



## Inter Office Memo

DATE: August 30, 2011

TO: Board of Supervisors

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

SUBJECT: Resolution No. 12253 – Initial Study Application No. 5981, Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, Tentative Tract Map Application No. 5943 filed by Bratton Investments

### RECOMMENDED ACTION

**Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5981, adopt Ordinance approving Amendment Application No. 3779 and approve Tentative Tract Map Application No. 5943 and Classified Conditional Use Permit Application No. 3237 by rezoning a 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District and create a 58-lot Planned Unit Development with lots ranging from 2,400 square feet to 3,150 square feet in size and various outlots.**

The project site is located on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver (SUP. DIST: 5) (APNos: 130-040-23, 136-374-01 and 130-920-17).

### BACKGROUND / DISCUSSION

On July 21, 2011, the Planning Commission considered the subject applications. After receiving staff's presentation and considering public testimony from the Applicant's representative, the Commission voted unanimously (seven to zero) to recommend that your Board adopt the Mitigated Negative Declaration prepared for the project and approve the proposed rezoning request, Tentative Tract Map and Classified Conditional Use Permit for a Planned Unit Development subject to the Mitigation Measures and Conditions listed in the Staff Report and Subdivision Review Committee Report.

Note that an Amendment Application (AA – rezoning) is a legislative action requiring final approval by your Board, and final action by your Board is also required for the adoption of the Initial Study Application. If approved, the rezoning would become effective 30 days after adoption.

The Applicant is proposing to rezone a 10.88-acre portion of a 151.32-acre site from AL-20 (Limited Agricultural, 20-acre minimum parcel size) and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District, and create a 58-lot Planned Unit Development through the Tentative Tract Map and Classified Conditional Use Permit process within the Bretz Mountain Village Specific Plan area of the unincorporated community of Shaver.

If your Board determines that the proposed Amendment Application, Tentative Tract Application and Classified Conditional Use Permit Application are consistent with the General Plan and Bretz Mountain Specific Plan, a simple approval motion would be appropriate. If your Board determines that the subject applications are not consistent with the General Plan, denial of the applications would then be appropriate citing the reasons for denial and the proposal's inconsistency with the Bretz Mountain Specific Plan and Fresno County General Plan.



## Agenda Item 13

DATE: August 30, 2011

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 12253 – Initial Study Application No. 5981, Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, and Tentative Tract Map Application No. 5943 filed by Bratton Investments

Representative: Charlie Maxwell

Applicant / Owner: Bratton Investments

REQUEST: Rezone an approximate 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2 (c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District within the Bretz Mountain Village Specific Plan; and

Allow a concurrent Tentative Tract Map and Classified Conditional Use Permit Application for a Planned Unit Development consisting of 58 residential lots, ranging from 2,400 square feet to 3,150 square feet in size and various outlots in the R-2 (c) (m) Zone District.

LOCATION: The project site is located on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver Lake (SUP. DIST: 5) (APNos: 130-040-23, 136-374-01 and 130-920-17).

ADMINISTRATIVE OFFICE REVIEW

*Bradi Otha*

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BOARD ACTION: DATE

October 30, 2011

APPROVED AS RECOMMENDED

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Official Action of  
Board of Supervisors

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PLANNING COMMISSION ACTION:

At its hearing of July 21, 2011, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

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

- Recommend to the Board of Supervisors approval of Amendment Application No. 3779 and adoption of the recommended Findings of Fact and approval of Classified Conditional Use Permit Application No. 3237, subject to the Conditions listed in Exhibit “B”; and
- Adopt the recommended Findings of Fact and approve Tentative Tract Map Application No. 5943, subject to the Conditions listed in Exhibit “B”.

VOTING: Yes: Commissioners Ferguson, Gill, Borba, Mendes, Niswander, Rocca, Yates

No:               None

Absent Commissioner Goodman

Abstain: None

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

By:

Bernard Jimenez, Manager  
Development Services Division

- NOTES:
1. The approval of Classified Conditional Use Permit No. 3237 is tied to Tentative Tract No. 5943 and will expire upon expiration of the Tentative Tract Map. 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.

EXHIBIT "A"

Initial Study Application No. 5981  
Amendment Application No. 3779  
Classified Conditional Use Permit Application No. 3237  
Tentative Tract Map Application No. 5943

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2011, and heard a summary presentation by staff.

Applicant: The Applicant generally concurred with the Staff Report and the recommended Conditions with the exception of the Condition regarding groundwater units appropriated upon lot recordation. He described the project and offered the following information:

- We are in substantial agreement with a majority of the Conditions and issues as presented by staff.
- The required fence would be a cattle fence as required by the Sierra National Forest.
- Regarding the requirement of a Right-To-Farm Notice associated with the proposed map, the southern portion of the Bretz Mountain Specific Plan contains AL-20 Zoned properties which will be logged in the future.
- The Bretz Mountain Specific Plan originally inter-mixed single-family lots and townhomes together but the 2005 Update placed single-family lots to one side of Bretz Road and townhome lots to the other side.
- The opposition letter indicates that the individual purchased lots in Quartz Mountain and the original development had lots and townhomes mixed but that has since changed with the 2005 Plan Update.
- We are in agreement with the sewer requirements and would hope that the County holds other developers to the same standards and required Conditions.
- The issue of water has been a source of contention for Shaver development.
- The demand for cabins has changed from a typical 700 to 900 square-foot size in the 1970's to 2,500 to 3,500 square feet and up today.
- Shaver developers were in agreement with the Department of Public Works and Planning Interim Director during the 2004 to 2005 period that they would bring several wells on-line to avoid a complete shutdown of development in the area, but surface water will need to be brought on-line eventually.

- We are working on a Letter of Intent for surface water for 350-acre feet which would fully address the County's shortage of 70-acre feet.
- At this time, we are trying to build and fund projects so as to be able to fund surface water acquisition.
- All developers had knowledge of the 2,000-unit cap as stipulated in the Shaver Lake Sewer and Water Master Plan and we would caution not to go past 2,000 units on groundwater.
- The well tested for this project has a capacity for 55 units with other unallocated water units from other wells available to make up the difference.
- Groundwater units associated with other fully approved projects under ownership of Bratton Investments could be allocated to this proposal to allow full development without exceeding the 2,000-unit cap.
- The well for this project was tested in 2007 by Norbert Larson, PhD and the County Geologist at the time was present for that test.
- Every time you sell a lot in Shaver Lake, a Community Facilities Fee is paid to fund improvements including infrastructure for surface water.
- We do take issue with the Subdivision Review Committee Report Condition requiring the appropriation and groundwater units with the Final Map because it will cause Bratton Investments to expend funds ahead of schedule and place us in an unfavorable financial situation, and as such, we would like to discuss this matter at the Board of Supervisors level.

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

Correspondence: One letter was presented to the Planning Commission in opposition to the project.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5981  
Amendment Application No. 3766  
Classified Conditional Use Permit Application No. 3237  
Tentative Tract Map Application No. 5943

AMENDMENT APPLICATION NO. 3766 AND CLASSIFIED CONDITIONAL USE PERMIT  
NO. 3237

1. Development of the subject Planned Residential Development shall be in substantial compliance with Tentative Tract Map No. 5943 and the Operational Statement.
2. All Conditions of the Subdivision Review Committee Report and project Notes regarding mandatory requirements for Tentative Tract Map Application No. 5943 shall be complied with.
3. This Classified Conditional Use Permit and Amendment Application shall be tied to Tentative Tract Map Application No. 5943; if the Tract is denied or expires, the subject Amendment Application and Classified Conditional Use Permit shall also be denied or expire.

NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a Conditional Use Permit to authorize a Tentative Tract Map automatically assumes the life span of the Tentative Tract Map.

4. All existing property development standards of the R-2 (m) Zone District listed in the Zoning Ordinance shall apply except for the following deviation:

Building Setbacks:

- The building setbacks for all structures shall be according to the approved Tentative Tract Map No. 5943 and the Operational Statement as modified through the Planned Unit Development process for the R-2 (m) Zone District.

TENTATIVE TRACT MAP APPLICATION NO. 5943

A. INTERIOR ROADS:

1. Shall be constructed to a 10 mile-per-hour design speed public road standard in accordance with County Improvement Standard A-1 Case A-1b with 22 feet of base and pavement with a minimum centerline radius of 59 feet, contained within an outlot for private road purposes having a minimum width of 22 feet.
2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.

3. The location of the call box or the setback from the Bretz Mill Road intersection shall be determined by statistical analysis using the “queuing theory” to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. Thirty by thirty-foot corner cutoffs shall be provided at the proposed interior road intersection with Bretz Mill Road.
5. All roads shall intersect as near to right angle as practicable.
6. Adequate sight distance shall be provided at the proposed interior road intersections with a minimum twenty by twenty-foot corner cutoff.
7. Engineered Plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.
8. As a gated community, all interior street maintenance shall be provided by a homeowners association.
9. Slope easements outside of the private road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road run-off into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after the acceptance of the work by the County.
12. A backup area shall be provided for Lots 23, 24, 54, and 55.
- \*13. A new Zone of Benefit within County Service Area (CSA) 35 will require an Engineer’s Report to establish yearly road maintenance; including snow removal assessments and a sixteen-year Maintenance Plan for any roads the development receives a Benefit from outside of the gated community such as snow removal cost-sharing for Bretz Road.

B. WATER:

1. The development shall be served by the community water system. A “will serve” letter from the District will be required.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. Prior to recordation of the Final Map, all proposed wells shall be constructed, permitted, tested, and accepted by the County.



- \*4. Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and shall 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 Resources Division, Special Districts, for review and comment prior to recordation of a Final Map.
- \*5. All water facilities and associated property shall be deeded to CSA 31. In order to meet water requirements, the Applicant may provide surface water, groundwater, or a combination of both for the proposed development. Use of groundwater is subject to development requirements identified in these Mitigation Measures and the County/State requirements in effect at the time of the well development. All well sites shall meet a 50-foot radius control zone as required in Title 22 CCR (California Code of Regulations) 64560.
- \*6. All on-site wells serving the development shall be equipped with telemetry supervisory control and data acquisition (SCADA) controls and data acquisition device as required by the County. Funding for the SCADA controls may be deposited with the County for future installation. The current estimated cost for telemetry is \$10,000 per well, however, only actual costs will be charged to the Applicant.
- \*7. The developer shall construct the well site in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well site.
- \*8. 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 CSA 31 distribution system.
- \*9. All wells must have a minimum 50-foot annular seal to meet State requirements. The existing water wells have been constructed using the Tubex method which does not meet the State requirement. The County will require the Applicant to excavate a minimum of 15 feet in depth around the well casing and pressure grout the area. 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 Applicant to insure 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 identified in the Project Implementation Agreement, due to the Tubex method being used, will be borne by the Applicant during the three-year term.
- \*10. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.
- \*11. 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.

- \*12. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from developing new wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.
- \*13. Access roads to the well site shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.
- \*14. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.
- 15. To address the remaining groundwater units available per the Shaver Lake Sewer and Water Master Plan, groundwater units will not be appropriated/acquired until recordation of the lots.

C. SEWER:

- 1. The development shall be served by the community sewer system. A “will serve” letter from the District will be required.
- 2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
- 3. The sewer system must be completed and accepted by the County prior to the issuance of Building Permits for residential construction.
- \*4. All sewer infrastructure shall meet County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements.
- \*5. The Applicant shall expand sewer collection, treatment, and disposal capacity for units identified in Tentative Tract No. 5943. All infrastructure shall be sized to accommodate potential upstream development and shall be in accordance with the Shaver Lake Sewer and Water Master Plan. The design shall be reviewed and approved by the County.
- \*6. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.
- \*7. Prior to Final Map approval, the Applicant shall provide an Engineering Study to evaluate potential capacity issues within the collection with the additional flows anticipated by this and future developments within this

collection area. The Applicant shall coordinate with other developments to ensure potential ultimate demand is addressed in accordance with the Shaver Lake Sewer and Water Master Plan.

- \*8. At this time, the Shaver Lake Regional Wastewater Treatment Plant has no excess capacity. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within Tentative Tract Map No. 5943 or by the next reasonable increment.
- \*9. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.

D. DRAINAGE AND EROSION CONTROL:

- 1. Hydrologic and hydraulic analyses 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.
- 2. All stormwater run-off generated by the proposed development shall be retained on-site within drainage ponds or other facilities acceptable to the Director of the Department of Public Works and Planning. Any detention facilities within the natural drainage courses will need to be reviewed and approved by the California State Department of Fish and Game and State Water Resources Control Board.

Note: No ponding areas have been shown on the Tentative Map. The subdivider's proposal to direct all stormwater off-site is not consistent with County practice or policy. As a minimum, detention ponds may be considered in lieu of retention ponds provided that the subdivider submits adequate hydrological calculations to demonstrate no significant impact on downstream properties. Small detention ponds may be considered in open space areas or greenbelts provided their depth does not exceed 18 inches.

- 3. Ponds in excess of eighteen inches in depth shall be fenced.
- 4. Provide erosion control measures to all exposed slopes in accordance with County Improvement Standards.
- 5. If natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required. A Drainage Study shall be provided to determine the sizes and locations of culverts.
- 6. The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A

copy of this Notice shall be provided to the County.

7. The Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the Plan into the Construction Improvement Plans.
8. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
9. A Grading and Drainage Plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual lot Grading Plans shall be required for lots adjacent to the border of the subdivision. Off-site slope easements shall be obtained, where necessary, prior to recordation of the Final Map.
- \*10. To mitigate the potential impacts to off-site waters, a catchment basin shall be placed in the southwest corner of the subject site. The catchment basin shall be designed to capture all of the stormwater run-off from this portion of the site and allow the sediment to fall out before flowing off-site and eventually into the unnamed drainage.

E. COMMUNITY FACILITIES DISTRICT:

1. The property is within the boundaries of Community Facilities District (CFD) No. 1. Payment of CFD Fees shall be required at the time of sale of each lot in the tract.

F. FIRE PROTECTION:

1. The location and number of fire hydrants shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district.

G. SOILS REPORT:

1. A Soils Report is required for the subdivision as a Condition of the Final Map. The Soils Report needs to address the feasibility of the site for the type of development as proposed.

H. UTILITIES:

1. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

I. STREET NAMES:

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

J. EMERGENCY ACCESS ROADS:

1. Shall be contained within easements and shall connect to public roads.

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

K. BRETZ MILL ROAD:

1. Provisions shall be made to participate in the maintenance until such time as the road is included in the County Maintained Road System.

L. REGIONAL ROADS:

- \*1. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in Items a-d below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a Building Permit is subject to payment of a Public Facilities Fee. If the Applicant opts for the latter, the Fee shall be collected no later than the date of final inspection or the date of issuance of a Certificate of Occupancy, whichever comes first.
  - a. Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2030 scenario is 0.8% or \$2,535.00.
  - b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2030 scenario is 0.5% or \$1,511.00.
  - c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share for the 2030 scenario is 0.6% or \$1,976.00.
  - d. Road widening to four (4) lanes of the 8.9-mile road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share for the 2030 scenario is 0.5% or \$203,592.00.

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.

- \*2. Prior to the issuance of Building Permits, the Applicant shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the fair share of this project's impact to the future traffic signal at State Route 168 (Morgan Canyon Road) and Auberry Road, which is currently calculated at \$31,725.00 (\$705/trip x 45 trips).

M. OTHER CONDITIONS:

1. The Applicant shall acquire a ten-foot slope maintenance, snow storage, and landscape buffer easement along the westerly edge of the property where the edge of the right-of-way is coterminous with the westerly property line prior to the recordation of the Final Map.
2. Prior to recordation of the Final Map, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, unless the large open space area south of the Bretz Road extension now zoned AL-20 has been rezoned to the "O" District.
3. Fencing shall be constructed adjoining Sierra National Forest land as specified in Section G.6f (5) of the Bretz Mountain Village Specific Plan to exclude cattle from the project area. The property lines adjacent to this subdivision and along the north boundary of the open space area shall be fenced in conjunction with the improvements for this subdivision. However, the fencing adjacent to the open space area may be relocated to the north side of the Bretz Road right-of-way required with the construction of this subdivision.
4. Prior to the recording of a Final Map, a Conservation and Forest Management Plan shall be prepared for review and approval by the County for the land area included in this subdivision in conformance with Section G.6 of the Bretz Mountain Village Specific Plan.
- \*5. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the Building Plans and the structures shall be painted prior to occupancy.
- \*6. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.
- \*7. To address sensitive and special status species that may inhabit or occur on the project site, the following shall either completed or addressed:
  - a. Conduct on-site pre-construction surveys for bat roosts, and if maternal bat roosts are found during these surveys, appropriate disturbance-free buffers shall be established in consultation the California Department of Fish and Game (DFG); buffer areas shall be avoided until cessation of the maternal bat roosting season and it has been determined by a qualified Biologist that juvenile protection via buffers is no longer necessary; once bats have vacated their roosts, tree removal and construction may resume.
  - b. Conduct on-site pre-construction surveys for nesting raptors during nesting season (February through August) 30 days prior to any construction activities, and if nests are located, appropriate and

generous disturbance-free buffers shall be provided in consultation with DFG.

- c. Recordation of Covenants, Conditions and Restrictions (CC & R's) which identify the populations of sensitive species to be avoided if discovered during pre-construction surveys; a copy of the CC & R's shall be provided to every lot owner at the time of purchase.
  - d. A brochure addressing responsible stewardship of open space and environmentally sensitive areas, human and wildlife interactions, and environmentally responsible landscaping choices shall be prepared by the project developer and disseminated to all homeowners at the time of purchase of townhouse units.
  - e. The project developer shall work with the DFG to insure that on-site occurrences of Orange Lupine (*Lupines citrinus* ssp. *citrinus*) populations are adequately relocated to off-site locations within the 330-acre area reserved for recreational uses as identified in the Bretz Mountain Village Specific Plan; consideration shall be given to the findings and recommendations of the May 20, 2009 Rare Plant Survey conducted by Live Oak Associates, Inc., specifically regarding seed collection, storage, relocation and planting.
- \*8. 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.
- \*9. 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 the 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.

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

**NOTES:**

**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant:**

- 1. 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 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 improvements shall be installed, prior to occupancy.

2. The Applicant shall apply for and complete a Property Line Adjustment to incorporate that portion of the remainder of Tract No. 5276, Quartz Mountain, into this proposed Tract Map. This shall be completed prior to the recordation of the Final Map.
3. According to the San Joaquin Valley Air Pollution Control District, the project at full build-out would allow construction of greater than 50 residential units (58 homesites proposed) and is subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires that the Applicant shall submit an Air Impact Assessment (AIA) Application to the Air District no later than seeking final discretionary approval and shall pay any applicable Off-Site Mitigation Fees prior to the issuance of the first Building Permit. The project may also be subject to Air District Regulation VIII-Fugitive Dust Rules related to PM-10, Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated.
4. The project will require hydrology and hydraulic analysis for the design of the on-site basins and that design must be approved by the Development Engineering Section of the Fresno County Department of Public Works and Planning as part of the Subdivision Improvement Plans.
5. Prior to construction and grading activities, the Applicant will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the Construction Improvement Plans. To be included as project Notes, adherence to these requirements will reduce the project impact on groundwater quality to less than significant.
6. The project proponent may choose a homeowners association (HOA) to conduct the open lot maintenance. Whereas, the HOA would own the land in fee but provide the County with an easement in the open space areas to drill additional well(s) for a community water system.
7. Fresno County Noise Ordinance requires construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
8. According to the U.S. Department of Agriculture (USDA) Forest Service, approximately 5,280 feet of land line is shared by the private land and National Forest land. The marker shall be protected during all phases of development and no encroachments shall occur onto National Forest land.
9. Any road originating on National Forest land not dedicated to Fresno County for legal access to the proposed development shall not be allowed.



10. The Pineridge Elementary School District and the Sierra Unified School District boundaries in which you are proposing construction, has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State law that authorizes the Fee, may not issue a Building Permit without certification from the School District that the Fee has been paid. An official certification form will be provided by the County when application is made for a Building Permit.
11. According to the Fresno County Fire Protection District, a 60-foot wide emergency access road shall be provided along the northern property line to connect Bretz Road on the adjoining U.S Forestland property.
12. An Encroachment Permit will be required for any work done within the County of Fresno road right-of-way. This includes any driveway approaches or any underground work that may need to be done in the right-of-way that will be associated with this project.
13. Upon development of the property, any existing water well(s) not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated areas of Fresno County, the water well contractor selected by the Applicant shall apply for and obtain a permit(s) to construct or destroy water well(s) from the Fresno County Public Health Department, Environmental Health Division, prior to commencement of work. Contact the Water Surveillance Program at (559) 445-3357 for more information.
14. The project will utilize water services provided by a Zone of Benefit within the County Service Area (CSA) 31. A total of 58 Equivalent Dwelling Units (EDUs) of water are required for the proposed development. Given the 2,000-unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision may be on groundwater and 21 residential units can be on water from other tentatively approved projects in the area under ownership of the Applicant or may also be developed on surface water or a combination thereof.

EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 5981  
Amendment Application No. 3766  
Classified Conditional Use Permit Application No. 3237  
Tentative Tract Map Application No. 5943

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

Initial Study Application:	\$ 3,706.00
Amendment Application and Classified Conditional Use Permit	\$ 7,840.50
Tentative Tract Map with Exception Request:	\$ 26,662.00
Health Department Review:	<u>\$ 1,958.00</u>
<b>Total Fees Collected</b>	<b><u>\$ 40,166.50</u></b>



## County of Fresno

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

### **Subdivision Review Committee Report Agenda Item No. 5 July 21, 2011**

**SUBJECT:** Initial Study Application No. 5981 and Tentative Tract Map Application No. 5943.

Allow division of 10.88-acre parcel into 58 residential lots with a lot size of 2,400 square feet to 3,150 square feet and various outlots in the R-2 (c) (m) (Low Density Multiple-Family Residential, 6,600 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District.

**LOCATION:** The subject property is located within the Bretz Mountain Village Specific Plan on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver Lake (SUP. DIST: 5) (APNos.: 130-040-23, 136-374-01 and 130-920-17).

**Applicant / Owner:** Bratton Investments

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Chris Motta, Senior Planner  
(559) 600-4227

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 5981; and
- Approve Tentative Tract Map Application No. 5943 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's

**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

action.

#### **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. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Tentative Tract Map No. 5943
5. Applicant's Submitted Operational Statement
6. Summary of Initial Study Application No. 5981
7. Bretz Mountain Village Specific Plan - Mitigation Measures and Monitoring Program Matrix

#### **KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

Date of Subdivision Review Committee Meeting: June 28, 2011

Subdivider: Bratton Investments

Engineer of the Project: Precision Civil Engineering, Inc.

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
G.P. Designation	PUD/Condominium/Multi-Family in the Bretz Mountain Village Specific Plan.	No Change
Zoning	AL-20 (Limited Agriculture, 20-acre minimum parcel size); and  R-1-B (c) (Single-Family	R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
	Residential, 12,500 square foot minimum parcel size)	through concurrent Amendment Application No. 3779
Surrounding Zoning	RC-40 (Resource Conservation) and AL-20 (Limited Agricultural)	R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square feet minimum parcel size required, Conditional, Mountain Overlay)
Land Use on Subject Property	Vacant	58 lot residential subdivision
Surrounding Land Uses	Forest land, residential subdivision of the Bretz Mountain Village	N/A
Source of Water and Sewer	N/A	Community sewer and water through a Zone of Benefit within County Service Area (CSA) 31
Number of Acres	151.32 acres	Approximately 10.88 acres to be utilized for the proposed 58 lot residential subdivision
Sphere of Influence	N/A	N/A
Nearest City Limits	1.2 miles south of the unincorporated community of Shaver Lake	No Change
Project Site (number of acres, number of lots, minimum lot size)	151.32 acres	Allow a planned residential development of 58 residential lots with 22-foot wide private roads on an approximately 10.88-acre portion of 151.32-acre parcel. The proposed development consists of 12 single-story and 46 two-story duplex units in the R-2(c) (m) Zone District.

