesthetic quality of the site is considerable, but it is marred to some extent by the high voltage transmission line and its towers.

A number of mitigation measures included in the project to protect biological resources will also significantly reduce aesthetic impacts. An additional mitigation measure is included so that the resulting impact on aesthetic resources is at a less than significant level.

32 acres of the 164.53-acre site are designated as outlots for the protection of wildlife habitat and for wildlife movement. This includes all of Little Dry Creek, with a 50-foot buffer from the upper edges of the creek and two tributaries of the creek with a 30-foot buffer. No ground disturbance will be allowed within these outlots. On-site visits by staff and aerial photos show that almost all rock outcroppings are located along the stream and will, therefore, be protected within an outlot.

The applicant will also be required to prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan) and must include mitigation measures required pursuant to Section 21083.4 of the Public Resources Code, relating to conversion of oak woodlands. Any trees larger than five inches in diameter at breast height must be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road. Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.

To further reduce aesthetic impacts so that the resulting impact is less than significant, the following mitigation measure is included:

- (1) A natural open space area extending 200 feet from the southerly right-of way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:
 - (a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
 - (b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.

- (c) *A covenant shall be recorded with the Final Map requiring that any fences located within the established natural open space area be uniform in appearance and be designed to minimize visual impacts from the right-of-way.*
- (d) *The natural open space area shall be shown on the Final Map.*

Based upon these considerations and upon the adoption of the above described mitigation measures, aesthetic impacts of the project will be less than significant.

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

FINDING – Less Than Significant Impact:

Outside lighting would be allowed by the project in the form of lighting for new single-family residences and nighttime movement of vehicles. This impact is not considered to be significant. As a mitigation measure to reduce impacts to wildlife, a condition is included requiring only downward directed lighting in proximity to open space areas.

2. AGRICULTURAL RESOURCES

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

FINDING - No Impact:

The project site is designated as Grazing Land on the Map of Farmlands of Statewide Importance. The project is located on a site designated Rural Residential in the General Plan and is zoned RR. The site is not subject to a Williamson Act contract.

3. AIR QUALITY

- a) **Would the project conflict with or obstruct implementation of the applicable air quality plan?**

- b) **Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**
- c) **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or**
- d) **Would the project expose sensitive receptors to substantial pollutant concentrations?**

FINDING – Less Than Significant Impact:

The San Joaquin Valley Pollution Control District (Air District) reviewed this project and indicated that the entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10) and that the subject project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. The Air District indicated that although the project alone would not generate significant air emissions, the increase in emissions from the project and others like it, cumulatively reduce the air quality in the San Joaquin Valley. The Air District indicated that a concerted effort should be made to reduce project-related emissions.

The Air District states that the project will be subject to mandatory rules and regulations including District Rules 4901 and 4902 which regulate the sale, installation of wood burning devices and natural gas-fired water heaters to limit emissions of PM10 and Nox in residential developments; District Regulation VIII – Fugitive Dust Rules, a series of rules designed to reduce PM10 emissions generated by human activity; and District Rule 4641 relating to paving operations.

Adherence to the mandatory regulations would reduce air related impacts to a less than significant level.

The Air District further stated that there are a number of recommended, but non-mandatory, measures that can be incorporated into the design of the project to reduce the project's overall level of emissions. A list of these measures has been provided to the applicant.

- e) **Would the project create objectionable odors affecting a substantial number of people?**

FINDING – No Impact:

No such impacts were identified in the project analysis.

4. BIOLOGICAL RESOURCES

- a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?
- b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS?
- c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?
- d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING – Less Than Significant Impact With Mitigation Incorporated

A Biological Evaluation of the site was performed by Live Oak Associates (LOA) dated September 16, 2003. In relationship to plant life, mixed oak woodland and Button Willow Scrub associated with the natural drainage of the site were the only two habitats observed on the site. The report concludes that the project will result in a less than significant impact to regional populations of special status animal species, a less than significant impact on riparian habitat, and less than significant impact on regional wildlife movements. The report states that three special status plant species could be present on the site, the Madera Linanthus, Orange Lupine, and Mariposa Pussypaws. The State Department of Fish and Game (F&G) reviewed the evaluation and indicated that a Federally-listed species, the Valley Elderberry Beetle could also be impacted by the project. Follow up surveys by Live Oak Associates, reported in letters dated April 27 and May 17, 2004, concluded that the blue elderberry, a shrub providing habitat for the VELB, and that the Mariposa Pussypaws were not observed on the site.

