



## Inter Office Memo

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DATE: April 12, 2012

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12291 - INITIAL STUDY APPLICATION NO. 6405,  
TENTATIVE TRACT MAP APPLICATION NO. 5991, CLASSIFIED  
CONDITIONAL USE PERMIT APPLICATION NO. 3326

APPLICANT: Strahm Family, LP  
OWNER: Strahm Family, LP

REQUEST: Allow a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Shaver Forest Road, approximately 530 feet northeast of its intersection with State Route 168 (Tollhouse Road), within the unincorporated community of Shaver (Sup. Dist.: 5) (APN: 130-031-39).

### PLANNING COMMISSION ACTION:

At its hearing of April 12, 2012, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Ferguson and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326, subject to the Conditions listed in the Staff Report (Attached as Exhibit "B").

This motion passed on the following vote:

VOTING: Yes: Commissioners Ferguson, Borba, Batth, Goodman, Mendes,  
Niswander, Riojas, Rocca, Yates

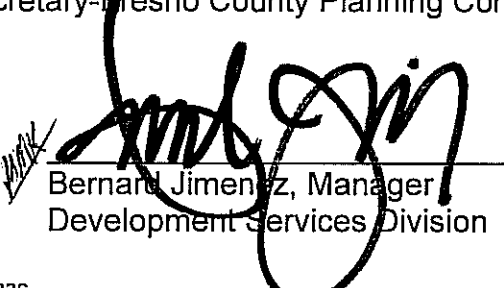
No: None

Absent: None

Abstain: None

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

By:



Bernard Jimenez, Manager  
Development Services Division

DC:mac

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- NOTES:
1. The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified 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

EXHIBIT "A"

Initial Study Application No. 6405  
Tentative Tract Map Application No. 5991  
Classified Conditional Use Permit Application No. 3326

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 12, 2012, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The proposed development will have its own Homeowner's Association responsible for maintaining the surfaces of the private roads.
  - Other Homeowner's Associations have obtained professional management with as few as 24 units providing funding.
  - There will be an open space corridor and walking trails within the proposed development.
- Others: One individual spoke generally in favor of the project but expressed some concerns about the water source and the provision of an open space buffer along the northern perimeter of the development; however, these concerns were addressed during the Hearing. No one spoke in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Mitigation Monitoring and Reporting Program**  
(Including Conditions of Approval and Project Notes)

Initial Study Application No. 6405, Classified Conditional Use Permit Application No. 3326,  
Tentative Tract Map Application No. 5991

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	Once; during Construction Phase
*2.	Biological	<p>The following shall be implemented by the Applicant/subdivider and shall be recorded as a Covenant and Agreement, subject to a \$243.50 Document Preparation Fee, running with the land prior to recordation of any subsequent Parcel Map associated with the subject property and included on an additional map sheet of any subsequent Parcel Map to address potential impacts to sensitive species:</p> <ol style="list-style-type: none"> <li>Removal of existing trees and snags shall be avoided to the extent possible with consideration given to necessary hazard and fire protection fuel reduction.</li> <li>The use of impenetrable fencing on individual parcels, excluding home yard areas, shall be avoided to not unduly restrict wildlife movement across the properties. Any fencing, excluding home yard fencing, shall comply with the "wildlife friendly" specifications of the California Department of Fish and Game (CDFG) which generally means no fences greater than 42 inches in height. The bottom of the fence shall be no less than 18 inches from the ground (if using wire, it shall be smooth), and if using wire, the distance between the top two wires shall be no less than 14 inches to prevent deer entanglement. Fence height and spacing will need to be</li> </ol>	Applicant	Applicant/CA Dept. of Fish and Game/US Fish and Wildlife	Once; during specified Mitigation Phase

Mitigation Measures				
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility
		<p>adjusted depending on the slope of the ground.</p> <ul style="list-style-type: none"> <li>c. All outdoor lighting shall be hooded to reduce glare and the frightening of wildlife. Such hooding shall comply with the CDFG recommended standards.</li> <li>d. To the extent feasible, landscaping shall consist of native plant varieties.</li> <li>e. An informational brochure developed for purchasers and potential purchasers of property shall be distributed by the developer/Applicant containing the following information:               <ul style="list-style-type: none"> <li>i. Suggested suitable native plant varieties for landscaping.</li> <li>ii. Potential conflicts between domesticated canine and feline species and sensitive wildlife and steps property owners may consider to avoid such conflicts.</li> <li>iii. Appropriate fencing type for wildlife friendly fencing.</li> </ul> </li> </ul> <p>The brochure shall be submitted to and approved by the Mapping Section of the Fresno County Department of Public Works and Planning, Development Services Division, prior to recordation of the Final Map.</p> <p>If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified Biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half-mile around nests of listed species, 500 feet around nests of non-listed raptor species,</p>		

Mitigation Measures						
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		250 feet around nests of migratory birds, and 150 feet around other bird species.				
*3.	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Coroner/Native American Commission	Once; during specified Mitigation Phase	
*4.	Hydrology and Water Quality	Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and meet all state and federal regulations for a community water system. An Engineer's evaluation must demonstrate acceptable operations parameters and capacity based upon the proposed development. Two copies of Engineered Plans for these facilities shall be submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*5.	Hydrology and Water Quality	All water facilities and associated property shall be deeded to Fresno County Water Works District (WWWD) No. 41. All well sites shall meet a 50-foot radius control zone as required in Title 22 California Code of Regulations (CCR) 64560.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*6.	Hydrology and Water Quality	All irrigation shall comply with State and County water conservation regulations and efficient landscape requirements. This	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	

Mitigation Measures						
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
		requirement shall be recorded as a Covenant running with the land and shall be noted on the Final Map.				
*7.	Hydrology and Water Quality	All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*8.	Hydrology and Water Quality	All on-site wells serving the development shall be equipped with supervisory control and data acquisition (SCADA) controls as required by the County, or funding for the SCADA controls may be deposited with the County for future installation.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*9.	Hydrology and Water Quality	The developer shall construct well sites in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well sites.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*10.	Hydrology and Water Quality	Fifty-one Equivalent Dwelling Units (EDUs) of water are being transferred from Site Plan Review (SPR) No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. As such, this proposal is not required to acquire its EDUs upon recordation of the Final Map. As SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and Tentative Tract (TT) Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*11.	Hydrology and Water Quality	Based upon the hydrology report dated July 2010, Timberline (T) wells T-19 (25 EDUs), T-24 (7 EDUs) and T-30 (30 EDUs) are being considered for use with this proposed subdivision. Further, based upon a hydrology report dated January 2006, Timberline (T) well T-31 (6 EDUs) is also being considered for use with this proposed	Applicant	Applicant/Fresno County	Applicant/Fresno County	

Mitigation Measures					
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		subdivision. The Fresno County Department of Public Works and Planning has been in contact with the California Department of Public Health (CDPH) regarding a revision of the CDPH permit issued to Fresno County Water Works District (WWD) No. 41 which requires all new developments to have 0.5 gallons per minute per EDU. Should CDPH not change this requirement, the Applicant shall provide an additional water source or re-allocate additional EDUs.			
*12.	Hydrology and Water Quality	Any variation on the allocation of T wells shall require written approval from the Fresno County Department of Public Works and Planning prior to any re-allocation of EDUs to other projects.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*13.	Hydrology and Water Quality	Water quality data must pass State Health requirements referenced within Title 22 or additional tests required by the State Department of Public Health in order for the County of Fresno to accept the wells into the Fresno County WWD No. 41 distribution system. If the State requires any treatment of the water source, the Applicant shall fund the necessary improvements.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*14.	Hydrology and Water Quality	All wells must have a minimum 50-foot seal. The existing water wells have been constructed using the Tubex method which does not meet State requirements. Additional monitoring will be required by the State to ensure the source is not influenced by surface water. The County will require a three-year agreement with the developer to ensure that if the source is influenced by surface water during the term of the agreement that an alternative source or treatment be provided at the developer's cost. Any additional monitoring costs as included in the Project Implementation	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase



Mitigation Measures						
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
		Agreement, due to the Tubex method being used, will be borne by the developer during the three-year term.				
*15.	Hydrology and Water Quality	Access roads to well sites shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*16.	Hydrology and Water Quality	A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the Water/Wastewater Facility Plans, coordination of any approvals with the State on the well source, and other coordination activities to process, finalize and approve the proposed water/wastewater connections. The Applicant has executed a Project Implementation Agreement and provided an initial deposit of funds (\$1,000.00). The Applicant shall provide future deposits for all actual costs.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*17.	Hydrology and Water Quality	The Applicant's Engineer shall provide the Design and Improvement Plans for all elements of the sewer system to the County for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*18.	Hydrology and Water Quality	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	
*19.	Hydrology and Water Quality	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase	

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		Applicant shall pay applicable costs as determined by the County.			
*20.		Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*21.	Noise	All noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.	Applicant	Applicant/Fresno County Department of Public Health	Once; during specified Mitigation Phase
*22.	Public Services	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 protection services to achieve a ratio of two 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.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Sheriff	Prior to Recordation of Final Map
*23.	Traffic	To mitigate potential impacts to the County maintained roads, a pro-rata share of cost in the amount of \$102,062.00 shall be required as defined in items 'a' through 'd' below. This fee shall either be paid prior to recordation of the final map or a Covenant shall be recorded on each lot providing notice that issuance of building permits is subject to	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		payment of a Public Facilities Fee. If the Applicants opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first. a. Signalization at the intersection of Auberry Road and Millerton Road. The project's maximum share is 0.3% or \$845.00. b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share is 0.2% or \$503.00. c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share is 0.2% or \$659.00. d. Road improvements for the road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share is 0.2% or \$100,055.00.			
*24.	Utilities and Service Systems	The HOA shall provide the County with easements in proposed open space areas for the drilling of additional wells for use by a community water system.	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document, Conditions reference recommended Conditions for the project, and project Notes reference mandatory requirements of Fresno County for the project.					

Conditions of Approval	
1.	<p>Conditional Use Permit (CUP) No. 3326 shall be tied to Tentative Tract (TT) Map No. 5991; if the Tract is denied or expires, the CUP shall also expire.</p> <p>NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a CUP to authorize a Tentative Subdivision Map automatically assumes the life span of the Tract Map.</p>

### Conditions of Approval

2.	All Conditions of the Subdivision Review Committee Report for TT Map Application No. 5991 shall be complied with.
3.	All roads shall be developed in accordance with the Shaver Lake Forest Specific Plan and shall be constructed to appropriate County of Fresno Improvement Standards with an exception to permit a forty-foot right-of-way for interior roads.
4.	The proposed private roadway 32-foot width complies with the Standard for this density of development. The roadway structural section shall be that of public roads for this level of traffic, but shall not be less than two inches of Asphalt Concrete over four inches of Class II Aggregate Base. An Exception to Standards has been applied to enable use of 40-foot wide rights-of-way where 60 feet is required, with an additional 20-foot wide easement to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities.
5.	All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. There shall be no run-off flow across the roadways that could result in travel-way ice formation.
6.	The private roadways entrance gate call box shall be set back from Shaver Lake Forest Road a distance determined by statistical analysis using the "queuing theory" sufficient to ensure that there is a one percent or less chance of a waiting vehicle extending onto Shaver Lake Forest Road. A 25-foot length shall be provided for each such vehicle in determining the required setback.
7.	The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
8.	A Fresno County Improvement Standard B-2 rural residential cul-de-sac turn-around shall be provided at the end of all cul-de-sac roads.
9.	Roadway design speed shall be 25 miles per hour, except for intersections and corner turns.
10.	Twenty-by-twenty-foot corner cutoffs shall be provided for all intersections.
11.	Roadway intersections shall be as near as practicable to a right angle.
12.	Cul-de-sac streets, depending upon length for fire hydrant requirement, shall have either a fire hydrant or a blow off valve at the end.
13.	Street and regulatory signs and markings shall be included in the required work of improvement and shall comply with Fresno County Standards.
14.	Engineered Plans for the subdivision improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report, which shall identify the soils R-value, which, together with the development determined Traffic Index, shall be used for the pavement structural section design to public road standard. Upon grading of the roadways, R-value shall be obtained for the verification of the roadway structural section design.
15.	As a gated community with private roads, a homeowner's association (HOA) shall provide maintenance for all interior streets.
16.	Provisions for parking are provided within the employed Roadway Standard (32-foot pavement width) and the Zone District requirement for off-street parking on each lot.
17.	Hydrologic and hydraulic analysis shall be prepared and submitted for approval, in accordance with standard engineering practices, to demonstrate that the proposed Tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of

Conditions of Approval	
	those parcels adjacent to the development. Sizes and locations for culverts and/or relocated drainage facilities shall be based upon this analysis.
18.	<p>Increased storm water runoff generated by the proposed development shall be retained on-site for metered release within drainage ponds to not cause greater stream flow rate than historically experienced (for a like precipitation event), or directed to other facilities acceptable to the Director of the Department of Public Works and Planning. Detention facilities proposed within stream courses will require review and approval of a Streambed Alteration Permit by the California Department of Fish and Game (CDFG).</p> <p>Note: A storm water metered release detention facility is proposed between Lots 17 and 48. The metered release detention basin shall be sized using the formula <math>V_s = 0.28CA</math>. Basins with water depth in excess of 18 inches shall be fenced with fencing type to be chain link or other form that would discourage public access.</p>
19.	A Grading and Drainage Plan shall be prepared and submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval prior to commencement of the work of improvement. Easements for cut and fill slopes are provided for by the additional 20-foot easement width along each side of the roadways.
20.	Drainage courses (existing and additional) shall be maintained so as to not significantly change the existing drainage characteristics on parcels adjacent to the development.
21.	The centerline of any natural watercourses shall be shown and dimensioned at the lot lines on an additional map sheet.
22.	The Applicant shall obtain an National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board with a copy of the Notice provided to the County prior to commencement of any grading activity.
23.	The Applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the Plan into the construction Improvement Plans. The SWPPP shall be submitted to the County prior to commencement of any grading activity.
24.	All cut and fill slopes shall comply with the submitted Soils Report.
25.	Proposed graded pathways (Recreation Trails) must be identified with appropriate signage and appropriately constructed acceptable for pedestrian use (hiking/walking). A trail detail/cross-section shall be shown on the Improvement Plans.
26.	A HOA shall provide maintenance of the interior roadways (with snow removal), common open space, trails and drainage facilities. The HOA shall, proportionate to use, maintain Shaver Forest Road along the project frontage length including snow removal and shall contribute proportionately to snow removal costs for that length of Shaver Forest Road back to State Route 168 (Tollhouse Road). Upon extension of Shaver Forest Road to Dinkey Creek Road and acceptance into the County-maintained road system by the Board of Supervisors, the responsibility of the HOA may cease.
27.	The subdivider will be required to secure the maintenance of the new roads for two contiguous one-year maintenance periods after acceptance of construction (County inspection at one-year periods for subdivider directed maintenance performance).
28.	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 and Planning after consideration of the

Conditions of Approval	
	recommendations of the fire district having jurisdiction of the area.
29.	Fire hydrants shall be installed with the bolted flange and break off ring approximately four inches above the top of the adjacent roadway dike. An asphalt concrete or Portland Cement concrete apron five feet wide shall be provided from the roadway dike to one-foot behind the fire hydrant and be at grade and slope to drain over the top of the roadway dike.
30.	Fire hydrants shall be located on the uphill side of the roadway wherever practicable for avoid fill slope stability and access issues. The fire hydrant valve shall be installed on the water main tee serving the fire hydrant for ease of location during snow conditions.
31.	A galvanized steel marker post acceptable to the fire district having jurisdiction for fire hydrant identification shall be installed with a concrete footer approximately one-foot behind the fire hydrant with a height of six feet above the apron slab with attached sign "Fire Hydrant" together with a blue reflector attached three inches below the pole top.
32.	Sewer service is to be provided by the community system of Fresno County Waterworks District (WWD) No. 41. The Applicant's Engineer shall provide the design and Improvement Plans for all elements of the system to the County for review and approval.
33.	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.
34.	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the Applicant shall pay applicable costs as determined by the County.
35.	Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.
36.	The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to Final Map approval. Street signs shall be paid for by the developer and installed by the County of Fresno.
37.	Emergency Access Roads shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment, as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
38.	Crash gates shall be provided at both ends of the emergency access easement.
39.	A Soils Investigation Report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a Condition of the Final Map.
40.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

Conditions of Approval	
41.	All run-off generated from resultant development shall be retained on the subject site or other facility acceptable to the Director of the Department of Public Works and Planning. Areas designated for storm water retention shall be shown on the Final Map.
42.	Development of the subject Planned Residential Development shall be in substantial compliance with TT Map Application No. 5991 and the Operational Statement.
44.	<p>All existing property Development Standards of the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District listed in the Zoning Ordinance shall apply except for the following deviations:</p> <p><u>Minimum Lot Depth:</u> The minimum lot depth for any resultant parcel shall be 100 feet (minimum lot depth permitted: 110 feet).</p> <p><u>Minimum Cul-de-Sac Lot Depth:</u> The minimum cul-de-sac lot depth for any resultant parcel shall be 90 feet (minimum cul-de-sac lot depth permitted: 110 feet).</p> <p><u>Minimum Front Yard Setback:</u> The minimum front yard setback for any resultant parcel shall be 20 feet (minimum front yard setback permitted: 25 feet).</p> <p><u>Minimum Curve/Cul-de-Sac Lot Front Yard Setback:</u> The minimum curve/cul-de-sac lot front yard setback for any resultant parcel shall be 20 feet (minimum curve/cul-de-sac lot front yard setback permitted: 25 feet).</p> <p><u>Minimum Side Yard Setback:</u> The minimum side yard setback for any resultant parcel shall be five feet (minimum side yard setback permitted: seven feet).</p>

Notes	
1.	The Sierra Unified School District in which you are proposing construction has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State Law, which authorizes the Fee, may not issue a Building Permit without certification from the School District that the Fee has been paid. The County will provide an official Certification Form when application is made for a Building Permit.
2.	<p>The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District:</p> <p>A. Regulation VIII – Fugitive PM10 Prohibitions  B. Rule 4102 – Nuisance  C. Rule 4601 – Architectural Coatings  D. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations  E. Rule 4002 – National Emission Standards for Hazardous Air Pollutants</p>
3.	The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection

Notes	
	improvements shall be installed, prior to occupancy.
4.	The proposed development is located within Community Facility District (CFD) No. 1 and is listed as a Class 2 sewer participant in accordance with Fresno County Sewer Ordinance 85-020. As such, all development shall be consistent with the Shaver Lake Sewer and Water Master Plan.
5.	If construction associated with this proposal disturbs more than one-acre, compliance with the NPDES General Permit No. CAS0000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said Permit, a SWPPP, a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
6.	The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.
7.	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.