Criteria	Existing	Proposed
		The proposed development will be served by a the community sewer and water system provided by CSA 31 and common area, private roads and trail system to be maintained by the homeowners association.
Structural Improvements	None	58 single-family duplex units
Nearest Residence	Approximately 145 feet north of the northern property line	Approximately 185 feet north of proposed Lot No. 5
Surrounding Development	Open space to the east and south, residential subdivision and Sierra National Forest land to the north, and vacant land designated for future residential development to the west	N/A

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 6.

Notice of Intent of Negative Declaration publication date: June 24, 2011.

**PUBLIC NOTICE:**

Notices were sent to 23 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 / BACKGROUND INFORMATION:**

A Tentative Tract Map Application may be approved only if five Findings specified in the Subdivision Map Act and County Subdivision Ordinance are made by the Planning Commission. These Findings are included in the body of the Subdivision Review Committee Report. Amendment Application No. 3779 and Classified Conditional Use Permit Application No. 3237 are being considered concurrently to allow a planned residential development and rezone the property.

Amendment Application No. 3779 proposes to rezone an approximately 10.88-acre portion of three parcels totaling 151.32 acres located within the Bretz Mountain Village Specific Plan from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple Family Residence, 6,600 square feet minimum parcel size required) Zone District. The Tentative Tract Map cannot be approved without approval of both the Amendment Application and the Conditional Use Permit Application. Conditional Use Permit Application No. 3237 has been submitted in response to a requirement in the Bretz Mountain Village Specific Plan that all development shall be by Planned Residential Development in accordance with the standards in Section 855-N of the Zoning Ordinance. Further, the proposal includes a request for a gated development, which can be provided through the planned residential development process.

Final approval must be given by the Board of Supervisors of Amendment Applications, together with any concurrent applications. Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, Tentative Tract Application No. 5943, and Initial Study Application No. 5981 are scheduled to be heard by the Board of Supervisors on August 30, 2011. Should the proposal be recommended for approval, the Planning Commission's recommendation will be forwarded to the Board of Supervisors for consideration at that meeting.

The Bretz Mountain Village Specific Plan is a refinement of the Shaver Lake Community Plan. It was originally approved on May 4, 1982 and was subsequently amended in February 1986, August 1996 and October 2005. Today, Bretz Mountain Village is a planned community intended to be developed as a residential-recreational community for year-round and seasonal occupancy, providing 977 residential units on 610 acres of land. The Plan allows an overall residential density of 1.6 units per acre, and provides 330 acres, or 54 percent of the land area, for Open Space. Three planned unit development/condominium/multiple-family developments are planned with a maximum of 660 units on 84 net acres for an average density of 7.86 units per acre. The Bretz Mountain Village is planned to be developed in seven phases and the proposed development is within Phase 5 of the Specific Plan.

## ANALYSIS / DISCUSSION:

### Finding 1:                      *General Plan Consistency*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-H.7: County shall apply the following general principles to a Planned Unit Development (PUD):</p> <ul style="list-style-type: none"> <li>a. PUD may include any combination of single-detached or attached units.</li> <li>b. Community sewer and water facilities shall be provided.</li> <li>c. Off-street parking facilities shall provide parking sufficient for occupants of the development and shall be integrated into the development and minimize adverse impacts on neighboring development.</li> <li>d. PUD shall provide common space easily accessible to all the residents of the project and useable for open space and recreational uses.</li> <li>e. The developer shall provide for perpetual maintenance of all common land and facilities through means acceptable to the County of Fresno.</li> <li>f. Streets serving the development must be adequate to accommodate the traffic generated by the proposed project.</li> </ul>	<p>The proposed development will be provided with 12 single-story and 46 two-story attached duplex units; community sewer and water services through a Zone of Benefit within CSA 31; off-street parking meeting the R-2 (m) Zone District requirements; an open air gazebo and a children's play area as common space to be used for recreational purposes; and a homeowners association (HOA) to conduct open lot maintenance. The project will also pay for a pro-rata share of future off-site improvements to mitigate potential impacts on County and California Department of Transportation (Caltrans) maintained roads and highways. This proposal meets these policies.</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>The project will utilize community sewer and water services provided by a Zone of Benefit within CSA 31. A total of 58 equivalent dwelling units (EDUs) of water are required for the proposed development.</p> <p>Given the 2,000 unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision can be on</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
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.	groundwater and 21 residential units can be on water from other tentatively approved projects in the area under their ownership. Eleven residential units can also be developed on surface water or a combination thereof.
General Plan Policy PF-E.6: County shall require that drainage facilities be installed concurrently with and as a Condition of development activity.	The project will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. A Soils Report to address the feasibility of the site for the type of development as proposed is also required for the subdivision as a Condition of the Final Map.
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's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties.
General Plan Policy PF-H.2: County shall determine the need for fire protection services prior to the approval of development projects.	The Fresno County Fire Protection District reviewed the project and did not identify any significant concerns with the proposal. Per the discussion in Finding 5 of this Report, a project Note has been included requiring the proposal to comply with the 2007 California Code of Regulations Title 24 Fire Code.
General Plan Policy PF-H.9: County shall require new development to develop fire protection services.	The project will comply with California Code of Regulations Title 24 – Fire Code 2007, and developments 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 Department of Public Works and Planning after consideration of the recommendations of the fire district.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy PF-J.3: County shall require new residential developments to underground on-site utility lines.	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.
General Plan Policy TR-A.7: County shall assess a fee on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.	The County Design Division and Caltrans identified potential impacts to the existing transportation system from traffic generated by the proposed project and requires that the project shall pay its fare share for off-site traffic improvements. The project, in accordance with Mitigation Measures Nos. 8.g. and 8.h., Traffic and Circulation, Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix which requires payment of pro-rata shares of cost for off-site improvements will pay its fare share. This requirement has been included as Mitigation Measures.
Bretz Mountain Village Specific Plan Policy B.5a(3): A project trail system shall be developed within the development, shall provide a link among all development phases, all recreational facilities within the development phases and to the designated open space areas within the Specific Plan.	A trail system will connect the project site with 270 acres abutting a parcel within the Bretz Mountain Village Specific Plan (BMVSP) reserved for open space and other developments within the Specific Plan.
Bretz Mountain Village Specific Plan Policy B.5a(1): For every 60 PUD units, two minor recreational facilities shall be provided.	The project will be provided with a gazebo 70 feet in diameter for barbeques (Outlot D) and a 60 foot by 25 foot Tot-Lot for children (Outlot C). The proposal meets this Policy.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Bretz Mountain Village Specific Plan Policy E.1a(1): All residential subdivisions be required to provide a community water system with distribution facilities to serve each lot, or provide individual systems, with an adequate supply for domestic needs, fire protection and normal residential irrigation in accordance with County Standards.</p>	<p>Community water service for domestic needs, fire protection and residential irrigation will be provided through CSA 31. The proposal meets this Policy.</p>
<p>Bretz Mountain Village Specific Plan Policy E.2b(2): Approval of any development phase shall be contingent upon a finding that adequate capacity exists or a requirement to expand the CSA 31 sewage treatment facility to accept sewage that would be generated by the project.</p>	<p>The project will connect to CSA 31 for sewer services through a Zone of Benefit. With no expansion needed, CSA 31 has the capacity to meet sewer needs of the proposed development.</p>
<p>Bretz Mountain Village Specific Plan Policy I.2b.(5): Construction of fencing adjoining Sierra National Forest land as specified in Section G. 6f(5).</p> <p>Bretz Mountain Village Specific Plan Policy G. 6f(5): The northern property line abutting the Sierra National Forest shall be fenced to exclude range cattle. The property lines adjacent to Phases 4 and 5 and along the north boundary of the open space area shall be fenced in conjunction with Phase 4. However, the fencing adjacent to the open space area may be relocated to the north side of the Bretz Road right-of-way required with the construction of Phase 4. The remainder of the fencing shall be constructed with the adjacent areas of Phase 7.</p>	<p>The proposed development is within Phase 5 of the Bretz Mountain Village Specific Plan. Fencing will be required to be provided along northern property line and has been included as a Condition of Approval. The proposal meets this Policy.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Bretz Mountain Village Specific Plan Policy I.2b.(8): Preparation of a Conservation and Forest Management Plan for the land area included in Phases 4, 5 and 7 in conformance with Section G.6.</p> <p>Bretz Mountain Village Specific Plan Policy G. 6b: Vegetation conservation shall be performed as part of the original Phase 1 development program. This Plan shall be prepared by a licensed Forester and submitted for review and comments to the California Department of Forestry and Fire Protection. This Plan shall be utilized by Fresno County during the review of subdivision Final Tract Map.</p>	<p>The project area is within Phase 5 of the BMVSP. Since the earlier Conservation and Forest Management Plan was written only for Phase 1 of BMVSP, a Condition of Approval will require that a Conservation and Forest Management Plan shall be prepared and be approved by the California Department of Forestry and Fire Protection.</p>

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

Policy Planning Section of the Development Services Division: The project area is designated PUD/Condo/Multi-Family Development in the Bretz Mountain Village Specific Plan. The proposed development shall adhere to the aforementioned General Plan and Bretz Mountain Village Specific 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:**

The current land use designation for the subject 10.88-acre portion of the 151.32-acre property in the Bretz Mountain Village Specific Plan is PUD/Condominium/Multi-Family and the zoning is AL-20 (Limited Agriculture, 20-acre minimum parcel size required) and R-1-B (c) (m) (Single-Family Residential, 12,500 square feet minimum parcel size required, Conditional, Mountain Overlay).

If Amendment Application No. 3779 is approved, the zoning for the subject parcel will be changed from AL-20 and R-1-B to R-2 (c) (m) (Low Density Multiple-Family Residence, 6,600 square feet minimum parcel size required, Conditional, Mountain Overlay) to accommodate the proposed 58 residential lots. If the concurrent Conditional Use Permit Application No. 3237 is approved, the subject development will be allowed as a gated Planned Residential Development with private roads, fulfilling a requirement in the Specific Plan that all development be Planned Residential Development. The proposed

density and design of the subdivision are consistent with the R-2 (m) property development standards and those of the Specific Plan.

The County General Plan and Bretz Mountain Village Specific Plan contain several design standards such as Circulation, Recreational Trail, Conservation/Open Space and Public Services and Facilities. Specific Policies related to these standards and their consistency with the proposed development has been discussed above. The proposal meets these Policies.

Consistent with the General Plan and in accordance with the County Subdivision Ordinance, if a subdivision is at any point within 300 feet of an AE or AL Zone District, a "Right-to-Farm" Notice must be recorded as a Condition of Approval of the Tentative and Final Subdivision Map. Because the subject property abuts AL-20 zoned parcels, staff has included a Condition requiring recordation of a "Right-to-Farm" Notice.

Based upon the above discussion, staff believes that the project is consistent with the County General Plan and Bretz Mountain Village Specific Plan and that Finding 1 can be made.

**Noteworthy Conditions of Approval:**

- *See Mitigation Measures and Conditions of Approval listed on Pages 17 through 28 of this Report.*

**Conclusion:**

Finding 1 can be made.

Finding 2:                      *Suitability of Site*

**Reviewing Agency/Department Comments:**

Resources Division of the Department of Public Works and Planning: The Applicant has proven a water source that will apply for the proposed development. The College Well G-22, as identified in the Hydrological Study, shall be tested and permitted by the California Department of Public Health, Drinking Water Program and accepted by the Fresno County Department of Public Works and Planning, Resources Division into CSA 31 prior to recordation of the Final Map. The project proponent may choose a homeowners association (HOA) to conduct the open lot maintenance whereas the HOA will own the land in fee but will provide the County with an easement in the open space areas to drill additional well(s) for a community water system.

Water requirements for this project have been included as Mitigation Measures and Conditions of Approval and are listed on Pages 20 through 28 of this Report.

Water/Geology/Natural Resources Unit of the Development Services Division: No concerns with the project as it relates to water quantity.

Design Division of the Department of Public Works and Planning: Creation of 58 residential lots is part of the development authorized in BMVSP and accounted for in the prior Traffic Impact Study prepared for the BMVSP. Proportionate share calculations were calculated for previously identified affected intersections. State Route 168 and Morgan Canyon Road, Millerton and Auberry Roads; Auberry Road and Copper Avenue; Auberry Road and Marina Drive; and the road segment of Auberry Road between Copper and Millerton Roads. The project shall pay a pro-rata share of cost in the amount of \$209,614.00. This requirement has been included as a Mitigation Measure.

The California Department of Transportation (Caltrans): Improvements to the State Route 168 (Morgan Canyon Road)/Auberry Road intersection in Prather to accommodate the current and future traffic demand is needed. The project shall pay a pro-rata share of cost in the amount of \$31,725.00 to pay for signal controls, two left turn lanes and a right turn lane. This requirement has been included as a Mitigation Measure.

Development Engineering Section of the Development Services Division: Specific requirements related to interior roads, drainage and erosion control, Soils Report, utilities and emergency access roads have been included as Mitigation Measures and Conditions of Approval and are listed on Pages 17 through 28 of this Report.

### **Analysis:**

The general vicinity of the project site is mountainous and forested land with scattered residential development and is characterized by areas of fairly steep slopes, thin soils, and rock outcrops. Possible geological, grading, and erosion impacts associated with development could occur on the site. Certain potential geological hazards were described in the Environmental Impact Report (EIR) prepared in 1982 for the entire Bretz Mountain Village Specific Plan, of which the subject area is a part. A number of Mitigation Measures were recommended as a part of the EIR which addresses these impacts, as listed in Exhibit 7.

The project site can be considered suitable for the proposed development. The proposed 58 lot planned residential development will be developed in accordance with the EIR approved for the Bretz Mountain Village Specific Plan. The project will utilize community water and sewer through a Zone of Benefit with CSA 31. Given the 2,000 unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision can be on groundwater and 21 residential units can be on water from other tentatively approved projects in the area under their ownership. Eleven residential units can also be developed on surface water or a combination thereof.

The Applicant is proposing interior roads to have a 22-foot wide right-of-way when 60 feet is the minimum required. An Exception Request, submitted by the Applicant and analyzed by staff on pages 19 through 20 of this Subdivision Review Committee report, requests a reduction in road width standards. Staff was able to make the Findings for the Exception Request. Based upon review by staff, it is believed that the required four Findings for the exception request can be made premised upon the Applicant submitted Findings and approval of the request can be recommended.

Based on the above discussion and the project adhering to the Mitigation Measures, recommended Conditions of Approval and project Notes, staff believes that Finding 2, related to Suitability of Site, can be made.

**Noteworthy Conditions of Approval:**

Specific Conditions are listed on Pages 17 through 28 of this Report. The following is a summary of noteworthy Conditions:

- *Interior roads shall be constructed to a 10 M.P.H. design speed public road standard in accordance with County Improvement Standard A-1 Case A-1b with 22 feet of base and pavement with a minimum centerline radius of 59 feet, contained within an outlot for private road purposes having a minimum width of 22 feet.*
- *Engineered Plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.*
- *A Grading and Drainage Plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual Lot Grading Plans shall be required for lots adjacent to the border of the subdivision. Off-site slope easements shall be obtained, where necessary, prior to recordation of the Final Map.*
- *A Soils Report is required for the subdivision as a Condition of the Final Map. The Soils Report needs to address the feasibility of the site for the type of development as proposed.*

**Conclusion:**

Finding 2 can be made.

Finding 3:                      *Environmental Effects*

### Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): The project at full build-out would allow construction of greater than 50 residential units (58 homesites proposed) and is subject to District Rule 9510 (Indirect Source Review). An Air Impact Assessment (AIA) Application to the Air District no later than seeking final discretionary approval shall be submitted and any applicable Off-Site Mitigation Fees prior to the issuance of the first Building Permit shall be paid (the Applicant filed AIA Application No. C-20080193 on October 17, 2008 and was approved by the Air District on December 14, 2008). Air District Regulation VIII-Fugitive Dust Rules related to PM-10; Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in case an existing structure on the property is renovated may also apply to the project. These requirements have been included as project Notes.

California Department of Fish and Game (DFG): Specific requirements included as Mitigation Measures are listed on Pages 25 through 26 of this Report. They are as follows:

- *Conduct on-site pre-construction surveys for bat roosts, and if maternal bat roosts are found during these surveys, appropriate disturbance-free buffers shall be established in consultation with the DFG; buffer areas shall be avoided until cessation of the maternal bat roosting season and it has been determined by a qualified Biologist that juvenile protection via buffers is no longer necessary; once bats have vacated their roosts, tree removal and construction may resume.*
- *Conduct on-site pre-construction surveys for nesting raptors during nesting season (February through August) 30 days prior to any construction activities, and if nests are located, appropriate and generous disturbance-free buffers shall be provided in consultation with DFG.*
- *Recordation of Covenants, Conditions and Restrictions (CC & R's) which identify the populations of sensitive species to be avoided if discovered during pre-construction surveys; a copy of the CC & R's shall be provided to every lot owner at the time of purchase.*
- *A brochure addressing responsible stewardship of open space and environmentally sensitive areas, human and wildlife interactions, and environmentally responsible landscaping choices shall be prepared by the project developer and disseminated to all homeowners at the time of purchase of townhouse units.*
- *The project developer shall work with the DFG to insure that on-site occurrences of Orange Lupine (*Lupines citrinus* ssp. *citrinus*) populations are adequately*



*relocated to off-site locations within the 330-acre area reserved for recreational uses as identified in the Bretz Mountain Village Specific Plan; consideration shall be given to the findings and recommendations of the May 20, 2009 Rare Plant Survey conducted by Live Oak Associates, Inc., specifically regarding seed collection, storage, relocation and planting.*

## **Analysis:**

The Subdivision Ordinance requires that a Tentative Tract Map Application 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 avoidably injure fish or wildlife or their habitat. To mitigate impacts on biological resources, the project development would be subject to Mitigation Measures No. 3.a through 3.g, Vegetation and 4.a through 4. j, Wildlife, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix. These Measures require setbacks from endangered vegetation species, development and implementation of a Forest Management Plan, landscaping with native plant species, education of project residents regarding the value of native vegetation, establishment of greenbelt corridors for traversing of wild animals through the property, limitations on removal of dead tree snags, protection of meadows and riparian habitats, and re-vegetation of any disturbed areas; and no construction within drainages, shallow wells along stream corridors, use of off-road vehicles, and hunting.

The California Department of Fish and Game (DFG) reviewed Biological Reports, dated January 29, 2007 and July 10, 2008, prepared for the project by Live Oak Associates, Inc., and concurred with the assessment and suggested Mitigation Measures contained in the Report dated July 10, 2008. An Initial Study was prepared for the subject proposal by County staff in conformance with the provisions of CEQA. Based on the Initial Study which incorporated the Report's suggested Mitigation Measures, staff has determined that a Mitigated Negative Declaration is appropriate for the project. A summary of the Initial Study is included as Exhibit 6.

No specific impacts to cultural or archeological resources were identified with regards to this project by reviewing agencies. However, in the event that cultural resources are unearthed during grading or construction, a Mitigation Measure would require that 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.

The project will be required to be served by community water and sewer systems through a Zone of Benefit for CSA 31 resulting in no impacts to soils or groundwater quality. This requirement has been included as a Mitigation Measure.

This project would result in an increase in noise levels associated with the development of 58 residential duplex units. However, with adherence to Mitigation Measures 6.c and 6.d. listed in the Bretz Mountain Village Specific Plan and compliance with the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday, the project will have less than significant impact. This requirement has been included as a project Note

Based on the above factors and the project adhering to Mitigation Measures and project Notes, staff believes that Finding No. 3, related to Environmental Effects can be made.

**Conclusion:**

Finding 3 can be made.

Finding 4:                      *Public Utilities and Easements*

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Development Services Division: All utilities shall be placed underground in accordance with the provision of the Subdivision Ordinance. This has been included as a Condition of Approval.

U.S. Department of Agriculture (USDA) Forest Service: Approximately 5,280 feet of land line is shared by the private land and National Forest land. Markers shall be protected and no encroachments shall occur onto National Forest land. This has been included as a project Note.

**Analysis:**

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.

Neither the design nor the type of improvements will conflict with easements acquired by the public at large for access through or use of the property. All proposed utilities will be underground in accordance with County Standards and provisions of the Subdivision Ordinance. County Standards also require that any existing overhead utilities within the tract, or within the street right-of-way adjacent to the tract, be removed and placed underground. Adherence to Conditions of Approval shall ensure compliance with the Subdivision Ordinance requirements for all new utilities to be placed underground. Based on the above factors and the project adhering to recommended Condition of Approval and project Note, staff believes that Finding No. 4, related to Public Utilities and Easements can be made.

**Noteworthy Conditions of Approval:**

- *All new utilities resultant of this proposal shall be placed underground in accordance with the provisions of the Subdivision Ordinance.*

**Conclusion:**

Finding 4 can be made.

Finding 5:     *Public Health*

**Reviewing Agency Comments:**

Fresno County Fire Protection District: The proposed development is in the State Responsibility Area (SRA) and is subject to the California Code of Regulations (CCR), Title 24, Part 2, known as the 2007 California Building Code (CBC). Subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval. The project shall provide a 60-foot wide emergency access via Bretz Road along the northern property line and an emergency access via Cressman Road along the western property line. All emergency access shall be approved by the Fire District prior to the completion of Improvement Plans/issuance of Building Permits. This has been included as a project Note.

Fresno County Sheriffs Department: Pursuant to Mitigation Measures 12.a and 12.b. Police Protection, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix, approval of the proposal shall include Impact Fees to fund capital and other expenses mitigating regional development cumulative impacts upon police services.

Resources Division of the Department of Public Works and Planning: The Applicant has proven a water source that will apply for the proposed development. The College Well G-22, as identified in the Hydrological Study, shall be tested and permitted by the California Department of Public Health, Drinking Water Program and accepted by the Fresno County Department of Public Works and Planning, Resources Division into CSA 31 prior to recordation of the Final Map. The project proponent may choose a HOA to conduct the open lot maintenance. The HOA will own the land in fee but will provide the County with an easement in the open space areas to drill additional well(s) for a community water system.

The aforementioned requirements have been included as Mitigation Measures.

**Analysis:**

The Fresno County Fire Protection District did not identify any significant concerns with the proposal. Development of the proposal will comply with the 2007 California Fire Code which relates to fire flow requirements for building, apparatus access, hydrant system, and fire plan approval by the Fire District. In regard to police services, the Applicant shall be required to establish a funding mechanism through a Community Facilities District under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support costs for Sheriff's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. Additionally, the Applicant shall pay for any cost associated with the establishment of the aforementioned funding mechanism. In regards to sewer and water services, adequate sewer and water capacity is available to serve the project through a Zone of Benefit within CSA 31. All sewer infrastructures for the tract will meet County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. Likewise, water facilities will meet County improvements standards and state and federal regulations for a community water system. Water quality testing for a new well to be included into the CSA 31 distribution system will be approved according to the State Health requirements.