As indicated in the Biologic Evaluation Report for the project, the project area contains Army Corps of Engineers (ACOE) jurisdictional "Waters of the United States". A report entitled "Waters of the United States, Table

Mountain Creek Subdivision" was prepared by LOA dated March 26, 2004, and forwarded to the ACOE. By letter dated August 5, 2004, ACOE verified that the site contains 4.30 acres of waters of the United States, including wetlands.

The State Department of Fish and Game commented on the Biological Evaluation by letter dated April 13, 2004. Notwithstanding the conclusions of the evaluation that impacts to riparian habitat and wildlife movement would be less than significant, F&G requested that mitigation measures be adopted establishing stream setbacks and a wildlife movement corridor.

Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Mitigations are included as required by this code section, along with the preparation of an Oak Management Plan in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).

The following mitigation measures are included to reduce potential impacts to biological resources to a less than significant level:

***Mitigation Measure**

1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing activities, (e.g., grading, fencing, construction, clearing, landscaping, or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map No. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- (a) *Outlot "A" shall be established as a wildlife movement corridor. Said corridor shall have a minimum width of 180 feet.*
- (b) *Outlot "B" shall include the 4.30 acres depicted as "Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands" on the Yamabe & Horn Engineering,*

Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 foot buffer from the upper edges of Tributaries 3 and 5.

2. OAK MANAGEMENT

- (a) The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).
- (b) Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2 above shall incorporate the following measures to mitigate the significant effect:
 - i. The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.
 - ii. The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.
 - iii. Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots

shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.

- iv. Replacement trees shall be maintained by the Homeowner's Association for a period of seven years after planting. Maintenance shall include replacing dead or diseased trees.
- v. Each lot purchaser shall review and understand the information contained in "Living Among the Oaks" and "Wildlife Among the Oaks" publications prior to applying for a construction permit. The Homeowner's Association shall be responsible for providing a copy of these publications to each lot purchaser.

3. RAPTOR PROTECTION

- (a) The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

4. ANNUAL REPORT

- (a) The Homeowner's Association shall retain a qualified professional biologist to prepare and submit the following report to the County for review and approval, on an annual basis, for a period of ten years following recordation of the final map:
 - (i) Compliance with state and federal wetland permit requirements.
 - (ii) Possible degradation of wetland areas from erosion and sedimentation.
 - (iii) Compliance with the Condition No. 1 relating to the environmentally sensitive areas within the tract.

- (iv) *Compliance with the approved Oak Management Plan, including mitigation measures.*
- (v) *Compliance with the mitigation relating to tree-nesting raptors.*
- (vi) *List of mitigation measures not in compliance, with recommended corrective action.*

The subdivider and subsequent homeowner's association shall provide funds necessary to implement this condition, including any necessary corrective action.

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

FINDING – No Impact:

There are no adopted Habitat Conservation Plans, Natural Conservation plans or other approved local, regional, or state habitat conservation plans in the area of the project.

5. CULTURAL RESOURCES

- a) **Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?**
- b) **Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?**

FINDING – Less Than Significant Impact with Mitigation Incorporated:

A Cultural Resources Study of the site, dated August, 2003 and prepared by Donald G. Wren, Consulting Archeologist, identified four archeological sites. This study was reviewed by the Southern San Joaquin Valley Information Center, who requested that the identified sites be avoided. The project will be subject to the following mitigation measure, which will reduce potential impacts to archeological resources to a less than significant level.

***Mitigation Measure**

Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the subject property and identified in A Cultural Resources Resource Study of the Everton Property-Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.

- c) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- d) **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

FINDING: - No Impact

No paleontological resource or human remains impacts were identified in the Cultural Resources Study.

6. GEOLOGY AND SOILS

- a) **Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:**
 - i) **Rupture of a known earthquake?**
 - ii) **Strong seismic ground shaking?**
 - iii) **Seismic-related ground failure, including liquefaction?**
 - iv) **Landslides?**

FINDING – No Impact:

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

- b) **Would the project result in substantial erosion or loss of topsoil?**

FINDING – Less Than Significant Impact:

The project could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from new buildings and from new paved parking and circulation areas. These

effects are not considered significant because the applicant will be required to adhere to the Grading and Drainage Sections of the County Ordinance Code. The applicant will also be required to obtain an NPDES permit prior to construction or grading activities and to develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

- c) **Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**
- d) **Would the project be located on expansive soils creating substantial risks to life or property?**

FINDING – No Impact:

No such soils were identified in the Geology and Sewage Disposal Feasibility Study prepared for the project.

