

18-0411

Recording Requested for the  
Benefit of the County of Fresno,  
Department of Public Works  
And Planning

When Recorded Return To:  
Department of Public Works  
And Planning  
Development Services  
Division Stop 214  
Attn: Development Engineering

AGREEMENT FOR  
REIMBURSEMENT OF COSTS ASSOCIATED WITH  
MITIGATION MONITORING PROGRAM

THIS AGREEMENT, made and entered into this 1<sup>st</sup> day of May 2018, by  
and between the COUNTY OF FRESNO, a political subdivision of the State of California  
(hereinafter "COUNTY"), and JPJ, INCORPORATED, a California Corporation hereinafter  
referred to as "OWNER" (7030 N. Fruit Avenue, Suite 101, Fresno, CA 93711). The  
COUNTY and the OWNER are each a "Party" to this Agreement, and collectively are "Parties"  
to this Agreement.

RECITALS

WHEREAS, OWNER is the sole owner of all of that real property located in the County  
of Fresno, State of California, located within the Millerton Specific Plan area south of Millerton  
Road between the Brighton Crest Subdivision and the Friant-Kern Canal, approximately two  
and one-half (2-1/2) miles east of the unincorporated community of Friant and more  
particularly described as shown on Attachment "A"; and,

WHEREAS, OWNER submitted Classified Conditional Use Permit Application No.  
2956; Vesting Tentative Subdivision Map Application No. 4968; and Site Plan Review  
Application No. 7082 requesting to allow a planned residential development consisting of 106  
single-family homesites with a minimum lot size of 9,000 square feet on a 49-acre portion of  
an 83-acre parcel of land in the R-1-C(c) (Single-Family Residential, 9,000 square-foot

1 minimum parcel size, Conditional), R-1(c) and O(c) (Open Conservation, Conditional) Districts;  
2 and,

3 WHEREAS, an Environmental Impact Report ("EIR") was prepared for the Millerton  
4 Specific Plan and the EIR identified significant and potentially significant adverse impacts that  
5 were reduced to a level of less than significant with Mitigation Measures that were included in  
6 the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix herein after  
7 referred to Mitigation and Monitoring Program shown in Attachment "B" and the Board of  
8 Supervisors adopted the Findings and a Statement of Overriding Considerations and certified  
9 the EIR on November 29, 1994; and,

10 WHEREAS, on February 3, 2000, the Fresno County Planning Commission adopted  
11 Findings that none of the Conditions described in Section 15162 of the California  
12 Environmental Quality Act (CEQA) Guidelines calling for preparation of a subsequent EIR had  
13 occurred therefore, EIR No. SCH 84051409 as amended by the Addendum incorporating the  
14 studies that were prepared subsequent to the adoption of the EIR was determined to be  
15 adequate for Classified Conditional Use Permit Application No. 2956; Vesting Tentative  
16 Subdivision Map Application No. 4968; and Site Plan Review Application No. 7082 and  
17 approved the applications for the proposed development with Conditions as recommended by  
18 staff with modifications; and,

19 WHEREAS, Condition No. 5 of Classified Conditional Use Permit No. 2956 requires  
20 compliance with all EIR Mitigation Measures contained in the Mitigation and Monitoring  
21 Program approved with the project; and,

22 WHEREAS, Condition No. 5 also requires OWNER to enter into an agreement with the  
23 COUNTY for the purpose of reimbursing the COUNTY for all costs incurred by the COUNTY in  
24 complying with the Mitigation and Monitoring requirements, to include but not be limited to staff  
25 and consultation services.

26  
27 NOW, THEREFORE, in consideration of the mutual acknowledgments, covenants, and  
28 conditions herein contained, it is agreed as follows:

1 I. DUTIES OF THE OWNER

2 A. OWNER shall pay to COUNTY'S Department of Public Works and Planning the  
3 actual costs incurred by COUNTY or it's consultant (Consultant) in performing all other work in  
4 connection with the required monitoring for compliance with the Mitigation and Monitoring  
5 Program, including departmental cost, COUNTY overhead costs and the cost to retain an  
6 independent consultant. Upon execution of this Agreement, OWNER shall immediately  
7 deposit with COUNTY the sum of Five Thousand Dollars (\$5,000.00) which is the estimated  
8 deposit for the COUNTY's efforts to retain an independent outside consultant to conduct the  
9 required monitoring for compliance with the approved Mitigation and Monitoring Program  
10 including peer review of the Wetland and Open Space Mitigation and Management Plan  
11 prepared by the OWNER'S appropriately certified/licensed consultant.

12 B. Within ten (10) days of written notice from COUNTY, OWNER shall deposit  
13 Twenty Five Thousand Dollars (\$25,000.00) in additional funds for reimbursement of services  
14 provided by COUNTY or Consultant for the tasks necessary to accomplish the required  
15 monitoring of compliance with the Mitigation and Monitoring Program and associated peer  
16 review as stated in the preceding Section above (Section I.A). If funds are needed in addition  
17 to the \$25,000.00, OWNER agrees to provide, within ten (10) days written notice from  
18 COUNTY, additional funds in increments of \$5,000.00 as required by COUNTY.

19 II. DUTIES OF THE COUNTY

20 A. COUNTY shall solicit and retain an independent consultant to perform the  
21 necessary monitoring of the Mitigation Measures contained in said Mitigation Monitoring  
22 Program.

23 B. COUNTY shall keep accurate records of its actual costs including cost  
24 associated with consultant services incurred while reviewing plans, issuing permits, conducting  
25 inspections, and any other work performed in connection with monitoring said Mitigation  
26 Monitoring Program. COUNTY shall provide OWNER an accounting of time and expenses  
27 attributable to this Agreement upon request.