Based on these considerations, the design of the subdivision and the type of improvements are not likely to cause public health problems provided that the development complies with the above-referenced Mitigation Measure, project Note and Mitigation Measures related to community sewer and water services as noted in Finding 2 above. With that, staff believes Finding No. 5, related to Public Utilities and Easements can be made.

**Noteworthy Conditions of Approval:**

- *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 costs 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.*

**Conclusion:**

Finding 5 can be made.

**PUBLIC COMMENT:**

None.

## **CONCLUSION:**

Staff believes the required Findings for granting the Tentative Tract Map Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Tentative Tract Map Application No. 5943 subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 5981; and
- Move to determine the required Findings can be made and move to approve Tentative Tract Map Application No. 5943 subject to the Conditions and Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (denial action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Tentative Tract Map Application No. 5943; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

#### **A. INTERIOR ROADS:**

1. Shall be constructed to a 25 mile-per-hour public road standard in accordance with County Improvement Standard A-1a with 32 feet of base and pavement contained within an outlot of private road purposes having a minimum width of 60 feet.

NOTE: The subdivider requests exception to the above Subdivision Ordinance Improvement Standard and seeks approval of a modified 22-foot private local residential street. If the exception is granted, Condition No. 1 shall read as follows:

Shall be constructed to a 10 mile-per-hour design speed public road standard in accordance with County Improvement Standard A-1 Case A-1b with 22 feet of base and pavement with a minimum centerline radius of 59 feet, contained within an outlot for private road purposes having a minimum width of 22 feet.

#### 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 reference to Findings 1, the Applicant states that due to the significant amount of rock outcroppings, protecting areas and limiting disturbance of vegetation along with setbacks, allowing more snow storage area, reducing the amount of cuts and grading needed to accommodate the roads and minimizing the number of trees to be removed, and building the interior roads to County Standards would not be feasible given these road development constraints. In reference to Findings 2, the Applicant states that other projects in the area have been granted similar exceptions. He further states that slower speeds provide safer driving conditions. Also, adhering to current Standards would restrict the ability to build out to the R-2 zone density.*

*Staff concurs with the Applicant assessment that the site has geological and vegetation constraints. To minimize damage to the geological features of the site with less cuts and grading activities combined with fewer trees and vegetations to be removed is the exceptional circumstances under which the reduction in right-of-way can be granted. Staff's research indicates that similar exceptions have been granted for other projects in the area.*

*According to the Development Engineering Section, since the subdivision will be a private gated community with no public access, it would be appropriate to permit construction of the road to a 10 mile-per-hour design speed public road standard in accordance with County Improvement Standard A-1 Case A-1b with 22 feet of base and pavement with a minimum centerline radius of 59 feet, contained within an outlot for private road purposes having a minimum width of 22 feet.*

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

*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.*

*In reference to Findings 3 and 4, the Applicant stated that granting of the requested exception will enhance the public safety, and health and welfare by minimizing traffic speed and road construction impacts within the project area. Also, similar requests have been granted for other projects in the area which suggests that the subject request would not be injurious to or prevent the logical development of other property in the immediate area.*

*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 exceptions to allow the interior roads to be 22 feet in width and built to a 10 mile-per-hour design speed.*

2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
3. The location of the call box or the setback from the Bretz Mill Road intersection shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. Thirty by thirty-foot corner cutoffs shall be provided at the proposed interior road intersection with Bretz Mill Road.
5. All roads shall intersect as near to right angle as practicable.
6. Adequate sight distance shall be provided at the proposed interior road intersections with a minimum twenty by twenty-foot corner cutoffs.
7. Engineered Plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

8. As a gated community, all interior street maintenance shall be provided by a homeowners association.
9. Slope easements outside of the private road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road run-off into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after the acceptance of the work by the County.
12. A backup area shall be provided for Lots 23, 24, 54, and 55.
- \*13. A new Zone of Benefit within CSA 35 will require an Engineer's Report to establish yearly road maintenance; including snow removal assessments and a sixteen-year maintenance plan for any roads the development receives a benefit from outside of the gated community such as snow removal cost-sharing for Bretz Road.

B. WATER:

1. The development shall be served by the community water system. A "will serve" letter from the district will be required.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. Prior to recordation of the Final Map, all proposed wells shall be constructed, permitted, tested, and accepted by the County.
- \*4. Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and shall 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 Resources Division, Special Districts, for review and comment prior to recordation of a Final Map.
- \*5. All water facilities and associated property shall be deeded to CSA 31. In order to meet water requirements, the Applicant may provide surface water, groundwater, or a combination of both for the proposed development. Use of groundwater is subject to development requirements



identified in these Mitigation Measures and the County/State requirements in effect at the time of the well development. All well sites shall meet a 50-foot radius control zone as required in Title 22 CCR (California Code of Regulations) 64560.

- \*6. All on-site wells serving the development shall be equipped with telemetry supervisory control and data acquisition (SCADA) controls and data acquisition device as required by the County. Funding for the SCADA controls may be deposited with the County for future installation. The current estimated cost for telemetry is \$10,000 per well, however, only actual costs will be charged to the Applicant.
- \*7. The developer shall construct the well site in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well site.
- \*8. 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 CSA 31 distribution system.
- \*9. All wells must have a minimum 50-foot annular seal to meet State requirements. The existing water wells have been constructed using the Tubex method which does not meet the State requirement. The County will require the Applicant to excavate a minimum of 15 feet in depth around the well casing and pressure grout the area. 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 Applicant to insure 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 identified in the project implementation agreement, due to the Tubex method being used, will be borne by the Applicant during the three-year term.
- \*10. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.
- \*11. 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.

- \*12. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from developing new wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.
- \*13. Access roads to the well site shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.
- \*14. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.
- 15. To address the remaining groundwater units available per the Shaver Lake Sewer and Water Master Plan, groundwater units will not be appropriated/acquired until recordation of the lots.

C. SEWER:

- 1. The development shall be served by the community sewer system. A "will serve" letter from the district will be required.
- 2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
- 3. The sewer system must be completed and accepted by the County prior to the issuance of Building Permits for residential construction.
- \*4. All sewer infrastructure shall meet County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements.
- \*5. The Applicant shall expand sewer collection, treatment, and disposal capacity for units identified in Tentative Tract 5943. All infrastructure shall be sized to accommodate potential upstream development and shall be in accordance with the Shaver Lake Sewer and Water Master Plan. The design shall be reviewed and approved by the County.
- \*6. The Applicant shall form a Zone of Benefit within CSA 31 for water and sewer. All associated fees associated with formation will be paid by the Applicant.

- \*7. Prior to Final Map approval, the Applicant shall provide an Engineering Study to evaluate potential capacity issues within the collection with the additional flows anticipated by this and future developments within this collection area. The Applicant shall coordinate with other developments to ensure potential ultimate demand is addressed in accordance with the Shaver Lake Sewer and Water Master Plan.
- \*8. At this time, the Shaver Lake Regional Wastewater Treatment Plant has no excess capacity. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within Tentative Tract Map No. 5943 or by the next reasonable increment.
- \*9. A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the Agreement and initial deposit of funds, estimated to be \$10,000.

D. DRAINAGE AND EROSION CONTROL:

- 1. Hydrologic and hydraulic analyses 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.
- 2. All stormwater run-off generated by the proposed development shall be retained on-site within drainage ponds or other facilities acceptable to the Director of the Department of Public Works and Planning. Any detention facilities within the natural drainage courses will need to be reviewed and approved by the California State Department of Fish and Game and State Water Resources Control Board.

Note: No ponding areas have been shown on the Tentative Map. The subdivider's proposal to direct all stormwater off-site is not consistent with County practice or policy. As a minimum, detention ponds may be considered in lieu of retention ponds provided that the subdivider submits adequate hydrological calculations to demonstrate no significant impact on downstream properties. Small detention ponds may be considered in open space areas or greenbelts provided their depth does not exceed 18 inches.

- 3. Ponds in excess of eighteen inches in depth shall be fenced.
- 4. Provide erosion control measures to all exposed slopes in accordance with County Improvement Standards.

5. If natural drainage swales are piped, easements for the pipelines and a maintenance organization to maintain the pipelines will be required. A Drainage Study shall be provided to determine the sizes and locations of culverts.
6. The Applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County.
7. The Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the Plan into the Construction Improvement Plans.
8. The centerline of all natural watercourses, dimensioned at the lot lines, shall be indicated on an additional map sheet.
9. A Grading and Drainage Plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual lot Grading Plans shall be required for lots adjacent to the border of the subdivision. Off-site slope easements shall be obtained, where necessary, prior to recordation of the Final Map.
- \*10. To mitigate the potential impacts to off-site waters, a catchment basin shall be placed in the southwest corner of the subject site. The catchment basin shall be designed to capture all of the stormwater run-off from this portion of the site and allow the sediment to fall out before flowing off-site and eventually into the unnamed drainage.

E. COMMUNITY FACILITIES DISTRICT:

1. The property is within the boundaries of Community Facilities District (CFD) No. 1. Payment of CFD Fees shall be required at the time of sale of each lot in the tract.

F. FIRE PROTECTION:

1. The location and number of fire hydrants shall be approved by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district.

G. SOILS REPORT:

1. A Soils Report is required for the subdivision as a Condition of the Final Map. The Soils Report needs to address the feasibility of the site for the type of development as proposed.

H. UTILITIES:

1. All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

I. STREET NAMES:

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

J. EMERGENCY ACCESS ROADS:

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

K. BRETZ MILL ROAD:

1. Provisions shall be made to participate in the maintenance until such time as the road is included in the County Maintained Road System.

L. REGIONAL ROADS:

- \*1. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in items a-d below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a Building Permit is subject to payment of a Public Facilities Fee. If the Applicant opts for the latter, the Fee shall be collected no later than the date of final inspection or the date of issuance of a Certificate of Occupancy, whichever comes first.
  - a. Signalization at the intersection of Millerton and Auberry Roads. The project's maximum share for the 2030 scenario is 0.8% or \$2,535.00.
  - b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2030 scenario is 0.5% or \$1,511.00.

- c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share for the 2030 scenario is 0.6% or \$1,976.00.
- d. Road widening to four (4) lanes of the 8.9-mile road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share for the 2030 scenario is 0.5% or \$203,592.00.

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

- \*2. Prior to the issuance of Building Permits, the Applicant shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the fair share of this project's impact to the future traffic signal at State Route 168 (Morgan Canyon Road) and Auberry Road, which is currently calculated at \$31,725.00 (\$705/trip x 45 trips).

M. OTHER CONDITIONS:

- 1. The Applicant shall acquire a 10-foot slope maintenance, snow storage, and landscape buffer easement along the westerly edge of the property where the edge of the right-of-way is coterminous with the westerly property line prior to the recordation of the Final Map.
- 2. Prior to recordation of the Final Map, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, unless the large open space area south of the Bretz Road extension now zoned AL-20 has been rezoned to the "O" District.
- 3. Fencing shall be constructed adjoining Sierra National Forest land as specified in Section G.6f (5) of the Bretz Mountain Village Specific Plan to exclude cattle from the project area. The property lines adjacent to this subdivision and along the north boundary of the open space area shall be fenced in conjunction with the improvements for this subdivision. However, the fencing adjacent to the open space area may be relocated to the north side of the Bretz Road right-of-way required with the construction of this subdivision.

4. Prior to the recording of a Final Map, a Conservation and Forest Management Plan shall be prepared for review and approval by the County for the land area included in this subdivision in conformance with Section G.6 of the Bretz Mountain Village Specific Plan.
- \*5. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the Building Plans and the structures shall be painted prior to occupancy.
- \*6. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.
- \*7. To address sensitive and special status species that may inhabit or occur on the project site, the following shall either completed or addressed:
  - a. Conduct on-site pre-construction surveys for bat roosts, and if maternal bat roosts are found during these surveys, appropriate disturbance-free buffers shall be established in consultation the California Department of Fish and Game (DFG); buffer areas shall be avoided until cessation of the maternal bat roosting season and it has been determined by a qualified Biologist that juvenile protection via buffers is no longer necessary; once bats have vacated their roosts, tree removal and construction may resume.
  - b. Conduct on-site pre-construction surveys for nesting raptors during nesting season (February through August) 30 days prior to any construction activities, and if nests are located, appropriate and generous disturbance-free buffers shall be provided in consultation with DFG.
  - c. Recordation of Covenants, Conditions and Restrictions (CC & R's) which identify the populations of sensitive species to be avoided if discovered during pre-construction surveys; a copy of the CC & R's shall be provided to every lot owner at the time of purchase.
  - d. A brochure addressing responsible stewardship of open space and environmentally sensitive areas, human and wildlife interactions, and environmentally responsible landscaping choices shall be prepared by the project developer and disseminated to all homeowners at the time of purchase of townhouse units.
  - e. The project developer shall work with the DFG to insure that on-site occurrences of Orange Lupine (*Lupines citrinus* ssp. *citrinus*)

populations are adequately relocated to off-site locations within the 330-acre area reserved for recreational uses as identified in the Bretz Mountain Village Specific Plan; consideration shall be given to the findings and recommendations of the May 20, 2009 Rare Plant Survey conducted by Live Oak Associates, Inc., specifically regarding seed collection, storage, relocation and planting.

- \*8. 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.
- \*9. 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 the 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.

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

**NOTES:**

**The following Notes reference mandatory requirements of Fresno County or other agencies and are provided as information to the project Applicant:**

1. 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 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 improvements shall be installed, prior to occupancy.
2. The Applicant shall apply for and complete a Property Line Adjustment to incorporate that portion of the remainder of Tract 5276, Quartz Mountain, into this proposed Tract Map. This shall be completed prior to the recordation of the Final Map.



3. According to the San Joaquin Valley Air Pollution Control District, the project at full build-out would allow construction of greater than 50 residential units (58 homesites proposed) and is subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires that the Applicant shall submit an Air Impact Assessment (AIA) Application to the Air District no later than seeking final discretionary approval and shall pay any applicable Off-Site Mitigation Fees prior to the issuance of the first Building Permit. The project may also be subject to Air District Regulation VIII-Fugitive Dust Rules related to PM-10, Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated.
4. The project will require hydrology and hydraulic analysis for the design of the on-site basins and that design must be approved by the Development Engineering Section of the Fresno County Department of Public Works and Planning as part of the Subdivision Improvement Plans.
5. Prior to construction and grading activities, the Applicant will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the Construction Improvement Plans. To be included as project Notes, adherence to these requirements will reduce the project impact on groundwater quality to less than significant.
6. The project proponent may choose a homeowners association (HOA) to conduct the open lot maintenance. Whereas, the HOA would own the land in fee but provide the County with an easement in the open space areas to drill additional well(s) for a community water system.
7. Fresno County Noise Ordinance requires construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
8. According to the U.S. Department of Agriculture (USDA) Forest Service, approximately 5,280 feet of land line is shared by the private land and National Forest land. The marker shall be protected during all phases of development and no encroachments shall occur onto National Forest land.
9. Any road originating on National Forest land not dedicated to Fresno County for legal access to the proposed development shall not be allowed.

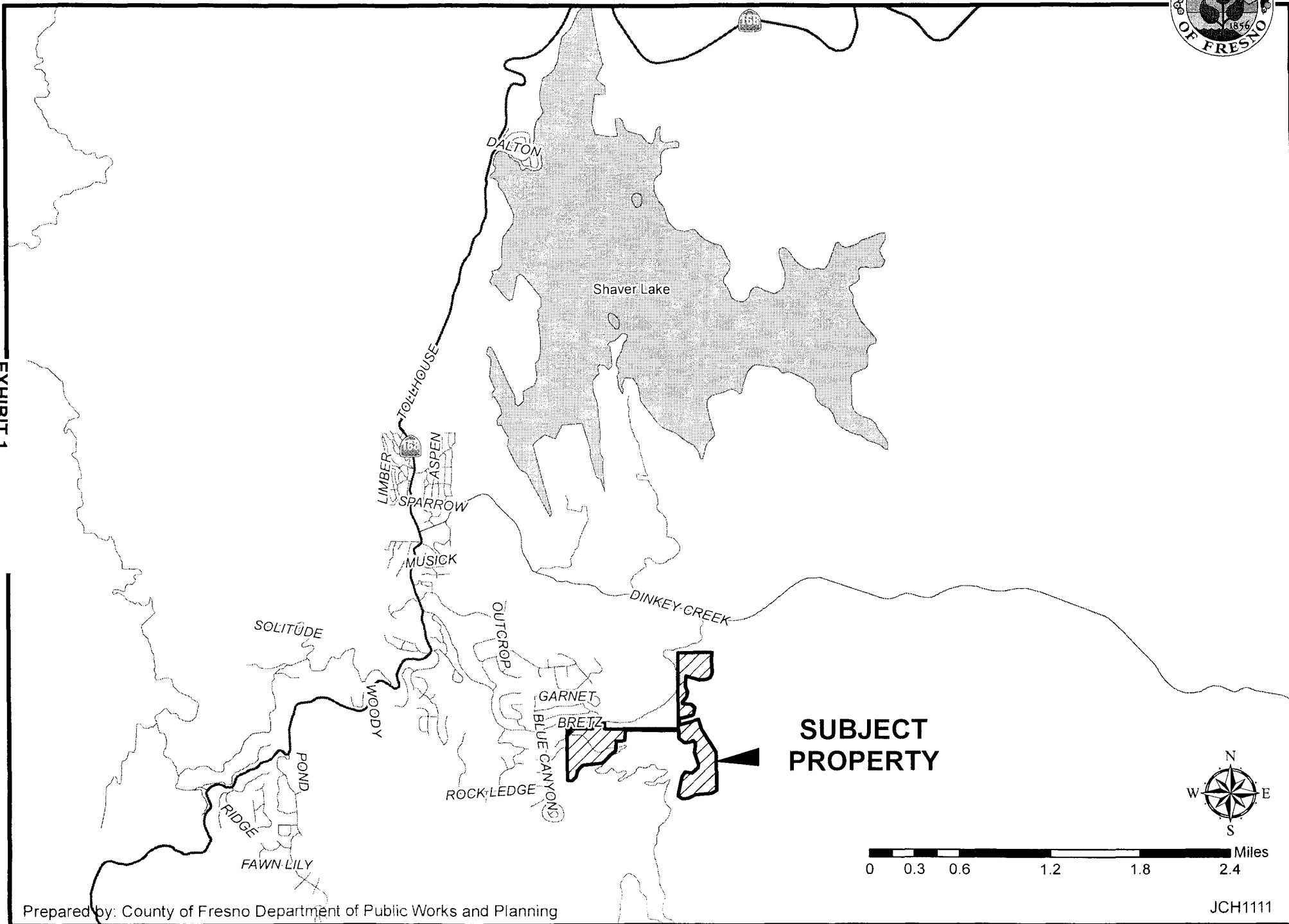
10. The Pineridge Elementary School District and the Sierra Unified School District boundaries in which you are proposing construction, has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State law that authorizes the Fee, may not issue a Building Permit without certification from the school district that the Fee has been paid. An official certification form will be provided by the County when application is made for a Building Permit.
11. According to the Fresno County Fire Protection District, a 60-foot wide emergency access road shall be provided along the northern property line to connect Bretz Road on the adjoining U.S Forestland property.
12. An Encroachment Permit will be required for any work done within the County of Fresno road right-of-way. This includes any driveway approaches or any underground work that may need to be done in the right-of-way that will be associated with this project.
13. Upon development of the property, any existing water well(s) not intended for use by the project, shall be properly destroyed. For those wells located in the unincorporated areas of Fresno County, the water well contractor selected by the Applicant shall apply for and obtain a permit(s) to construct or destroy water well(s) from the Fresno County Public Health Department, Environmental Health Division, prior to commencement of work. Contact the Water Surveillance Program at (559) 445-3357 for more information.
14. The project will utilize water services provided by a zone of benefit within the County Service Area (CSA) 31. A total of 58 Equivalent Dwelling Units (EDUs) of water are required for the proposed development. Given the 2,000 unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision may be on groundwater and 21 residential units can be on water from other tentatively approved projects in the area under ownership of the Applicant or may also be developed on surface water or a combination thereof.

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# LOCATION MAP



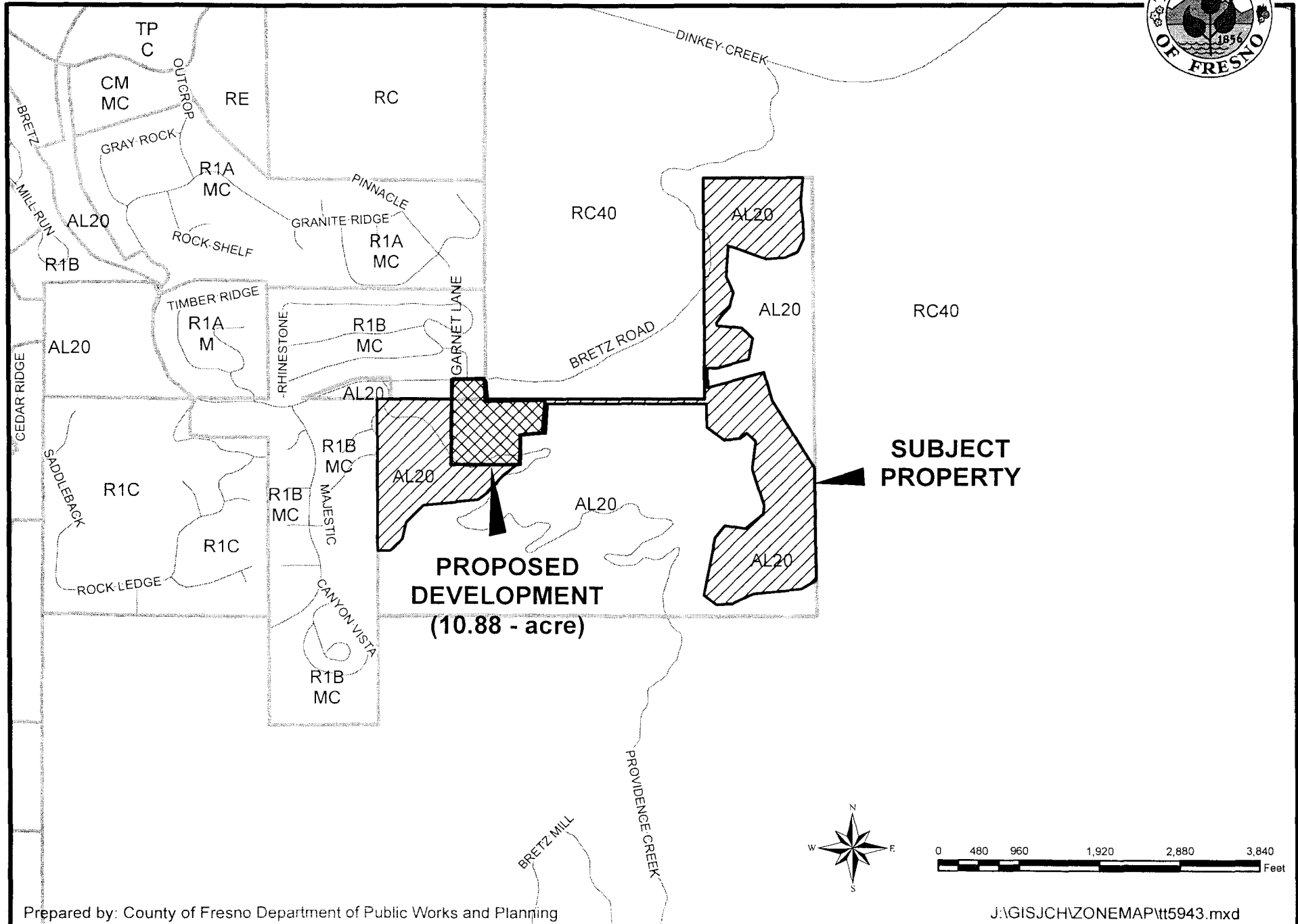
EXHIBIT 1



# EXISTING ZONING MAP





EXHIBIT 2

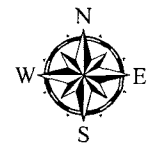




LEGEND:

 Subject Property

 Ag Contract Land



0 355 710 1,420 2,130 2,840 Feet

Department of Public Works and Planning  
Development Services Division

Map Prepared by: JHernandez  
J:GISJCH\Landuse\

**EXHIBIT 3**

# MAP OF TENTATIVE TRACT MAP NO. 5943

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
CONSISTING OF THREE SHEETS  
SHEET ONE OF THREE

## SUBDIVIDERS STATEMENT:

I HEREBY APPLY FOR APPROVAL OF THE ATTACHED TENTATIVE TRACT MAP. THE ACREAGE OF THIS TRACT IS 10.88±AC. THERE WILL BE 58 LOTS IN THIS TRACT WITH A MINIMUM SIZE OF 2,400 SQ. FT.