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

May 9, 2012

Rod Strahm  
5100 N. Sixth Street, Suite 117  
Fresno, CA 93710

Dear Mr. Strahm:

Subject: Resolution No. 12291 – Initial Study Application No. 6405, Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326

On April 12, 2012, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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.

The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.

If you have any questions regarding the information in this letter please contact me at [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us) or (559) 600-4205.

Sincerely,

Derek Chambers, Planner  
Development Services Division

DC:  
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Enclosure

DEVELOPMENT SERVICES DIVISION



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

## **Subdivision Review Committee Report and Staff Report Agenda Item No. 3 April 12, 2012**

**SUBJECT:** Initial Study Application No. 6405, Classified Conditional Use Permit Application No. 3326 and Tentative Tract Map Application No. 5991

Allow a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

**LOCATION:** The project site is located on the north side of Shaver Forest Road, approximately 530 feet northeast of its intersection with State Route 168 (Tollhouse Road), within the unincorporated community of Shaver (Sup. Dist.: 5) (APN: 130-031-39).

**Applicant/Owner:** Strahm Family, LP

**STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205

Chris Motta, Senior Planner  
(559) 600-4227

### **RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6405; and
- Approve Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326 with recommended Findings and Conditions including an exception to the Subdivision Ordinance Improvement Standards to permit a 40-foot right-of-way for interior roads; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### **DEVELOPMENT SERVICES DIVISION**

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

**IMPACTS ON JOB CREATION:**

The Commission's action will not have any substantial effect on job creation. Housing construction and other improvement activities associated with the approval of this proposal may provide for some short-term job opportunities.

**EXHIBITS:**

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Tentative Tract Map No. 5991
6. Applicant's Submitted Operational Statement
7. Summary of Initial Study Application No. 6405

**KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

Date of Subdivision Review Committee Meeting: December 5, 2011

Subdivider: Strahm Family, LP

Project Engineer: Rod Strahm

Criteria	Existing	Proposed
General Plan Designation	Mountain Residential in the Shaver Lake Community Plan; Condominium in the Shaver Lake Forest Specific Plan	No change
Zoning	R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size)	No change
Surrounding Zoning	R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional); R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size); R-1-C (Single-Family	No change

Criteria	Existing	Proposed
	Residential, 9,000 square-foot minimum parcel size); R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); C-1 (mc) (Neighborhood Shopping Center, Mountain, Conditional); C-3 (c) (Regional Shopping Center, Conditional); AL-20 (Limited Agricultural, 20-acre minimum parcel size); AE-5 (Exclusive Agricultural, five-acre minimum parcel size); RC-40 (Resource Conservation, 40-acre minimum parcel size)	
Land Use on Subject Property	Vacant	68 single-family residential lots developed as a planned residential development
Surrounding Land Uses	Single-family residential; commercial	No change
Source of Water and Sewer	N/A	Community sewer and water services provided by Fresno County Water Works District (WWD) No. 41
Number of Acres	25.04 acres	No change
Sphere of Influence	N/A	N/A
Nearest City Limits	Within the unincorporated community of Shaver	No change
Project Site (number of acres, number of lots, minimum lot size)	25.04 acres	Planned Residential Development consisting of 68 single-family residential lots (9,000 square-foot minimum lot size) on 25.04 acres
Structural Improvements	None	68 future single-family residential units

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Nearest Residence	20 feet to the west	No change
Surrounding Development	Residential subdivisions to the north (Tentative Tract [TT] No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990)	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 7.

Notice of Intent of Negative Declaration publication date: March 2, 2012.

**PUBLIC NOTICE:**

Notices were sent to 44 property owners within 300 feet of the subject property satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A TT Map Application may be approved only if five Findings specified in the Subdivision Map Act and County Subdivision Ordinance are made. Classified Conditional Use Permit (CUP) Application No. 3326 is being considered concurrently. Classified CUP Application No. 3326 requests to allow a planned residential development with modified Development Standards consisting of a 100-foot minimum lot depth (110-foot minimum required), 90-foot minimum cul-de-sac lot depth (110-foot minimum required), 20-foot minimum front yard setback (25-foot minimum required), 20-foot minimum curve/cul-de-sac front yard setback (25-foot minimum required), and five-foot minimum side yard setback (seven-foot minimum required). A CUP Application may be approved only if four Findings specified in Zoning Ordinance are made. The proposed TT Map cannot be approved unless the CUP is approved.

## BACKGROUND INFORMATION:

The Shaver Lake Forest Specific Plan was originally approved on October 1, 1973 and was subsequently amended in February 1984, February 1985, October 1985, July 1988, July 1989, March 1992, and June 1993. This Plan is a planned recreational-residential community encompassing 1,681 acres which provides for a variety of single-family, condominium, recreational vehicle, and commercial uses.

The Shaver Lake Community Plan was originally approved on October 31, 1978 and was subsequently amended in June 1979, November 1981, March 1982, June 1982, December 1982, October 1983, and April 1986. This Plan provides for commercial and public facilities, recreation areas and open spaces, and describes standards and implementation methods to be used to develop the site.

## TENTATIVE TRACT MAP APPLICATION NO. 5991 ANALYSIS

### ANALYSIS / DISCUSSION:

Finding 1:      *The proposed map and the design improvement of the proposed subdivision are consistent with the General Plan and any applicable Specific Plans.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-H.7: County shall apply the following general principles to Planned Development proposals:</p> <ul style="list-style-type: none"><li>a. Planned Developments may include any combination of single detached or attached units.</li><li>b. District property development standards, except as related to population density, may be modified or waived where it is determined that such modification or waiver will produce a more functional and desirable site or building environment, and no adverse impact to adjacent properties will result therefrom.</li><li>c. Population density shall be calculated on gross acreage.</li><li>d. Community sewer and water facilities shall be provided.</li><li>e. The design of a Planned Development shall ensure compatibility and harmony with existing and planned uses on adjacent properties.</li><li>f. Off-street parking facilities shall provide parking sufficient for occupants of the development and shall be integrated</li></ul>	<p>This proposal entails the creation of a planned residential development comprised of 68 single-family residential lots with a minimum parcel size of 9,000 square feet. This proposed development will utilize community sewer and water services provided by Fresno County WWD No. 41, and the project is sited at a location surrounded by similar residential developments consisting of single-family residential lots located to the north (TT No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990). This proposed development will provide off-street parking satisfactory to the requirements of the corresponding Zone District, and an open space area will be provided adjacent to the northerly edge of the development with maintenance of said open space conducted by a homeowners association (HOA). According to the Applicant's Operational Statement, this proposal was designed to blend into the forested hillside with</p>

Relevant Policies:	Consistency/Considerations:
<p>into the development and minimize adverse impacts on neighboring development.</p> <ul style="list-style-type: none"> <li>g. Planned Developments shall provide common open space designed and located to be easily accessible to all the residents of the project and useable for open space and recreational uses.</li> <li>h. The developer shall provide for perpetual maintenance of all common land and facilities through means acceptable to the County of Fresno.</li> <li>i. Conservation of natural site features shall be considered in project design.</li> <li>j. Energy conservation and utilization of renewable resources should be given prominent consideration.</li> <li>k. Streets serving the development must be adequate to accommodate the traffic generated by the proposed project.</li> </ul>	<p>contouring placement of roadways to minimize cuts and fills. This proposed development will utilize private interior roads, and the Applicant will enter into a Traffic Improvements Agreement for a pro-rata share of cost for future off-site improvements to mitigate potential impacts on County-maintained roads. The proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-C.12: County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.</p> <p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p> <p>General Plan Policy LU-F.21: County shall require community sewer and water services for urban residential development in accordance with the Fresno County Ordinance Code or as determined by the State Water Quality Control Board.</p> <p>Shaver Lake Community Plan Policy 609-01:4.01:</p> <ul style="list-style-type: none"> <li>i. New urban density residential development shall connect to a community water system in accordance with provisions of the Fresno County Ordinance Code, Water Quality Control Board standards, and the Sewerage and Water Master Plan.</li> <li>j. New urban density residential development shall provide for a community</li> </ul>	<p>This proposal will utilize community sewer and water services provided by Fresno County WWD No. 41. The proposal is consistent with this Policy.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
sewer system in accordance with provisions of the Fresno County Ordinance Code, Water Quality Control Board standards, and the Sewerage and Water Master Plan.	
General Plan Policy PF-E.6: County shall require that drainage facilities be installed concurrently with, and as a Condition of, development activity.	Project development will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. A Soils Report is also required for the subdivision as a Condition of the Final Map. The proposal is consistent with this Policy.
General Plan Policy PF-G.2: County shall strive to maintain a staffing ratio of two sworn officers serving unincorporated residents per 1,000 residents served.	This proposal includes mitigation requiring a funding mechanism to be established to support the cost for Sheriff protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. The proposal is consistent with this Policy.
General Plan Policy PF-H.2: County shall determine the need for fire protection services prior to the approval of development projects.	This proposal was reviewed by the Fresno County Fire Protection District and the Shaver Lake Volunteer Fire Department, neither of which expressed any concerns with the project. As discussed under Finding 4 of this Subdivision Review Committee Report, a project Note has been included requiring any resultant development to comply with the 2007 California Code of Regulations Title 24 Fire Code. The proposal is consistent with this Policy.
General Plan Policy PF-H.9: County shall require new development to develop or to pay its fair share of the costs to fund fire protection facilities.	This proposal will comply with California Code of Regulations Title 24 – Fire Code, and Development Standards required of properties within the State Responsibility Area (SRA). The location and number of fire hydrants shall be approved by the Director of the Fresno County Department of Public Works and Planning after consideration of the recommendations of the Fire District. The proposal is consistent with this Policy.
General Plan Policy PF-J.3: County shall require new residential development to place on-site utility lines underground.	All new utilities resultant of this proposal will be placed underground in accordance with the provisions of the Subdivision Ordinance. The proposal is consistent with this Policy.



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy TR-A.7: County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.</p>	<p>Due to the potential increase in vehicular traffic resultant of this proposal, a Traffic Impact Study (TIS) was prepared for this project by TPG Consulting, Inc. Upon review of the TIS by the California Department of Transportation (CALTRANS) and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, no traffic related concerns were expressed by either agency. Upon review of the TIS by the Design Division of the Fresno County Department of Public Works and Planning, potential impacts to the existing transportation system resultant of this proposal were identified. These impacts were based on a trip generation and distribution analysis. Proportionate share calculations were then calculated for affected intersections at Auberry Road and Millerton Road, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road. Therefore, the Applicant shall pay a pro-rata share of cost in the amount of \$102,062.00 toward future improvements at the intersections of Auberry Road and Millerton Road, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road. These requirements have been included as Mitigation Measures. The proposal is consistent with this Policy.</p>
<p>Shaver Lake Forest Specific Plan Policy 802-01:4.01: a. Development of areas designated for Condominium uses shall be as planned residential developments and shall include the following: 1) development shall provide protection to natural features by providing sufficient setbacks; 2) structure locations shall be located in a manner that protects view corridors; 3) landscaping and visual buffers shall be utilized to minimize visual impacts upon adjacent residential areas and scenic roadways; 4) an integrated</p>	<p>In this instance, according to the Applicant's Operational Statement, this proposal was designed to blend into the forested hillside with contouring placement of roadways to minimize cuts and fills. Additionally, no mass-grading is proposed so as to preserve the existing forest canopy. Further, the proposed development will provide a trail system through open space areas which is integrated with the existing trail system being incrementally implemented throughout the Shaver Lake Forest Specific Plan area. Additionally, any resultant development shall</p>

Relevant Policies:	Consistency/Considerations:
<p>pathway system shall be provided within the entire Shaver Lake Forest Specific Plan area; 5) site data (i.e. topographic maps, proposed building sites, elevation drawings, architectural renderings) shall be submitted for consideration at the time of Subdivision Review. Staff may determine that such data is not necessary for review; building locations and fuel breaks shall conform to applicable Fire Safe Guidelines.</p>	<p>comply with the California Code of Regulations Title 24 – Fire Code. Considering that this proposal was designed to minimize visual impacts and impacts to existing topographical features and vegetation, staff does not believe additional site data is necessary for Subdivision Review. The proposal is consistent with this Policy.</p>

This proposal entails the creation of a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District. The project site is designated for Mountain Residential uses in the Shaver Lake Community Plan and is also designated for Condominium uses in the Shaver Lake Forest Specific Plan.

Provisions for planned residential developments such as this proposal have been provided for in the Fresno County Zoning Ordinance. Fresno County Zoning Ordinance Section 825.3-G allows the filing of a Classified CUP to allow planned residential development within the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District. Further, Zoning Ordinance Section 855-N.22 allows the modification of Property Development Standards for planned residential development when the development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. As such, planned residential development can benefit the community through the more efficient use of land, greater provision of open space, and improved aesthetics.

The Shaver Lake Forest Specific Plan has provisions to allow planned residential development on properties designated for Condominium use. As analyzed in the table above regarding General Plan Policies, Policy 802-01:4.01 of the Shaver Lake Forest Specific Plan requires areas designated for Condominium use to be improved as planned residential developments subject to requirements for the protection of natural features, preservation of natural aesthetics, and connection to an integrated trail system to be provided throughout the Plan area. In this instance, also as analyzed in the table above regarding General Plan Policies, this proposal satisfies these criteria in that the project was designed to blend into the forested hillside with contouring placement of roadways to minimize cuts and fills, no mass-grading is proposed so as to preserve the existing forest canopy, and the proposed development will provide a trail system through open space areas which is integrated with the existing trail system being incrementally implemented throughout the Shaver Lake Forest Specific Plan area.

Based on the analysis provided above, staff believes the project is consistent with the Fresno County General Plan, the Shaver Lake Community Plan and the Shaver Lake Forest Specific Plan. Applicable Policies regarding water supply evaluation, project design, fire protection, and siting were all reviewed for this proposal and found to be consistent.