28 C. From time to time, upon a determination by the Director of Public Works and



1 Planning, or his/her designee, (hereafter "Director") that the funding provided by OWNER  
2 pursuant to Section I is insufficient to reimburse Consultant) or the COUNTY, as applicable, for  
3 services to be rendered, the Director may issue an invoice or invoices for the amount of  
4 funding the Director determines to be reasonably necessary to compensate the consultant or  
5 the COUNTY for services to be rendered. OWNER shall remit payment to COUNTY for each  
6 such invoice within fifteen (15) days of receipt. There shall be no limit to the number of  
7 invoices the COUNTY may issue to OWNER and that the OWNER shall be obligated to pay,  
8 nor any limit on the total amount the OWNER shall be required to pay the COUNTY.

9 In the event OWNER fails to make any payment of deposit requested by COUNTY,  
10 COUNTY may refuse issuance of permits on undeveloped lots within Tract No. 4968. The  
11 Parties acknowledge that the actual cost of performance under this Agreement may exceed  
12 the estimate of Thirty Thousand Dollars (\$30,000.00). If, however, the cost incurred is less  
13 than Thirty Thousand Dollars (\$30,000.00), COUNTY shall refund such excess funds to  
14 OWNER after completion of the Mitigation Monitoring Program.

15 C. Independent Contractor - It is understood that Consultant shall be an  
16 independent contractor of the COUNTY. The OWNER agrees to permit Consultant to enter  
17 upon its property in compliance with applicable safety regulations to perform all work  
18 thereon, as Consultant deems necessary to complete the Mitigation Monitoring required for  
19 the project. It is agreed that the OWNER at no time will interfere with Consultant in the  
20 performance of such work or attempt to influence such Consultant during the course of this  
21 Monitoring report.

### 22 III. HOLD HARMLESS

23 The OWNER agrees to indemnify, save, hold harmless, and at COUNTY'S request,  
24 defend the COUNTY, its officers, agents, and employees from any and all costs and  
25 expenses (including without limitation costs and fees of litigation), damages, liabilities,  
26 claims, and losses occurring or resulting to COUNTY in connection with the performance, or  
27 failure to perform, by OWNER, its officers, agents, or employees under this Agreement, and  
28 from any and all costs and expenses, damages, liabilities, claims, and losses occurring or

1 resulting to any person, firm, or corporation who may be injured or damaged by the  
2 performance, or failure to perform, of OWNER, its officers, agents, or employees under this  
3 Agreement.

4 IV. NON ASSIGNMENT

5 This Agreement shall not be assignable by OWNER without the prior written consent of  
6 COUNTY's Board of Supervisors. Any assignee shall take this Agreement subject to the  
7 Conditions set forth herein.

8 V. TERM

9 This Agreement shall expire one (1) year after occupancy is granted for the final home  
10 in Tract No. 4968.

11 VI. NOTICES

12 The persons and their addresses having authority to give and receive notices under this  
13 Agreement include the following:

14 COUNTY OF FRESNO

15 Director of Public Works and Planning  
16 County of Fresno  
2220 Tulare Street, 6<sup>th</sup> Floor  
17 Fresno, CA 93721

OWNER

John A. Bonadelle, President  
JPJ, INCORPORATED, a California  
Corporation  
7030 N. Fruit Ave., Suite 101  
Fresno, CA 93711

18 All notices between the COUNTY and OWNER provided for or permitted under this  
19 Agreement must be in writing and delivered either by personal service, by first-class United  
20 States mail, by an overnight commercial courier service, or by telephonic facsimile transmission.  
21 A notice delivered by personal service is effective upon service to the recipient. A notice  
22 delivered by first-class United States mail is effective three COUNTY business days after deposit  
23 in the United States mail, postage prepaid, addressed to the recipient. A notice delivered by an  
24 overnight commercial courier service is effective one COUNTY business day after deposit with  
25 the overnight commercial courier service, delivery fees prepaid, with delivery instructions given for  
26 next day delivery, addressed to the recipient. A notice delivered by telephonic facsimile is  
27 effective when transmission to the recipient is completed (but, if such transmission is completed  
28 outside of COUNTY business hours, then such delivery shall be deemed to be effective at the



1 next beginning of a COUNTY business day), provided that the sender maintains a machine  
2 record of the completed transmission. For all claims arising out of or related to this Agreement,  
3 nothing in this section establishes, waives, or modifies any claims presentation requirements or  
4 procedures provided by law, including but not limited to the Government Claims Act (Division 3.6  
5 of Title 1 of the Government Code, beginning with section 810).

6 VIII. GOVERNING LAW

7 Venue for any action arising out of or related to this Agreement shall only be in Fresno  
8 County, California.

9 The rights and obligations of the parties and all interpretation and performance of this  
10 Agreement shall be governed in all respects by the laws of the State of California.

11 IX. SEVERABILITY

12 In the event any provisions of this Agreement are held by a court of competent  
13 jurisdiction to be invalid, void, or unenforceable, the Parties will use their best efforts to meet  
14 and confer to determine how to mutually amend such provisions with valid and enforceable  
15 provisions, and the remaining provisions of this Agreement will nevertheless continue in full  
16 force and effect without being impaired or invalidated in any way.

17 X. HEADINGS; CONSTRUCTION; STATUTORY REFERENCES

18 The headings of the sections and paragraphs of this Agreement are for convenience  
19 only and shall not be used to interpret this Agreement. This Agreement is the product of  
20 negotiation between the Parties. The language of this Agreement shall be construed as a  
21 whole according to its fair meaning and not strictly for or against any Party. Any rule of  
22 construction to the effect that ambiguities are to be resolved against the drafting party shall not  
23 apply in interpreting this Agreement. All references in this Agreement to particular statutes,  
24 regulations, ordinances or resolutions of the United States, the State of California, or the  
25 County of Fresno shall be deemed to include the same statute, regulation, ordinance or  
26 resolution as hereafter amended or renumbered, or if repealed, to such other provisions as  
27 may thereafter govern the same subject.