THE EXISTING USE OF THIS PROPERTY IS OPEN FOREST.

THE PROPOSED USE OF THIS PROPERTY IS RESIDENTIAL.

THE EXISTING ZONING ON THIS PROPERTY IS AL-20.

THE PROPOSED ZONING ON THIS PROPERTY IS R-2.

THERE ARE NO EXISTING STRUCTURES ON THIS SITE.

THE EXISTING EASEMENTS ON THIS PROPERTY INCLUDE STREET RIGHT OF WAYS AND PUBLIC UTILITIES EASEMENTS.

ALL IMPROVEMENTS WILL CONFORM TO COUNTY STANDARDS.

THE PROPOSED DRAINAGE, FLOOD CONTROL MEASURES AND METHOD OF STORM WATER DISPOSAL IS BY MAINTAINING EXISTING WATER SHED AND PRESERVING DIRECTION TO NATURAL CHANNELS.

THE PROPOSED FIRE HYDRANT AND WATER FLOW WILL CONFORM TO COUNTY STANDARDS. FIRE HYDRANTS SHALL BE INSTALLED AT INTERVALS OF 300 FEET.

THE PROPOSED SOURCE OF WATER SUPPLY IS COMMUNITY WATER.

THE PROPOSED METHOD OF SEWAGE DISPOSAL IS COMMUNITY SEWER.

THE FOLLOWING UTILITIES ARE TO BE PROVIDED BY S.C.E. AND PONDERSOSA TELEPHONE COMPANY. AT THIS TIME ARRANGEMENTS HAVE NOT BEEN MADE WITH UTILITY COMPANIES SERVING THIS AREA.

THIS SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NONRENEWABLE ENERGY SOURCES BY MAXIMIZING NORTH SOUTH FACING LOTS (86.7%).

SIGNATURE OF SUBDIVIDER

NAME: JAMES BRATTON

ADDRESS: 418 CLOVIS AVENUE

CITY: CLOVIS, CA 93612

PHONE: (559) 325-7177

SIGNATURE OF ENGINEER

NAME: NICK BRUNO

ADDRESS: 653 W. FALLBROOK AVE., #101

CITY: FRESNO, CA 93711

PHONE: (559) 449-4500

WE, JAMES BRATTON AND CLARENCE BRATTON, HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE MAP OF TRACT NO. 5943, THAT WE HAVE EXAMINED THAT MAP AND CONTENT TO ITS SUBMISSION TO THE FRESNO COUNTY PLANNING COMMISSION FOR CONSIDERATION.

SIGNATURE

NAME: JAMES BRATTON

ADDRESS: 418 CLOVIS AVENUE

CITY: CLOVIS, CA 93612

PHONE: (559) 325-7177

SIGNATURE

NAME: CLARENCE BRATTON

ADDRESS: 418 CLOVIS AVENUE

CITY: CLOVIS, CA 93612

PHONE: (559) 325-7177

## SITE INFORMATION:

### RECORD OWNER:

BWL CARE OF  
JAMES BRATTON/CLARENCE BRATTON  
418 CLOVIS AVENUE  
CLOVIS, CA 93612

### SUBDIVIDER:

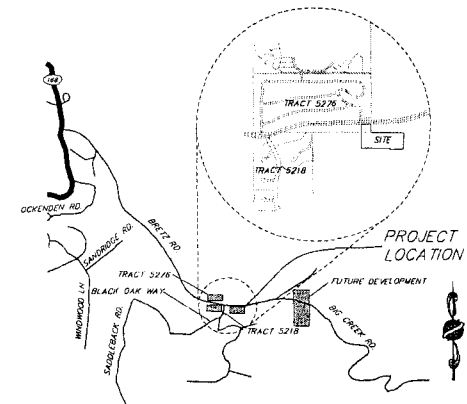
BRATTON INVESTMENTS, LLC  
418 CLOVIS AVENUE  
CLOVIS, CA 93612

## NOTES:

1. PORTION OF APNS: 130-031-081, 130-040-17, 130-040-23
2. SECTION 1, 7, 12, T10S R24E N08&M
3. LOT AREA: 10.88± ACRES, 473,752± SF
4. LAND USE: VACANT LOT
5. SUBJECT PROPERTY HAS NO EXISTING STRUCTURES ON SITE.

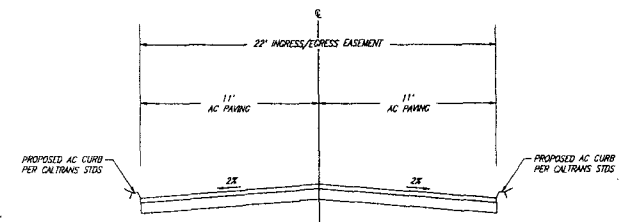
## BASIS OF BEARINGS:

THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC. 8, TOWNSHIP 10 SOUTH, RANGE 25 EAST, M.D.B.&M., IS TAKEN TO BE N00°00'31"E AS SHOWN ON TRACT NO. 5276 RECORDED IN VOLUME 78 OF PLATS AT PAGES 61-67, FRESNO COUNTY RECORDS



VICINITY MAP

NO SCALE



TYPICAL STREET CROSS SECTION

N.T.S.

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COUNTY OF FRESNO

JUL 12 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

TT5943/CUP3237

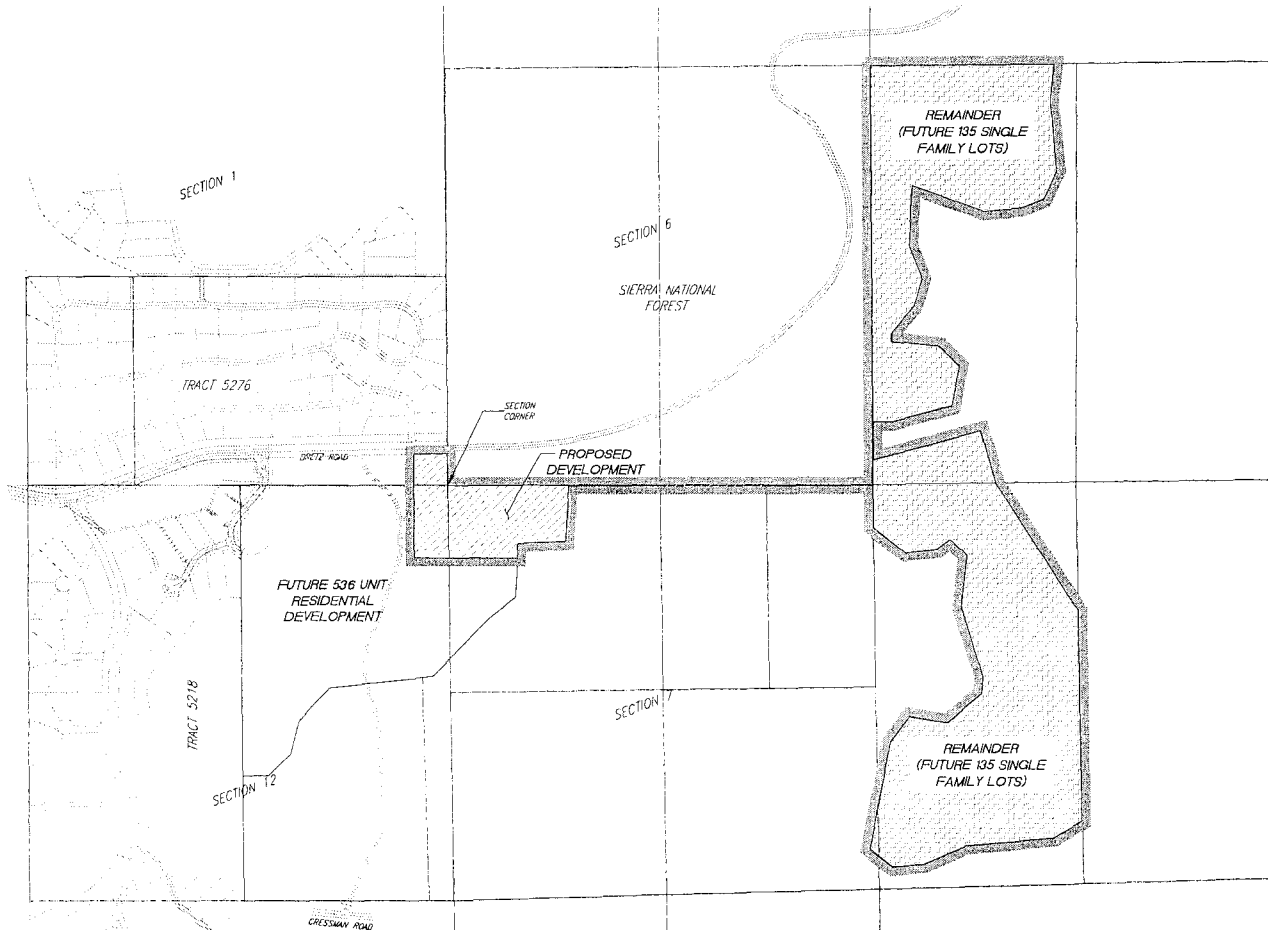
PREPARED ON 1-21-2011 BY:

**PRECISION**  
CIVIL ENGINEERING, INC.

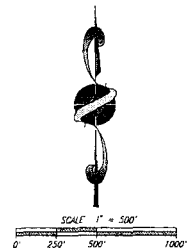
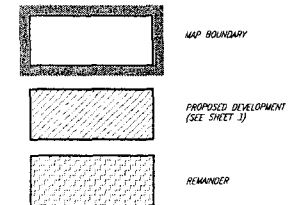
851 W FALLBROOK AVE, #101  
FRESNO, CA 93710  
PH(559)449-4500 FAX(559)449-4515

# MAP OF TENTATIVE TRACT MAP NO. 5943

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
CONSISTING OF THREE SHEETS  
SHEET TWO OF THREE



## LEGEND



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DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

TT5943/CUP 3237

PREPARED ON 1-21-2011 BY:

**PRECISION**  
CIVIL ENGINEERING, INC.

832 W. KALLAWAY AVE., #101  
FRESNO, CA 93710  
PH(559)419-4500 FAX(559)419-4513

TRACT 5276  
GARNET LANE  
APN: 130-030-81

BRETZ ROAD

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

MAP OF  
**TENTATIVE TRACT MAP NO. 5943**  
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
SHEET 3 OF 3

SIERRA NATIONAL FOREST

APN: 130-040-011

REMAINDER (SEE SHEET 2)

OPEN SPACE

APN: 130-040-23

APN: 130-040-25

LEGEND:

- EXISTING CONTOUR
- PROPOSED LOT LINE
- EXISTING ROCK OUTCROP

PREPARED ON 1-21-2011 BY  
**PRECISION CIVIL ENGINEERING, INC.**  
833 W. FALCON DRIVE, #101  
FRESNO, CA 93710  
PH(559)449-4300 FAX(559)449-4315



TT 5943

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COUNTY OF FRESNO

FEB 24 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

(REVISED)

BWI Town homes

IS 5981, AA 3779, TT 5943, CUP 3237

February 2011

The proposed project consists of a rezoning, tentative tract map and conditional use permit for a proposed 58 unit planned residential development town home project. The purposed development is consistent with the Bretz Mountain Village Specific Plan.

A portion of the open space within the project includes a fifty foot wide green belt generally located on the north side of the project area, running adjacent to the Bretz Mountain Road extension to Dinkey Creek road. In addition the projects east and southern boundary is adjacent to the open space of approximately 270 acres contained within the BMCSP. This open space (279 acres) has a trail system design to traverse the open space and adjoin other trail systems within this development and the BMVSP.

Within the project boundaries a open air gazebo, and a "tot" lot will be part of the developments amenities along with the trial system.

The project will be ser4ved by a community water and sewer system through Fresno County CSA 41. Maintenance of common areas, trail systems will be by a properly constituted HOA consistent with the requirements of Fresno County and the State of California Department of Real Estate approvals.

The roadway system within the limits of the project will be granted to a homeowners association, and maintained by a homeowners association. A design exception request will be requested to allow a design speed of ten miles per hour, due to terrain, seasonal snow and harsh weather conditions at times. The roadway width exception is requested in conjunction wit the design speed to achieve a "slower" pace of use within the project. The project will be gated at both entrances, with the entrances maintained by the HOA.

In light of the fact that the property is located within the BMVSP area, is approximately the equal elevation of 5,775 feet plus it is appropriate to develop the subject property as a "planned residential development." This design is explained in @ 855-N.20 of the Fresno County zoning ordinance, "planned developments" intended to promote the efficient use of land through increased design flexibility and quality site planning.

The project is to have twelve single story "duplex" units on the bluff, to allow one to overlook the "Wishon-Courtwright" basin. Forty-six two story "duplex" units are positioned to allow for maximum viewing either over or through unit spacing on the site. The majority of the units are also designed to take advantage of a down hill slope or grade changes to again allow for maximum viewing by all. All "duplex" units are offset to achieve each unit having a private entrance and a private balcony.

Lot size, lot width, lot depth: adjacent to Bretz Mill road will be developed with a fifth foot set back as required by the BMVSP. All other areas of development either abut the "open space" or the Sierra National Forest. All other properties within the site will be established as an open space with a blanket access for the maintenance and snow storage for the HOA. Unit sizing as out lined on the tentative tract map is the actual "foot print" of each unit with the exception of building roof over hangs. Units will be designed within this footprint and size from 31250 square feet to 2800 square feet with numerous interior designs on the floor plan usage. Spacing between the units will range from 25 feet to 45 feet, again with a offset design to achieve private entrance and patios.

The following amenities are again restated to offset the project development modification as requested.

- 1) Trail system through the project and connecting to the 270 acre open space within BMVSP and other developments within BMVSP.
- 2) Gazebo, overlooking the Wishon-Courtwright basin.
- 3) Tot lot located in the southern portion of the project again overlooking the Wishon-Courtwright basin.

TT5943

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FEB 24 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

(REVISED)



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

**APPLICANT:** Bratton Investments

**APPLICATION NOS.:** Amendment Application No. 3779, Classified Conditional Use Permit No. 3237 and Tentative Tract Map Application No. 5943 and Initial Study Application No. 5981

**DESCRIPTION:** Rezone an approximately 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acres minimum parcel size required) Zone District and R-1-B (c) (m) (Single Family Residential, 12,500 sq. ft. minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple Family Residence, 6,600 sq. ft. minimum parcel size required, Conditional, Mountain Overlay) Zone District within the Bretz Mountain Village Specific Plan and allow a concurrent Conditional Use Permit Application for a Planned Unit Development consisting of 58 residential lots, ranging 2,400 square feet to 3,150 square feet in size and various outlots in the R-2(c) (m) Zone District.

**LOCATION:** The subject site is located on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 mile east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver Lake (SUP. DIST: 5) (APNs: 130-040-23, 136-374-01 and 130-920-17).

## DISCUSSION

An Environmental Impact Report (EIR) and Mitigation Measures and Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when Bretz Mountain Village Specific Plan was adopted in March 30, 1982 to allow development of 977 dwelling units on 610 acres located approximately 1.2 mile east of State Route 168 (Tollhouse Road) and approximately 1.2 miles south of the unincorporated community of Shaver Lake.

This Initial Study No. 5981 for Amendment Application No. 3779, Classified Conditional Use Permit Application No. 3237, and Tentative Tract Application No. 5943 has been prepared based upon the following considerations:

### 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

Resolution No.: R-82-140, approved by the Board of Supervisors on March 30, 1982, certified the Environmental Impact Report prepared for the Bretz Mountain Village Specific Plan, and approved the Specific Plan subject to conditions, including the following:

8. *"An Environmental Assessment (EA) shall be conducted for each PD tract, change of zone, specific plan amendments or any other discretionary permit required to implement the specific plan. At a minimum, the EA shall utilize the evaluation of impacts addressed in the environmental impact report (EIR) prepared for the Bretz Mountain Village Specific Plan."*

Pursuant to Section 21166 of the Public Resources Code, no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 et seq. of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in May of 2008. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated.

This Initial Study has been prepared pursuant to aforementioned Resolution No. R-82-140 and Section 15162 of the CEQA Guidelines to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR and aforementioned.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that mitigation measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a mitigated negative declaration has been prepared.

Attached to the Subdivision Review Committee Report and Initial Study Application No. 5981 prepared for Tentative Tract Map Application No. 5943 is Bretz Mountain Village Specific Plan - Mitigation Measures and Monitoring Program Matrix summarizing all the mitigation measures identified in the previously certified EIR. As a project condition, the applicant shall comply with all applicable mitigation measures as well as those identified in Initial Study application No. 5981.

## 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 WITH MITIGATION INCORPORATED:

No impacts on aesthetics were identified in the previously certified Environmental Impact Report (EIR) for Bretz Mountain Village Specific Plan except that Mitigation Measure 3.d., Vegetation, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix, requires a management plan to provide for appropriate thinning of trees, brush, and shrub species for aesthetics and fire protection purposes.

The project is located in the eastern part of Fresno County within the Sierra National Forest. The project area is surrounded by designated open space to the east and south, the Sierra National Forest to the north, and vacant land designated for future residential development to the west. The general vicinity of the project site is mountainous forest with scattered residential development. Although no officially designated scenic resources are identified in the area, the region is generally considered scenic. Other developments in the area have been designed to minimize the visual impact to the natural surroundings. The subject site is located on a generally southern facing slope, and the southernmost units are proposed for single story buildings so as not to obstruct the view of the valley to the south from the majority of the two-story units in the center and northern portions of the development. The proposed development will not obstruct any views or vistas from other properties. In order to mitigate any visual impacts of proposed development within a generally undeveloped mountain setting, a mitigation measure will be included requiring use of natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.

*\*Mitigation Measure*

1. *Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.*

Review of the project by the Development Engineering Section of the Fresno County Development Services Division also requires that the applicant shall acquire a 10 foot slope maintenance, snow storage area, and landscape buffer easement along the westerly edge of the property. This will be included as a condition of approval.

- 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:

No significant impacts related to light or glare for residential development were identified in the previously certified Environmental Impact Report (EIR) for the Bretz Mountain Village Specific Plan. Mitigation Measures Nos. 16.a and 16.b, Energy Resources, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix, address potential light and glare impacts generated by village commercial center within the Specific Plan. The proposed residential subdivision does not include any commercial development.

The project would generate new sources of light and glare in the form of residential lighting (exterior and interior) and vehicular headlights. However, the increase in light and glare is not considered significant because the type of light generated is expected to be similar to that of existing residential homesites in the area. To mitigate light and glare impacts on the adjacent properties, the following mitigation measure will be incorporated into the project.

*\*Mitigation Measure:*

1. *All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.*

## 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
- 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 subject site is zoned AL-20 (Limited Agriculture). The proposed project will not convert prime or unique farmland to non-agricultural uses. Bretz Mountain Village Specific Plan Policy SP-3.B.3a (9) provides that the Specific Plan site be zoned to the AL-20 District as a holding zone, pending approval of Tentative Subdivision maps. At the time development projects are approved, the project area shall be zoned to the appropriate Zone District. The current AL-20 Zoning was chosen to limit by-right development and activities pending the discretionary application process, including CEQA review, required to rezone and subdivide the areas designated for residential development. According to the Fresno County Important Farmland Map 2006, the parcel is not located on identified agricultural land and therefore is not subject to an Agricultural Land Conservation Contract.

In addition, the subject site and the surrounding parcels are currently not used for agricultural purposes. Therefore, there are no impacts related to agriculture.

### 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:

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

The project at full build-out would allow construction of greater than 50 residential units (58 homesites proposed) and is subject to District Rule 9510 (Indirect Source Review). Rule 9510 requires that the applicant shall submit an Air Impact Assessment (AIA) Application to the Air District no later than seeking final discretionary approval and shall pay any applicable off-site mitigation fees prior to the issuance of the first building permit. The applicant filed AIA Application (No. C-20080193) on October 17, 2008 and was approved by the Air District on December 14, 2008.

Pursuant to Mitigation Measures No. 5.c., Climate and Air Quality, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix which requires dust control through implementation of Air Pollution Control District Rules and regulations, the project may be subject to Air District Regulation VIII-Fugitive Dust Rules related to PM-10. Air District's other rules that may also apply to the project include: Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated. To be included as project notes, adherence to these regulations would reduce air-related impacts to a less than significance level.

- 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

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

In order to mitigate impacts on biological resources, the project development is subject to Mitigation Measures No. 3.a through 3.g, Vegetation and 4.a through 4. j, Wildlife, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix. These measures require: setbacks from endangered vegetation species, development and implementation of a forest management plan, landscaping with native plant species, education of project residents regarding the value of native vegetation, establishment of greenbelt corridors for traversing of wild animals through the property, limitations on removal of dead tree snags, protection of meadows and riparian habitats, and re-vegetation of any disturbed areas; and prohibit construction within drainages, shallow wells along stream corridors, use of off-road vehicles, and hunting.

Biological Reports, dated January 29, 2007 and July 10, 2008 respectively, were prepared for the project by Live Oak Associates, Inc. The California Department of Fish & Game (DFG) reviewed the reports and in a letter dated December 10, 2008 concurred with the assessment and suggested mitigation measures contained in the Report dated July 10, 2008 and are listed below.

In addition to concurring with the mitigation measures, DFG required that additional site survey in appropriate season shall be conducted to determine the presence of special status plants orange lupine (*Lupinus citrinus* var. *citrius*) and the *Lewisia disepala* on-site. The applicant contacted DFG in the Spring of 2009 to develop mitigation measures to reduce potential impacts to the California Native Plant Society 1B listed orange lupine that was found on crushed rock piles stored on the site. According to DFG, seeds from the on-site plants were collected in summer of 2009 and planted in an open space area off-site. On June 10, 2010, DFG verified that orange lupine growth was observed in the open space area and in a letter dated June 16, 2010, expressed no concerns regarding the use of crushed rock on the site at this time provided subsequent activities on the site remain in compliance with all other local, State, and Federal laws or regulations. As provided in the Bretz Mountain Village Specific Plan, there is 330 acres of open space reserved for recreational uses and precluded from developments. As the subject property has already been identified for PUD/Condo/Multifamily Development and any subsequent development of the open space area off-site would require an amendment to the plan with opportunity for California Fish and Game (DFG) comments; staff believes there is adequate preservation of sensitive resources off-site and recording of open space area in perpetuity, as recommended by DFG is unnecessary.