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

The project site is located in a region of mountainous forest within the unincorporated community of Shaver. As expressed in the Applicant's Operational Statement, this proposal was designed to blend into the forested hillside with contouring placement of roadways to minimize cuts and fills.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, all run-off generated from resultant development shall be retained on the subject site or other facility acceptable to the Director of the Department of Public Works and Planning. Areas designated for storm water retention shall be shown on the Final Map. Hydrologic and hydraulic analysis shall be prepared and submitted for approval, in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development. Sizes and locations for culverts and/or relocated drainage facilities shall be based upon this analysis. Increased storm water run-off generated by the proposed development shall be retained on-site for metered release within drainage ponds to not cause greater stream flow rate than historically experienced (for a like precipitation event), or directed to other facilities acceptable to the Director of the Department of Public Works and Planning. Detention facilities proposed within stream courses will require review and approval of a Streambed Alteration Permit by the California Department of Fish and Game (Note: The metered release detention basin shall be sized using the formula  $V_s = 0.28CA$ . Basins with water depth in excess of 18 inches shall be fenced with fencing type to be chain link or other form that would discourage public access). A Grading and Drainage Plan shall be prepared and submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval prior to commencement of the work of improvement. Easements for cut and fill slopes are provided for by the additional 20-foot easement width along each side of the roadways. Drainage courses (existing and additional) shall be maintained so as to not significantly change the existing drainage characteristics on parcels adjacent to the development. The centerline of any natural watercourses shall be shown and dimensioned at the lot lines on an additional map sheet. The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board with a copy of the Notice provided to the County prior to commencement of any grading activity. The Applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the Plan into the Construction Improvement Plans. The SWPPP shall be submitted to the County prior to commencement of any grading activity. All cut and fill slopes shall comply with the submitted Soils Report. Proposed graded pathways (Recreation Trails) must be identified with appropriate signage and appropriately constructed acceptable for pedestrian use (hiking/walking). A trail detail/cross-section shall be shown on the Improvement Plans. These requirements have been included as Conditions of Approval.

According to the California Regional Water Quality Control Board, as construction associated with this proposal will disturb more than one acre, compliance with the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with

Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said Permit, a SWPPP, a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as project Notes.

According to the Resources Division of the Fresno County Department of Public Works and Planning, the proposed development lies within the boundaries of Fresno County WWD No. 41 which is authorized to provide water and sewer services. No boundary adjustment or annexation is necessary. The proposed development is located within Community Facility District (CFD) No. 1 and is listed as a Class 2 sewer participant in accordance with the Fresno County Sewer Ordinance 85-020. As such, all development shall be consistent with the Shaver Lake Sewer and Water Master Plan. This requirement has been included as a project Note. Further, prior to recordation of the Final Map, any proposed wells shall be constructed, permitted, and tested by the County. Additionally, sewer system improvements must be completed and accepted by the County prior to the issuance of Building Permits for residential construction. These requirements have been included as Conditions of Approval. As the project proposes 68 residential lots to utilize community water and community sewer services provided by WWD No. 41, a total of 68 Equivalent Dwelling Units (EDUs) of water are required to supply the development. As such, 68 EDUs of water are being transferred from Site Plan Review (SPR) No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. Therefore, this proposal is not required to acquire its EDUs upon recordation of the Final Map. Further, as SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and TT Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.

Based on the above factors, the project site can be considered suitable for the proposed development.

*Finding 3:*     *The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Subdivision Ordinance requires that a Tentative Map be denied if a Finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. In this instance, the project site is located in a region of mountainous forest and is surrounded by similar residential developments consisting of single-family residential lots located to the north (TT No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990). Additionally, according to the Applicant's Operational Statement, this proposal was designed to blend into the forested hillside with contouring placement of roadways to minimize cuts and fills, and no mass-grading is proposed so as to preserve the existing forest canopy.

According to the San Joaquin Valley Air Pollution Control District (Air District), this proposal is expected to have no significant adverse impact on air quality. As the project will be equal

to or greater than 50 residential dwelling units at full build-out, this proposal is subject to District Rule 9510 (Indirect Source Review [ISR]). An Air Assessment Application for the ISR was applied for and approved by the District on January 5, 2012. Further, the project may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

A Biological Resources Report was prepared for this proposal by John C. Stebbins, Consulting Biologist, which determined that no sensitive species, sensitive habitats or potential jurisdictional wetlands are present within the project site. This Biological Resources Report was provided to the United States Fish and Wildlife Service for review, which did not express any concerns related to the project. This Biological Resources Report was also provided to the California Department of Fish and Game, which stated that potential impacts to native wildlife will be mitigated to a level of insignificance with restrictions on the removal of existing trees and snags, and restrictions on the use of impenetrable fencing. Additionally, potential impacts to native wildlife will also be mitigated to a level of insignificance with requirements that all outdoor lighting be hooded to reduce glare, that landscaping shall consist of native plant varieties, and that an information brochure be provided to purchasers of resultant parcels which includes information on suitable landscaping, impacts of domesticated animals to sensitive wildlife, and appropriate fencing types. Further, if project-related activities occur during the bird breeding season (February through September) prior to starting such activities each year, a qualified Biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half-mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species. These requirements have been included as Mitigation Measures.

According to the Southern San Joaquin Valley Information Center, the project site is located within an area determined to be fairly sensitive for cultural resources. As such, Gaylen Lee, Consulting Archeologist, prepared an Archeological Surface Survey for the project site in July, 2011. Upon review of the Archeological Surface Survey by the Southern San Joaquin Valley Information Center, no concerns were identified by said Agency. However, in the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. This requirement has been included as a Mitigation Measure.

This proposal has the potential to generate additional noise from construction activity associated with the development of proposed dwellings units. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement has been included as a project Note. Further, a

Mitigation Measure has also been included limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. on Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activity occurs between these hours.

Due to the potential increase in vehicular traffic resultant of this proposal, a TIS was prepared for this project by TPG Consulting, Inc. Upon review of the TIS by CALTRANS and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, no traffic related concerns were expressed by either Agency. Upon review of the TIS by the Design Division of the Fresno County Department of Public Works and Planning, potential impacts to the existing transportation system resultant of this proposal were identified. These impacts were based on a trip generation and distribution analysis. Proportionate share calculations were then calculated for affected intersections at Auberry and Millerton Roads, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road. Therefore, the Applicant shall pay a pro-rata share of cost in the amount of \$102,062.00 toward future improvements at the intersections of Auberry and Millerton Roads, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road.

According to the California Department of Transportation (CALTRANS), State Route 168 (Tollhouse Road) has a short left turn lane at the westbound approach to its intersection with Shaver Forest Road. However, CALTRANS acknowledges that the project site is located on the east side of State Route 168 (Tollhouse Road) and that the eastbound approach of State Route 168 (Tollhouse Road) to its intersection with Shaver Forest Road appears to be adequately flared to accommodate traffic resultant of the proposed development.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, all interior roads shall be developed in accordance with the Shaver Lake Forest Specific Plan and shall be constructed to appropriate County of Fresno Improvement Standards. Deviations from the County of Fresno Improvement Standards require an application for and approval of an Exception to Standards. The proposed private roadway 32-foot width complies with the standard for this density of development. The roadway structural section shall be that of public roads for this level of traffic, but shall not be less than 2" of Asphalt Concrete over 4" of Class II Aggregate Base. An Exception to Standards has been applied to enable use of 40-foot wide rights-of-way where 60 feet is required, with an additional 20-foot wide easement to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities. All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. These requirements have been included as Conditions of Approval.

The Development Engineering Section of the Fresno County Department of Public Works and Planning has also stated that there shall be no runoff flow across the roadways that could result in travel-way ice formation. The private roadways entrance gate call box shall be set back from Shaver Forest Road a distance determined by statistical analysis using the "queuing theory" sufficient to ensure that there is a 1% or less chance of a waiting vehicle

extending onto Shaver Forest Road. A 25-foot length shall be provided for each such vehicle in determining the required setback. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion. A Fresno County Improvement Standard B-2 rural residential cul-de-sac turn-around shall be provided at the end of all cul-de-sac roads. These requirements have been included as Conditions of Approval.

The Development Engineering Section of the Fresno County Department of Public Works and Planning has also stated that roadway design speed shall be 25 miles per hour, except for intersections and corner turns. Twenty-by-twenty-foot corner cutoffs shall be provided for all intersections. Roadway intersections shall be as near as practicable to a right angle. Cul-de-sac streets, depending upon length for fire hydrant requirement, shall have either a fire hydrant or a blow off valve at the end. Street and regulatory signs and markings shall be included in the required work of improvement and shall comply with Fresno County Standards. Engineered plans for the subdivision improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report, which shall identify the soils R-value, which, together with the development determined Traffic Index, shall be used for the pavement structural section design to public road standard. Upon grading of the roadways, R-value shall be obtained for the verification of the roadway structural section design. As a gated community with private roads, a homeowner's association (HOA) shall provide maintenance for all interior streets. Provisions for parking are provided within the employed roadway standard (32-foot pavement width) and the zone district requirement for off-street parking on each lot. These requirements have been included as Conditions of Approval.

The Development Engineering Section of the Fresno County Department of Public Works and Planning has also stated that a HOA shall provide maintenance of the interior roadways (with snow removal), common open space, trails and drainage facilities. The HOA shall, proportionate to use, maintain Shaver Forest Road along the project frontage length including snow removal, and shall contribute proportionately to snow removal costs for that length of Shaver Forest Road back to State Route 168 (Tollhouse Road). Upon extension of Shaver Forest Road to Dinkey Creek Road and acceptance into the County-maintained road system by the Board of Supervisors, the responsibility of the HOA may cease. The subdivider will be required to secure the maintenance of the new roads for two contiguous one-year maintenance periods after acceptance of construction (County inspection at one-year periods for subdivider directed maintenance performance). The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to final map approval. Street signs shall be paid for by the developer and installed by the County of Fresno. These requirements have been included as Conditions of Approval.

NOTE: The subdivider requests that an exception to the Subdivision Ordinance Improvement Standards be granted to permit the interior roads to have a 40-foot right-of-way.

#### Analysis of Required Findings

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

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

In support of Finding 1, the Applicant indicates that the 40-foot wide private roads proposed with this request would better serve the development as site topography creates grade problems for driveways which would be assuaged by shorter driveways with less elevation differential to overcome. In support of Finding 2, the proposed exception request has already been approved for TT Nos. 4175, 4324, 4426 which are in the same area as this proposal.

This exception request was reviewed by the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with approval. Staff acknowledges that similar exception requests were previously granted for similar residential developments located in the same mountainous forest area as this proposal. Based on this information, staff believes that an exceptional circumstance exists and that a substantial property right is at stake.

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

With regard to Finding 3, the proposed private roads will have a roadway structural section adequate for public roads of this traffic level, but shall not be less than two inches of Asphalt Concrete over four inches of Class II Aggregate Base, with 20-foot wide easements to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities. All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. Staff believes granting of this exception request will not be detrimental to public safety, health and welfare in that the proposed road construction will substantially conform to the County Improvement Standard.

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

With regard to Finding 4, the proposed private roads will be internal to the gated Planned Residential Development proposed and have no connection to adjacent properties other than emergency access easements. As such, staff believes granting this exception request will not result in a negative effect upon other properties in the vicinity of the proposal.

Staff concurs with the Applicant and does not believe that the reduced width of the interior roads will be detrimental to public health and welfare or contrary to the General Plan.

Staff believes the required Findings can be made for the exception to allow the interior roads to be 40 feet in width.



Based on the analysis provided above, staff believes the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

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

Neither the design of the subdivision nor the types of improvements proposed is likely to cause any serious health problems. Both community water and sewer facilities will be provided for this development. These facilities will be designed and constructed in accordance with County requirements, and will be owned and operated by a Community Service Area (CSA) or other public entity acceptable to the County.

This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Further, said District also stated that any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement has been included as a project Note. Additionally, the Shaver Lake Volunteer Fire Department also reviewed this proposal and did not express any concerns with the project.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, 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 and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Fire hydrants shall be installed with the bolted flange and break off ring approximately four inches above the top of the adjacent roadway dike. An asphalt concrete or Portland Cement concrete apron five feet wide shall be provided from the roadway dike to one-foot behind the fire hydrant and be at grade and slope to drain over the top of the roadway dike. Fire hydrants shall be located on the uphill side of the roadway wherever practicable for avoid fill slope stability and access issues. The fire hydrant valve shall be installed on the water main tee serving the fire hydrant for ease of location during snow conditions. A galvanized steel marker post acceptable to the fire district having jurisdiction for fire hydrant identification shall be installed with a concrete footer approximately one foot behind the fire hydrant with a height of six feet above the apron slab with attached sign “Fire Hydrant” together with a blue reflector attached three inches below the pole top. These requirements have been included as Conditions of Approval.

The Board of Supervisors has 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. Therefore, a Mitigation Measure has been included requiring a funding mechanism to 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 the cost for Sheriff protection services to achieve a ratio of two 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.

Based on these considerations, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with the Conditions of Approval and project Notes.

**Finding 5:**     *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

The Subdivision Ordinance requires that a Finding be made that the design of the subdivision and the type of improvements proposed by this project will not conflict with any easements required by the public at large for access through or use of the property. As such, all proposed utilities shall be placed underground in accordance with County requirements, and easements for these utilities shall be required as a Condition of Approval.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, Emergency Access Roads shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment, as determined by the Director of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Crash gates shall be provided at both ends of the emergency access easement. Appropriate “exit only” gate with exit sensor operator and signage may be used at the westerly access to Shaver Forest Road. These requirements have been included as Conditions of Approval.

## **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3326 ANALYSIS**

### **ANALYSIS / DISCUSSION:**

**Finding 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.*

### **Setback, Separation and Parking**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	R-1-C Zone District: Front: 25 feet Side: 7 feet Street Side: 15 feet Rear: 20 feet	R-1-C Zone District: Front: 20 feet Side: 5 feet Street Side: 15 feet Rear: 20 feet	Yes. Modifications to the Property Development Standards related to setbacks will

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
			be addressed through the CUP.
Lot Depth	R-1-C Zone District: 110 feet	R-1-C Zone District: 100 feet; 90 feet for cul-de-sac lots	Yes. Modifications to the Property Development Standards related to lot depth will be addressed through the CUP.
Lot Width	R-1-C Zone District: Interior: 70 feet Corner: 80 feet Reversed Corner: 85 feet Curve/cul-de-sac: 50 feet	R-1-C Zone District: Interior: 70 feet Corner: 80 feet Reversed Corner: 85 feet Curve/cul-de-sac: 50 feet	Yes
Parking	R-1-C Zone District: One parking space in a garage or carport for every dwelling unit.	No change	Yes
Lot Coverage	R-1-C Zone District: 40% maximum	No change	Yes
Separation Between Buildings	R-1-C Zone District: Six feet	No change	Yes
Fences, Hedges, and Wall Requirements	R-1-C Zone District: Not greater than six feet on all rear and side property lines on interior lots and on or to the rear of all front yard setback lines. No fence, wall, or hedge over three feet in height shall be permitted in any front yard.	No change	Yes
Septic Replacement Area	N/A	N/A. The proposal will utilize a community sewer system through Fresno County WWD No. 41.	N/A

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	N/A	The proposal will utilize a community water system through Fresno County WWD No. 41.	N/A

### **Circulation and Traffic**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	N/A	Private roads.
Public Road Frontage	No	None	Private roads proposed.  Requirement for public road frontage waived per CUP.
Direct Access to Public Road	Yes	Shaver Forest Road	Private roads.
Road ADT		N/A	Residential traffic
Road Classification		N/A	In accordance with County Improvement Standards.
Road Width		N/A	40 feet wide.
Road Surface		N/A	Paved.
Traffic Trips		N/A	Residential traffic.
Traffic Impact Study (TIS) Prepared	Yes	N/A	TIS prepared by TPG Consulting, Inc.
Road Improvements Required		N/A	In accordance with County Improvement Standards.

### **Surrounding Properties**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North:	9,000 - 17,500 square-foot residential lots	Single-family residences	R-1-C(m)	50 feet

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
	272.10 acres	Vacant	RC-40	None
Southwest:	24.99 acres	Vacant	C-3(c)	None
Southeast:	31.63 acres	Vacant	TP(c)	None
West:	0.31 – 2.80 acres	Single-family residences	R-1-C	20 feet

**Reviewing Agency/Department Comments regarding Site Adequacy:**

Zoning Section of the Development Services Division: Approval of a Classified CUP is required to allow the proposed 68-lot development to be a Planned Residential Development.