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

FINDING - Less Than Significant Impact with Mitigation Incorporated:

Based upon the soil conditions of the site, the Department of Environmental Health (Health Department) requested that a sewage feasibility study be prepared to the potential for the site to support septic systems for the development. After review of the report, the Health Department recommended that the following mitigation measure be included:

***Mitigation Measure**

Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

7. HAZARDS AND HAZARDOUS MATERIALS

- a) **Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**
- b) **Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**

FINDING – No Impact

No hazardous materials impacts were identified in the analysis.

- c) **Would the project emit hazardous materials within ¼ mile of a school?**

FINDING - No Impact:

No school is located within 1/4 mile of the project site.

- d) **Would the project be located on a hazardous materials site?**

FINDING - No Impact:

The project is not located on an active or historic hazardous materials site.

- e) **Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?**

- f) **Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?**

FINDING – No Impact:

The project is not in the vicinity of an airport.

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

FINDING - No Impact:

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

- (h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are**

adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING - No Impact:

The project is not located within a wildland area.

8. HYDROLOGY AND WATER QUALITY

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

FINDING – Less Than Significant Impact:

The applicant will be required to submit a Notice of Intent and a Storm Water Pollution Prevention Plan regarding storm water runoff from the site under National Pollutant Discharge Elimination System (NPDES) permit requirements.

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

FINDING – Less Than Significant Impact With Mitigation Incorporated:

The applicant proposes a community water system with the water supplied by on-site wells. The applicant was requested by the County Geologist to submit a hydrogeologic report per Section II-H of County Improvement Standards to demonstrate that underground water supplies will be adequate to serve the proposed use and that required General Plan water determinations can be made. The County, through a formal request for proposal process, selected the consulting geologist. The hydrogeologic report, dated March 1, 2006 prepared by Norbert Larsen, Consulting Geologist, was subsequently filed with the County which included pump tests of three wells and monitoring of 12 nearby off-site wells located within an adjacent subdivision during the pumping phase of the testing. Based upon the report, the Geologist has determined that the following determinations can be made by the project, as required by Policy PF-C.17 of the General Plan: a.) the water supply is adequate to meet the highest demand that could be permitted on the lands in question, b.) that pumping-related physical impacts beyond the boundary of the property in question will not be significant, and c.) the proposed water supply is sustainable. The following mitigation measures are included to reduce water quantity impacts to a less than significant level:

***Mitigation Measures**

- *1. The proposed community water system shall be owned operated and maintained by a CSA. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.*
- *2. Each lot shall be required to have two (2) water meters. One meter shall serve the residence and the second meter shall serve the landscape irrigation needs.*
- *3. Prior to recordation of the final map, the Governing Board of the CSA serving the project shall adopt a tiered rate schedule for domestic and for irrigation service for the annexed area. The rate for irrigation services shall be tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, and notification of over-use.*

Also, the Department of Environmental Health has determined through review of water quality information provided by the applicant that well waters on the site meets community water system standards.

- c) Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?**

FINDING – Less Than Significant Impact

The Army Corps of Engineers has verified that the North Fork of Little Dry Creek and tributaries are "Waters of the United States" as defined by Section 404 of the Clean Water Act. As indicated in the Biological Resources Section above, mitigation measures are included prohibiting ground disturbance in this wetland area, except that a Section 404 Permit will be required for one proposed crossing of the stream. This will reduce any potential erosion or siltation impacts to a less than significant level.

- d) Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?**

FINDING: No Impact

The stream crossing discussed in the Biological Resources Section will not result in flooding on or off-site.

- e) **Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

FINDING – Less Than Significant Impact:

The applicant will be required to maintain natural drainage in a manner that will not significantly change the existing drainage characteristics of parcels adjacent to the development. Any additional runoff generated from the tract must be retained on site or by other facilities acceptable to the Director of Public Works and Planning.

- f) **Would the project otherwise substantially degrade water quality?**

FINDING – Less Than Significant Impact:

See 8 a) Site Hydrology and Water Quality above.

- g) **Would the project place housing within a 100-year floodplain?**

- h) **Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?**

- i) **Would the project expose persons or structures to levee or dam failure?**

- j) **Would the project inundation by seiche, tsunami or mudflow?**

FINDING - No Impact:

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

9. LAND USE AND PLANNING

- a) **Will the project physically divide an established community?**

FINDING - No Impact:

The site will not physically divide a community.

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

FINDING – No Impact:

The project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project is consistent with the County General Plan.

- c) **Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?**

FINDING - No Impact:

The site will not conflict with any habitat or natural community conservation plan.

10. MINERAL RESOURCES

- a) **Would the project result in the loss of availability of a known mineral resource?**
- b) **Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?**

FINDING - No Impact:

No mineral resource impacts were identified in the analysis.