28 XI. LEGAL AUTHORITY

1           Each individual executing or attesting this Agreement hereby covenants, warrants, and  
2 represents to the other Party: (1) that he or she is duly authorized to execute and deliver this  
3 Agreement on behalf of his or her respective Party in accordance with the following: for the  
4 OWNER, its articles of organization and operating agreement; and for COUNTY, its governing  
5 legal authority; (2) that this Agreement is binding upon his or her respective Party; and (3) that  
6 his or her respective Party is duly organized and legally existing in good standing in the State  
7 of California.

8 XII.    BINDING EFFECT

9           This Agreement shall be binding upon, and inure to the benefit of, the successors and  
10 assigns of the Parties.

11 XIII.   NO THIRD PARTY BENEFICIARIES

12 Notwithstanding anything else to the contrary herein, the Parties acknowledge and agree that  
13 no other person, firm, corporation, or entity shall be deemed an intended third-party  
14 beneficiary of this Agreement.

15 XIV.    COUNTERPARTS

16           This Agreement may be executed in two or more counterparts, each of which shall be  
17 deemed to be an original, and all of which taken together shall constitute one and the same  
18 instrument.

19 XV.     ENTIRE AGREEMENT

20           This Agreement constitutes the entire agreement between the OWNER and COUNTY  
21 with respect to the subject matter hereof and supersedes all previous Agreement negotiations,  
22 proposals, commitments, writings, advertisements, publications, and understanding of any  
23 nature whatsoever unless expressly included in this Agreement.

24           IN WITNESS WHEREOF, the Parties have executed this Agreement on the date set  
25 forth above.

26 ///

27 ///

28 ///

1 IN WITNESS WHEREOF, the parties have executed this Agreement on the date  
2 set forth above.

3 **OWNER:**

4 JPJ, INCORPORATED, a California  
5 Corporation

6 By: 

7 Dean H. Pryor, CFO

8 JPJ, INCORPORATED, a California  
9 Corporation  
10 7030 N. Fruit Avenue, Suite 101  
11 Fresno, CA 93711

**COUNTY OF FRESNO:**

By: 

Sal Quintero, Chairperson of the Board of  
Supervisors of the County of Fresno

**ATTEST:**

Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By: 

Deputy

23 **FOR ACCOUNTING USE ONLY:**

24 ORG: 43601186

FUND: 0085

25 SUBCLASS: 17406

ACCOUNT: 1450

27 G:\4360Devs&Pin\ADMIN\BOARD\Board Items\2010-2019\2018\5-1-18\Tract 4968\Tract 4968 Final Map\T4968  
28 MMRP Agreement.docx



## CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California )SS  
COUNTY OF Fresno )

APN No: \_\_\_\_\_

On April 17, 2018 before me, Anna M. Renna, Notary Public, personally appeared  
Dean H. Pryor

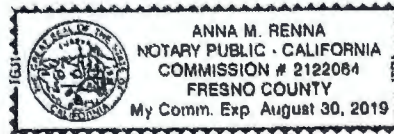
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Anna M. Renna



This area for official notarial seal.

### OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER(S) TITLE(S)  
☐ PARTNER(S) ☐ LIMITED ☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER

SIGNER IS REPRESENTING:

\_\_\_\_\_  
Name of Person or Entity

\_\_\_\_\_  
Name of Person or Entity

### OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW**

TITLE OR TYPE OF DOCUMENT: \_\_\_\_\_

NUMBER OF PAGES \_\_\_\_\_ DATE OF DOCUMENT \_\_\_\_\_

SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_

## ATTACHMENT A

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL B OF LOT LINE ADJUSTMENT NO. 17-22 AS DESCRIBED IN DOCUMENT NO. 2018-0046887 RECORDED APRIL 20, 2018, OFFICIAL RECORDS OF FRESNO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 21 OF PARCEL MAP NO. 5349, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 34 PAGES 19 AND 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS; EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, HYDROCARBONS AND KINDRED SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS GRANTED TO CARLSBERG RESOURCES CORPORATION, A CALIFORNIA CORPORATION, BY DEED RECORDED OCTOBER 30, 1970, IN BOOK 5832 PAGE 371 OF OFFICIAL RECORDS, INSTRUMENT NO. 76311.

TOGETHER WITH A PORTION OF PARCEL 2 OF PARCEL MAP NO. 5988, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 41 PAGE 22 PARCEL MAPS, FRESNO COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 NORTH 01°47'08" EAST A DISTANCE OF 227.35 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-1);

THENCE NORTH 15°24'03" WEST A DISTANCE OF 73.70 FEET; THENCE NORTH 01°47'08" EAST PARALLEL WITH AND 21.78 FEET WESTERLY FROM EAST LINE OF SAID PARCEL 2, A DISTANCE OF 75.29 FEET; THENCE NORTH 26°56'00" EAST A DISTANCE OF 51.24 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2; THENCE ALONG SAID EAST LINE SOUTH 01°47'08" WEST A DISTANCE OF 192.08 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-1).

TOGETHER WITH A PORTION OF SAID PARCEL 2, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE EAST LINE OF SAID PARCEL 2 NORTH 01°47'08" EAST A DISTANCE OF 950.66 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-2); THENCE NORTH 43°29'57" WEST A DISTANCE OF 272.21 FEET; THENCE NORTH 27°53'00" EAST A DISTANCE OF 224.53 FEET; THENCE NORTH 62°31'36" EAST A DISTANCE OF 108.51 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2;

THENCE ALONG SAID EAST LINE SOUTH 01°47'08" WEST A DISTANCE OF 446.20 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-2).