The U.S. Fish and Wildlife Service (USFWS), Endangered Species Division also reviewed the project and Biological Reports. In the comments made on August 26, 2008, USFWS indicated that field surveys were conducted in winter which would preclude Mariposa



Pussypaws, a federally listed plant species, from being detected and required that the survey shall be conducted during the appropriate time of year (spring) to verify the presence of this species. The applicant's biologist Live Oak Associates, Inc., conducted an additional survey on May 20, 2009 and concluded that threatened Mariposa Pussypaws was not sighted during the survey. USFWL concurred with the survey findings and expressed no further concerns with the proposal.

With adherence to the incorporated mitigation measures, impacts to biological resources are anticipated to be less than significant.

*\*Mitigation Measures:*

1. *To address sensitive and special status species that may inhabit or occur on the project site, the following shall either completed or addressed:*
  - a. *Conduct on-site pre-construction surveys for bat roosts, and if maternal bat roosts are found during these surveys, appropriate disturbance-free buffers shall be established in consultation the California Department of Fish and Game (DFG); buffer areas shall be avoided until cessation of the maternal bat roosting season and it has been determined by a qualified biologist that juvenile protection via buffers is no longer necessary; once bats have vacated their roosts, tree removal and construction may resume.*
  - b. *Conduct on-site pre-construction surveys for nesting raptors during nesting season (February through August) 30 days prior to any construction activities, and if nests are located, appropriate and generous disturbance-free buffers shall be provided in consultation with DFG.*
  - c. *Recordation of CC&Rs (covenants, conditions and restrictions) which identify the populations of sensitive species to be avoided if discovered during pre-construction surveys; a copy of the CC&Rs shall be provided to every lot owner at the time of purchase.*
  - d. *A brochure addressing responsible stewardship of open space and environmentally sensitive areas, human and wildlife interactions, and environmentally responsible landscaping choices shall be prepared by the project developer and disseminated to all homeowners at the time of purchase of townhouse units.*
  - e. *The project developer shall work with the California Department of Fish and Game (DFG) to insure that on-site occurrences of Orange Lupine (*Lupinus citrinus* ssp. *citrinus*) populations are adequately relocated to offsite locations within the 330-acre area reserved for recreational uses as identified in the Bretz Mountain Village Specific Plan; consideration shall be given to the findings and recommendations of the May 20, 2009 rare plant survey conducted by Live Oak Associates, Inc., specifically regarding seed collection, storage, relocation and planting.*

- 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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Biological Report, dated July 10, 2008, prepared by Live Oak Associates, Inc. addresses potential impacts to jurisdictional waters. The report indicates that while jurisdictional waters in the form of creeks and meadows have been identified within the specific plan area by the original EIR for Bretz Mountain Village Specific Plan, such waters are absent from the subject site. Development of this parcel would result in no impact to such waters within the project area. Although no waters are present within the project area, a small unnamed drainage begins just outside of the southwestern corner of the property. This small drainage is a tributary to Rush Creek which feeds Big Creek and ultimately the Kings River. Runoff associated with the proposed development has the potential to empty into this drainage off site. As requested by the California Department of Fish and Game, a mitigation measure would require placement of a catchment basin in the southwest corner of the project area. The catchment basin will be designed to capture all of the storm water runoff from this portion of the site and allow the sediment to fall out before flowing offsite and eventually into the unnamed drainage.

*\*Mitigation Measure*

1. *To mitigate the potential impacts to offsite waters a catchment basin shall be placed in the southwest corner of the subject site. The catchment basin shall be designed to capture all of the storm water runoff from this portion of the site and allow the sediment to fall out before flowing offsite and eventually into the unnamed drainage.*

- 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not have less than significant impacts to native or migratory species with adherence to the mitigation measures listed in Section IV, A. B.

- 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: NO IMPACT:

The project will not conflict with any adopted local, regional, or state habitat conservation plan.

## 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:

No specific impacts to cultural or archeological resources were identified with regards to this project by reviewing agencies. A mitigation measure, however, has been included requiring that in the event 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 resources 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 Native American, the Coroner must notify the Native American Commission within 24 hours.

### *\* Mitigation Measure*

1. *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.*

## 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 site is not located within a fault zone or area that is subject to landslides. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction, or landslides. All structures will be built to the seismic requirements for the area.

- B. Would the project result in substantial erosion or loss of topsoil; or
- 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: LESS THAN SIGNIFICANT IMPACT:**

Mitigation Measures Nos. 1.a through 1. j, Topography, Geology, Soils and Seismicity listed in the Bretz Mountain Specific Plan, Mitigation Measures and Monitoring Program Matrix address potential geological and soils impacts. These measures include potential drainage and erosion impacts and soils stability impacts with a variety of precautions including erosion control, soils testing, limitations on slopes and cuts, and periodic geological and engineering inspections.

The project could result in minor changes in absorption rates, drainage patterns and the rate and amount of surface run-off in the form of drainage from grading activities. These effects are not considered significant because the applicant will be required to adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. In addition, a soil report to address the feasibility of the site for the type of development as proposed is also required for the subdivision as a condition of the final map. These requirements will be included as project notes.

Further, as noted in Section IV.C, above, mitigation has been incorporated to minimize impacts from surface runoff with the use of a catchment basin to allow sediment to settle out of runoff waters while not impacting the natural drainage of the area.

With adherence to Grading and Drainage Ordinance, soil impact report, and mitigation listed in Section IV. C., the project will have less than significant impacts on site's geology and 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: LESS THAN SIGNIFICANT IMPACT:**

The proposed development will connect to community sewer services provided by Fresno County Waterworks District (WWD) No. 41 as required by Mitigation Measure No. 9.a., Sewage Disposal, listed in the Bretz Mountain Specific Plan, Mitigation Measures and Monitoring Program Matrix which requires the project to be annexed to the Fresno County

Waterworks District (WWD) 41 to provide for connection to a community sewage treatment system. This requirement has been included as a mitigation measure in Section IX. A. B.

## 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: NO IMPACT:

Comments received on the proposed residential development from the Air District expressing no specific project-related concerns supports the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will be subject to District Rule 9510 (Indirect Source Review) and other rules specific to residential development projects. The site is located within an area of similar by-right residential development and has been designated for PUD/Condo/Multi-Family Land Use in the Bretz Mountain Specific Plan for a number of years

## 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:

No impacts relating to hazardous materials were identified in the previously certified Environmental Impact Report for Bretz Mountain Village Specific Plan.

The proposed residential development will not generate or involve the transport of hazardous materials with the potential to impact surrounding property owners or the environment. No hazardous materials sites were identified within the project area by the Department of Community Health, Environmental Health Division.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site.

- 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 is not located within an airport land use plan or within two miles of a public use airport or in the vicinity of a private airstrip.

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

FINDING: NO IMPACT:

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

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in wildland fire area which falls under State Responsibility Area (SRA) for control and suppression of wildland fire.

Mitigation Measures Nos. 11.a through 11.j, Fire Protection, listed in Bretz Mountain Specific Plan, Mitigation Measures and Monitoring Program Matrix, address potential wildland fire impacts by requiring fuel breaks, adequate emergency access, fire resistant materials for project construction, water systems that are adequate for fire fighting, removal of natural fuels, detailed site planning for fire protection purposes, and development of an emergency evacuation plan.

As for this proposal, the initial review of the project by the Fresno County Fire Protection District (CalFire) did not identify any significant concerns with the proposal. The project will comply with the California Code of Regulations Title 24 – Fire Code 2007 as indicated by Fire District on June 5, 2008. The proposed development will have a community water source. The Fire District will review and approve the design and location of fire hydrants, as well as other required fire protection design elements, prior to recordation of the final map. Recent comments from Fresno County Fire Protection District, dated December 14, 2010 requires that the subject tract shall be provided with a 60-foot wide emergency access road along the northern property line to connect Bretz Road on the adjoining U.S Forestland property. The access road has been delineated on the map.

## IX. HYDROLOGY AND WATER QUALITY

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

The proposed development will connect to community water and sewer services provided by Fresno County Waterworks District (WWD) No. 4. This is in accordance with Mitigation Measure No. 2.a, Hydrology, and Mitigation Measure 9.a., Sewage Disposal, listed in Bretz Mountain Specific Plan, Mitigation Measures and Monitoring Program Matrix, which requires that the project should utilize groundwater as a domestic water supply and be annexed to the Fresno County Waterworks District (WWD) 41 to provide for connection to a community sewage treatment system.

The Fresno County Water-Geology-Natural-Resources (WGNR) Unit reviewed the project and addendum Hydrological Study dated January 12, 2007 to a previous Hydrological Study prepared for the project by Norbert Larson and concluded that sufficient water is available to meet the demands of the proposal.

As the project proposes 58 residential lots, a total of 58 Equivalent Dwelling Units (EDUs) of water are required to supply the development. According to the Resources Division of the Department of Public Works and Planning, the applicant has proven a water source that will apply for the proposed development. The College Well G-22, as identified in the Hydrological Study, shall be tested and permitted by the California Department of Public Health, Drinking Water Program and accepted by the Fresno County Department of Public Works and Planning Resources Division into Waterworks District 41 prior to recordation of the final map.

*\*Mitigation Measures:*

1. *The applicant shall form a zone of benefit within County Service Area (CSA) 31 for water and sewer. All associated fees associated with formation will be paid by the applicant.*
2. *Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and shall 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 Resources Division, Special Districts for review and comment prior to recordation of a Final Map.*
3. *All water facilities and associated property shall be deeded to Waterworks District (WWD) 41. In order to meet water requirements, Applicant may provide surface water, groundwater, or a combination of both for the proposed development. Use of Groundwater is subject to development requirements identified in these mitigation*

*measures and the County/State requirements in effect at the time of the well development. All well sites shall meet a 50 foot radius control zone as required in Title 22 CCR (California Code of Regulations) 64560.*

- 4. 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.*
- 5. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from developing new wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.*
- 6. All on-site wells serving the development shall be equipped with telemetry (SCADA) controls and data acquisition device as required by the County. Funding for the SCADA (supervisory control and data acquisition) controls may be deposited with the County for future installation. Current estimated cost for telemetry is \$ 10,000 per well, however, only actual costs will be charged to the applicant.*
- 7. The developer shall construct the well site in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well site.*
- 8. 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 WWD 41 distribution system.*
- 9. All wells must have a minimum 50-foot annular seal to meet State requirements. The existing water wells have been constructed using the Tubex method which does not meet the State requirement. The County will require the applicant to excavate a minimum of 15 feet in depth around the well casing and pressure grout the area. 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 applicant to insure 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 identified in the project implementation agreement, due to the Tubex method being used, will be borne by the applicant during the three year term.*
- 10. Access roads to the well site shall be built to County standards by the applicant and must be approved by the County prior to approval of the final map.*
- 11. A Project Implementation Agreement shall be entered into by the applicant to fund the review of the water/sewer facility plans, coordination of any approvals with the State on the groundwater source, and other coordination activities to process, finalize and approve the proposed water and sewer connections. Work will commence upon execution of the agreement and initial deposit of funds, estimated to be \$10,000.*



12. *All sewer infrastructure shall meet County improvement standards and the Shaver Lake Sewer and Water Master Plan requirements.*
13. *Prior to Final Map approval, the Applicant shall provide an engineering study to evaluate potential capacity issues within the collection with the additional flows anticipated by this and future developments within this collection area. The Applicant shall coordinate with other developments to ensure potential ultimate demand is addressed in accordance with the Shaver Lake Sewer and Water Master Plan.*
14. *At this time the Shaver Lake Regional Wastewater Treatment Plant has no excess capacity. Accordingly, the applicant shall expand sewer treatment and disposal capacity for units within Tentative Tract Map No. 5943 or by the next reasonable increment.*
15. *The Applicant shall expand sewer collection, treatment, and disposal capacity for units identified in Tentative Tract 5943. All infrastructure shall be sized to accommodate potential upstream development and shall be in accordance with the Shaver Lake Sewer and Water Master Plan. The design shall be reviewed and approved by the County.*

The California Department of Water Resources also reviewed the project and expressed no concerns with the proposal.

- 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:

No stream or river exists within the project area to be impacted by the proposal. The project may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water. Potential runoff effects are considered significant because the project will be required to adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. The project will require hydrology and hydraulic analysis for the design of the on-site basins and that design must be approved by the Development Engineering Section of the Fresno County Department of Public Works and Planning as part of the Subdivision Improvement Plans. With the inclusion of these requirements as project notes, the project will have less significant impact related to storm water run off generated by the proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See the discussion above in Section IX. A. B. In addition, prior to construction and grading activities, the applicant will be required to obtain National Pollutant Discharge Elimination System (NPDES) permit, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the construction improvement plans. To be included as project notes, adherence to these requirements will reduce the project impact on ground water quality to less than significant.

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

#### X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

The project site is located within Bretz Mountain Village Specific Plan area designated for residential development will not divide any established community.

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:

The project will not conflict with any land use plan, policy or regulation of any agency with jurisdiction over the project.

The project area is designated for PUD/Condo/Multifamily Development in the Bretz Mountain Village Specific Plan and the proposed rezone and use permit would allow gated residential development containing 58 residential lots and outlots for private street use, common open space, a tot lot area and open air gazebo.

Resources Division of the Development Services Division reviewed the project and indicated that the project proponent may choose a Homeowners Association (HOA) to conduct the open lot maintenance. Whereas, the HOA would own the land in fee but provide the County with an easement in the open space areas to drill additional well(s) for a community water system. This will be included as a project note.

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

FINDING: NO IMPACT:

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

## 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 impacts on mineral resources were identified in the previously certified Environmental Impact Report for the Bretz Mountain Village Specific Plan.

The project site is not located in a mineral resource zone, as identified in the General Plan (Figure 7-8 and 7-9). Being a residential development, the project will not involve extraction or excavation activities and would not result in the loss of a locally-important mineral resource recovery site.

## 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:

Mitigation Measures 6.c and 6.d. listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix, address potential noise impacts by requiring construction equipment to be properly muffled, construction activities to be limited to certain hours on weekdays, and dwelling units to be designed and located to reduce noise levels generated by adjacent uses.

The project would result in an increase in noise levels associated with the development of 58 residential units. However, given the location of existing residential development in the surrounding areas and the distance of such development from the proposed site, noise impacts would be less than significant. With adherence to the aforementioned mitigation measures and compliance with the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday, the project will have less than significant impact. This will be included as a project note.

- 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 in the vicinity of an airport or private airstrip 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: NO IMPACT:

The project would result in the construction of 58 single family residences on an approximately 10.88 acres portion of 151.93 acres of vacant land designated for PUD/Condo/Multifamily Development in County-adopted Bretz Mountain Village Specific Plan. The population growth generated from this proposal is planned for and was considered in the Bretz Mountain Village Specific Plan when adopted in March of 1982. In addition, the 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:

The project area is located within the State Responsibility Area (SRA) and is subject to the California Code of Regulations (CCR), Title 24, Part 2, known as the 2007 California Building Code (CBC).

The previously approved Environmental Impact Report for Bretz Mountain Village Specific Plan (BMVSP) did not identify need for new or altered fire protection facilities for BMVSP and no concerns with the proposal were expressed by the Fresno County Fire Protection District, as noted above in Section VIII. H. The project will comply with California Code of Regulations Title 24 – Fire Code 2007, and developments standards required of properties within the State Responsibility Area (SRA). This will be included as a project note.

2. Police protection;

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A mitigation measure will, therefore, 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. The project adhering to this requirement in conjunction with Mitigation Measures 12.a and 12.b. Police Protection, listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix, which requires consultation with the Sheriff's office during site planning and building design and utilization of the Uniform Building Security Code will have less than significant impacts on police protection services.

*\*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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located within the Pineridge Elementary School District and the Sierra Unified School District boundaries. Mitigation Measures Nos. 14.a and 14.b listed in the Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix address potential school impacts by requiring school impact fees to be paid upon securing of building permits. The Districts have adopted ordinances requiring payment of a construction fee and will be required prior to issuance of building permits. This will be included as a project note.

4. Parks; or

FINDING: NO IMPACT:

No impact on parks was identified in the analysis.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

U.S. Department of Agriculture (USDA) Forest Service review of the project indicates that approximately 5,280 feet of land line is shared by the private land and National Forest Land. usda requires that: 1) marker shall be protected during all phases of development; and 2) during all phases of development, no encroachments shall occur onto National Forest Land. These will be included as project notes.

## 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: NO IMPACT:

No significant impacts on recreational facilities were identified in the approved Environmental Impact Report for Bretz Mountain Village Specific Plan.

As part of the Planned Unit Development, a tot-lot and open air gazebo have been incorporated as community amenities. This meets the County's requirement for community amenities for planned unit developments.

## 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:

The Design Division of the Fresno County Department of Public Works and Planning and California Department of Transportation (Caltrans) identified potential impacts to the existing transportation system from traffic generated by the proposed project. Due to data available from previous Traffic Impact Studies in the area, impacts were based on a trip generation and distribution analysis. Proportionate share calculations were then calculated for previously identified affected intersections at SR 168 and Morgan Canyon Road, Millerton and Auberry Roads., Auberry Road. and Copper Avenue., Auberry Road and Marina Drive., and the road segment of Auberry Road. between Copper and Millerton Roads. The Design Division and Caltrans have determined that the project shall pay its

fare share for these improvements. This is in accordance with Mitigation Measures Nos. 8.g. and 8.h., Traffic and Circulation, Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix which requires payment of pro-rata shares of cost for off-site improvements. Pro-rata share requirements will be included as mitigation measures and are listed below:

*\*Mitigation Measures (County)*

1. *To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in items a-d below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities Fee. If the applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.*
  - a. *Signalization at the intersection of Millerton Road and Auberry Road. The project's maximum share for the 2030 scenario is 0.8 % or \$2,535.00.*
  - b. *Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share for the 2030 scenario is 0.5 % or \$1,511.00.*
  - c. *Signalization at the intersection of Auberry Road and Winchell Cove / Marina Drive. The project's maximum share for the 2030 scenario is 0.6 % or \$1,976.00.*
  - d. *Road widening to four (4) lanes of the 8.9 mile road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share for the 2030 scenario is 0.5% or \$ 203,592.00.*

*The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.*

Bretz Mountain Village Specific Plan (Policy SP-3. C.1d (8) requires all roads to be built to public road standard but exceptions can be granted for planned unit development/multiple family/condominium parking area roadways. The proposed development is a gated Planned Unit Development with private streets. Private streets are required to be designed according to Fresno County Improvement standards, except as may be modified in an approved PUD or CUP. The applicant has filed an exception request with the Department of Public Works and Planning, Development Services Division, seeking approval of modified 22-foot wide private local residential streets with 22 feet of base and pavement. The exception request will be addressed prior to Planning Commission action.

The California Department of Transportation (Caltrans) review of the project identified the need for improvements to the State Route 168 (Morgan Canyon Road)/Auberry Road

intersection in Prather to accommodate the current and future demand. Caltrans has determined the project's fare share for off-site improvements which include signal controls, two-left-turn lanes and a right turn lane. To be included as a mitigation measure, this will reduce traffic and transportation impacts from approval of Tract Map 5943 on the State Highway to a level of less than significant

*\*Mitigation Measure*

1. *Prior to the issuance of building permits, the applicant shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans) for the fair share of this project's impact to the future traffic signal at SR 168 (Morgan Canyon Road) and Auberry Road, which is currently calculated at \$31,725.00 (\$705/trip x 45 trips).*

According to Caltrans a Project Study Report is underway at this time and is expected to be completed in 2011. Based on Report's findings, Tract Map 5943 may be subject to a revised fee. The fee will be collected prior to recordation of the final map.

According to the Resources Division of the Department of Public Works and Planning a new CSA 35 Benefit Zone will be required for road maintenance and will be included as a mitigation measure.

*\*Mitigation Measure*

1. *A new Zone of Benefit within CSA (County Service Area) will require an Engineer's Report to establish yearly road maintenance; including snow removal assessments and a sixteen year maintenance plan for any roads the development receives a benefit from outside of the gated community such as snow removal cost-sharing for Bretz Road.*

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

FINDING: NO IMPACT:

The project will not change or alter air traffic patterns.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes interior roads to a 10 MPH (mile per hour) design speed with a reduced street width of 22 feet instead of the standard 32 feet for a 25 MPH rated road. As the proposed development is a gated community, and the interior roads are not public roads, the Development Engineering Section of the Fresno County Department of Public Works and Planning has indicated that the exception request can be granted due to the overall design of the development.



Each dwelling is proposed to have a two-car garage, with a driveway of adequate size and shape to also accommodate parking for two vehicles without obstructing traffic.

Mitigation Measures No. 11.d., Fire Protection, listed in the Bretz Mountain Village Specific Plan, listed in the Mitigation Measures and Monitoring Program Matrix requires emergency access routes to be improved from the project site to their connection with public road systems to allow use by conventional automobiles for evacuation purposes. The project will be provided with emergency access via Bretz Road along northern property line and Cressman Road along western property line. Emergency access will be subject to approval by the Fresno County Fire Protection District prior to the completion of improvement plans/issuance of building permits.

Additionally, as suggested by the U.S. Department of Agriculture (USDA) Forest Service, a project note would require that any road originating on National Forest Land not dedicated to the Fresno County for legal access to the proposed development shall not be allowed.

- 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:

The project will not conflict with any adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities.

## 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:

See discussion in Section VI. E., Geology and Soils. The project will connect to community sewer services provided by Fresno County Waterworks District (WWD) No. 41.

- 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 IX. C. D. E., Hydrology and Water Quality

- 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:

See discussion in Section IX. A. B., Hydrology and Water Quality. The project will be served with community water services by utilizing groundwater provided by Fresno County Waterworks District (WWD) No. 41.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in A. B., above.

- 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 (Granite Solid Waste) designated to provide refuse and recyclable material removal as required by County Ordinance. Mitigation Measures No. 13.a, and 13.b, Solid Waste Disposal, listed in the Bretz Mountain Village Specific Plan, Monitoring Program Matrix, requires once-a-week solid waste collection service and development of recycling programs. The development of a planned residential subdivision of the size and character with this project will not significantly impact local area landfills. The local waste hauler has indicated that the design of the development, including the modified road development standards, will not impair their ability to service the subdivision.

#### 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:

Specific impacts to biological and cultural resources were identified in the analysis. However, mitigations has been incorporated requiring pre-construction surveys to be conducted for sensitive and protected species that have potential habitats occurring on the subject site and monitoring of cultural resources during ground disturbance activities. With adherence to those mitigation measures including Mitigation Measures No. 3.a through 3.g, Vegetation, 4.a through 4.j, Wildlife, and 17.a and 17.b., Energy Resources, listed in the Bretz Mountain Village Specific Plan, Monitoring Program Matrix, the project is not anticipated to have a significant impact on fish or wildlife species, or adversely impact plant or animal communities or the cultural resources.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the project is expected to have no significant adverse impact on air quality. The project is subject to several of its adopted mandatory rules and regulations designed to reduce emissions throughout the San Joaquin valley.

The proposal will be served with community water and sewer services provided by Fresno County Waterworks District (WWD) No. 41. The District has the capacity to meet sewer and water needs of the project.