**Analysis:**

The Planned Residential Development concept allows departure from standard Property Development Regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. In this instance, staff review of TT Map Application No. 5991 and the Operational Statement provided by the Applicant demonstrates compliance with all Development Standards of the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District with modified Development Standards consisting of a 100-foot minimum lot depth (110-foot minimum required), 90-foot minimum cul-de-sac lot depth (110-foot minimum required), 20-foot minimum front yard setback (25-foot minimum required), 20-foot minimum curve/cul-de-sac front yard setback (25-foot minimum required), and five-foot minimum side yard setback (seven-foot minimum required). 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.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

*Finding 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.*

See analysis above in the **Circulation and Traffic** table of this Staff Report.

**Reviewing Agency/Department Comments:**

As discussed under Finding 3 of the Subdivision Review Committee Report prepared for TT Map Application No. 5991, the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division identified Development Standards for the proposed private roads which have been included as Conditions of Approval. Conditions of Approval have also been identified by the Design Division of the Fresno County Department of Public Works and Planning requiring a pro-rata share of cost to mitigate resultant impacts to County-maintained roads.

**Analysis:**

Based on the above information and with adherence to Mitigation Measures and recommended Conditions of Approval, staff believes that the existing and proposed roadways will be adequate to accommodate the proposal.

**Noteworthy Conditions of Approval:**

See Exhibit 1.

**Conclusion:**

Finding 2 can be made.

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

See analysis above in the **Surrounding Properties** table of this Staff Report.

**Reviewing Agency/Department Comments:**

As discussed under Findings 2, 3 and 4 of the Subdivision Review Committee Report prepared for TT Map Application No. 5991, the project will: 1) comply with California Code of Regulations (CCR), Title 24, Part 2, known as the 2010 California Building Code (CBC) for fire suppression; 2) connect to community sewer and water services provided by Fresno County WWD No. 41; 3) comply with grading and drainage requirements of the County Ordinance; 4) pay for a pro-rata share of cost towards traffic related improvements; 5) pay for funding towards police services; and 6) mitigate potential impacts to native wildlife.

**Analysis:**

This proposal entails the creation of a 68-lot planned residential development located within the unincorporated community of Shaver. The project site is surrounded by similar residential developments consisting of single-family residential lots located to the north (TT No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990). The project site is located in a region of mountainous forest with scattered residential development. Further, the project will: 1) be provided with community sewer and water services through Fresno County WWD No. 41 thereby reducing any

impact on groundwater; 2) adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements to ensure that additional stormwater generated by the proposed development will not impact neighboring properties; 3) adhere to the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday to avoid noise impacts on the neighboring properties.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval and project Notes regarding mandatory requirements, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Noteworthy Conditions of Approval:**

See Exhibit 1.

**Conclusion:**

Finding 3 can be made.

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

See analysis under Finding 1 of the Subdivision Review Committee Report prepared for TT Map Application No. 5991.

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division: The project site is designated for Mountain Residential uses in the Shaver Lake Community Plan and is also designated for Condominium uses in the Shaver Lake Forest Specific Plan. The proposed development shall adhere to the aforementioned General Plan Policies. The site is not restricted by a Williamson Act Contract and is not located within any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or within an identified airport noise contour.

**Analysis:**

According to General Plan Policy LU-H.7 and Zoning Ordinance Section 855-N.22, 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.

As indicated above, the planned residential development may allow departure from standard property development regulations for more efficient use of the land. In this instance, staff review of TT Map Application No. 5991 and the Operational Statement provided by the Applicant demonstrates compliance with all Development Standards of the R-1-C (Single-

Family Residential, 9,000 square-foot minimum parcel size) Zone District with modified Development Standards consisting of a 100-foot minimum lot depth (110-foot minimum required), 90-foot minimum cul-de-sac lot depth (110-foot minimum required), 20-foot minimum front yard setback (25-foot minimum required), 20-foot minimum curve/cul-de-sac front yard setback (25-foot minimum required), and five-foot minimum side yard setback (seven-foot minimum required). Staff believes that the proposal is consistent with General Policy for planned residential development.

Based on the analysis provided above, staff believes the project is consistent with the Policies of the Fresno County General Plan, Shaver Lake Community Plan and the Shaver Lake Forest Specific Plan.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**STAFF RECOMMENDATION**

Staff recommends approval of the Mitigated Negative Declaration prepared for this project. Staff believes the required Findings can be made based upon the factors cited in the analysis, the recommended Conditions, and the Notes regarding mandatory requirements. Staff therefore recommends that the project be approved. If the Commission approves concurrent Conditional Use Permit Application No. 3326, staff recommends that the Commission adopt the required Findings and approve Tentative Tract Map Application No. 5991, subject to the listed Conditions.

**PLANNING COMMISSION MOTIONS:**

**RECOMMENDED MOTION** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6405; and
- Adopt Findings noted in the Staff Report and approve Tentative Tract Map Application No. 5991 including an exception to the Subdivision Ordinance Improvement Standards to permit a 40-foot right-of-way for interior roads, and Classified Conditional Use Permit Application No. 3326 subject to the Conditions listed on Exhibit 1; 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 Tract Map Findings or Classified Conditional Use Permit Findings cannot 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.

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**Mitigation Monitoring and Reporting Program  
(Including Conditions of Approval and Project Notes)**

**Initial Study Application No. 6405, Classified Conditional Use Permit Application No. 3326,  
Tentative Tract Map Application No. 5991**

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	Once, during Construction Phase
*2.	Biological	<p>The following shall be implemented by the Applicant/subdivider and shall be recorded as a Covenant and Agreement, subject to a \$243.50 Document Preparation Fee, running with the land prior to recordation of any subsequent Parcel Map associated with the subject property and included on an additional map sheet of any subsequent Parcel Map to address potential impacts to sensitive species:</p> <p>a. Removal of existing trees and snags shall be avoided to the extent possible with consideration given to necessary hazard and fire protection fuel reduction.</p> <p>b. The use of impenetrable fencing on individual parcels, excluding home yard areas, shall be avoided to not unduly restrict wildlife movement across the properties. Any fencing, excluding home yard fencing, shall comply with the "wildlife friendly" specifications of the California Department of Fish and Game (CDFG) which generally means no fences greater than 42 inches in height. The bottom of the fence shall be no less than 18 inches from the ground (if using wire, it shall be smooth), and if using wire, the distance between the top two wires shall be no less than 14 inches to prevent deer entanglement. Fence height and spacing will need to be</p>	Applicant	Applicant/CA Dept. of Fish and Game/US Fish and Wildlife	Once, during specified Mitigation Phase

# Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>adjusted depending on the slope of the ground.</p> <ul style="list-style-type: none"> <li>c. All outdoor lighting shall be hooded to reduce glare and the frightening of wildlife. Such hooding shall comply with the CDFG recommended standards.</li> <li>d. To the extent feasible, landscaping shall consist of native plant varieties.</li> <li>e. An informational brochure developed for purchasers and potential purchasers of property shall be distributed by the developer/Applicant containing the following information: <ul style="list-style-type: none"> <li>i. Suggested suitable native plant varieties for landscaping.</li> <li>ii. Potential conflicts between domesticated canine and feline species and sensitive wildlife and steps property owners may consider to avoid such conflicts.</li> <li>iii. Appropriate fencing type for wildlife friendly fencing.</li> </ul> </li> </ul> <p>The brochure shall be submitted to and approved by the Mapping Section of the Fresno County Department of Public Works and Planning, Development Services Division, prior to recordation of the Final Map.</p> <p>If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified Biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half-mile around nests of listed species, 500 feet around nests of non-listed raptor species,</p>			

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*3.	Cultural Resources	250 feet around nests of migratory birds, and 150 feet around other bird species.  In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Coroner/Native American Commission	Once; during specified Mitigation Phase
*4.	Hydrology and Water Quality	Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and meet all state and federal regulations for a community water system. An Engineer's evaluation must demonstrate acceptable operations parameters and capacity based upon the proposed development. Two copies of Engineered Plans for these facilities shall be submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*5.	Hydrology and Water Quality	All water facilities and associated property shall be deeded to Fresno County Water Works District (VWD) No. 41. All well sites shall meet a 50-foot radius control zone as required in Title 22 California Code of Regulations (CCR) 64560.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*6.	Hydrology and Water Quality	All irrigation shall comply with State and County water conservation regulations and efficient landscape requirements. This	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

# Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		requirement shall be recorded as a Covenant running with the land and shall be noted on the Final Map.			
*7.	Hydrology and Water Quality	All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno.	Applicant	Applicant/Fresno County	Once, during specified Mitigation Phase
*8.	Hydrology and Water Quality	All on-site wells serving the development shall be equipped with supervisory control and data acquisition (SCADA) controls as required by the County, or funding for the SCADA controls may be deposited with the County for future installation.	Applicant	Applicant/Fresno County	Once, during specified Mitigation Phase
*9.	Hydrology and Water Quality	The developer shall construct well sites in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well sites.	Applicant	Applicant/Fresno County	Once, during specified Mitigation Phase
*10.	Hydrology and Water Quality	Fifty-one Equivalent Dwelling Units (EDUs) of water are being transferred from Site Plan Review (SPR) No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. As such, this proposal is not required to acquire its EDUs upon recordation of the Final Map. As SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and Tentative Tract (TT) Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.	Applicant	Applicant/Fresno County	Once, during specified Mitigation Phase
*11.	Hydrology and Water Quality	Based upon the hydrology report dated July 2010, Timberline (T) wells T-19 (25 EDUs), T-24 (7 EDUs) and T-30 (30 EDUs) are being considered for use with this proposed subdivision. Further, based upon a hydrology report dated January 2006, Timberline (T) well T-31 (6 EDUs) is also being considered for use with this proposed	Applicant	Applicant/Fresno County	Applicant/Fresno County

**Mitigation Measures**

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		subdivision. The Fresno County Department of Public Works and Planning has been in contact with the California Department of Public Health (CDPH) regarding a revision of the CDPH permit issued to Fresno County Water Works District (WWD) No. 41 which requires all new developments to have 0.5 gallons per minute per EDU. Should CDPH not change this requirement, the Applicant shall provide an additional water source or re-allocate additional EDUs.			
*12.	Hydrology and Water Quality	Any variation on the allocation of T wells shall require written approval from the Fresno County Department of Public Works and Planning prior to any re-allocation of EDUs to other projects.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*13.	Hydrology and Water Quality	Water quality data must pass State Health requirements referenced within Title 22 or additional tests required by the State Department of Public Health in order for the County of Fresno to accept the wells into the Fresno County WWD No. 41 distribution system. If the State requires any treatment of the water source, the Applicant shall fund the necessary improvements.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*14.	Hydrology and Water Quality	All wells must have a minimum 50-foot seal. The existing water wells have been constructed using the Tubex method which does not meet State requirements. Additional monitoring will be required by the State to ensure the source is not influenced by surface water. The County will require a three-year agreement with the developer to ensure that if the source is influenced by surface water during the term of the agreement that an alternative source or treatment be provided at the developer's cost. Any additional monitoring costs as included in the Project Implementation	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

# Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		Agreement, due to the Tubex method being used, will be borne by the developer during the three-year term.			
*15.	Hydrology and Water Quality	Access roads to well sites shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*16.	Hydrology and Water Quality	A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the Water/Wastewater Facility Plans, coordination of any approvals with the State on the well source, and other coordination activities to process, finalize and approve the proposed water/wastewater connections. The Applicant has executed a Project Implementation Agreement and provided an initial deposit of funds (\$1,000.00). The Applicant shall provide future deposits for all actual costs.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*17.	Hydrology and Water Quality	The Applicant's Engineer shall provide the Design and Improvement Plans for all elements of the sewer system to the County for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*18.	Hydrology and Water Quality	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*19.	Hydrology and Water Quality	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

# Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		Applicant shall pay applicable costs as determined by the County.			
*20.		Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.	Applicant	Applicant/Fresno County	Once, during specified Mitigation Phase
*21.	Noise	All noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.	Applicant	Applicant/Fresno County Department of Public Health	Once, during specified Mitigation Phase
*22.	Public Services	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 protection services to achieve a ratio of two 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.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Sheriff	Prior to Recordation of Final Map
*23.	Traffic	To mitigate potential impacts to the County maintained roads, a pro-rata share of cost in the amount of \$102,062.00 shall be required as defined in items 'a' through 'd' below. This fee shall either be paid prior to recordation of the final map or a Covenant shall be recorded on each lot providing notice that issuance of building permits is subject to	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit



Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		payment of a Public Facilities Fee. If the Applicants opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first. a. Signalization at the intersection of Auberry Road and Millerton Road. The project's maximum share is 0.3% or \$845.00. b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share is 0.2% or \$503.00. c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share is 0.2% or \$659.00. d. Road improvements for the road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share is 0.2% or \$100,055.00.			
*24.	Utilities and Service Systems	The HOA shall provide the County with easements in proposed open space areas for the drilling of additional wells for use by a community water system.	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document, Conditions reference recommended Conditions for the project, and project Notes reference mandatory requirements of Fresno County for the project.					

Conditions of Approval	
1.	<p>Conditional Use Permit (CUP) No. 3326 shall be tied to Tentative Tract (TT) Map No. 5991; if the Tract is denied or expires, the CUP shall also expire.</p> <p>NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a CUP to authorize a Tentative Subdivision Map automatically assumes the life span of the Tract Map.</p>

## Conditions of Approval

2.	All Conditions of the Subdivision Review Committee Report for TT Map Application No. 5991 shall be complied with.
3.	All roads shall be developed in accordance with the Shaver Lake Forest Specific Plan and shall be constructed to appropriate County of Fresno Improvement Standards with an exception to permit a forty-foot right-of-way for interior roads.
4.	The proposed private roadway 32-foot width complies with the Standard for this density of development. The roadway structural section shall be that of public roads for this level of traffic, but shall not be less than two inches of Asphalt Concrete over four inches of Class II Aggregate Base. An Exception to Standards has been applied to enable use of 40-foot wide rights-of-way where 60 feet is required, with an additional 20-foot wide easement to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities.
5.	All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. There shall be no run-off flow across the roadways that could result in travel-way ice formation.
6.	The private roadways entrance gate call box shall be set back from Shaver Lake Forest Road a distance determined by statistical analysis using the "queuing theory" sufficient to ensure that there is a one percent or less chance of a waiting vehicle extending onto Shaver Lake Forest Road. A 25-foot length shall be provided for each such vehicle in determining the required setback.
7.	The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
8.	A Fresno County Improvement Standard B-2 rural residential cul-de-sac turn-around shall be provided at the end of all cul-de-sac roads.
9.	Roadway design speed shall be 25 miles per hour, except for intersections and corner turns.
10.	Twenty-by-twenty-foot corner cutoffs shall be provided for all intersections.
11.	Roadway intersections shall be as near as practicable to a right angle.
12.	Cul-de-sac streets, depending upon length for fire hydrant requirement, shall have either a fire hydrant or a blow off valve at the end.
13.	Street and regulatory signs and markings shall be included in the required work of improvement and shall comply with Fresno County Standards.
14.	Engineered Plans for the subdivision improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report, which shall identify the soils R-value, which, together with the development determined Traffic Index, shall be used for the pavement structural section design to public road standard. Upon grading of the roadways, R-value shall be obtained for the verification of the roadway structural section design.
15.	As a gated community with private roads, a homeowner's association (HOA) shall provide maintenance for all interior streets.
16.	Provisions for parking are provided within the employed Roadway Standard (32-foot pavement width) and the Zone District requirement for off-street parking on each lot.
17.	Hydrologic and hydraulic analysis shall be prepared and submitted for approval, in accordance with standard engineering practices, to demonstrate that the proposed Tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of