EXCEPTING THEREFROM ANY PORTION OF SAID PARCEL 21 THAT LIES WITHIN THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE WEST LINE OF SAID PARCEL 2 NORTH 01°47'08" EAST A DISTANCE OF 1396.86 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3); THENCE SOUTH 62°15'02" EAST A DISTANCE OF 311.63 FEET; THENCE NORTH 58°08'13" EAST A DISTANCE OF 116.44 FEET; THENCE SOUTH 39°59'15" EAST A DISTANCE OF 379.36 FEET; THENCE SOUTH 88°45'40" EAST A DISTANCE OF 506.61 FEET; THENCE NORTH 01°14'20" EAST A DISTANCE OF 57.39 FEET; THENCE NORTH 17°48'29" EAST A DISTANCE OF 245.56 FEET; THENCE NORTH 88°45'40" WEST A



DISTANCE OF 75.50 FEET; THENCE NORTH 66°34'29" WEST A DISTANCE OF 115.47 FEET; THENCE NORTH 81°09'12" WEST A DISTANCE OF 441.68 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD AS DESCRIBED IN DOCUMENT NUMBER 23913, RECORDED IN BOOK 6568, PAGE 294, OFFICIAL RECORDS OF FRESNO COUNTY; THENCE WESTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD TO THE NORTHWEST CORNER OF LOT 21 OF SAID MAP; THENCE ALONG THE WEST LINE OF SAID PARCEL 21 SOUTH 01°47'08" WEST A DISTANCE OF 171.32 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3).

TOGETHER WITH PARCEL C OF LOT LINE ADJUSTMENT NO. 17-22 AS DESCRIBED IN DOCUMENT NO. 2018-0046887 RECORDED APRIL 20, 2018, OFFICIAL RECORDS OF FRESNO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT REAL PROPERTY PURSUANT TO LOT LINE ADJUSTMENT NO. 17-23 AS DESCRIBED IN DOCUMENT NO. 2018-0044798 RECORDED APRIL 17, 2018, OFFICIAL RECORDS OF FRESNO COUNTY, MORE PARTICULARLY DESCRIBED AS:

THAT REAL PROPERTY AS DESCRIBED IN THE CERTIFICATE OF COMPLIANCE NO. 99-13(A) RECORDED DECEMBER 07, 2000, AS INSTRUMENT NO. 00-150061 OF OFFICIAL RECORDS OF FRESNO COUNTY;

TOGETHER WITH PORTIONS OF PARCELS 18 & 19 OF PARCEL MAP NO. 5349 RECORDED IN BOOK 34 AT PAGES 19 AND 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 19; THENCE NORTH 33°07'15" WEST A DISTANCE OF 322.28 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST A DISTANCE OF 157.02 FEET TO THE POINT OF BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 438.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 06°51' 23" WEST, THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE (DELTA) OF 65°08'07" AN ARC LENGTH OF 497.93 FEET; THENCE SOUTH 31°43' 16" EAST A DISTANCE OF 6.55 FEET; TO THE POINT OF BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 700.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 03°48' 41" WEST, THENCE NORTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE (DELTA) OF 13°15'17" AN ARC LENGTH OF 161.94 FEET; TO A POINT OF A REVERSE CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 650.00 FEET, THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE (DELTA) OF 24°00'54" AN ARC LENGTH OF 272.44 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN TRACT 4870, GRANITE CREST, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 81 OF MAPS, PAGES 47 THROUGH 58, INCLUSIVE, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM ANY PORTION OF PARCEL 20 OF PARCEL MAP NO. 5349 RECORDED IN BOOK 34 AT PAGES 19 AND 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS THAT LIE WITHIN THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE WEST LINE OF SAID PARCEL 2 NORTH 01°47'08" EAST A DISTANCE OF 1396.86 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3); THENCE SOUTH 62°15'02" EAST A DISTANCE OF 311.63 FEET; THENCE NORTH 58°08'13" EAST A DISTANCE OF 116.44 FEET; THENCE SOUTH 39°59'15" EAST A DISTANCE OF 379.36 FEET; THENCE SOUTH 88°45'40" EAST A DISTANCE OF 506.61 FEET; THENCE NORTH



01°14'20" EAST A DISTANCE OF 57.39 FEET; THENCE NORTH 17°48'29" EAST A DISTANCE OF 245.56 FEET; THENCE NORTH 88°45'40" WEST A DISTANCE OF 75.50 FEET; THENCE NORTH 66°34'29" WEST A DISTANCE OF 115.47 FEET; THENCE NORTH 81°09'12" WEST A DISTANCE OF 441.68 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD AS DESCRIBED IN DOCUMENT NUMBER 23913, RECORDED IN BOOK 6568, PAGE 294, OFFICIAL RECORDS OF FRESNO COUNTY; THENCE WESTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD TO THE NORTHWEST CORNER OF LOT 21 OF SAID MAP; THENCE ALONG THE WEST LINE OF SAID PARCEL 21 SOUTH 01°47'08" WEST A DISTANCE OF 171.32 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3).