The County Design Division and California Department of Transportation (Caltrans) reviewed the proposal and required that the project shall pay for a pro-rata share for future off-site improvements to mitigate potential traffic impacts to the County and State maintained roads. The fee will be collected prior to the recordation of map or issuance of building permit.

- 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 effects on human beings were identified in the analysis.

**CONCLUSION/SUMMARY**

Based upon the Initial Study No. 5981 prepared for Amendment Application No. 3779, Classified Conditional Use Permit No. 3237 and Tentative Tract Map Application No. 5943, staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to, greenhouse gas emissions, mineral resources population and housing and recreation.

Impacts related to agricultural and forestry resources, air quality, geology and soils, hazards and hazardous materials, land use and planning, and noise have been determined to be less than significant.

Impacts to air quality and noise have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution Control District and County Noise Ordinance.

Impacts related to aesthetics, biological resources, cultural resources, hydrology and water quality, public services, transportation/traffic and utilities, service systems, and mandatory findings of significance have been determined to be less than significant with adherence to the proposed mitigation measures.

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

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## Mitigation measures and Monitoring Program Matrix

Mitigation Measure No.	Mitigation Measure	Responsible Person / Agency
<b>TOPOGRAPHY, GEOLOGY, SOILS, AND SEISMICITY</b>		
1.a	Exposed soil surfaces should be protected from potential erosion by covering them with mulch, sheets of plastic, or jute netting or by planting with a cover of fast growing grasses or sod blankets.	Public Works and Planning
1.b	The steepness and length of cut and fill slopes should be minimized.	Public Works and Planning
1.c	Runoff should be prevented from flowing at erosive velocities.	Public Works and Planning
1.d	Landscaping, walls, and other structures should not block or alter natural drainage's.	Public Works and Planning
1.e	Runoff from developed areas should be directed into natural drainage channels.	Public Works and Planning
1.f	Prior to construction of the project site, engineering properties of the native earth material should be determined on a site specific basis.	Public Works and Planning
1.g	Periodic geologic and engineering inspections should be performed during the construction and grading process.	Public Works and Planning
1.h	Road cuts, especially those exposing thick zones of soil and weathered rock, should be carefully controlled to avoid slump failures. Shallow cuts should be designed with slopes of one horizontal to one vertical (1:1). Fill slopes should not be steeper than 1 ½ horizontal to 1 vertical (1 ½:1). Cuts and fills greater than 10 feet in vertical height may require flatter slopes.	Public Works and Planning
1.i	Areas subject to excessive groundwater seepage through cut banks should be designed with artificial drainage devices to avoid slump failure. Surface runoff should be conveyed off cut and fill slopes by diversion dikes and down drains.	Public Works and Planning
1.j	Any earthwork performed below slopes that are subject to rock slides should be carefully designed and monitored.	Public Works and Planning
<b>HYDROLOGY</b>		
2.a	Unless additional groundwater supplies are developed and tested, the ultimate number of dwelling units that should be approved utilizing groundwater as a domestic water supply should not exceed 135.	Public Works and Planning
2.b	Landscaping should be with native vegetation that would not require irrigation, thereby conserving groundwater resources.	Public Works and Planning
2.c	Dwelling units should be designed with low water use appliances and fixtures to conserve groundwater resources. (See Appendix I for a list of such appliances and fixtures.)	Public Works and Planning
2.d	Adequate water storage facilities should be provided.	Public Works and Planning
2.e	Mitigation measures presented in Section IV, A, 3, relating to erosion and sedimentation control would mitigate potential water quality impacts relating to surface runoff over a majority of the project site.	Public Works and Planning
2.f	Surface runoff from the proposed village commercial center should be conveyed to a detention facility with sufficient holding time to allow suspended sediment to settle out prior to discharge into natural drainage courses.	Public Works and Planning
<b>VEGETATION</b>		
3.a	No structures should be placed within 150 feet of any populations of <i>Lupinus citrinus</i> that are found on the project site.	Public Works and Planning
3.b	Structures and other on-site improvements should not be constructed in meadows or in such proximity to them that existing vegetation would be destroyed.	Public Works and Planning
3.c	Siting of structures or other improvements should not block natural drainage's. This measure is intended to preserve natural stream flow and protect riparian vegetation.	Public Works and Planning
3.d	The forest should be subject to a management plan that would provide for appropriate thinning of trees, brush, and shrub species on the entire project site for both fire protection and aesthetic purposes. This forest management program should be maintained in perpetuity by the homeowners association. (The forest management program should be developed in cooperation with the homeowners association, the U.S. Forest Service, and the Department of Fish & Game to provide a balance between achieving aesthetic quality, fire protection, and maintenance of as much wildlife habitat as possible.)	Public Works and Planning
3.e	Landscaping should be restricted to use of native plant species.	Public Works and Planning
3.f	Shallow wells should not be developed in or near meadows or along stream courses. This measure is intended to preserve riparian vegetation by preventing extensive dewatering of meadows and streams on the project site.	Public Works and Planning
3.g	Project residents should be educated regarding the value of native vegetation that occurs on the project site, including the endangered status of <i>Lupinus citrinus</i> , and should be encouraged to preserve as much of the natural vegetation as possible.	Public Works and Planning
<b>WILDLIFE</b>		
4.a	Wide, continuous greenbelt corridors should be established in a north-south direction to provide routes for deer and other animals to traverse the project site. Design of the greenbelt corridors should be done in consultation with the California Department of Fish & Game and U.S. Forest Service to ensure that adequate passageways are provided for animals. This measure would require redesign of the project Land Use Plan and may result in a reduction in the number of units on the project site. (The California Department of Fish and Game, for example, has recommended that the portion of the project site in Section 6 (see Exhibit 1) be maintained in open space to reduce conflicts between project residents and the adjacent Markwood deer population center.)	Public Works and Planning
4.b	Removal of dead tree snags should be limited to those that are located within a developed area and would create a safety hazard to people and structures.	Public Works and Planning
4.c	The mitigation measures listed in Section IV, C, 3, b and c, pertaining to protection of meadows and riparian habitat would also provide water, food, and cover for some wildlife species.	Public Works and Planning

◆ Identified by Initial Study No. 5063

Mitigation Measure No.	Mitigation Measure	Responsible Person / Agency
4.d	The mitigation measure presented in Section IV, C, 3, d, would provide for the management of trees, brush, and shrub species on the project site and would mitigate, to some extent, impacts upon wildlife that would occur as a result of the development. Tree species that should be specifically protected include the Mountain Dogwood and Black Oaks. Brush species that should be preserved to the fullest extent possible include the various species of ceanothus, willow, and manzanitas. (As indicated in Section IV, C, 3, d, the forest management program should be developed in cooperation with the U.S. Forest Service and the California Department of Fish & Game to provide a balance between maintenance of as much wildlife habitat as possible while achieving an adequate level of fire protection.)	Public Works and Planning
4.e	Areas disturbed during project development should be revegetated with native plant species that would provide forage for wildlife.	Public Works and Planning
4.f	The use of off-road vehicles should be prohibited on the project site. In addition, project residents should be encouraged to operate any off-road vehicles only on designated off-road vehicle trails on land where such activities are permitted. This measure could be implemented through an educational program sponsored by the homeowners association.	Public Works and Planning
4.g	Hunting of wildlife should be prohibited on the project site.	Public Works and Planning
4.h	Domestic pets (dogs and cats) should not be allowed to roam free either on or off the project site. (The California Department of Fish and Game recommends that the applicant and property owners within the project pay for an animal control officer to enforce leash laws on the site.	Public Works and Planning
4.i	Project residents should be advised of the importance of maintaining wildlife habitat both on and off the project site. This measure could be achieved through implementation of an educational program sponsored by the developer in cooperation with the California Department of Fish and Game and the U.S. Forest Service.	Public Works and Planning
4.j	The emergency access road shown on Exhibit 9 extending between Road L and Cressman Road should be closed to all but emergency use between November 15 and May 1, to reduce harassment and disturbance of deer on the winter range.	Public Works and Planning
<b>CLIMATE AND AIR QUALITY</b>		
5.a	The most effective means of reducing project related air pollution would be to reduce the number of vehicle miles traveled both within the Shaver Lake area and within the region. Measures which could be implemented include the encouragement of residents to form car pools and van pools for commuting to work. This measure could be especially effective if a number of permanent residents were to have jobs at distant locations such as in the Fresno Metropolitan Area.	Public Works and Planning
5.b	If at some time in the future a regional transit system is developed in the Shaver Lake area, the project site should be included as a participant in the transit program.	Public Works and Planning
5.c	Short-term air quality impacts relating to the generation of dust during development of the project site should be mitigated through implementation of the Fresno County Air Pollution Control District rules and regulations pertaining to the control of dust and particulate matter.	Public Works and Planning
<b>NOISE</b>		
6.a	Mechanical equipment that would be used at the village commercial center should be designed so that equipment noise levels measured at the nearest residential property line do not exceed 40 dba.	Public Works and Planning
6.b	Service areas such as loading docks and solid waste collection areas at the village commercial center should be located away from residential uses to mitigate potential noise impacts.	Public Works and Planning
6.c	Construction equipment should be properly muffled and maintained and construction activity should be limited to the hours of 8 a.m. to 5 p.m. on weekdays.	Public Works and Planning
6.d	Dwelling units should be designed and located to reduce noise levels generated by adjacent uses (commercial, residential, traffic) to the fullest extent possible.	Public Works and Planning
<b>LAND USE, PUBLIC LAND USE POLICY, AND ZONING</b>		
7.a	The <u>Shaver Lake Community Plan</u> should be amended to include the project site. The project site would logically fit within the area encompassed by the plan because of its location, the type of development proposed, and because it would be provided sewer, water, and other community services by the same jurisdictions that serve the Shaver Lake Community Plan area.	Public Works and Planning
7.b	The project design should be revised to include the shaded fuel breaks that are described in Section V, E, and the greenbelt corridors that are discussed in Section IV, D. Implementation of these measures may require a reduction in the number of dwelling units on the site.	Public Works and Planning
7.c	The proposed commercial village does not conform to the commercial land use policies of the <u>Shaver Lake Community Plan</u> ; that is, the commercial village is not located along SR 168 as prescribed by the plan. This discrepancy should be reconciled prior to final action on the project.	Public Works and Planning
7.d	Prospective purchasers of homes within the project should be advised of the U.S. Forest Service management practices for the adjoining national forest land including the fact timber harvesting may occur in the immediate area.	Public Works and Planning
7.e	It would be useful for the applicant, homeowners association, and U.S. Forest Service to coordinate in conducting an ongoing program to educate residents of the project on the management objectives of the Forest Service for the adjoining land and how the residents can assist in reducing impacts on this land including the potential for fires. This same type of program could also be used to advise residents of how to protect the resources and prevent fires on the site.	Public Works and Planning

♦ Identified by Initial Study No. 5063

Mitigation Measures and Monitoring Program Matrix		
Mitigation Measure No.	Mitigation Measure	Responsible Person / Agency
<b>TRAFFIC AND CIRCULATION</b>		
8.a	The existing paved portion of Bretz Mill Road between the project site and SR 168 should be improved to County standards.	Public Works and Planning
8.b	The intersection of Bretz Mill Road at SR 168 should be improved to provide two lanes on the outbound approach of Bretz Mill Road. This would allow left- and right-turning to be separated and reduce delays.	Public Works and Planning
8.c	Both approaches on SR 168 should be widened to provide a left-turn storage lane for southbound to eastbound turning vehicles, and a deceleration lane for northbound vehicles turning right onto Bretz Mill Road.	Public Works and Planning
8.d	SR 168 will have significant traffic impacts in the future with or without the project. A number of "spot" improvements along its alignment could reduce these impacts and increase roadway capacity by up to 25-30%. Improvements could include passing lanes, increased turning radii at tight curves, removal of obstructions to improve sight distances for passing, adding shoulder or turnouts where possible, and turning lanes at intersections.	Public Works and Planning
8.e	Project residents should be encouraged to form car pools and/or van pools for commuting to work at locations outside the project site.	Public Works and Planning
◆ 8.f	Prior to recording of a final map, the applicant shall complete the following improvement at the intersection of Bretz Road and SR 168: - Restripe/widen the southbound approach, north leg, from a shared left-through lane to a separate left-turn lane and a separate through lane.	Public Works and Planning
◆ 8.g	Prior to recording of a final map, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows: - Improvements at the intersections of: a. Auberry Road and Marina Drive (The project maximum share is 0.7%) b. Auberry Road and Copper Avenue (The project maximum share is 0.7%) - Improvements to the road segment of Auberry Road from Copper Avenue to Marina Drive (The project maximum share is 0.7%) (The current total estimated pro-rata cost of these improvements is \$67,813) The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.	Public Works and Planning
◆ 8.h	Prior to recording of a final map, the applicant shall enter into an agreement with Caltrans agreeing to pay \$35,532 to Caltrans as the project's pro rata share of the estimated cost for funding an eastbound left-turn lane at SR 168 and Ockenden Village Road.	Public Works and Planning
<b>SEWAGE DISPOSAL</b>		
9.a	The project site should be annexed to Fresno County Service Area 31 and Fresno County Waterworks District 41 to provide for connection to a community sewage treatment system.	Public Works and Planning
9.b	Approval of the project should be contingent upon expansion of the Fresno County Waterworks District 41 sewage treatment facility to accept sewage that would be generated by the project.	Public Works and Planning
<b>SURFACE WATER SUPPLY</b>		
10.a	Any approval of development based upon the use of surface water should be limited to:  1. The number of units for which a firm water supply is available. This would require negotiations to change the status of the County's surface water allocation; or 2. The number of units for which a proven groundwater supply has been demonstrated. This measure would ensure that an adequate water supply would be available if surface water allocations are reduced or eliminated in the future. Implementation of this measure would permit approval of 135 dwelling units on the project site at this time based on the on-site pump testing program described in Section IV, B.	Public Works and Planning
10.b	The project site should be annexed to Fresno County Service Area 31 and Fresno County Waterworks District 41 to provide for development and implementation of the proposed surface water system.	Public Works and Planning
<b>FIRE PROTECTION</b>		
11.a	A shaded fuel break, 200 feet in width, should be constructed and continuously maintained around the perimeter of the site. The fuel break can be coordinated with the project open space system to provide a buffer adjacent to U.S. Forest Service Land. (A shaded fuel break consists of the removal of all understory trees and brush.)	Public Works and Planning
11.b	Shaded fuel breaks, 50 feet in width, should be constructed and continuously maintained along each side of roads within the project site.	Public Works and Planning

◆ Identified by Initial Study No. 5063

Mitigation and Monitoring Program Matrix		
Mitigation Measure No.	Mitigation Measure	Responsible Person / Agency
11.c	All roads within the project site should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment under adverse conditions (such as during winter months).	Public Works and Planning
11.d	Emergency access routes should be improved from the project site to their connection with public road systems to allow use by conventional automobiles for evacuation purposes.	Public Works and Planning
11.e	Fire-resistant materials and building design concepts should be utilized to reduce the risk of structural fires.	Public Works and Planning
11.f	The water system, including the design of distribution mains and provision of adequate water storage, should meet or exceed minimum requirements of local, state, and federal fire-fighting agencies.	Public Works and Planning
11.g	Natural fuels should be reduced through a vegetative thinning program. This should be conducted through consultation with local, state, and federal fire officials. (Note: Care should be taken in the reduction of natural fuel to not unnecessarily eliminate sources of food and habitat for wildlife.)	Public Works and Planning
11.h	An emergency evacuation plan should be developed by the Homeowners Association in coordination with local, state, and federal fire agencies. Project residents should be familiarized with the evacuation plan and all emergency procedures.	Public Works and Planning
11.i	Detailed site planning of the project should be done in consultation with the local, state, and federal fire protection agencies to ensure that the mitigation measures listed in this section and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <i>Fire Safe Guides for Residential Development in California</i> (1980), should be used in project site planning and design.	Public Works and Planning
11.j	Development of an emergency evacuation plan and coordination with federal, state and local fire agencies on emergency procedures.	Public Works and Planning
<b>POLICE PROTECTION</b>		
12.a	The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	Public Works and Planning
12.b	The Uniform Building Security Code should be utilized in building design to provide for adequate door locks, window security devices, and alarm systems.	Public Works and Planning
<b>SOLID WASTE DISPOSAL</b>		
13.a	Solid waste collection service on at least a once-per-week basis should be required for each use developed on the project site.	Public Works and Planning
13.b	The homeowners association should develop a project-wide recycling program for newspapers, bottles, and aluminum cans. A program of this type would reduce the volume of solid waste material being disposed at the transfer station.	Public Works and Planning
<b>SCHOOLS</b>		
14.a	The elementary school site shown on Exhibit 2, Land Use Plan, should be adopted as part of the specific plan approval process.	Public Works and Planning
14.b	Both the elementary school and high school districts could implement the provisions of Senate Bill 201 to provide for funding of necessary school facilities. Both of the school districts have indicated that the Boards of Trustees have determined not to implement the provisions of Senate Bill 201 at this time, but that if other sources of funding do not become available, they may pursue this funding alternative in the future.	Public Works and Planning
<b>ENERGY RESOURCES</b>		
15.a	Energy conservation has become increasingly necessary over the past several years. Current technology is available to design buildings for more efficient use of electrical and fossil fuel energy resources. Techniques ranging from more efficient insulation practices to the use of solar heating systems have become increasingly available for residential and commercial applications. A list of potential energy conservation measures that could be utilized in development of the project site is presented in Appendix V of this EIR. These measures should be incorporated into the project design to the fullest extent possible.	Public Works and Planning
15.b	Mitigation measures that are presented in Section IV, E, relating to reducing vehicular emissions and measures presented in Section V, B, pertaining to reducing vehicle miles traveled through car pooling and van pooling would also mitigate energy impacts associated with vehicular fuel consumption.	Public Works and Planning
16.a	Parking lot light fixtures at the village commercial center should be designed and located to prevent glare upon adjoining properties.	Public Works and Planning
16.b	The level of illumination in both the parking lots and security lighting of the buildings during non-business hours should be kept to the minimum necessary for security purposes.	Public Works and Planning
17.a	The prehistoric bedrock mortar/food processing station should be preserved as an instructive outdoor exhibit on Indian lifeways. This measure could be implemented by dedication of an easement to Fresno County to maintain the site in an undisturbed condition.	Public Works and Planning
17.b	Project residents should be instructed in the sensitivity of the prehistoric archaeological site and should be encouraged to preserve it in its existing condition. This measure could be implemented through an educational program sponsored by the homeowners association.	Public Works and Planning

◆ Identified by Initial Study No. 5063





# County of Fresno

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

## **Planning Commission Staff Report Agenda Item No. 5 July 21, 2011**

**SUBJECT:** Initial Study Application No. 5981, Amendment  
Application No. 3779 and Classified Conditional Use  
Permit Application No. 3237

Rezone an approximately 10.88-acre portion of three parcels totaling 151.32 acres from the AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2 (c) (m) (Low Density Multiple-Family Residence, 6,600 square-foot minimum parcel size required, Conditional, Mountain Overlay) Zone District; and

Allow a Conditional Use Permit for a Planned Unit Development consisting of 58 residential lots served by private road with a lot size of 2,400 square feet to 3,150 square feet and various outlots on said 10.88-acre parcel in the R-2 (c) (m) Zone District.

**LOCATION:** The subject property is located within the Bretz Mountain Village Specific Plan on the southeast corner of the intersection of Bretz Road and Garnet Lane, approximately 1.2 miles east of State Route 168 (Tollhouse Road) and 1.2 miles south of the unincorporated community of Shaver Lake (SUP. DIST: 5) (APNos: 130-040-23, 136-374-01 and 130-920-17).

**Applicant / Owner:** Bratton Investment

**STAFF CONTACT:** Ejaz, Planner  
(559) 600-4204

### **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

**Chris Motta, Senior Planner  
(559) 600-4227**

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 5981; and
- Determine that the proposed R-2 (c) (m) (Single-Family Residential, Conditional, Mountain Overlay) Zone District is consistent with the County General Plan and the Bretz Mountain Village Specific Plan; and
- Approve Classified Conditional Use Permit (CUP) Application No. 3237 with the recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3779 and Classified Conditional Use Permit (CUP) Application (CUP) No. 3237 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

**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. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Tentative Tract Map No. 5943
5. Illustrative Gate Elevation
6. Applicant's Submitted Operational Statement
7. Uses Allowed Under the Current Zoning
8. Uses Allowed Under the Proposed Zoning

9. Required Findings necessary for the granting of a CUP Application as specified in Zoning Ordinance Section 873.

**THE FOLLOWING ANALYSIS ADDRESSES AMENDMENT APPLICATION NO. 3779:**

**Site Development, Operational information and Standards:**

See discussion under **KEY INFORMATION PERTINENT TO STAFF ANALYSIS** beginning on Page 2 of the Subdivision Review Committee Report.

**Setback, Separation and Parking**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AL-20 Zone District Front: 35 feet Sides: 20 feet Rear: 20 feet  R-1-B (c) Zone District Front: 35 feet Sides: 10 feet Rear: 20 feet	Setbacks for the proposed R-2 (c) (m) Zone District.  Front: 20 feet Sides: 5 feet Rear: 20 feet	Yes. The Planned Unit Development (PUD) process allows some flexibility in setbacks and off-set requirements, concurrent Tract Map Application No. 5943 does not meet building setbacks for the R-2 (m) Zone District as designed. The subject Use Permit Application will allow reduced setbacks.
Parking	AL-20 Zone District: No Requirement  R-1-B (c) (m) Zone District: One parking space in a garage or carport for every dwelling unit.	R-2 (c) (m) Zone District: One parking space in a garage for every dwelling unit. Additional parking for visitors will be provided along private residential streets within the tract.	Yes. The proposed residential development will meet parking standards of the R-2 (m) Zone District.
Lot Coverage	AL-20 Zone District: No requirements	R-2 (c) (m) Zone District: Maximum lot coverage by building and structures shall not	Yes. The proposed development will occupy approximately 3.55 acres of the 10.88-acre parcel (32 percent of the

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	R-1-B (c) (m) Zone District: Maximum lot coverage by building and structures shall not exceed 35 percent of the total lot-area.	exceed 50 percent of the total lot area.	total lot area).
Separation Between Buildings	AL-20 Zone District: No requirements  R-1-B (c) (m) Zone District: Six feet between main building and accessory buildings	R-2 Zone District: Side to side: 10 feet Rear to side/Front to side: 15 feet Front to rear/rear to front: 20 feet  Space between buildings shall not be less than 10 feet.	Yes. Minimum separation between duplexes in the proposed Tract No. 5943 is 25 to 30 feet.
Wall Requirements	AL-20 Zone District: Per the provisions of Section 855-H.2  R-1-B (c) (m) Zone District: Six feet on sides and rear property line and three feet within front yard setback	Fencing will be provided along northern property line of the project site.	Yes
Septic Replacement Area	100 percent for an existing individual septic system	N/A. The proposal will utilize community sewer system through a Zone of Benefit within County Service Area (CSA) 31.	N/A

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet for individual septic systems	N/A. The proposal will utilize community water system through a Zone of Benefit within County Service Area (CSA) 31.	N/A

### Circulation and Traffic

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	N/A	22-foot wide private roads
Public Road Frontage	Yes	Bretz Road; Good	No Change
Direct Access to Public Road	No	Bretz Road	No Change
Road ADT		Unknown	No Change
Road Classification		Collector (Bretz Road) in the Bretz Mountain Village Specific Plan	No Change
Road Width		84 feet	No Change
Road Surface		Paved	No Change
Traffic Trips		N/A	Residential traffic
TIS Prepared	No	N/A	Insignificant traffic volumes
Road Improvements Required		Paved (Bretz Road)	No change

## Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North:	473.40 acres	Forest Land	RC-40	185 feet north of proposed Lot No. 5.
East/South:	171.54 acres	Open space to remain undeveloped per the Bretz Mountain Village Specific Plan	AL-20	None
West:	42.36 acres	PUD/Cond/Multi-Family in the Bretz Mountain Village Specific Plan	AL-20	None

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

## 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 included as Exhibit 6 to the Subdivision Review Committee Report for Tentative Tract Map No. 5943.