## Conditions of Approval

	those parcels adjacent to the development. Sizes and locations for culverts and/or relocated drainage facilities shall be based upon this analysis.
18.	Increased storm water runoff generated by the proposed development shall be retained on-site for metered release within drainage ponds to not cause greater stream flow rate than historically experienced (for a like precipitation event), or directed to other facilities acceptable to the Director of the Department of Public Works and Planning. Detention facilities proposed within stream courses will require review and approval of a Streambed Alteration Permit by the California Department of Fish and Game (CDFG).  Note: A storm water metered release detention facility is proposed between Lots 17 and 48. The metered release detention basin shall be sized using the formula $V_s = 0.28CA$ . Basins with water depth in excess of 18 inches shall be fenced with fencing type to be chain link or other form that would discourage public access.
19.	A Grading and Drainage Plan shall be prepared and submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval prior to commencement of the work of improvement. Easements for cut and fill slopes are provided for by the additional 20-foot easement width along each side of the roadways.
20.	Drainage courses (existing and additional) shall be maintained so as to not significantly change the existing drainage characteristics on parcels adjacent to the development.
21.	The centerline of any natural watercourses shall be shown and dimensioned at the lot lines on an additional map sheet.
22.	The Applicant shall obtain an National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board with a copy of the Notice provided to the County prior to commencement of any grading activity.
23.	The Applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the Plan into the construction Improvement Plans. The SWPPP shall be submitted to the County prior to commencement of any grading activity.
24.	All cut and fill slopes shall comply with the submitted Soils Report.
25.	Proposed graded pathways (Recreation Trails) must be identified with appropriate signage and appropriately constructed acceptable for pedestrian use (hiking/walking). A trail detail/cross-section shall be shown on the Improvement Plans.
26.	A HOA shall provide maintenance of the interior roadways (with snow removal), common open space, trails and drainage facilities. The HOA shall, proportionate to use, maintain Shaver Forest Road along the project frontage length including snow removal and shall contribute proportionately to snow removal costs for that length of Shaver Forest Road back to State Route 168 (Tollhouse Road). Upon extension of Shaver Forest Road to Dinkey Creek Road and acceptance into the County-maintained road system by the Board of Supervisors, the responsibility of the HOA may cease.
27.	The subdivider will be required to secure the maintenance of the new roads for two contiguous one-year maintenance periods after acceptance of construction (County inspection at one-year periods for subdivider directed maintenance performance).
28.	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 and Planning after consideration of the

## Conditions of Approval

	recommendations of the fire district having jurisdiction of the area.
29.	Fire hydrants shall be installed with the bolted flange and break off ring approximately four inches above the top of the adjacent roadway dike. An asphalt concrete or Portland Cement concrete apron five feet wide shall be provided from the roadway dike to one-foot behind the fire hydrant and be at grade and slope to drain over the top of the roadway dike.
30.	Fire hydrants shall be located on the uphill side of the roadway wherever practicable for avoid fill slope stability and access issues. The fire hydrant valve shall be installed on the water main tee serving the fire hydrant for ease of location during snow conditions.
31.	A galvanized steel marker post acceptable to the fire district having jurisdiction for fire hydrant identification shall be installed with a concrete footer approximately one-foot behind the fire hydrant with a height of six feet above the apron slab with attached sign "Fire Hydrant" together with a blue reflector attached three inches below the pole top.
32.	Sewer service is to be provided by the community system of Fresno County Waterworks District (VWD) No. 41. The Applicant's Engineer shall provide the design and Improvement Plans for all elements of the system to the County for review and approval.
33.	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.
34.	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the Applicant shall pay applicable costs as determined by the County.
35.	Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.
36.	The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to Final Map approval. Street signs shall be paid for by the developer and installed by the County of Fresno.
37.	Emergency Access Roads shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment, as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
38.	Crash gates shall be provided at both ends of the emergency access easement.
39.	A Soils Investigation Report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a Condition of the Final Map.
40.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

Conditions of Approval	
41.	All run-off generated from resultant development shall be retained on the subject site or other facility acceptable to the Director of the Department of Public Works and Planning. Areas designated for storm water retention shall be shown on the Final Map.
42.	Development of the subject Planned Residential Development shall be in substantial compliance with TT Map Application No. 5991 and the Operational Statement.
44.	<p>All existing property Development Standards of the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District listed in the Zoning Ordinance shall apply except for the following deviations:</p> <p><u>Minimum Lot Depth:</u> The minimum lot depth for any resultant parcel shall be 100 feet (minimum lot depth permitted: 110 feet).</p> <p><u>Minimum Cul-de-Sac Lot Depth:</u> The minimum cul-de-sac lot depth for any resultant parcel shall be 90 feet (minimum cul-de-sac lot depth permitted: 110 feet).</p> <p><u>Minimum Front Yard Setback:</u> The minimum front yard setback for any resultant parcel shall be 20 feet (minimum front yard setback permitted: 25 feet).</p> <p><u>Minimum Curve/Cul-de-Sac Lot Front Yard Setback:</u> The minimum curve/cul-de-sac lot front yard setback for any resultant parcel shall be 20 feet (minimum curve/cul-de-sac lot front yard setback permitted: 25 feet).</p> <p><u>Minimum Side Yard Setback:</u> The minimum side yard setback for any resultant parcel shall be five feet (minimum side yard setback permitted: seven feet).</p>

Notes	
1.	The Sierra Unified School District in which you are proposing construction has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State Law, which authorizes the Fee, may not issue a Building Permit without certification from the School District that the Fee has been paid. The County will provide an official Certification Form when application is made for a Building Permit.
2.	<p>The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District:</p> <p>A. Regulation VIII – Fugitive PM10 Prohibitions  B. Rule 4102 – Nuisance  C. Rule 4601 – Architectural Coatings  D. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations  E. Rule 4002 – National Emission Standards for Hazardous Air Pollutants</p>
3.	The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection

**Notes**

improvements shall be installed, prior to occupancy.

4. The proposed development is located within Community Facility District (CFD) No. 1 and is listed as a Class 2 sewer participant in accordance with Fresno County Sewer Ordinance 85-020. As such, all development shall be consistent with the Shaver Lake Sewer and Water Master Plan.

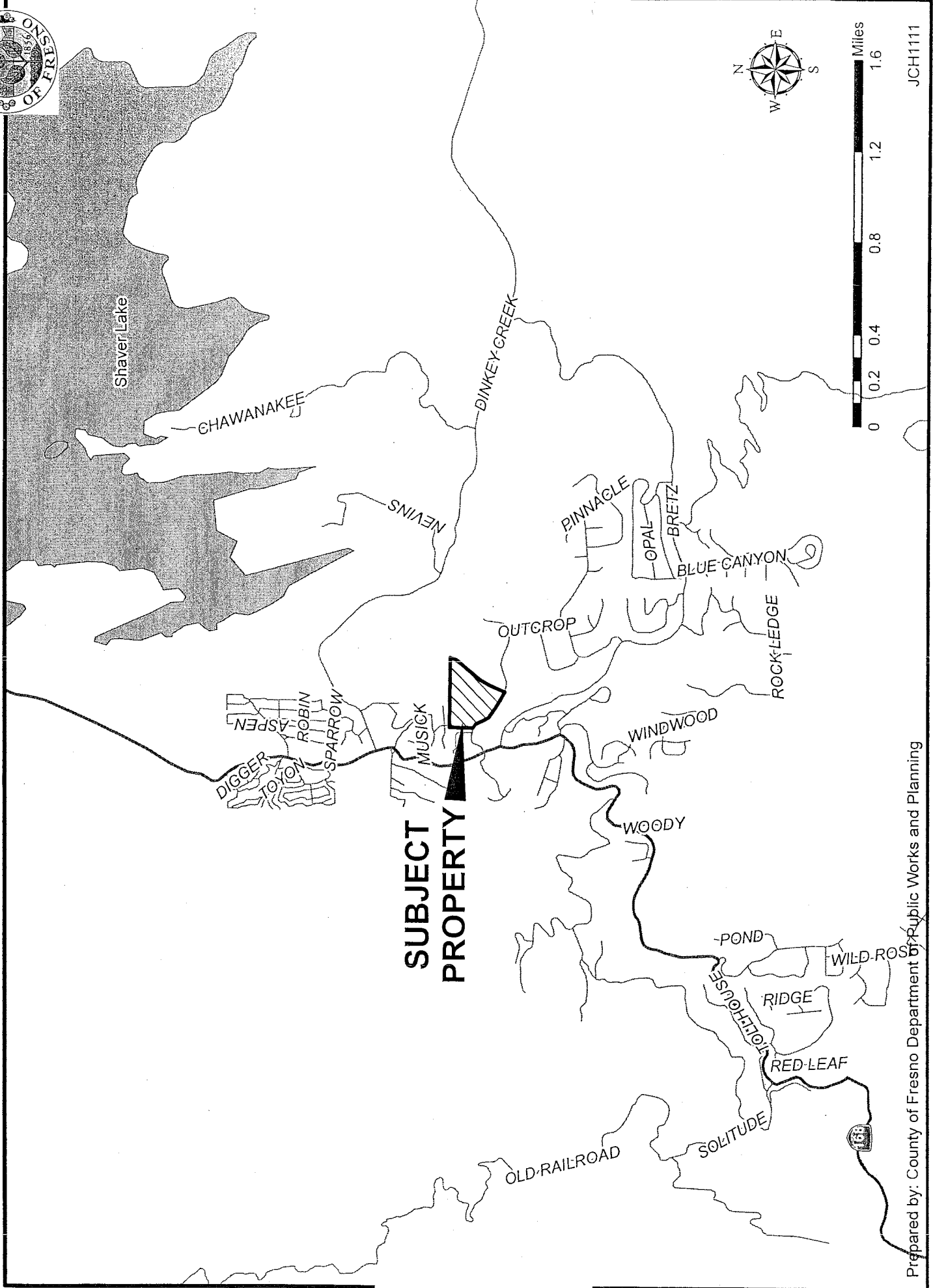
5. If construction associated with this proposal disturbs more than one-acre, compliance with the NPDES General Permit No. CAS0000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said Permit, a SWPPP, a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.





# LOCATION MAP

TT 5991, CUP 3326







# EXISTING ZONING MAP

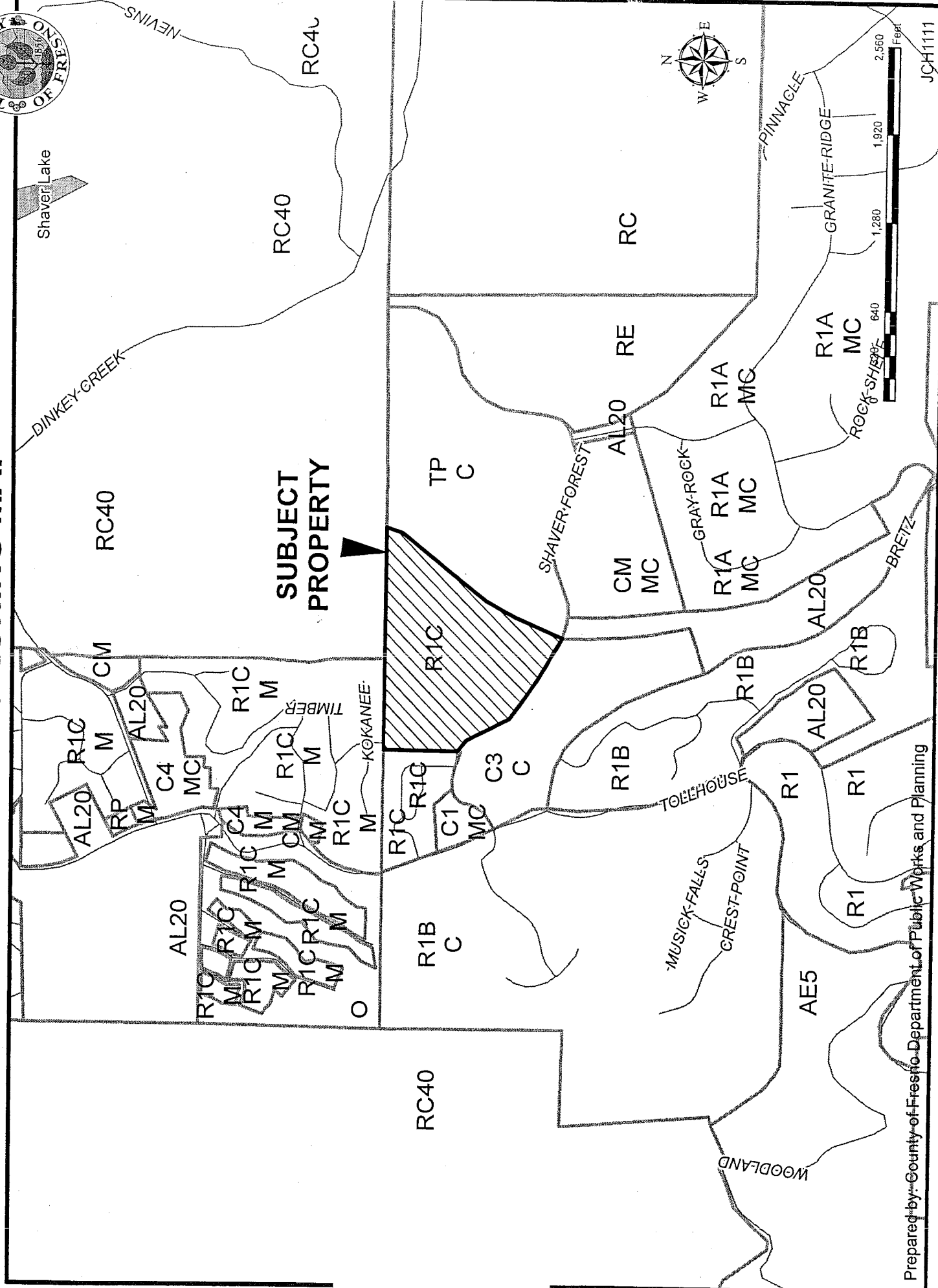


EXHIBIT 3



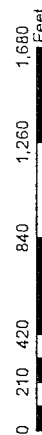
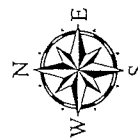


LEGEND
AP1 - APARTMENT
CN# - CONDOMINIUM
C - COMMERCIAL
C# - COMMERCIAL
CHU - CHURCH
CP# - OFFICE COMM./PROF
SF# - SINGLE FAMILY RESIDE
V - VACANT

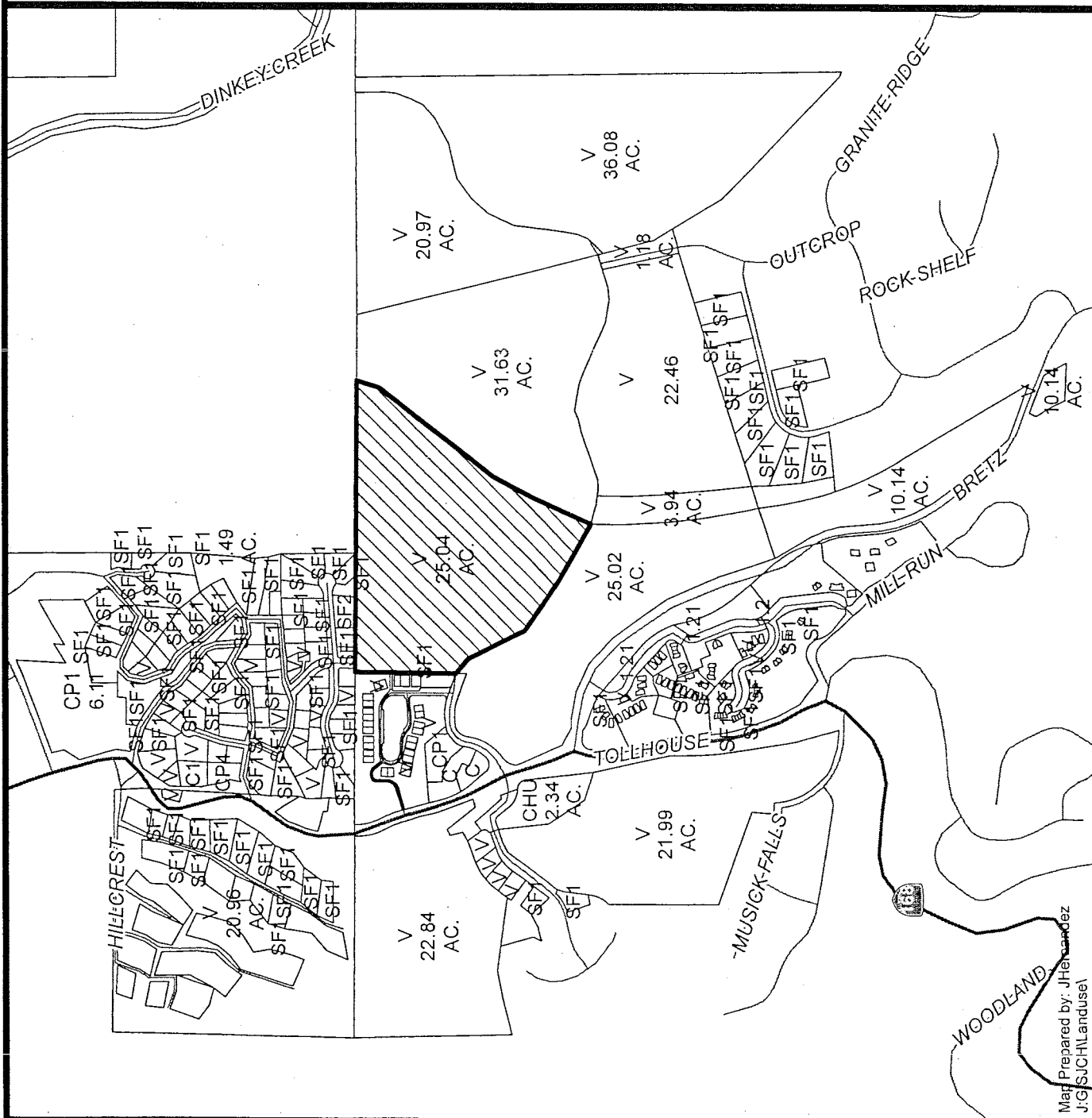
LEGEND:



## Subject Property



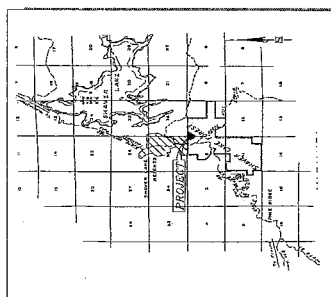
Department of Public Works and Planning  
Development Services Division



Map Prepared by: JHernandez  
J.G.S./CHM and use!