# ATTACHMENT "B"

Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix							
Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes
LAND USE AND ZONING							
1.a	From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound, comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design.	PW&P	8	Once	Once		
1.b	Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.	PW&P LAFCo	1 , 2	Once	Once		
1.c	The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan	PW&P	1	Once per phase	Once per phase		
1.d	Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100.	PW&P	1 , 2	Once per phase	Once per phase		
1.e	Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence, operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15687 Auberry Road.	PW&P	1 , 2	Once per phase	Once per phase		
TRAFFIC AND CIRCULATION							
2.a	Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths.	PW&P	8	Once	N/A		
2.b	Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection.	PW&P	2 , 6	Once per phase	Once per phase		

## Responsible Person/Agency

MM = Mitigation Monitor  
PW&P = Public Works & Planning. Dept.  
FCFPD = Fresno Co. Fire Protection Dist.  
FCSD = Fresno Co. Sheriff's Department  
LAFCo = Local Agency Formation Comm.  
FCEH = Fresno Co. Environmental Health  
CSA = County Service Area No. 34  
CALTRANS = CA Dept. of Transportation

## Responsible Person/Agency, con't

WQCB = CA Regional Water Qual. Control Bd.  
APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.  
CUSD = Clovis Unified School District  
SUSD = Sierra Unified School District  
NRCS = Natural Resource Conserv. Serv., USDA  
F&G = Calif. State Dept. of Fish & Game  
FCRD = Fresno Co. Resource Div., DPW&P  
DOHS = CA Dept. of Health Services

## Mitigation Phase Key

1 - Site Plan Review  
2 - Prior to Recording Final Map  
3 - Prior to Issuance of Bldg. Permit  
4 - Prior to Occupancy  
5 - During Grading Activity  
6 - During Construction  
7 - Other  
8 - SP/CUP/TM  
n/a - Not Applicable

## Frequency

Once - One time during specified mitigation Phase  
Annual - Annually  
OGAP - Ongoing & periodic dep. on mitigation  
@BP - At each bldg. permit  
CDC - Continuous during construction  
@Occ - At occupancy

## Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes
TRAFFIC AND CIRCULATION, con't.							
2.c	Install an eastbound left turn lane in Auberry Road at Marina Drive	PW&P	2 , 6	Once per phase	Once per phase		
2.d	Widen Millerton Road to provide left and right turn lanes at all intersections within the project.	PW&P	2 , 6	Once per phase	Once per phase		
2.e	Relinquish direct access to residential properties fronting on Millerton Road.	PW&P	2	Once per phase	Once per phase		
2.f	Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses.	PW&P	1 , 2 , 6	Once per phase	Once per phase		
2.g	Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted.	PW&P	1 , 2	Once	Once		
2.h	<p>The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan:</p> <p style="margin-left: 40px;">A. Marina Drive Extension to the south:</p> <p style="margin-left: 80px;">i. Four-lane roadway: approximately one mile</p> <p style="margin-left: 80px;">ii. Two-lane roadway: approximately two miles</p> <p style="margin-left: 40px;">B. Auberry Road/Marina Drive Turn Lane</p> <p>The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.</p>	PW&P	2 , 3	@BP	Annual		

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2.i	The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.  NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.	PW&P	2 , 3	@BP	Annual		
2.j	The pro-rata share of \$310,000 for improvements at the State Route 41/Friant Road interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.	CALTRANS PW&P	2 , 3	@BP	Annual		
2.k	Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the areawide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.	PW&P	1 , 2 , 8	Once per phase	Once per phase		

## **WASTE WATER DISPOSAL**

3.a	All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level.	PW&P	1 , 2	Once per phase	Once		
		WQCB	7	OGAP	OGAP		

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**WASTE WATER DISPOSAL, con't**

3.b	Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.c	The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.	PW&P CSA	7	OGAP By CSA	OGAP		
3.d	An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.	WQCB (CSA)	2, 7	OGAP	OGAP		The Waste Discharge Requirements (Order No. R5-2002-0193) contain a Monitoring and Reporting Program that is acceptable to the Regional Water Quality Control Board.
3.e	Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.f	Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.	PW&P	1, 2, 6	Once per phase	Once per phase		

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3.g	The management plan for storing treated effluent consists of two operational modes – wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions	CSA RWCB	7	OGAP	Annual		
3.h	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P FCRD	1 , 2 , 3	Once per phase	Once		Infrastructure Plan for water, sewer and drainage adopted by Bd. of Supervisors Dec. 2000
3.i	The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.	PW&P	3	Once per phase	Once per phase		
3.j	To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.	CSA WQCB	7	OGAP	Annual		
3.k	The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.	PW&P	1 , 2	Once	Once		Plan for reclaimed water included in Adopted Infrastructure Plan

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**WASTE WATER DISPOSAL, con't**

3.l	For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a 50 foot setback from adjacent properties, irrigation at night, positive controls to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water.	WQCB FCEH	2 , 7	OGAP	Annual		On October 18, 2002, the Regional Water Quality Control Board issued Waste Discharge Requirements (Order No. R5-2002-0193) for County Service Area No. 34- Millerton New Town. The Order allows the discharge of treated wastewater from the tertiary wastewater treatment plant to the effluent spray fields.
3.m	The wastewater treatment facility(ies) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).	PW&P FCRD FCEH WQCB DOHS	1 , 2	Once	Once		
3.n	A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no.1 for the Brighton Crest development. It shall include subsurface concrete tankage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscape based on the elevation drawings and preliminary landscape plans in the "Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc.	PW&P WQCB FCEH	1 , 2 , 3	OGAP during construction	Once		CUP 2979 approved by Fresno Co. PC for construction of tertiary treatment facility and related landscape features
3.o	Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands.	PW&P CSA	1 , 2 , 6	OGAP during construction	Once		

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### WASTE WATER DISPOSAL, con't

3.p	Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit.	PW&P CSA	1, 2, 6	OGAP	Annual		
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### COMMUNITY WATER

4.a	The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.	PW&P FCEH	1, 2	Once per phase OGAP	Once per phase OGAP		
4.b	A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.	PW&P FCEH	1, 2, 3	Once	Once		
4.c	Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.	PW&P	1, 2, 8	Once	Once		
4.d	Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
4.e	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.	PW&P FCRD	1, 2, 3'	Once	Once		Infrastructure Plan adopted by Bd. of Supervisors December 2000
4.f	Prior to the recordation of a final map or Site Plan Review approval, a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent.	PW&P CSA	1, 2	Once	Once		Water Agreements in place to provide adequate water supply to approved Projects
4.g	Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.	FCRD PW&P CSA	4	@Occ	Annual		

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### COMMUNITY WATER con't.