Notice of Intent of Negative Declaration publication date: June 24, 2011.

## PUBLIC NOTICE:

Notices were sent to 23 property owners within 300 feet of the subject property satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Note that the Board of Supervisors Hearing for this Item is scheduled for 2:00 p.m. (or as soon thereafter as possible) on August 30, 2011 should the Item be recommended for approval by the Commission.

## PROCEDURAL CONSIDERATIONS/ BACKGROUND INFORMATION:

A rezoning is a legislative act requiring the Board of Supervisor's action. A decision by the Planning Commission in support of a rezone request requires an affirmative vote of the majority of its total membership, and is then forwarded to the Board as an advisory action. The Planning Commission's decision to deny a rezone, however, is final unless appealed to the Board of Supervisors within 15-days of the Commission's action.

The Bretz Mountain Village Specific Plan is a refinement of the Shaver Lake Community Plan. It was originally approved on May 4, 1982 and was amended in February 1986, August 1996 and October 2005, respectively. Today, Bretz Mountain Village is a planned community intended to be developed as a residential-recreational community for year-round and seasonal occupancy, providing 977 residential units on 610 acres of land. The Plan allows an overall residential density of 1.6 units per acre, and provides 330 acres, or 54 percent of the land area, for Open Space. Three planned unit/condominium/multiple-family developments are planned with a maximum of 660 units on 84 net acres for an average density of 7.86 units per acre. The Bretz Mountain Village is planned to be developed in seven phases and the proposed development is within Phase 5 of the Specific Plan.

The Bretz Mountain Village Specific Plan had been zoned to the AL-20 (Limited Agriculture, 20-acre minimum lot size) District as a holding zone, pending approval of Tentative Subdivision Maps. At the time development projects are approved, the project shall be zoned to the appropriate Zone District.

Under this request, the Applicant is proposing to rezone (Amendment Application No. 3779) an approximately 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square feet minimum parcel size required) Zone District to allow a Planned Unit Development (PUD) consisting of 58 residential lots through Conditional Use Permit Application No. 3237. County Ordinance Section 827.5-G. allow PUDs in the R-2 Zone District through a Conditional Use Permit and under the guidelines of Section 855-N. 20. A. B. of the said Ordinance. Also, General Plan Policy LU-H.7 supports PUDs provided that it meets certain development Criteria. The proposed project meets those Criteria and has been noted in the Subdivision Review Committee Report for the Tentative Tract Map No. 5943.

The following analysis addresses Amendment Application No. 3779 and each of the required Findings for Conditional Use Permit Application No. 3237.

#### **ANALYSIS / DISCUSSION / GENERAL PLAN CONSISTENCY:**

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-H.7: County shall apply the following general principles to Planned Unit Development (PUD):</p> <ul style="list-style-type: none"> <li>a. PUD may include any combination of single-detached or attached units.</li> <li>b. Community sewer and water facilities shall be provided.</li> </ul>	<p>The proposed development will be provided with 12 single-story and 46 two-story attached duplex units; community sewer and water services through a Zone of Benefit within CSA 31; off-street parking meeting R-2 (m) Zone District requirements; an open air gazebo and a tot-lot as a common space to be used for recreational purposes; and a Homeowners</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<ul style="list-style-type: none"> <li>c. Off-street parking facilities shall provide parking sufficient for occupants of the development and shall be integrated into the development and minimize adverse impacts on neighboring development.</li> <li>d. PUD shall provide common space easily accessible to all the residents of the project and useable for open space and recreational uses.</li> <li>e. The developer shall provide for perpetual maintenance of all common land and facilities through means acceptable to the County of Fresno.</li> <li>f. Streets serving the development must be adequate to accommodate the traffic generated by the proposed project.</li> </ul>	<p>Association (HOA) to conduct open lot maintenance. The project will also pay for a pro-rata share of future off-site improvements to mitigate potential impacts on County and California Department of Transportation (Caltrans) maintained roads and highways. The proposal meets these policies.</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>The project will utilize community sewer and water services provided by a Zone of Benefit within CSA 31. A total of 58 Equivalent Dwelling Units (EDUs) of water are required for the proposed development.</p> <p>Given the 2,000 unit cap per the Shaver Lake Sewer and Water Master Plan, 37 residential units for the proposed 58 lot residential subdivision can be on groundwater and 21 residential units can be on water from other tentatively approved projects in the area under the ownership of the Applicant, or the units can also be developed on surface water or a combination thereof.</p>
<p>General Plan Policy PF-E.6: County shall require that drainage facilities be installed concurrently with and as a condition of</p>	<p>The project will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. A Soils</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
development activity.	Report to address the feasibility of the site for the type of development as proposed is also required for the subdivision as a Condition of the Final Map.
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 cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties.
General Plan Policy PF-H.2: County shall determine the need for fire protection services prior to the approval of development projects.	The Fresno County Fire Protection District reviewed the project and did not identify any significant concerns with the proposal. Per the discussion in Finding 5 of this Report, a project Note has been included requiring the proposal to comply with the 2007 California Code of Regulations Title 24 Fire Code.
General Plan Policy PF-H.9: County shall require new development to develop fire protection services.	The project will comply with California Code of Regulations Title 24 – Fire Code 2007, 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 Department of Public Works and Planning after consideration of the recommendations of the fire district.
General Plan Policy PF-J.3: County shall require new residential developments to underground on-site utility lines.	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.
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.	The County Design Division and California Department of Transportation (Caltrans) identified potential impacts to the existing transportation system from traffic generated by the proposed project and requires that the project shall pay its fair

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
	share for off-site traffic improvements. The project in accordance with Mitigation Measures Nos. 8.g. and 8.h., Traffic and Circulation, Bretz Mountain Village Specific Plan, Mitigation Measures and Monitoring Program Matrix which requires payment of pro-rata shares of cost for off-site improvements will pay its fair share. This requirement has been included as Mitigation Measures.
Bretz Mountain Village Specific Plan Policy B.5a(3): A project trail system shall be developed within the development, shall provide a link among all development phases, all recreational facilities within the development phases and to the designated open space areas within the Specific Plan.	A trail system will connect the project site with a 270-acre abutting parcel within the Bretz Mountain Village Specific Plan (BMVSP) reserved for open space and other developments within the Specific Plan.
Bretz Mountain Village Specific Plan Policy B.5a(1): For every 60 units developed in a PUD, two minor recreational facilities shall be provided.	The project will be provided with a gazebo 70 feet in diameter for barbeques (Outlot D) and a 60-foot by 25-foot tot-lot for children (Outlot C). The proposal meets this Policy.
Bretz Mountain Village Specific Plan Policy E.1a(1): All residential subdivisions will be required to provide a community water system with distribution facilities to serve each lot, or provide individual systems, with an adequate supply for domestic needs, fire protection and normal residential irrigation in accordance with County Standards.	Community water service for domestic needs, fire protection and residential irrigation will be provided through CSA 31. The proposal meets this policy.
Bretz Mountain Village Specific Plan Policy E.2b(2): Approval of any development phase shall be contingent upon a finding that adequate capacity exists or a requirement to expand the CSA 31 sewage treatment facility to accept sewage that would be generated by the project.	The project will connect to CSA 31 for sewer services through a Zone of Benefit. With no expansion required, the CSA has the capacity to meet sewer needs of the proposed development.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Bretz Mountain Village Specific Plan Policy I.2b.(5): Construction of fencing adjoining Sierra National Forest Land as specified in Section G. 6f(5).</p> <p>Bretz Mountain Village Specific Plan Policy G. 6f(5): The northern property line abutting the Sierra National Forest shall be fenced to exclude range cattle. The property lines adjacent to Phases 4 and 5 and along the north boundary of the open space area shall be fenced in conjunction with Phase 4. However, the fencing adjacent to the open space area may be relocated to the north side of the Bretz Road right-of-way required with the construction of Phase 4. The remainder of the fencing shall be constructed with the adjacent areas of Phase 7.</p>	<p>The proposed development is within Phase 5 of the Bretz Mountain Village Specific Plan. Fencing will be required to be provided along the northern property line and has been included as a Condition of Approval. The proposal meets this Policy.</p>
<p>Bretz Mountain Village Specific Plan Policy I.2b.(8): Preparation of a Conservation and Forest Management Plan for the land area included in Phases 4, 5 and 7 in conformance with Section G.6.</p> <p>Bretz Mountain Village Specific Plan Policy G. 6b: Vegetation conservation shall be performed as part of the original Phase 1 development program. This Plan shall be prepared by a Licensed Forester and submitted for review and comments to the California Department of Forestry and Fire Protection. This Plan shall be utilized by Fresno County during the review of Subdivision Final Tract Map.</p>	<p>The project area is within Phase 5 of the Bretz Mountain Village Specific Plan (BMVSP). Since the earlier Conservation and Forest Management Plan was written only for Phase 1 of the BMVSP, a Condition of Approval will require that a Conservation and Forest Management Plan shall be prepared and be approved by the California Department of Forestry and Fire Protection prior to recordation of the Final Map.</p>

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Development Services Division: The project area is designated PUD/Condo/Multifamily Development in the Bretz Mountain Village Specific Plan. The proposed development shall adhere to the aforementioned General Plan

and Bretz Mountain Village Specific 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.

Resources Division of the Department of Public Works and Planning: The Applicant has proven a water source that will apply for the proposed development. The College Well G-22, as identified in the Hydrological Study, shall be tested and permitted by the California Department of Public Health, Drinking Water Program and accepted by the Fresno County Department of Public Works and Planning, Resources Division, into CSA 31 prior to recordation of the Final Map. The project proponent may choose a HOA to conduct the open lot maintenance. The HOA will own the land in fee but will provide the County with an easement in the open space areas to drill additional well(s) for a community water system. Water and sewer requirements for this project have been included as Mitigation Measures and Conditions of Approval and are listed on Pages 20 through 28 of the Subdivision Review Committee Report for Tentative Tract Map Application No. 5943.

Development Engineering Section of the Development Services Division: Specific requirements related to interior roads, drainage and erosion control, Soils Report, utilities and emergency access roads has been included as Mitigation Measures and Conditions of Approval and are listed on Pages 17 through 28 of the Subdivision Review Committee Report for Tentative Tract Map Application No. 5943.

Design Division of the Department of Public Works and Planning: Proportionate share calculations were calculated for previously identified affected intersections at State Route 168 and Morgan Canyon Road, Millerton and Auberry Roads, Auberry Road and Copper Avenue, Auberry Road and Marina Drive, and the road segment of Auberry Road between Copper and Millerton Roads. The project shall pay a pro-rata share of cost in the amount of \$209,614.00.

The California Department of Transportation (Caltrans): Improvements to the State Route 168 (Morgan Canyon Road/Auberry Road) intersection in Prather to accommodate the current and future traffic demand is needed. The project shall pay a pro-rata share of cost in the amount of \$31,725.00 to pay for signal controls, two left-turn lanes and a right-turn lane.

Fresno County Sheriffs Department: Approval of the proposal shall include Impact Fees to fund capital and other expenses mitigating regional development cumulative impacts upon police services.

California Department of Fish and Game (DFG): Specific requirements included as Mitigation Measures are listed on Pages 25 and 26 of the Subdivision Review Committee Report for Tentative Tract Map Application No. 5943.

Development Engineering Section of the Development Services Division: All utilities shall be placed underground in accordance with the provision of the Subdivision Ordinance. This has been included as a Condition of Approval.

San Joaquin Valley Air Pollution Control District (Air District): The project at full build-out is subject to: 1) District Rule 9510 (Indirect Source Review); filing of an Air Impact Assessment (AIA) Application and paying any applicable Off-Site Mitigation Fees prior to the issuance of the first Building Permit shall be paid; and District's other regulation applicable to the project.

U.S. Department of Agriculture (USDA) Forest Service: No encroachments shall occur onto National Forest land.

Fresno County Fire Protection District: The proposed development shall comply with the State Responsibility Area (SRA) requirements for on-site and off-site development and approved plans shall be submitted for District's approval prior to issuance of Building Permits.

The aforementioned requirements have been included as project Notes.

Water/Geology/Natural Resources Unit of the Development Services Division: No concerns with the project as it relates to water quantity.

## **Analysis**

As noted above, the Bretz Mountain Village Specific Plan has been zoned to the AL-20 (Limited Agriculture, 20-acre minimum lot size) Zone District as a holding zone, pending approval of Tentative Subdivision Maps. At the time development projects are approved, the project shall be zoned to the appropriate Zone District. The proposed Amendment Application is required to change the current zoning on the property to accommodate a 58-unit Planned Unit Development proposed through concurrent Tract Map Application No. 5943.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. According to the Bretz Mountain Village Specific Plan, the subject property is located in Phase 5 of the Specific Plan and is designated for PUD/Cond/Multi-Family residential development. The proposed rezoning of a 10.88-acre portion of three parcels totaling 151.32 acres from AL-20 (Limited Agriculture, 20-acre minimum parcel size required) Zone District and R-1-B (c) (m) (Single-Family Residential, 12,500 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District to the R-2(c) (m) (Low Density Multiple-Family Residence, 6,600 square feet minimum parcel size required, Conditional, Mountain Overlay) Zone District is compatible with the PUD/Cond/Multi-Family designation of the Bretz Mountain Village Specific Plan. The R-1-B (c) (m) portion of the property is also designated for PUD/Cond/Multi-Family residential development in the Specific Plan.

Abutting parcels to the east, south and west of the subject property are designated Open Space to remain undeveloped and PUD/Cond/Multi-Family to be developed with multi-family residential development in the Bretz Mountain Village Specific Plan. Sierra National Forest land surrounds the Bretz Mountain Village Specific Plan boundaries.

Based on the above information and with adherence to Mitigation Measures, recommended Conditions of Approval, and project Notes regarding mandatory requirements, staff believes this proposal is consistent with the General Plan and the County-adopted Bretz Mountain Village Plan.

**Noteworthy Conditions of Approval:**

- See *“Recommended Conditions of Approval”* listed on Pages 17 through 28 of the Subdivision Review Committee Report for Tentative Tract Map Application No. 5943.

**THE FOLLOWING ANALYSIS ADDRESSES THE CONDITIONAL USE PERMIT APPLICATION NO. 3237 TO PERMIT THE PLANNED UNIT DEVELOPMENT.**

**ANALYSIS / DISCUSSION:**

*Finding 1:*                    *Adequacy of the Site*

See discussion above in **Setback, Separation and Parking** beginning on Page 4 of the Staff Report.

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

Zoning Section of the Development Services Division: Approval of a Classified Conditional Use Permit is required to: 1) allow the proposed 58-lot development to be a Planned Residential Development provided with private roads; and 2) amend the development standards of the R-2 (m) (Low Density Single-Family Residential, Mountain Overlay) Zone District to allow the reduced setbacks for certain lots in the tract.

**Analysis:**

Staff review of Tentative Tract Map Application No. 5943 and the Operational Statement provided by the Applicant demonstrates compliance with all Development Standards of the R-2 (m) (Low Density Multiple-Family Residential, 6,600 square feet minimum parcel size required, Mountain Overlay) Zone District, with exception to the reduced building setbacks found therein. However, the subject Classified Conditional Use Permit Application seeks to modify setback standard. Modified setbacks will be in accordance with General Plan Policy LU-H.7. e. and Section 855-N. 20. B. 2. of the Zoning Ordinance which allows modification to the property Development Standards provided such modification or waiver will produce a more functional, enduring and

desirable environment, and no adverse impact to adjacent properties will result therefrom. The reduced setbacks will achieve the objective of the General Plan and Zoning Ordinance.

Additionally, a Condition of Approval has been included which limits permissible deviations from Zoning Ordinance Development Standards to that of building setbacks.

**Noteworthy Conditions of Approval:**

- *All existing property Development Standards of the R-2 (m) Zone District listed in the Zoning Ordinance shall apply except for the following deviation:*

*Building Setbacks:*

1. *The building setbacks for all structures shall be according to the approved Tentative Tract Map No. 5943 and the Operational Statement as modified through the Planned Unit Development process for the R-2(m) Zone District.*

**Conclusion:**

Finding 1 can be made.

*Finding 2:*                    *Adequacy of Streets and Highways*

See discussion above in **Circulation and Traffic** beginning on Page 6 of the Staff Report.

**Reviewing Agency/Department Comments:**

As discussed in the Subdivision Review Committee Report prepared for concurrent Tentative Tract Map Application No. 5943, the Development Engineering Section of the Development Services Division identified Development Standards for the proposed private roads which have been included as a Condition of Approval. The Subdivision Review Committee Report also include Conditions of Approval identified by the Design Division and California Department of Transportation requiring a pro-rata share of cost to mitigate resultant impacts to County roads and state highways.

**Analysis:**

Based on the above information and with adherence to Mitigation Measure and recommended Conditions of Approval included in the Subdivision Review Committee Report prepared for Tentative Tract Map Application No. 5943, staff believes that the existing and proposed roadways will be adequate to accommodate the proposal.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

**Finding 3:**    *Adverse Effects Upon Surrounding Properties*

See discussion above in **Surrounding Properties** beginning on Page 7. Also see discussion beginning on Page 12, Reviewing Agency/Department Comments of this Report.

**Reviewing Agency/Department Comments:**

As discussed in the Subdivision Review Committee Report prepared for concurrent Tentative Tract Map Application No. 5943, the project will: 1) comply with California Code of Regulations (CCR), Title 24, Part 2, known as the 2007 California Building Code (CBC) for fire suppression; 2) connect to community sewer and water services provided by CSA 31; 3) comply with grading and drainage requirements of the County Ordinance; 4) pay for a pro-rata share of cost towards traffic related improvements; and 5) will pay for funding towards police services.

**Analysis:**

This proposal is located in a mountainous area consisting of forest with residential land uses. The proposal entails the creation of a 58-lot Planned Residential Development on an approximately 10.88-acre parcel created by Tentative Tract No. 5943 in the Bretz Mountain Village Specific Plan. Approval of Tentative Tract No. 5943 will result in construction of 12 single-story, 46 two-story duplex units and outlots. This proposal is compatible with other residential development previously approved within the boundaries of the Bretz Mountain Village Specific Plan.

The modification to building setbacks requested with the subject proposal will not impact the surrounding land uses. No development will occur in the designated Open Space to the east and south of the 10.88-acre subject property where a few lots with zero to five feet setback will be located. No development currently exists to the west of the property where a lot with eight-foot setback is proposed.

The project will: 1) be provided with community sewer and water services through CSA 31 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 shall not impact neighboring properties; 3) adhere to the Fresno County Noise Ordinance requiring construction activities to occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday



and 7:00 a.m. to 5:00 p.m. Saturday and Sunday 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 requirement included in the concurrent Subdivision Review Committee Report for Tentative Tract Map Application No. 5943, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

*Finding 4:*                    *General Plan Consistency*

See Table on Page 8, **Analysis/Discussion/General Plan Consistency.**

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division: The project area is designated PUD/Condo/Multi-family Development in the Bretz Mountain Village Specific Plan. The proposed development shall adhere to the General Plan and Bretz Mountain Village Specific Plan Policies related to Planned Unit Developments, water supply evaluation, fire protection, amenities and maintenance of the PUD. 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:**

Based on the analysis provided above, staff believes the project is consistent with the policies of the Fresno County General Plan and Bretz Mountain Village Specific Plan. Staff again would like to note that the rezoning and Conditional Use Permit process is necessary to implement residential zoning with a Planned Unit Development, as is required in the Bretz Mountain Specific Plan.

**Noteworthy Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Staff believes the proposed rezone from AL-20 and R-1-B (c) (m) Zone Districts to the R-2 (c) (m) Zone District is consistent with the County General Plan and Bretz Mountain Village Specific Plan. Staff also believes the required Findings for granting the Classified Conditional Use Permit Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements as identified in the concurrent Subdivision Review Committee Report for Tentative Tract Map Application No. 5943. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Amendment Application No. 3770 and Classified Conditional Use Permit Application No. 3237 subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:****Recommended Motion** (approval action)

- Adopt the Mitigated Negative Declaration prepared for IS No. 5981; and
- Determine that the proposed R-2 (c) (m) (Single-Family Residential, Conditional, Mountain Overlay) Zone District is consistent with the County General Plan and the Bretz Mountain Village Specific Plan; and
- Approve Classified Conditional Use Permit Application (CUP) No. 3237 with the recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3779 and Classified CUP Application No. 3237 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval listed in the Staff Report.

**Alternative Motion** (denial action)

Move to determine that the proposed R-2 (c) (m) (Low Density Multiple-Family Residential, Conditional, Mountain Overlay) Zone District is not consistent with County General Plan and Bretz Mountain Specific Plan; and

- Move to determine the required Findings cannot be made for Classified Conditional Use Permit (CUP) Application No. 3237 (state basis) and deny the subject application; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Conditions of Approval:**

1. Development of the subject Planned Residential Development shall be in substantial compliance with Tentative Tract Map No. 5943 and the Operational Statement.
2. All Conditions of the Subdivision Review Committee Report and project Notes regarding mandatory requirements for Tentative Tract Map Application No. 5943 shall be complied with.
3. This Conditional Use Permit and Amendment Application shall be tied to Tentative Tract Map Application No. 5943; if the tract is denied or expires, the subject Amendment Application and Conditional Use Permit shall also be denied or expire.

NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a Conditional Use Permit to authorize a Tentative Tract Map automatically assumes the life span of the Tentative Tract Map.