# TENTATIVE TRACT MAP No. 5991



VICINITY MAP

## LEGAL DESCRIPTION

Lot 1 of Tract 3615, Shaver Lake Forest No. B, as recorded in Volume 41 of Pages 61-84, Fresno County Records.  
Excepting therefrom a strip of land 170.00 feet wide lying along the Eastern boundary of said lot 1.  
Also excepting therefrom Tract 3714 as recorded in Volume 48 of Pages of Pages 14-17, Fresno County Records

## SUBMITTER'S STATEMENT

To: Fresno County Planning Commission  
2200 West 5th, 5th Floor  
Fresno, California 93701

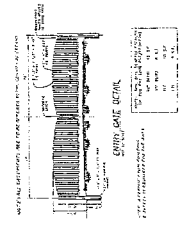
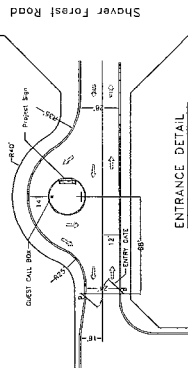
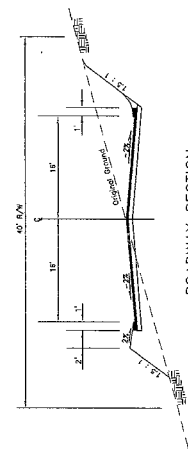
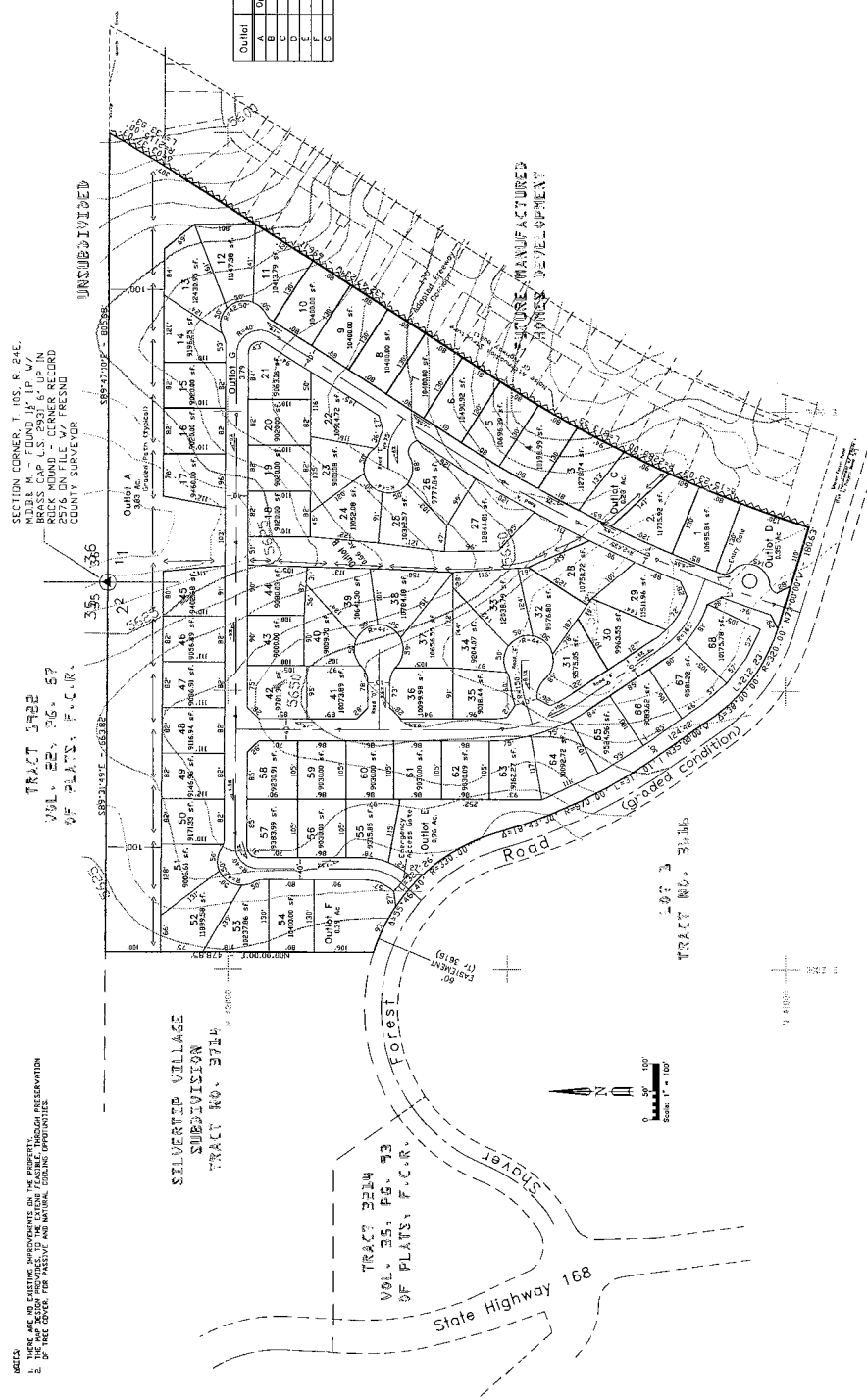
I, Strain Family, L.P., hereby certify that I am the owner of the property described herein and that I am submitting this tentative tract map for the purpose of subdividing the property into lots for sale or lease.  
The proposed use of this property is Residential Medium Density.  
The proposed zoning on this property is RM-20.  
The proposed subdivision will create 100 lots.  
The existing easements on this property include None.  
All improvements will conform to County standards with the following exceptions: None.  
Type of street front to be created is None (Front within in rough).  
The interests of these lots will be None.  
The proposed subdivision will comply with all applicable laws, rules, regulations, and standards of the County of Fresno, California.  
The proposed subdivision will comply with all applicable laws, rules, regulations, and standards of the County of Fresno, California.  
The proposed subdivision will comply with all applicable laws, rules, regulations, and standards of the County of Fresno, California.

Signature of Submitter: Strain Family, L.P.  
Address: 5100 N. State St. # 117  
City: Fresno State: CA Zip: 93710

ONLINE'S CERTIFICATE  
I, Strain Family, L.P., hereby certify that I am the owner of the property described herein and that I am submitting this tentative tract map for the purpose of subdividing the property into lots for sale or lease.  
Address: 5100 N. State St. # 117  
City: Fresno State: CA Zip: 93710

PREPARED BY:  
Strain Family, L.P.  
5100 N. State St. # 117  
Fresno, CA 93710  
Ph: (559) 227-9890 Fax: (559) 227-9860

PREPARED BY:  
Strain Engineering Associates, Inc.  
5100 N. State St. # 117  
Fresno, CA 93710  
Ph: (559) 227-9890 Fax: (559) 227-9860





**OPERATIONAL STATEMENT – PLANNED RESIDENTIAL DEVELOPMENT  
SILVERTIP  
TENTATIVE TRACT 5991 - 68 SINGLE FAMILY UNITS**

September 2, 2011

Page 1 of 7

**Project Description**

This Operational Statement addresses development of 68 stand-alone units on individual lots within a 25.73-acre area of Lot 1 of Tract 3615. That area has a residential use designation pursuant to the Shaver Lake Forest Specific Plan (the "Plan") specifying planned residential development and is within the Shaver Lake Community Plan (SLCP) area. The Plan provides policies and standards for residential development that are in keeping with the requirements of the SLCP. Based upon the Plan land use designation, a total of 129 units could be allowed within the 25.73-acre property. The existing R-1-C District area of 9,000 square feet per unit is more area than the Plan land use designation requires. A gross area of 14.05 acres is the minimum required (25.73 acres provided) for the 68 lots as a Planned Residential Development in the Existing R-1-C District (9,000 af / unit gross). The project area for the 68 units results in density lower than the existing zone district.

This Conditional Use Permit required Planned Residential Development will wmploy the following standards, which are compared with the R-1-C District standards as follow:

	<u>Proposed</u>	<u>R-1-C Standards</u>
Development Lot gross area / unit	16,482 sf	9,000 sf
Per Lot net area (PRD)	9,000 sf	NA
Interior Lot minimum width	80'	70'
Corner Lot minimum width	90'	80'
Curve / cul-de-sac Lot frontage width	50'	50'
Lot minimum depth	100' **	110'
Cul-de-sac Lot minimum depth	90' ***	110'
Front Yard depth	20' **	25'
Curve / cul-de-sac Front Yard depth	20' **	25'
Side Yard width	5' **	7'
Corner Side Yard width	15'	15'
Rear Yard depth	20'	20'

\*\* R-1 District Standard

\*\*\* to require not less than 50' separation from structure on lot to rear

The Plan permitted density would relate to the R-1-C District standards.

The project 68 single-family lots are to be served by private roads as shown on Tentative Tract Map No. 5991. The project is a single-family residential subdivision blended into the forested hillside setting with contouring placement of roadways to minimize cuts and fills. No on-lot mass grading is proposed to better preserve the forest over story setting.



## **TT-5991 OPERATIONAL STATEMENT, CON'T.**

September 2, 2011

Page 2 of 7

### **Planned Residential Development Rationale**

The project is proposed as a Planned Residential Development subject to Conditional Use Permit approval. Qualifying project features include significant common open spaces, a trail system pursuant to both the Plan and the Shaver Lake Community Plan objectives within the project open space, and gated entrance controlled private roads. The Conditional Use Permit enables the gate controlled entrance for private roads, which is a significant and desired feature.

Policy LU-H7 considerations are addressed as follows:

- a. Single family lots are proposed to be built out or sold for custom homes construction.
- b. A development standard exemption is requested to allow a 40 foot wide road rights-of-way rather than that identified with Roadway Standard A-1a. Such would be subject to provision of 20 foot wide easements along each side of the road rights-of-way for slope maintenance, utilities, snow storage and drainage facility purposes for better site fit topographically (see below).
- c. Population density is less than allowed under the Plan and the SLCP.
- d. Community sewer and water are to be provided (see below).
- e. Compatibility and harmony is achieved through site fitting involving spacing between residences and limited grading to enable preservation of the forest over story with continued, post-development regulation through the HOA.
- f. The project density is less than that of the existing adjacent developments with no traffic routing through those projects (Silvertip Village and Shaver Lake Heights).
- g. An open space buffer is provided along the north property line, 100 feet in width, for setback from the Shaver Heights residences and from the Southern California Edison Company (SCE) property.
- h. Each residence will have at least a two-car garage plus driveway apron able to accommodate vehicles with overflow on street parking of limited duration to be allowed subject to HOA regulation.
- i. A provided amenity is the significant common open space with an easily accessible trail system from the project roadways and property perimeter / back lot area easements (see below). Pursuant to the Shaver Lake Forest Specific Plan, the trail system incrementally implemented throughout the Shaver Lake Forest Specific Plan properties is to be accessible to this project.
- j. Open space and trail maintenance is to be by the HOA with perimeter open space to be a fuel modification zone subject to State Responsibility Area (SRA) standards (also to be maintained by the HOA with State inspection).

## TT-5991 OPERATIONAL STATEMENT, CON'T.

September 2, 2011

Page 3 of 7

- k. Natural site features are considered in configuring the project to fit the property through avoidance of significant rock and vegetative features and for minimal roadway excavation (contour fitting of the roadways) and limited on lot grading through use of stepped perimeter foundations (no mass grading).
- l. Energy conservation would be realized through the efficient loop road configuration and preservation of the forest over story for shade / cooling effects.
- m. The structural section for the proposed private streets will comply with public road standards (see discussion below).
- n. The gate controlled entrance would provide enhanced street and parking adequacy through less traffic than would be experienced with public streets having general and random public access.

Community sewer and water facilities are to be provided through Fresno County Waterworks District No. 41 / County Service Area No. 31 with water supply provided by the project proponent.

This project configuration insures compatibility with existing uses and adjacent properties by employing similar or greater lot widths and through preservation of the forested setting. Setbacks are employed throughout the project pursuant to the Zoning District requirements. Lot perimeter fencing will not be allowed so as to maintain the general open forest setting.

Off-street parking of two garage spaces is to be provided together with an optional parking space for a recreational vehicle adjacent to the driveway.

The provided open space is readily accessible to all of the lots by use of the designated easement access routes and rear yard border access with the open space trail enabling ease of access enjoyment for hiking and nature observation. Maintenance of the common open space and trails would be by a Home Owners' Association ("HOA") with the private gated roadways to also be maintained by the HOA.

Design of the project employs 32-foot wide roadway pavement and 40-foot right-of-way width with a 20-foot wide easement along each side for slope maintenance, snow removal storage, utility, and drainage facilities purposes. The reduced right-of-way width enables retaining more of the forested area through shorter driveways more easily realized while providing streets adequate to accommodate the traffic generated by the project.

**1. Nature of the Operation:** The nature of the operation is that of a 68 single family unit planned residential development involving a gated community with private roads and common area open space. Project covenants, conditions and restrictions (CC&Rs) would be recorded to address the architectural standards to be employed post-development for

**TT-5991 OPERATIONAL STATEMENT, CON'T.**

September 2, 2011

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custom homes as may be build by individual lot buyers. The CC&Rs would also address the open space and road maintenance requirements together with authority to levy assessments for incurred expenses to include snow removal. The operating body would be the HOA.

Maintenance of the common open space area and any features therein will be by the HOA with the open space outlots to be deeded to the HOA.

**2. Operational Time Limits:** This residential project will have primary and second home housing uses which will result in year-round and seasonal occupancies for the properties. Build out of the lots may occur over an extended period should some of the lots be sold rather than built upon by the developer. Construction activities could therefore extend beyond the period of subdivision development and lot sales. Property use patterns are anticipated as being similar to those of adjacent subdivisions.

**3. Number of Visitors:** In the context of a business, this category does not apply as the properties will be single family residential use, transitory construction efforts excepted.

**4. Number of Employees:** This category does not apply, although the project will create a considerable number of jobs, both during and post-construction..

**5. Service and Delivery Vehicles:** There will be refuse collection by commercial service and there will undoubtedly be periodic parcel delivery to the residences. No generation of deliveries nor need for service vehicles should be occasioned by the residences.

**6. Access to the Site:** Access to the site from State Route 168 is by Shaver Forest Road, a public road presently providing access to Silvertip Village Tract 3714. It is to be extended along the southerly boundary of the project property (along the right of way granted in conjunction with recordation of Tract 3995) to the easterly boundary of the project to the project gate controlled private entrance road. The residences of the project will be provided access by the private interior loop and cul-de-sac roads. Gate controlled emergency access to Shaver Forest Road is provided for the project second access.

**7. Number of Parking Spaces for Employees, Customers, and Service/Delivery Vehicles:** No parking spaces will be required nor provided in excess of those required by the residential units. The CC&Rs will specify the requirement of a two-car garage plus two driveway apron spaces. On street overflow parking of limited duration would be allowed pursuant to the CC&Rs.