4.h	Prior to recordation of a final map or site plan review, a tiered rate schedule for the irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for irrigation services.	CSA	2	Once	Once		
4.i	Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.	CSA	2 , 7	OGAP	Annual		
4.j	Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.	PW&P FCRD	3	@Occ	Once per phase		Water treatment plant constructed and being operated by CSA-34
4.k	Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, education programs, and incentives for conservation, shall be implemented for the Clarksfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.	PW&P CSA	7	OGAP	Annual		
4.l	Prior to recordation of a Final Tract Map or Site Plan Review, the developer shall provide evidence of adequate water supply to serve that development to include a volume of water to serve as a safety factor over and above the calculated demand.	PW&P CSA	1, 2	Once	Once		

### LAW ENFORCEMENT

5.a	The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	FCSD	1	@BP	Once		
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5.b	Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.	FCSD PW&P	1, 2	Once	Once		
5.c	Prior to recordation of a final map or approval of a site plan review, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.	FCSD PW&P	1, 2	Once	Once		CFD being established for Sheriff Protection Services

### FIRE PROTECTION

6.a	The Specific Plan includes several standards to reduce fire protection impacts: 1. Requirement for two points of access for each development 2. Design of water system with adequate fire flows, fire hydrant, and storage facilities. 3. Fire retardant construction. 4. Fuel modification zones around development. 5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet. 6. A fire station location with an engine within the government center complex.	PW&P	8, 1, 2, 3	Once in each processing phase	Once		
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6.b	Prior to recordation of a final map or approval of a site plan review, a fee shall be established through the Millerton New Town and Surrounding Area Fire Protection Benefit Assessment District for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need.	PW&P CSA	1, 2	Once	Once		Fresno County Fire Protection District has established a fee to be subject to covenants being recorded on each Project providing for payment of fee at the time of Building Permit issuance.
6.c	Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.	PW&P CSA	1, 2	Once	Once		FCFPD has established Millerton New Town and Surrounding Area Fire Benefit Suppression Assessment District
6.d	All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.	PW&P FCFPD	2	Once per phase	Once per phase		
6.e	Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <u>Fire Safe Guides for Residential Development in California</u> (1980), should be used in project site planning and design.	PW&P FCFPD	1	Once	Once		

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#### Frequency

Once - One time during specified mitigation Phase  
Annual - Annually  
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**Millerton Specific Plan  
Mitigation Measures and Monitoring Program Matrix**

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				Monitoring	Reporting	Date Repts. Rec'd	Notes
SCHOOLS							
7.a	Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district).	PW&P CUSD SUSD	8	Once	Once		CUSD has acquired 20-acre site within Specific Plan area south of Millerton Road
7.b	The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.	PW&P	7	Annual	Annual		
7.c	The developer shall pay adopted school impact fees. If there is a temporary unmet need temporary facilities fees or other fee structures satisfactory to all parties involved may be utilized.	CUSD SUSD	1 , 2	Once	Once		
SOLID WASTE MANAGEMENT							
8.a	A community recycling center should be considered in overall project design.	FCRD PW&P	1 , 2	Once	Once		
8.b	Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers.	FCRD	1	Once	Once		
8.c	The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility.	PW&P FCRD	1	Annual	Annual		
PARKS AND RECREATION							
9.	Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive).	PW&P	8	Once	Once		
ELECTRICAL AND TELEPHONE SERVICES							
10.	Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.	PW&P	1 , 2	Once per phase	Once per phase		

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VISUAL QUALITY							
11.	The degree of impact on the visual environment will be softened somewhat by standards within the Specific Plan, including: 1 Building sites located below or beside ridgelines, rather than on top, to preserve vistas. 2 Provisions calling for submittal of landscaping plans to the County for all planned developments or commercial site plans. 3 Establishment of a design review committee to make recommendations to the County on architectural style, building materials, lighting, fencing and signs. 4 Grading and erosion control requirements. 5 Scenic roadways along Millerton Road and Winchell Cover Road (Marina Drive). 6 Park development including White Fox Parkway.	PW&P	1, 2, 8	Once per processing phase	Once per processing phase		
HISTORIC/CULTURAL RESOURCES							
12.a	Archeological resources occurring Allocation Area E are potentially significant. Final design of the tentative tract map or other mapping should incorporate these features into the open space system. If such design is not possible, detailed investigation to determine significance shall be required prior to development entitlement and appropriate mitigation measures instituted.	PW&P	1, 2, 8	Once	Once		
12.b	Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, Archeological Sites No. CA-FRE-2184 and CA-FRE-2185 shall be placed in open space easements. The legal description of the boundaries of these sites shall be based on the staking done by Donald G. Wren, Consulting Archeologist, as described in his report, "ARCHEOLOGICAL MITIGATION OF CULTURAL RESOURCES NEAR MILLERTON, CALIFORNIA", dated May 1997.	PW&P	1, 2	Once	Once		

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**HISTORIC/CULTURAL RESOURCES, con't**