11. NOISE

- a) **Would the project result in exposure of people to severe noise levels?**
- b) **Would the project result in ground borne vibration?**
- c) **Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?**

- d) **Would the project result in a substantial temporary or periodic increase in ambient noise levels?**

FINDING – Less Than Significant Impact:

Noise impacts associated with construction will be subject to the County Noise Ordinance, which is enforced by the County Department of Community Health. Based upon these considerations, noise impacts from the project will be less than significant.

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

FINDING – No impact:

The project site is not in the vicinity of an airport or airstrip.

12. POPULATION AND HOUSING

- a) **Would the project induce substantial population growth either directly or indirectly?**

FINDING – Less Than Significant Impact:

The project would result in the construction of a maximum of 41 single-family residences on a 163-acre site in an area planned for Rural Residential development. The population growth resulting from the project is not considered significant based upon the County's adopted plans and policies.

- b) **Would the project displace substantial numbers of existing housing?**
- c) **Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?**

FINDING – No Impact

The project site consists of vacant land.

13. PUBLIC SERVICES

a) **Would the project result in physical impacts associated with the provision of new public services in the following areas:**

(i) **Fire protection**

FINDING – Less Than Significant Impact:

The Fresno County Fire Protection District (District) reviewed the project, including the proposed private gate access to the site. They reviewed the applicant's plans, which indicated location and size of water tanks and location of fire hydrants. The Department determined that the project would meet the District's requirements with provision made for KnoxBox gate access and subject to conformance with State SRA requirements and subject to provision of emergency access.

(ii) **Police protection**

FINDING – Less Than Significant Impact With Mitigation Incorporated

The Board of Supervisors has recently directed that a funding mechanism be established to provide for minimum level manning of Sheriff's services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A condition has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents. The applicant has agreed to the following condition:

- *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.*

The Sheriff's office reviewed the project and indicated no concern with their ability to provide service subject to provision of the access code for the private gate and subject to approval of the mitigation measure above.

(iii) Schools

FINDING – No Impact

The project was routed to the Sierra Unified School District, who did not indicate concern.

(iv) Parks

(v) Other public facilities?

FINDING - No Impact:

The project will not result in any physical impacts associated with the provision of parks, or other new public facilities or services.

14. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks?

b) Would the project require expansion of recreational facilities?

FINDING - No Impact:

No impacts on recreational resources were identified in the analysis due to the non-residential uses proposed.

15. TRANSPORTATION/CIRCULATION

a) Would the project result in increased vehicle or traffic congestion?

b) Would the project exceed the established level of service standards?

FINDING – Less Than Significant With Mitigation Incorporated:

The Design Division of the Fresno County Department of Public Works and Planning identified potential impacts to the existing transportation system from traffic generated by the proposed project. A Traffic Impact Study (TIS) was required in order to determine the full extent of traffic

impacts. The applicant provided a TIS, prepared by Peters Engineering and dated November 10, 2003.

The TIS was reviewed by the Design Division, who concurred with the conclusions of the study, which identified that the project should include a mitigation requiring the applicant to contribute a pro-rata share of the cost of improvements to certain identified intersections to achieve acceptable levels of service. This mitigation will reduce potential transportation and circulation impacts to a less than significant level.

This project has been modified to incorporate the following provisions to mitigate potential adverse environmental effects identified to County roadways in order to mitigate potential future year 2025 traffic impacts.

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:
 - (a) Signalization improvements at the intersections of:
 - Auberry and Millerton Roads
The project maximum share is 2.54%
 - Auberry Road and Copper Avenue
The project maximum share is 0.95%
 - Auberry Road and Marina Avenue
The project maximum share is 1.16%
 - Copper and Willow Avenues
The project maximum share is 0.45%
 - (b) Improvements to the road segment of Auberry Road from Copper Avenue to Millerton Road
 - The project maximum share is 1.12%
 - (c) Improvements to the road segment of Copper Avenue from Auberry Road to Willow Avenue
 - The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962)

2. *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 fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. 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.*

The State Department of Transportation (Caltrans) identified impacts to the intersection of SR 168 and Auberry Road. These impacts will be mitigated to a less than significant level with the adoption of the following mitigation measure:

3. *Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.*

c) Would the project result in a change in air traffic patterns?

FINDING - No Impact:

The project will not change air traffic patterns.

d) Would the project substantially increase traffic hazards due to design features?