**8. Are Any Goods to be Sold On-Site:** There will be no goods produced or sold on-site except as may be permitted under the home occupations provisions of the zoning

**TT-5991 OPERATIONAL STATEMENT, CON'T.**

September 2, 2011

Page 5 of 7

ordinance. There are no goods proposed to be sold by the project proponents (other than the single family residences / lots).

**9. What Equipment is Used:** Development of the project will involve use of heavy construction equipment for clearing, grading, paving and utilities installation and for residences construction. There will be transport of materials from offsite for the construction efforts.

**10. What Supplies of Materials Are Used and How Are They Stored:** Construction materials typical for subdivision development (roadways, utilities, residences) will be used plus soil excavation and placement of engineered fills. The finished "product" will be roadways, underground utility systems and residences. On-site storage of materials would be transitory to time of use with materials delivered timely to not delay the construction efforts.

**11. Does the Use Cause an Unsightly Appearance:** Development of this upscale single family project will be attractive in character with only transitory unattractive aspects during construction. The HOA will insure compliance post-development with the project CC&R's for preservation of property values and appearance aesthetics.

**12. List Any Solid or Liquid Wastes to be Produced:** Residential wastewater will be collected and conveyed by the community system to the off-site treatment and disposal facilities (Shaver Lake Regional Wastewater Treatment Facility). Residential solid waste will be collected by commercial service for disposal.

**13. Estimated Volume of Water to be Used (Gallons Per Day):** Water consumption by single family residences within the service area of Waterworks District No. 41 / County Service Area No. 31 ("District") averages about 230 gallons per summer average day with July 4<sup>th</sup> weekend demand of about 0.27 gpm / 380 gallons (peak day). Annual water demand averages less than 0.17 acre-foot/lot for 68 lots x 0.17 acre-foot/lot = 11.56 acre-feet (summer use greater than winter use because of occupancy and landscape irrigation use differentials). The water source is wells provided to the District by the project proponent at the State Department of Health Services water system permit supply requirement 0.3 gpm/lot pursuant to County well test criteria.

Project supply would be 68 lots x 0.3 gpm/lot = 20.4 gpm (29,376 gallons per summer season day) compared with demand of 68 lots x 0.27 gpm/lot = 18.36 gpm (26,438 gallons peak day) and 68 lots x 230 gal per lot = 15,640 gal per summer season day.

Water supply for this project is from Strahm Family LP, Dupree, and Heeren existing wells that have been tested and accepted pursuant to County requirements and for which the Resources Division is obtaining permits from the State of California Department of

**TT-5991 OPERATIONAL STATEMENT, CON'T.**

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Health Services – Drinking Water Section to operate as Fresno County Waterworks District No. 41 community system supply wells.

Sixty-eight water units within the 2,000 unit limit of groundwater use for development (Sewer and Water Master Plan for the Shaver Lake Area) are agreed to be transferred upon approval of TT-5991 from the previously approved 119 units mobile home park (SPR 7175) with a like number of units restriction on the mobile home park development until provision of replacement water supply.

**14. Describe Any Proposed Advertising Including Size, Appearance, and Placement:** A project entrance monument feature / signage will be provided in conjunction with the gated entrance. Signage size would not exceed 100 square feet in surface face with appearance to be of native timber and stone materials. Discrete lighting would be provided.

**15. Will Existing Buildings be Used or Will New Buildings be Constructed:** There are no buildings existing on the site. The Developer (and lot purchasers) will cause construction of single family residences within the project. The HOA will enforce the CC&Rs for architectural control.

**16. Buildings Used in Operation:** No buildings will be used in development of this custom lot single family residential project. Residential development standards will be those of the Fresno County Zoning Ordinance within which the Homeowners Association Architectural Review Committee will provide specific guidelines post-development construction.

**17. Outdoor Lighting or Sound Amplification:** There will be no outdoor sound amplification. Discrete lighting will be employed at the project entrance feature and it is anticipated that the individual residences will employ security lighting of a discrete nature to be controlled by the HOA. Lighting fixtures should direct light downward and minimize area glare and light spillover. Street lighting will not be provided with respect for the forest setting and wildlife considerations.

**18. Landscaping or Fencing Proposed:** The forested setting is considered adequate for overall landscape considerations. It is likely that the individual property owners will implement some landscaping which will be encouraged to utilize indigenous plant materials. Post-development removal of trees having a diameter greater than 12 inches will require approval of the HOA. No property fencing will be permitted other than for dog runs within a property, subject to HOA approval.

**19. Other Information:** This single family residential lots project will have a gate controlled entrance for privacy and security. The property northerly perimeter is a fuel modification zone within open space, which provides screening from the adjacent Shaver

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Lake Heights development. The interior looped road is to have gated emergency access onto Shaver Forest Road.

The project easterly boundary borders the adopted freeway alignment for which alignment there exists no State funding nor any schedule by Caltrans for further planning, let alone implementation. The project proponent also owns the adopted freeway corridor and proposes a covenant requirement for a noise attenuation berm within and along that corridor at such time as implementation of the freeway might occur, with the covenant to be extinguished should the freeway corridor be abandoned. The 170-foot wide corridor is adequate to accommodate reasonable scenic setbacks on other side of a two-lane highway together with noise attenuation berm or wall.

A Storm Water Pollution Prevention Plan is required and will be prepared prior to project implementation in that more than one acre of surface disturbance would occur.

5991opst11.902





# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Strahm Family, LP

APPLICATION NOS.: Initial Study Application No. 6405, Classified Conditional Use Permit Application No. 3326 and Tentative Tract Map Application No. 5991

DESCRIPTION: Allow a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Shaver Forest Road, approximately 530 feet northeast of its intersection with State Route 168 (Tollhouse Road), within the unincorporated community of Shaver (Sup. Dist.: 5) (APN: 130-031-39).

### I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal entails the creation of a 68-lot planned residential development located within the Shaver Lake Community Plan and Shaver Lake Forest Specific Plan areas. The project site is surrounded by similar residential developments consisting of single-family residential lots located to the north (TT No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990). The project site is located in a region of mountainous forest with scattered residential development. Although no officially designated scenic resources are identified in the area, the region is generally considered scenic. However, considering that the project site is adjacent to four similar residential developments, this*

#### DEVELOPMENT SERVICES DIVISION

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*proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.*

- 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 WITH MITIGATION INCORPORATED:

*This proposal may generate new sources of light and glare in the area from the use of residential lighting and vehicular headlights. However, such impacts will be less than significant considering that existing residential developments adjacent to the project site already generate such forms of light and glare. Further, all outdoor lighting resultant of this proposal shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:*

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or

FINDING: NO IMPACT:

*The project site is located in a mountainous forest area which is not identified on the Fresno County Important Farmland Map (2008) and is not being utilized for any agricultural use. Further, properties in the area of the project site are also not being utilized for any agricultural use.*

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site is designated for mountain residential uses in the Shaver Lake Community Plan and is also designated for condominium uses in the Shaver Lake Forest Specific Plan. The project site is located on forest land and will result in the conversion of forest land to a non-forest use as the project entails a 68-lot planned residential development. However, this conversion of forest land to a non-forest use will have a less than significant impact on forestry resources as the project will not cause rezone of forest land, timberland, or timberland zoned areas. Further, the project site is surrounded by similar residential developments consisting of single-family residential lots located to the north (TT No. 1982 adopted April 6, 1965), west (TT No. 3714 adopted November 21, 1988), southwest (TT No. 3720 adopted December 27, 1985) and southeast (TT No. 4185 adopted August 21, 1990).*

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the San Joaquin Valley Air Pollution Control District (Air District) which commented that the project is expected to have no significant adverse impact on air quality. As the project will be equal to or greater than 50 residential dwelling units at full build-out, this proposal is subject to District Rule 9510 (Indirect Source Review). Further, the project may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules will reduce air quality impacts of the subject project to a less than significant level. Staff notes that the Applicant is in the process of filing an Indirect Source Review (ISR) with the Air District. Filing will occur prior to the item being considered by the Planning Commission.*

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

*As proposed, the single family residential development will not create objectionable odors.*

### IV. 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; or

- 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 the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS); or
- 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; or
- 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*A Biological Resources Report was prepared for this proposal by John C. Stebbins, Consulting Biologist, which determined that no sensitive species, sensitive habitats or potential jurisdictional wetlands are present within the project site. This Biological Resources Report was provided to the United States Fish and Wildlife Service for review, which did not express any concerns related to the project. This Biological Resources Report was also provided to the California Department of Fish and Game, which stated that potential impacts to native wildlife will be mitigated to a level of insignificance with restrictions on the removal of existing trees and snags, and restrictions on the use of impenetrable fencing. Additionally, potential impacts to native wildlife will also be mitigated to a level of insignificance with requirements that all outdoor lighting be hooded to reduce glare, that landscaping shall consist of native plant varieties, and that an information brochure be provided to purchasers of resultant parcels which includes information on suitable landscaping, impacts of domesticated animals to sensitive wildlife, and appropriate fencing types. Further, if project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species. These requirements will be included in the following mitigation measures:*

**\* Mitigation Measures**

1. *The following shall be implemented by the applicant / subdivider and shall be recorded as a Covenant and Agreement, subject to a \$243.50 document preparation fee, running*

*with the land prior to recordation of any subsequent parcel map associated with the subject property and included on an additional map sheet of any subsequent parcel map to address potential impacts to sensitive species:*

- a. Removal of existing trees and snags shall be avoided to the extent possible with consideration given to necessary hazard and fire protection fuel reduction.*
- b. The use of impenetrable fencing on individual parcels, excluding home yard areas, shall be avoided to not unduly restrict wildlife movement across the properties. Any fencing, excluding home yard fencing, shall comply with the "wildlife friendly" specifications of the California Department of Fish and Game which generally means no fences greater than 42 inches in height. The bottom of the fence shall be no less than 18 inches from the ground (if using wire, it shall be smooth), and if using wire, the distance between the top two wires shall be no less than 14 inches to prevent deer entanglement. Fence height and spacing will need to be adjusted depending on the slope of the ground.*
- c. All outdoor lighting shall be hooded to reduce glare and the frightening of wildlife. Such hooding shall comply with the California Department of Fish and Game recommended standards.*
- d. To the extent feasible, landscaping shall consist of native plant varieties.*
- e. An informational brochure developed for purchasers and potential purchasers of property shall be distributed by the developer / applicant containing the following information:*
  - i. Suggested suitable native plant varieties for landscaping.*
  - ii. Potential conflicts between domesticated canine and feline species and sensitive wildlife and steps property owners may consider to avoid such conflicts.*
  - iii. Appropriate fencing type for wildlife friendly fencing.*

*The brochure shall be submitted to and approved by the Mapping Section of the Fresno County Department of Public Works and Planning, Development Services Division, prior to recordation of the final map.*

- 2. If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half mile around nests of listed species, 500 feet around nests of non-listed raptor species, 250 feet around nests of migratory birds, and 150 feet around other bird species.*

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The project site is located within an area determined to be fairly sensitive for cultural resources. As such, Gaylen Lee, Consulting Archeologist, prepared an Archeological Surface Survey for the project site in July, 2011. This Archeological Surface Survey was provided to the Southern San Joaquin Valley Information Center for review, which did not identify any concerns with the project. However, in the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has also been incorporated into the project. This Mitigation Measure will also reduce potential impacts to cultural resources to a level of insignificance.*

\* **Mitigation Measure**

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

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  1. Rupture of a known earthquake?

- (a.) Strong seismic ground shaking?
- (b.) Seismic-related ground failure, including liquefaction?
- (c.) Landslides?

FINDING: NO IMPACT:

*The project 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*Changes in topography and erosion could result from grading activities resultant of this proposal. However, any such impacts will be less than significant in that permanent improvements will not cause significant changes in absorption rates, drainage patterns, and the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.*

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils creating substantial risks to life or property; or

FINDING: NO IMPACT:

*The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.*

- 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: NO IMPACT:

*Sewer and water services will be provided by Fresno County Water Works District (WWD) No. 41. No septic systems or alternative disposal systems will be utilized for this proposal.*

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the San Joaquin Valley Air Pollution Control District (Air District) which commented that the project is expected to have no significant adverse impact on air quality. Further, this proposal will be subject to District Rule 9510 (Indirect Source Review) and other District Rules specific to residential development projects. Additionally, the project site is located within an area of similar residential development and has been designated for mountain residential uses in the Shaver Lake Community Plan and is also designated for condominium use in the Shaver Lake Forest Specific Plan.*

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school; or

FINDING: NO IMPACT:

*This proposal does not involve storage of hazardous materials and no hazardous material impacts were identified in the analysis.*

- D. Would the project be located on a hazardous materials site; or

FINDING: NO IMPACT:

*No hazardous materials sites were identified in the project analysis.*

- E. Would a project be 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; or
- 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; or

FINDING: NO IMPACT:

*The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.*

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or

FINDING: NO IMPACT:

*This proposal will not impair the implementation of, 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: LESS THAN SIGNIFICANT IMPACT:

*The project site is located in a mountainous forest area which falls under the State Responsibility Area (SRA) for control and suppression of wildland fire. Further, Policies identified in Section 609-01:6.03 (a-g) of the Shaver Lake Community Plan address potential wildland fire impacts by requiring fuel breaks, adequate emergency access, water systems that are adequate for fire fighting, removal of natural fuels, and detailed site planning for fire protection purposes.*

*This proposal was provided to the Fresno County Fire Protection District, which did not express any concerns with the project. Further, said District also stated that any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. Additionally, the Shaver Lake Volunteer Fire Department also reviewed this proposal and did not express any concerns with the project. Staff believes that the risk of loss, injury or death involving wildland fires will be less than significant with adherence to the Fire Code.*

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*According to the Resources Division of the Fresno County Department of Public Works and Planning, the proposed development lies within the boundaries of Fresno County Water Works District (WWD) No. 41 which is authorized to provide water and sewer services. No boundary adjustment or annexation is necessary. The proposed development is located within Community Facility District (CFD) 1 and is listed as a Class 2 sewer participant in accordance with Fresno County Sewer Ordinance 85-020. As such, all development shall be consistent with the Shaver Lake Sewer and Water Master Plan. This requirement will be included as a project Note. Further, prior to recordation of the final map, any proposed wells shall be constructed, permitted, and tested by the County. Additionally, sewer system improvements must be completed and accepted by the County prior to the issuance of building permits for residential construction. These requirements will be included as conditions of approval.*

*This proposal will utilize community water and community sewer services provided by WWD No. 41. As the project proposes 68 residential lots, a total of 68 Equivalent Dwelling Units (EDUs) of water are required to supply the development. According to the Resources Division*



of the Fresno County Department of Public Works and Planning, 68 EDUs of water are being transferred from Site Plan Review (SPR) No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. As such, this proposal is not required to acquire its EDUs upon recordation of the final map. Further, as SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and Tentative Tract Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.

\* **Mitigation Measures**

1. Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and meet all state and federal regulations for a community water system. An Engineer's evaluation must demonstrate acceptable operations parameters and capacity based upon the proposed development. Two copies of engineered plans for these facilities shall be submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval.
2. All water facilities and associated property shall be deeded to Fresno County Water Works District (WWD) No. 41. All well sites shall meet a 50-foot radius control zone as required in Title 22 California Code of Regulations (CCR) 64560.
3. All irrigation shall comply with State and County water conservation regulations and efficient landscape requirements. This requirement shall be recorded as a Covenant running with the land and shall be noted on the final map.
4. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno.
5. All on-site wells serving the development shall be equipped with supervisory control and data acquisition (SCADA) controls as required by the County, or funding for the SCADA controls may be deposited with the County for future installation.
6. The developer shall construct well sites in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well sites.
7. 68 Equivalent Dwelling Units (EDUs) of water are being transferred from SPR No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. As such, this proposal is not required to acquire its EDUs upon recordation of the final map. As SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and Tentative Tract Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.
8. Based upon the hydrology report dated July 2010, Timberwine (T) wells T-19 (25 EDUs), T-24 (7 EDUs) and T-30 (30 EDUs) are being considered for use with this proposed subdivision. Further, based upon a hydrology report dated January 2006, Timberline (T) well T-31 (6 EDUs) is also being considered for use with this proposed subdivision. The Fresno County Department of Public Works and Planning has been in

contact with the California Department of Public Health (CDPH) regarding a revision of the CDPH permit issued to Fresno County Water Works District (WWD) No. 41 which requires all new developments to have 0.5 gallons per minute per EDU. Should CDPH not change this requirement, the Applicant shall provide an additional water source or re-allocate additional EDUs.