12.c	In the event cultural resources are unearthed during grading or construction all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Heritage Commission within 24 hours. This requirement shall be shown on the Waiver Certificate and on all approved parcel maps associated with the project site.	PW&P	5, 6	CDC	Once		
12.d	An Open Space Easement Indenture Agreement shall be executed between the County and the property owner to protect the two significant archaeological resources identified as P-10-002183 and P-10-002188 in the archaeological survey entitled, Twins Hills Project, A Resurvey of 160 Acres Fresno County, California prepared by Donald G. Wren, consulting Archaeologist, dated October 2002. This requirement shall be shown on all final maps associated with the project site.	PW&P	1, 2	Once	Once		

**GEOLOGY AND SOILS**

13.a	No disturbance on cut and fills on slopes over 30 percent shall be allowed without a geotechnical analysis.	PW&P	1, 2, 3	Once per phase	Once per phase		
13.b	Shallow (less than 2 feet) road cuts should be designed with slopes of 1:1.	PW&P	1, 2	Once per phase	Once per phase		
13.c	Fill slopes should be no steeper than 2:1.	PW&P	1, 2	Once per phase	Once per phase		
13.d	Road cuts greater than 6 feet should be designed with slopes of 2:1 and permanently stabilized.	PW&P	1, 2	Once per phase	Once per phase		
13.e	Implement the California Uniform Code for Seismic Zone 3.	PW&P	3	@BP	Once per phase		
13.f	Attention shall be given at time of construction to building pads and driveways in order to lessen erosion or similar problems.	PW&P	3	CDP	Annual		

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**GEOLOGY AND SOILS, con't.**

13.g	A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation, and drainage. The control program shall: a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control. b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage. c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover. d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes. e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust, until erosion control plantings become established.	PW&P	1, 2, 5	CDC	N/A		
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**HYDROLOGY**

14.a	The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area.	CSA	7	OGAP	Annual		
14.b	Groundwater shall only be used for backup or emergency purposes, or for groundwater management.	CSA	7	OGAP	Annual		

**DRAINAGE AND FLOODING**

15.a	Natural drainage courses shall be preserved through density allocation and dedication of drainage easements.	PW&P	1, 2, 8	Once per phase	Once per phase		
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## **DRAINAGE AND FLOODING, con't**

15.b	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P	1, 2, 3	Once	Once		Infrastructure Plan adopted December 2000
15.c	Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".	PW&P	2, 5	CDC	Once		
15.d	The County Service Area should implement the drainage plan, maintain drainage easements and facilities.	CSA	7	OGAP	Annual		

## **VEGETATION AND WILDLIFE**

16.a	Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.	PW&P	1,2,3,5,6	CDC	OGAP		
16.b	Habitat will be enhanced through development of parkways and other urban landscape area.	PW&P	8	Once	N/A		
16.c	Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.	PW&P CUSC	1, 2, 3	Once	Once		
16.d	"No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.	PW&P	1, 2	Once	Once		
16.e	The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.	PW&P	1	Once	Once		

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16.f	<p>Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish &amp; Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U. S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game, and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:</p> <p>1 Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</p> <p>2 Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</p> <p>3 Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval.</p> <p>4 Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</p> <p>5 A Monitoring Program shall be approved that provides for the following:</p> <ul style="list-style-type: none"><li>- Measurable mitigation objectives.</li><li>- Measures which will result in the objectives being met.</li><li>- Monitoring protocol for measuring the success of the plan which identifies:</li><li>- When the monitoring shall occur</li><li>- Survey method to be used.</li><li>- Reporting requirements.</li></ul>	<p>PW&amp;P F&amp;G NRCS CSA</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1 , 2	Annual	Annual		
<p><u>Responsible Person/Agency</u></p> <p>MM = Mitigation Monitor PW&amp;P = Public Works &amp; Planning. Dept. FCFPD = Fresno Co. Fire Protection Dist. FCSD = Fresno Co. Sheriff's Department</p> <p><u>Responsible Person/Agency, con't</u></p> <p>WQCB = CA Regional Water Qual. Control Bd. APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist. CUSD = Clovis Unified School District SUSD = Sierra Unified School District</p> <p>LAFCo = Local Agency Formation Comm. FCEH = Fresno Co. Environmental Health CSA = County Service Area No. 34 CALTRANS = CA Dept. of Transportation</p>		<p><u>Mitigation Phase Key</u></p> <p>1 - Site Plan Review 2 - Prior to Recording Final Map 3 - Prior to Issuance of Bldg. Permit 4 - Prior to Occupancy 5 - During Grading Activity 6 - During Construction 7 - Other 8 - SP/CUP/TM n/a - Not Applicable</p>		<p><u>Frequency</u></p> <p>Once - One time during specified mitigation Phase Annual - Annually OGAP - Ongoing &amp; periodic dep. on mitigation @BP - At each bldg. permit CDC - Continuous during construction @Occ - At occupancy</p>			



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**VEGETATION AND WILDLIFE, con't**

16f con't	6 The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan.						
16.g	The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.	F&G	7	Once	Once		OSNRP has been formed
16.h	The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$.10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index.	F&G	1 , 2, 3	TO BE DETER- MINED BASED ON PLAN			Mitigation Fees have been adopted by the OSNRP for both residential and commercial projects

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## **VEGETATION AND WILDLIFE, con't**

16.i Added 2-3-00  TT 4870	<p>Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish &amp; Game for those lands identified in Figure No. 3 of the Mitigation Plan, Westcal Project Site, Fresno County by Hartesveldt Ecological Consulting Services dated December 22, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum:</p> <ol style="list-style-type: none"> <li>Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof.</li> <li>Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary.</li> <li>Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek.</li> <li>Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them.</li> <li>Create two vernal pools that together will be approximately 0.01 acres in size.</li> <li>Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands.</li> <li>Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</li> <li>Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</li> <li>The plan shall be submitted to the U.S. Army Corps of Engineers for review .</li> <li>Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</li> </ol> <p>Con't next page.</p>	<p>P &amp; RM F &amp; G NRCS</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1, 2	Annual	Annual		Revised Wetland Open Space Mitigation and Management Plan and Monitoring Program has been revised and submitted to Department of Fish and Game for review and approval
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### VEGETATION AND WILDLIFE, con't

16.i con't.	k. The Monitoring Program shall at a minimum include: - Measurable mitigation objectives. - Measures which will result in objectives being met. - A monitoring protocol by which the success of the plan can be measured that identifies: - When monitoring will occur - Survey methods - Reporting requirements						
	i. Confirmation of a funding source for plan implementation.						