FINDING – Less Than Significant Impact With Mitigation Incorporated:

One of the interior roads in the tentative tract will be constructed as a frontage road directly adjacent to the south right-of-way line of Auberry Road, creating a potential traffic hazard for northbound Auberry Road traffic. To reduce this potential traffic hazard to a less than significant level, the following mitigation measure has been included:

- (1) *To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm or other physical barrier acceptable to the Director of Public Works and Planning. Landscaping of natural materials shall be planted on the*

berm and maintained by the Homeowner's Association until the plantings are self-sustaining.

e) Would the project result in inadequate emergency access?

FINDING - No Impact:

The project proposed to include private gate access, will be conditioned on the provision of adequate emergency access, which will be feasible based upon the interior road network, which allows for alternate points of emergency access to public roadways.

f) Would the project result in inadequate parking capacity?

FINDING - No Impact:

The project will provide adequate off-street parking for the proposed use.

g) Would the project conflict with adopted plans, policies or programs supporting alternative transportation?

FINDING - No Impact:

The project will not conflict with any adopted transportation plans.

16. UTILITIES AND SERVICE SYSTEMS

a) Would the project exceed wastewater treatment requirements?

b) Would the project require construction of new water or wastewater treatment facilities?

FINDING – Less Than Significant Impacts With Mitigation Incorporated:

Wastewater will consist of domestic discharge that will be adequately treated with an on-site septic systems provided in accordance with the mitigation measure discussed in Section 6.e, Geology and Soils.

c) Would the project require construction of new storm water drainage facilities?

FINDING – Less Than Significant Impact:

See discussion in Section 8.c above, Hydrology and Water Quality

- d) **Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?**

FINDING – Less Than Significant Impact:

See discussion in Section 8(b) Hydrology and Water Quality.

- e) **Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?**

FINDING – Less Than Significant Impact With Mitigation Incorporated:

See discussion in Section 6(e) Geology and Soils.

- f) **Would the project be served by a landfill with sufficient permitted capacity?**

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

FINDING – No Impact:

No solid waste impacts were identified in the analysis.

17. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING – Less Than Significant Impact:

See Section 4. Biological Resources

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

FINDING – No Impact:

No cumulatively considerable impacts were identified in the analysis.

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

FINDING - No Impact:

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

ENVIRONMENTAL RECOMMENDATION

Based upon the Initial Study prepared for Tentative Tract Map Application No. 5239, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified with respect to noise, hazards and hazardous materials, agricultural resources, land use and planning, mineral resources, noise, population and housing, and recreation. Potential impacts related to aesthetics will be addressed with mitigation measures relating to building and road setbacks from Auberry Road. Potential impacts related to air quality will be addressed by compliance with permit requirements and public nuisance rules of the San Joaquin Valley Air Pollution Control District. Potential impacts related to geology, soils and storm water runoff, noise, and utilities and service systems will not be significant with adherence to the Grading, Drainage and Building Sections of the County Ordinance Code, County permit requirements, and the County Noise Ordinance, or will be reduced to a level of less than significance with inclusion of a mitigation requiring installation of septic systems in accordance with the sewage feasibility study prepared for the project. Potential construction water quality impacts will be addressed with adherence to a Storm Water Pollution Control Prevention Plan to be approved by the Regional Water Quality Control Board. Potential water quantity impacts will be addressed with mitigation measures requiring provision of water from a community water service and upon conservation measures. Potential impacts to biological and cultural resources will be addressed with mitigation measures reducing such impacts to a less than significant level. Potential traffic and transportation impacts will be reduced to a less than significant level with payment by the applicant of a pro-rata share of the cost of intersection improvements identified by the Traffic Impact Study prepared for the project. Potential police related impacts will be addressed with a mitigation requiring a funding mechanism to maintain minimum staffing levels for the Sheriff's department.

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EXHIBIT 8

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

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

ATTACHMENT B

DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

July 2, 2018

Marianne Mollring, Senior Planner
Department of Public Works and Planning
2220 Tulare Street
Fresno, CA 93721

SUBJECT: Tentative Tract 5239 Table Mountain Creek/Auberry Road

Dear Marianne:

Reference is made to Tentative Tract No. 5239. On behalf of my client, Mr. James Bratton and Bratton Investments, I respectfully request that a time extension of the subject map be granted. Enclosed is a check for the required extension request submittal fee.

Market conditions over which my client has no control necessitate the subject extension. Efforts to coordinate a joint development of infrastructure with nearby properties have not been successful.

I trust that this information is of assistance to you. If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

RECEIVED
COUNTY OF FRESNO

JUL 02 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

cc: Mr. James Bratton
Ms. Christi Fleming