9. Any variation on the allocation of Timberwine (T) wells shall require written approval from the Fresno County Department of Public Works and Planning prior to any re-allocation of EDUs to other projects.
10. Water quality data must pass State Health requirements referenced within Title 22 or additional tests required by the State Department of Public Health in order for the County of Fresno to accept the wells into the Fresno County Water Works District (WWD) No. 41 distribution system. If the State requires any treatment of the water source, the Applicant shall fund the necessary improvements.
11. All wells must have a minimum 50-foot seal. The existing water wells have been constructed using the Tubex method which does not meet State requirements. Additional monitoring will be required by the State to ensure the source is not influenced by surface water. The County will require a three year agreement with the developer to ensure that if the source is influenced by surface water during the term of the agreement that an alternative source or treatment be provided at the developer's cost. Any additional monitoring costs as included in the Project Implementation Agreement, due to the Tubex method being used, will be borne by the developer during the three year term.
12. Access roads to well sites shall be built to County standards by the Applicant and must be approved by the County prior to approval of the final map.
13. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/wastewater facility plans, coordination of any approvals with the State on the well source, and other coordination activities to process, finalize and approve the proposed water/wastewater connections. The Applicant has executed a Project Implementation Agreement and provided an initial deposit of funds (\$1,000). The Applicant shall provide future deposits for all actual costs.
14. The Applicant's engineer shall provide the design and improvement plans for all elements of the sewer system to the County for review and approval.
15. All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.
16. Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT 5991 or by the next reasonable increment. If at some time excess capacity is determined, the Applicant shall pay applicable costs as determined by the County.

17. Prior to Final Map approval, the Applicant shall provide an engineering study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single family residence.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no water-related concerns with the project. As indicated above, the proposed development will connect to community water and sewer services provided by WWD No. 41.*

- 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; or
- 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; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal may create new impermeable surfaces in the form of pavement and roof covering. According to the California Regional Water Quality Control Board, as construction associated with this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements have been included as project Notes.*

*According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, all run-off generated from resultant development shall be retained on the subject site or other facility acceptable to the Director of*

*Public Works and Planning. Areas designated for stormwater retention shall be shown on the final map. Hydrologic and hydraulic analysis shall be prepared and submitted for approval, in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development. Sizes and locations for culverts and/or relocated drainage facilities shall be based upon this analysis. Increased stormwater runoff generated by the proposed development shall be retained on-site for metered release within drainage ponds to not cause greater streamflow rate than historically experienced (for a like precipitation event), or directed to other facilities acceptable to the Director of Public Works and Planning. Detention facilities proposed within stream courses will require review and approval of a Streambed Alteration Permit by the California Department of Fish and Game (note: The metered release detention basin shall be sized using the formula  $V_s = 0.28CA$ . Basins with water depth in excess of 18 inches shall be fenced with fencing type to be chain link or other form that would discourage public access). A grading and drainage plan shall be prepared and submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval prior to commencement of the work of improvement. Easements for cut and fill slopes are provided for by the additional 20-foot easement width along each side of the roadways. Drainage courses (existing and additional) shall be maintained so as to not significantly change the existing drainage characteristics on parcels adjacent to the development. The centerline of any natural watercourses shall be shown and dimensioned at the lot lines on an additional map sheet. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board with a copy of the notice provided to the County prior to commencement of any grading activity. The applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans. The SWPPP shall be submitted to the County prior to commencement of any grading activity. All cut and fill slopes shall comply with the submitted Soils Report. Proposed graded pathways (Recreation Trails) must be identified with appropriate signage and appropriately constructed acceptable for pedestrian use (hiking / walking). A trail detail / cross-section shall be shown on the improvement plans. These requirements will be included as conditions of approval.*

F. Would the project otherwise substantially degrade water quality; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*No additional water quality impacts were identified in the project analysis.*

G. Would the project place housing within a 100-year floodplain; or

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

*The subject parcel is not located within a floodplain and, as such, the project will not expose persons to flood or inundation hazards.*

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community; or

FINDING: NO IMPACT:

*This proposal will not physically divide an established community. The project site is designated for Mountain Residential uses in the Shaver Lake Community Plan and is also designated for Condominium uses in the Shaver Lake Forest Specific Plan.*

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal entails the creation of a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District. The project site is designated for Mountain Residential uses in the Shaver Lake Community Plan and is also designated for Condominium uses in the Shaver Lake Forest Specific Plan.*

*Provisions for planned residential developments such as this proposal have been provided for in the Fresno County Zoning Ordinance. Fresno County Zoning Ordinance Section 825.3-G allows the filing of a Classified Conditional Use Permit to allow planned residential development within the R-1-C (Single Family Residential, 9,000 square-foot minimum parcel size) Zone District. Further, Zoning Ordinance Section 855-N.22 allows the modification of property development standards for planned residential development when the development is planned as a unified, integrated whole and incorporates outstanding design features and amenities. As such, planned residential development can benefit the community through the more efficient use of land, greater provision of open space, and improved aesthetics.*

*Provisions for planned residential developments such as this proposal have also been provided for in the Shaver Lake Community Plan. Policy 609-01:4.01(i) of the Plan provides that new urban density residential development shall connect to a community water system in accordance with provisions of the Fresno County Ordinance Code, Water Quality Control Board standards, and the Sewerage and Water Master Plan. Further, Policy 609-01:4.01(j) of the Plan provides that new urban density residential development shall provide for a community sewer system in accordance with provisions of the Fresno County Ordinance Code, Water Quality Control Board standards, and the Sewerage and Water Master Plan. As discussed in Section IX.A Hydrology and Water Quality, this proposal will utilize community water and community sewer services provided by Fresno County Water Works District (WWD) No. 41.*

*According to Policy 802-01:4.01(a) of the Shaver Lake Forest Specific Plan, development of areas designated for Condominium uses shall be as planned residential developments. Further, such development shall provide protection to natural features by providing sufficient setbacks, proposed structure locations shall be located in a manner that protects view corridors, landscaping and visual buffers shall be utilized to minimize visual impacts upon adjacent residential areas and scenic roadways. Further, site data (i.e. topographic maps, proposed building sites, elevation drawings, architectural renderings) shall be submitted for consideration at the time of Subdivision Review; however, staff may determine that such data is not necessary for review. Additionally, building locations and fuel breaks shall conform to applicable Fire Safe Guidelines. In this instance, according to the Applicant's operational statement, this proposal was designed to blend into the forested hillside with contouring placement of roadways to minimize cuts and fills, and no mass-grading is proposed so as to preserve the existing forest canopy. Further, any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. Considering that this proposal was designed to minimize visual impacts and impacts to existing topographical features and vegetation, staff does not believe additional site data is necessary for Subdivision Review.*

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

*This proposal will not conflict with any Land Use Plan or habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.*

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- 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 project analysis.*

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or

- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*This proposal has the potential to generate additional noise from construction activity associated with the development of proposed dwellings units. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement will be included as a project Note. Further, a Mitigation Measure will be included limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. on Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activity occurs between these hours.*

\* **Mitigation Measure**

1. *All noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.*
- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip; or
- 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 located in the vicinity of an airport and is not impacted by airport noise.*

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal may result in the construction of 68 dwelling units on 25.04 acres of vacant land designated for mountain residential uses in the Shaver Lake Community Plan and condominium use in the Shaver Lake Forest Specific Plan. As such, potential population growth resultant of this proposal was planned for and considered in the Shaver Lake Community Plan and the Shaver Lake Forest Specific Plan which were adopted in October 1978 and October 1973, respectively. Further, this proposal will neither displace any existing housing nor necessitate additional housing construction at another location.*

#### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities in the following areas:

1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Further, said District also stated that any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. Additionally, the Shaver Lake Volunteer Fire Department also reviewed this proposal and did not express any concerns with the project.*

*According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, the design of the fire protection water system with location and number of fire hydrants, together with the size of the water mains, shall conform to County Standards and shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Fire hydrants shall be installed with the bolted flange and break off ring approximately 4" above the top of the adjacent roadway dike. An asphalt concrete or portland cement concrete apron 5 feet wide shall be provided from the roadway dike to one foot behind the fire hydrant and be at grade and slope to drain over the top of the roadway dike. Fire hydrants shall be located on the uphill side of the roadway wherever practicable to avoid fill slope stability and access issues. The fire hydrant valve shall be installed on the water main tee serving the fire hydrant for ease of location during snow conditions. A galvanized steel marker post acceptable to the fire district having jurisdiction for fire hydrant identification shall be installed with concrete footer approximately one foot behind the fire hydrant with a height of 6 feet above the apron slab with attached sign "Fire Hydrant" together with a blue reflector attached 3" below the pole top. These requirements will be included as conditions of approval.*

2. Police protection;

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Board of Supervisors has 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. Therefore, a mitigation measure will be 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.*

\* **Mitigation Measure**



1. *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.*
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

*No impacts on the provision of other services were identified in the project analysis.*

#### XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*No impacts on recreational facilities were identified in the project analysis. As part of the proposed planned residential development, approximately 5.53 acres of common open space area will be provided.*

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*Due to the potential increase in vehicular traffic resultant of this proposal, a Traffic Impact Study (TIS) was prepared for this project by TPG Consulting, Inc. Upon review of the TIS by the California Department of Transportation (CALTRANS) and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, no traffic related concerns were expressed by either agency. Upon review of the TIS by the Design Division of the Fresno County Department of Public Works and Planning, potential impacts to the existing transportation system resultant of this proposal were identified. These impacts were based on a trip generation and distribution analysis. Proportionate share*

calculations were then calculated for affected intersections at Auberry Road and Millerton Road, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road. Therefore, the Applicant shall pay a pro-rata share of cost in the amount of \$102,062.00 toward future improvements at the intersections of Auberry Road and Millerton Road, Auberry Road and Copper Avenue, Auberry Road and Winchell Cove/Marina Drive, and the road segment of Auberry Road from Copper Avenue to Millerton Road.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, all interior roads shall be developed in accordance with the Shaver Lake Forest Specific Plan and shall be constructed to appropriate County of Fresno Improvement Standards. Deviations from the County of Fresno Improvement Standards require an application for and approval of an Exception to Standards. The proposed private roadway 32-foot width complies with the standard for this density of development. The roadway structural section shall be that of public roads for this level of traffic, but shall not be less than 2" of Asphalt Concrete over 4" of Class II Aggregate Base. An Exception to Standards has been applied to enable use of 40-foot wide rights-of-way where 60 feet is required, with an additional 20-foot wide easement to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities. All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. There shall be no runoff flow across the roadways that could result in travel-way ice formation. The private roadways entrance gate call box shall be set back from Shaver Forest Road a distance determined by statistical analysis using the "queuing theory" sufficient to ensure that there is a 1% or less chance of a waiting vehicle extending onto Shaver Forest Road. A 25-foot length shall be provided for each such vehicle in determining the required setback. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion. A Fresno County Improvement Standard B-2 rural residential cul-de-sac turn-around shall be provided at the end of all cul-de-sac roads. Roadway design speed shall be 25 miles per hour, except for intersections and corner turns. Twenty-by-twenty-foot corner cutoffs shall be provided for all intersections. Roadway intersections shall be as near as practicable to a right angle. Cul-de-sac streets, depending upon length for fire hydrant requirement, shall have either a fire hydrant or a blow off valve at the end. Street and regulatory signs and markings shall be included in the required work of improvement and shall comply with Fresno County Standards. Engineered plans for the subdivision improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report, which shall identify the soils R-value, which, together with the development determined Traffic Index, shall be used for the pavement structural section design to public road standard. Upon grading of the roadways, R-value shall be obtained for the verification of the roadway structural section design. As a gated community with private roads, a Homeowner's Association (HOA) shall provide maintenance for all interior streets. Provisions for parking are provided within the employed roadway standard (32-foot pavement width) and the zone district requirement for off-street parking on each lot. A Homeowner's Association (HOA) shall provide maintenance of the interior roadways (with snow removal), common open space, trails and drainage facilities. The HOA shall, proportionate to use, maintain Shaver Forest Road along the project frontage length including snow removal, and shall contribute proportionately to snow removal costs for that length of Shaver Forest Road back to State Route 168 (Tollhouse Road). Upon extension of Shaver Forest Road to Dinkey Creek Road and acceptance into the County-maintained road

system by the Board of Supervisors, the responsibility of the HOA may cease. The subdivider will be required to secure the maintenance of the new roads for two contiguous one-year maintenance periods after acceptance of construction (County inspection at one-year periods for subdivider directed maintenance performance). The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to final map approval. Street signs shall be paid for by the developer and installed by the County of Fresno. These requirements will be included as conditions of approval.

\* **Mitigation Measures**

1. To mitigate potential impacts to the County maintained roads, a pro-rata share of cost in the amount of \$102,062.00 shall be required as defined in items 'a' through 'd' below. This fee shall either be paid prior to recordation of the final map or a Covenant shall be recorded on each lot providing notice that issuance of building permits is subject to payment of a Public Facilities Fee. If the Applicants opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.
  - a. Signalization at the intersection of Auberry Road and Millerton Road. The project's maximum share is 0.3% or \$845.00.
  - b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share is 0.2% or \$503.00.
  - c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share is 0.2% or \$659.00.
  - d. Road improvements for the road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share is 0.2% or \$100,055.00.

C. Would the project result in a change in air traffic patterns; or

FINDING: NO IMPACT:

*This proposal will not result in a change in air traffic patterns.*

D. Would the project substantially increase traffic hazards due to design features; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site is accessed from State Route 168 (Tollhouse Road) via Shaver Forest Road. According to the California Department of Transportation (CALTRANS), State Route 168 (Tollhouse Road) has a short left turn lane at the westbound approach to its intersection with Shaver Forest Road. However, CALTRANS acknowledges that the project site is located on the east side of State Route 168 (Tollhouse Road) and that the eastbound approach of State Route 168 (Tollhouse Road) to its intersection with Shaver Forest Road appears to be adequately flared to accommodate traffic resultant of the proposed development.*

*This proposal was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project.*

- E. Would the project result in inadequate emergency access; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

*Adequate emergency access will be provided via a proposed emergency access easement onto Shaver Forest Road.*

*According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, Emergency Access Roads shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment, as determined by the Director of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area. Crash gates shall be provided at both ends of the emergency access easement. Appropriate "exit only" gate with exit sensor operator and signage may be used at the westerly access to Shaver Forest Road. These requirements will be included as conditions of approval.*

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

*No such impacts were identified in the project analysis.*

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section IX.A Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new stormwater drainage facilities; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*According to the Resources Division of the Fresno County Department of Public Works and Planning, as the project site is located within Fresno County Waterworks District (WWD) No. 41, a "Will Serve" letter has been provided by said District for community water and community sewer services. Further, the Homeowner's Association (HOA) proposed by the Applicant will own proposed open space areas in fee and will be required to provide the County with easements in said open space areas for the drilling of additional wells for use by a community water system. This requirement will be included in the following mitigation measure:*

\* **Mitigation Measure**

1. *The Homeowner's Association (HOA) shall provide the County with easements in proposed open space areas for the drilling of additional wells for use by a community water system.*

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section IX.A Hydrology and Water Quality.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site will be served by a local waste hauler called Granite Solid Waste, which is designated to provide refuse and recyclable material removal as required by County Ordinance. The development of a planned residential subdivision of the size and character of this project will not significantly impact local area landfills.*

## XVIII. 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section IV Biological Resources.

B. Does the project have impacts that are individually limited, but cumulatively considerable; or

FINDING: NO IMPACT:

*No cumulatively considerable impacts were identified in the project 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 project analysis.*

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to mineral resources.

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, population and housing, and recreation have been determined to be less than significant. Potential impacts related to aesthetics, biological resources, cultural resources, hydrology and water quality, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

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# SHAVER FOREST DEVELOPMENT, LLC

Emily Derderian  
Shaver Forest Development, LLC  
1396 W. Herndon Ave., Suite 110  
Fresno, CA 93711  
559-307-4907

March 26, 2019

Marianne Mollring  
Dept. of Public Works & Planning  
County of Fresno  
2220 Tulare, Suite A  
Fresno, CA 93721

RE: Tentative Tract No. 5991 (Extension)

Dear Ms. Mollring:

The purpose of this letter is to request a time extension for the approved tentative tract map referenced above. We are requesting additional time to allow us to complete our re-assessment of the number of lots included in this map. We are considering downsizing the number of lots and need more time to finalize our decision.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Emily Derderian  
Shaver Forest Development, LLC