### CLIMATE AND AIR QUALITY

17.a	The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System.	PW&P	1, 2, 8	Once per phase	Once per phase		
17.b	A centralized location for a park and ride lot is established in the project within the central commercial area.	PW&P	1, 8	Once	Once		
17.c	To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.	PW&P APCO	5, 6	CDC	N/A		
17.d	Installation of emission reduction catalyst devices on all fireplace flues is recommended; they are effective in reducing carbon monoxide and particulate emissions.	APCD PW&P	3	@BP	N/A		
17.e	Express bus service should be provided for commuters going to the FCMA.	FCRTA	7	Annual	N/A		
17.f	Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.	PW&P	4	@ OCC	Annual		
17.g	All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.	PW&P	1, 2	Once	Once		

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# **Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

## **CLIMATE AND AIR QUALITY, con't**

17.h	The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.	APCD PW&P	3 , 4	@BP	@BP		
17.i	Bicycle parking facilities shall be installed for employees and guest/visitors at the Inn, Conference Center, and Retail Site B.	PW&P	1 , 4	@BP	@BP		
17.j	Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.	PW&P	1 , 4	@BP	@BP		
17.k	If fireplaces are used for the Inn or Conference Center, natural gas fireplaces <u>or</u> EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).	PW&P APCD	1 , 4	@BP	@BP		

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17.I	<p>The following measures shall be implemented in Allocation Area H, the 160 acre Southeastern Expansion Area.</p> <ol style="list-style-type: none"> <li>No wood-burning fireplaces, wood stoves, or chimneys shall be allowed within the Twin Hills Project Amendment Area. Natural gas, propane, electrical, or other EPA certified gas fireplaces or stoves shall be installed as opposed to conventional open-hearth wood-burning fireplaces.</li> <li>The Neighborhood Commercial Center shall provide space available for lease for development of a telecommunicating center for employment purposes.</li> <li>A park-and-ride facility shall be included in the Neighborhood Commercial Center.</li> <li>All homes shall be wired for telecommuting, computers, and electronic meter reading; and have outdoor electrical and propane hookups.</li> <li>A transit stop shall be located within the site, the location of which is to be coordinated with the regional transit provider.</li> <li>The Project design shall provide for pedestrian and bike facilities such as sidewalks or paths, street trees to shade walkways, bikeways/paths connecting to a bikeway system in accordance with the Millerton Specific Plan Circulation Element and bicycle parking.</li> <li>The Project shall be subject to Air Quality Mitigation Measures, both during Project construction and thereafter, as described in the Air Quality Impact Assessment for the Millerton Specific Plan dated December 11, 2003.</li> <li>The 207 residential units in Allocation Area H shall pay at time of Building Permit a one-time Air Quality Impact fee of \$500 per residence to Fresno County or as directed by Fresno County. This fee is not in lieu of any Indirect Source Fee adopted by the San Joaquin Valley Air Pollution Control District, but may be allowed as a credit toward such fee.</li> <li>All other conditions related to air quality currently found in the Millerton Specific Plan and Fresno County General Plan shall be applicable to the Twin Hills Project.</li> </ol>	PW&P APCD	1, 2, 3	OGAP	Annual		
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**CLIMATE AND AIR QUALITY, con't**

17.m	Each project will complete an Air Quality Impact Assessment under the guidelines of the San Joaquin Valley Air Pollution Control District and include in the Project Conditions, Air Quality Mitigation Measures, both during Project construction and thereafter, including any Indirect Source Fee as may be adopted and required by the San Joaquin Valley Air Pollution Control District or the County of Fresno. Project Proponents shall work with representatives of Fresno County and the San Joaquin Valley Air Pollution Control District to encourage any Indirect Source Fees imposed to be used within the Project and surrounding area to reduce emissions.	APCD PW&P	1, 2	Once	Once		
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**ENERGY RESOURCES**

18.a	The Specific Plan contains standards to reduce energy consumption including: 1. Public building design requirements; 2. Solar access provisions; 3. Parking lot shading; 4. Requirement for project level energy efficiency and evaluation; 5. Provisions for mixed land use and compact form; 6. A bikeways and pedestrian trail plan; 7. Proposal for a community recycling center; 8. Water conservation programs; 9. Requirement for bus, car, and van pooling facilities within the community core.	PW&P	1, 2, 8	Once per phase	Once per phase		
18.b	The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.	PW&P	1, 3	@BP	N/A		

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NOISE							
19.a	Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L <sub>dn</sub> 60 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L <sub>dn</sub> 45 dBA or below.	PW&P	1 , 2 , 3	Once per phase	Once per phase		
19.b	Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses.	PW&P	1 , 3	@BP	Once per phase		
19.c	Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance).	FCEH	5 , 6	CDC	N/A		
19.d	Each commercial development shall be conditioned to require that under Site Plan Review there shall be verification that the development and use of the property will be in compliance with the County Noise Ordinance. Conditions of the SPR may include but are not limited to design features and operational controls.	FCEH	1	Once	Once		

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April 20, 1999

Rev. February 3, 2000

Adopted December 7, 2004

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