4. All existing property development standards of the R-2 (m) Zone District listed in the Zoning Ordinance shall apply except for the following deviation:

**Building Setbacks:**

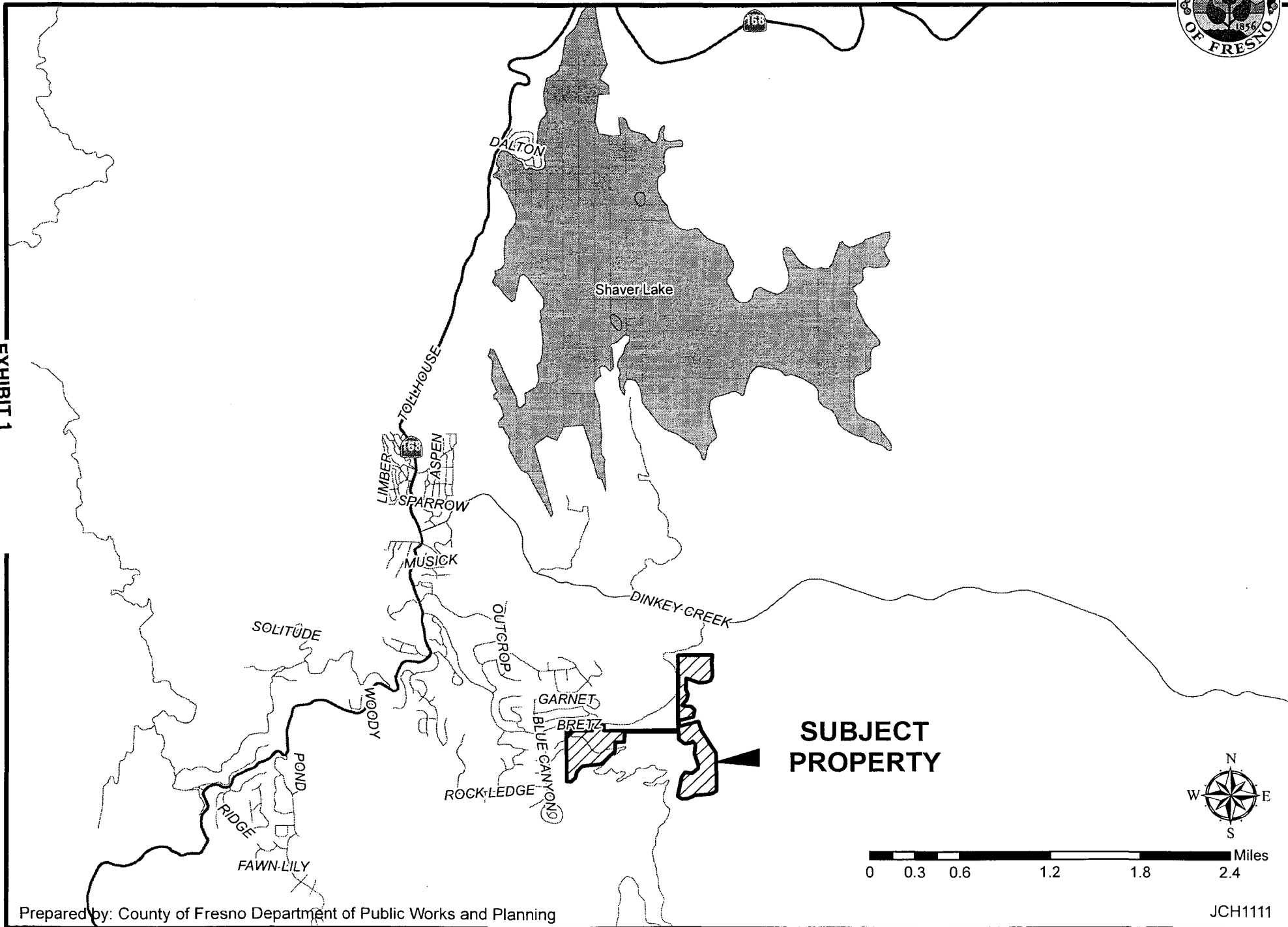
- The building setbacks for all structures shall be according to the approved Tentative Tract Map No. 5943 and the Operational Statement as modified through the Planned Unit Development process for the R-2(m) Zone District.

EJ:mac  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3200-3299\3237\CUP 3237\_Staff Report

# LOCATION MAP



EXHIBIT 1

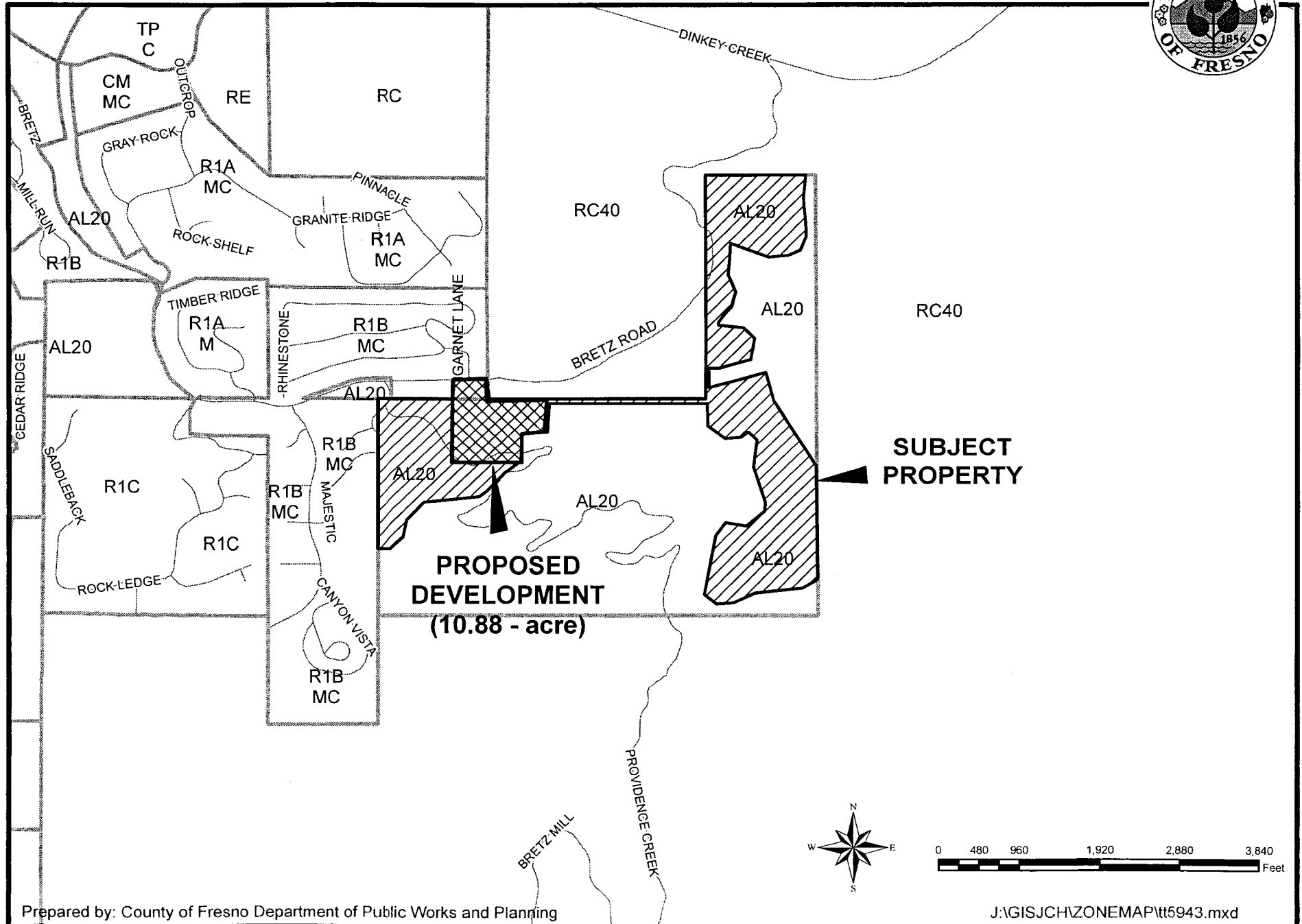


TT 5943, CUP 3237, AA 3779  
STR 7 - 10/25

# EXISTING ZONING MAP

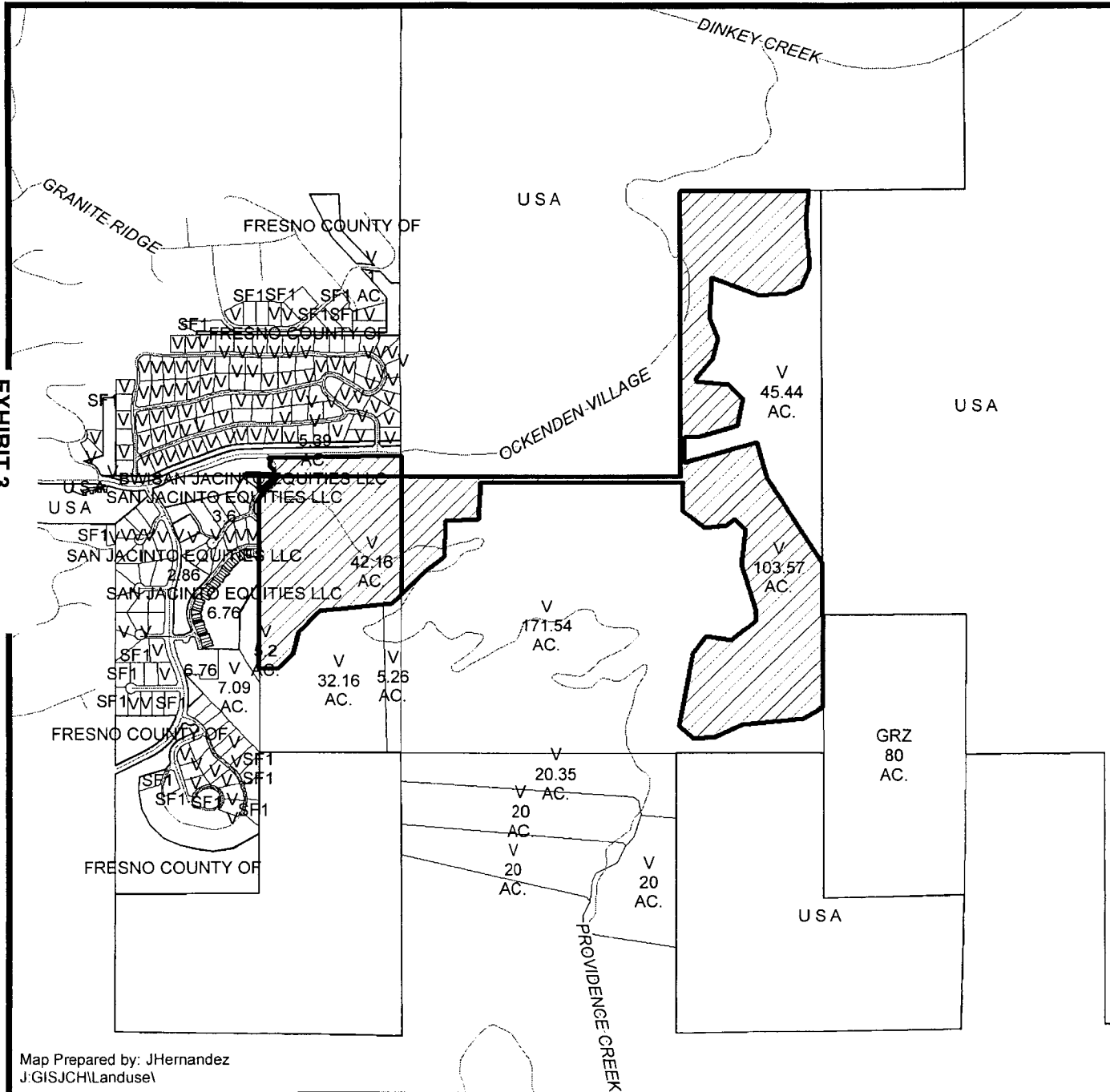


EXHIBIT 2





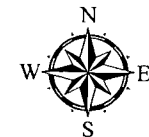
**EXHIBIT 3**



LEGEND
GRZ - GRAZING
SF#- SINGLE FAMILY RESIDE
V - VACANT

LEGEND:

 Subject Property  
 Ag Contract Land



0 355 710 1,420 2,130 2,840 Feet

Map Prepared by: JHernandez  
J:GISJCH\Landuse\

Department of Public Works and Planning  
Development Services Division

# MAP OF TENTATIVE TRACT MAP NO. 5943

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
CONSISTING OF THREE SHEETS  
SHEET ONE OF THREE

## SUBDIVIDERS STATEMENT:

I HEREBY APPLY FOR APPROVAL OF THE ATTACHED TENTATIVE TRACT MAP. THE ACREAGE OF THIS TRACT IS 10.88± AC. THERE WILL BE 58 LOTS IN THIS TRACT WITH A MINIMUM SIZE OF 2,400 SQ. FT.

THE EXISTING USE OF THIS PROPERTY IS OPEN FOREST.

THE PROPOSED USE OF THIS PROPERTY IS RESIDENTIAL.

THE EXISTING ZONING ON THIS PROPERTY IS AL-20.

THE PROPOSED ZONING ON THIS PROPERTY IS R-2.

THERE ARE NO EXISTING STRUCTURES ON THIS SITE.

THE EXISTING EASEMENTS ON THIS PROPERTY INCLUDE STREET RIGHT OF WAYS AND PUBLIC UTILITIES EASEMENTS.

ALL IMPROVEMENTS WILL CONFORM TO COUNTY STANDARDS.

THE PROPOSED DRAINAGE, FLOOD CONTROL MEASURES AND METHOD OF STORM WATER DISPOSAL IS BY MAINTAINING EXISTING WATER SHED AND PRESERVING DIRECTION TO NATURAL CHANNELS.

THE PROPOSED FIRE HYDRANT AND WATER FLOW WILL CONFORM TO COUNTY STANDARDS. FIRE HYDRANTS SHALL BE INSTALLED AT INTERVALS OF 300 FEET.

THE PROPOSED SOURCE OF WATER SUPPLY IS COMMUNITY WATER.

THE PROPOSED METHOD OF SEWAGE DISPOSAL IS COMMUNITY SEWER.

THE FOLLOWING UTILITIES ARE TO BE PROVIDED BY S.C.E. AND PIONEER TELEPHONE COMPANY: AT THIS TIME ARRANGEMENTS HAVE NOT BEEN MADE WITH UTILITY COMPANIES SERVING THIS AREA.

THIS SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR PASSIVE NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NONRENEWABLE ENERGY SOURCES BY MAXIMIZING NORTH SOUTH FACING LOTS (96.7%).

## SIGNATURE OF SUBDIVIDER

NAME: JAMES BRATTON  
ADDRESS: 418 CLOVIS AVENUE  
CITY: CLOVIS, CA 93612  
PHONE: (559) 325-7177

## SIGNATURE OF ENGINEER

NAME: NICK BRUNO  
ADDRESS: 633 W. FALLBROOK AVE., #101  
CITY: FRESNO, CA 93711  
PHONE: (559) 449-4500

WE, JAMES BRATTON AND CLARENCE BRATTON, HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE MAP OF TRACT NO. 5943, THAT WE HAVE EXAMINED THAT MAP AND CONTENT TO ITS SUBMISSION TO THE FRESNO COUNTY PLANNING COMMISSION FOR CONSIDERATION.

## SIGNATURE

NAME: JAMES BRATTON  
ADDRESS: 418 CLOVIS AVENUE  
CITY: CLOVIS, CA 93612  
PHONE: (559) 325-7177

## SIGNATURE

NAME: CLARENCE BRATTON  
ADDRESS: 418 CLOVIS AVENUE  
CITY: CLOVIS, CA 93612  
PHONE: (559) 325-7177

## SITE INFORMATION:

### RECORD OWNER:

BM, CARE OF  
JAMES BRATTON/CLARENCE BRATTON  
418 CLOVIS AVENUE  
CLOVIS, CA 93612

### SUBDIVIDER:

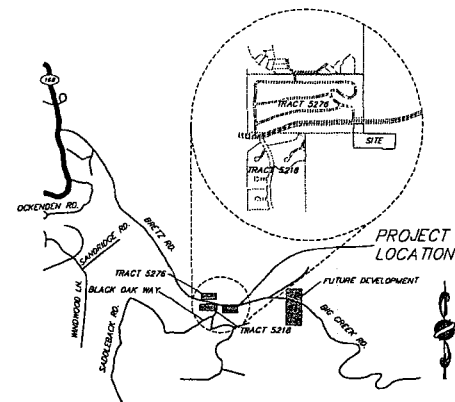
BRATTON INVESTMENTS, LLC  
418 CLOVIS AVENUE  
CLOVIS, CA 93612

## NOTES:

1. PORTION OF APN'S: 130-031-081, 130-040-17, 130-040-23
2. SECTION 1, 2, 12, T10S R24E M2B4M
3. LOT AREA: 10.88± ACRES, 473,752± SF
4. LAND USE: VACANT LOT
5. SUBJECT PROPERTY HAS NO EXISTING STRUCTURES ON SITE.

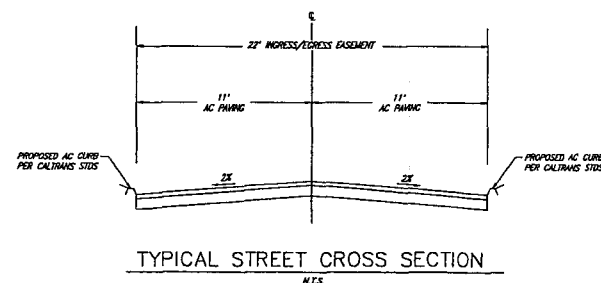
## BASIS OF BEARINGS

THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC. 6, TOWNSHIP 10 SOUTH, RANGE 25 EAST, M.D.B.M., IS TAKEN TO BE 100°00'31"E AS SHOWN ON TRACT NO. 5278 RECORDED IN VOLUME 78 OF PLATS AT PAGES 81-87, FRESNO COUNTY RECORDS



VICINITY MAP

NO SCALE



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COUNTY OF FRESNO

JUL 12 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

TT5943/CUP3237

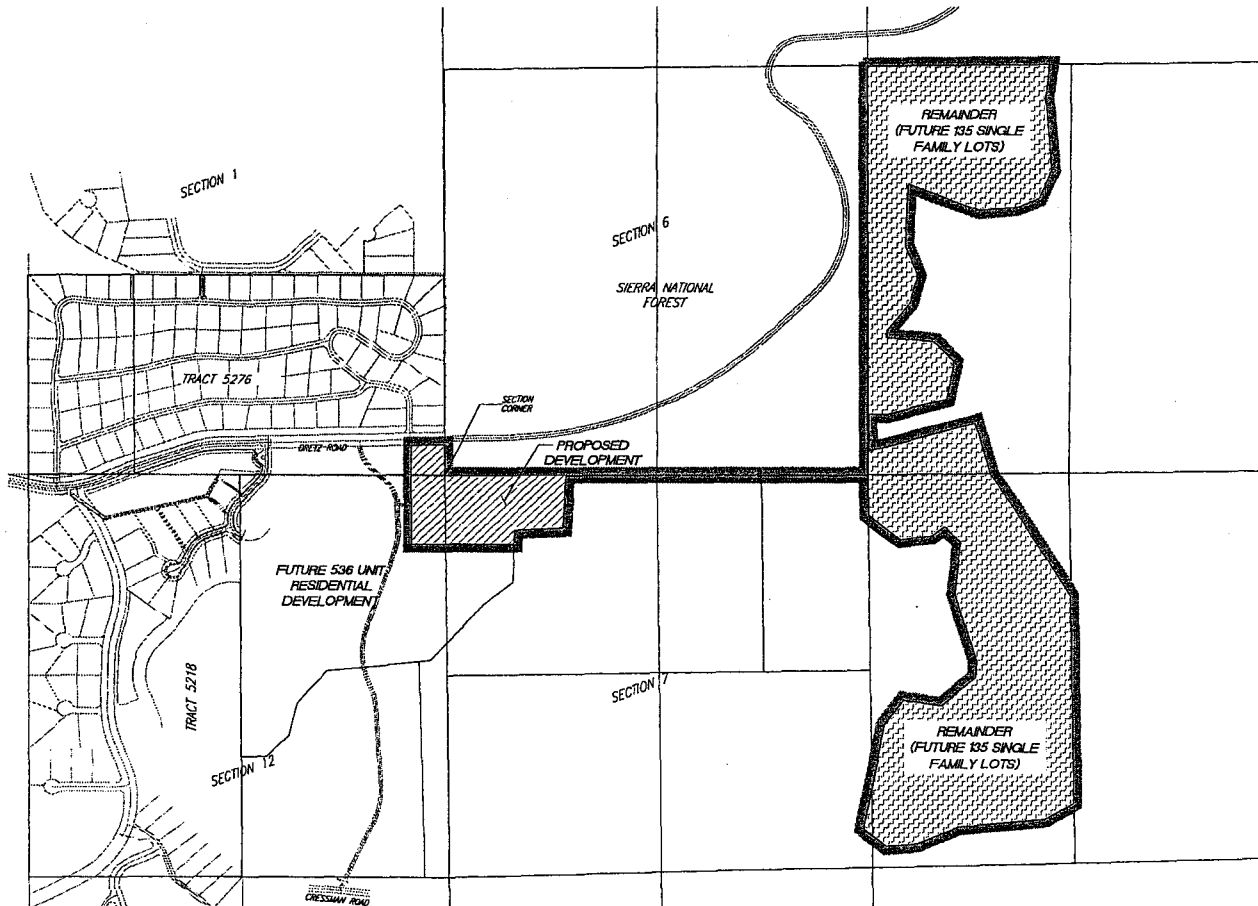
PREPARED ON 1-21-2011 BY:

**PRECISION**  
CIVIL ENGINEERING, INC.

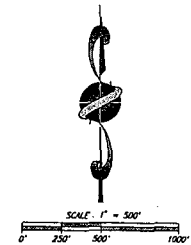
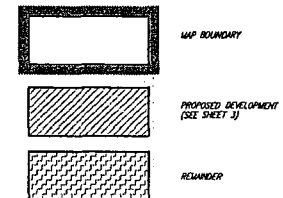
853 W. FALLBROOK AVE. #101  
FRESNO, CA 93711  
PH: (559) 449-4500 FAX: (559) 449-4513

# MAP OF TENTATIVE TRACT MAP NO. 5943

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
CONSISTING OF THREE SHEETS  
SHEET TWO OF THREE



## LEGEND



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JUL 12 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

TT5943/CUP 3237

PREPARED ON 1-21-2011 BY:  
**PRECISION**  
CIVIL ENGINEERING, INC.  
652 W. FALLBROOK AVE., #101  
FRESNO, CA 93710  
PH: (559) 449-1500 FAX: (559) 449-4515



JUL 12 2011

TT5943/CUP3237

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

BRETZ ROAD

MAP OF  
**TENTATIVE TRACT MAP NO. 5943**

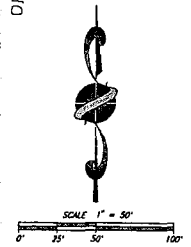
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED AND PLATTED IN FEBRUARY OF 2008 BY PRECISION CIVIL ENGINEERING, INC.  
SHEET 3 OF 3

SIERRA NATIONAL  
FOREST

NOTES:

1. CATCH BASINS SHALL BE UTILIZED TO MITIGATE FISH & GAME CONCERNS.
2. INTENDED USE OF OUTLOTS:
  - OUTLOT 'A': COMMON SPACE AREA TO BE GRANTED TO THE HOMEOWNER'S ASSOCIATION FOR OPEN SPACE AND SNOW STORAGE USES.
  - OUTLOT 'B': COMMON SPACE AREA FOR PRIVATE STREET USE AND COMMUNITY UTILITIES TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
  - OUTLOT 'C': TOP LOT AREA TO BE GRANTED TO THE HOMEOWNER'S ASSOCIATION.
  - OUTLOT 'D': OPEN AIR GAZEBO AREA TO BE GRANTED TO THE HOMEOWNER'S ASSOCIATION.
3. IF REQUIRED TO FACILITATE CONSTRUCTION, SLOPE EASEMENTS AND/OR TEMPORARY CONSTRUCTION AGREEMENTS SHALL BE ACCORDED.

REMAINDER  
(SEE SHEET 2)



LEGEND:

- EXISTING CONTOUR
- PROPOSED LOT LINE
- EXISTING ROCK OUTCROP

PREPARED ON 7-21-2011 BY:  
**PRECISION**  
CIVIL ENGINEERING, INC.  
853 W. FALLBROOK AVE., #101  
FRESNO, CA 93710  
PH: 559-448-4300 FAX: 559-448-4315

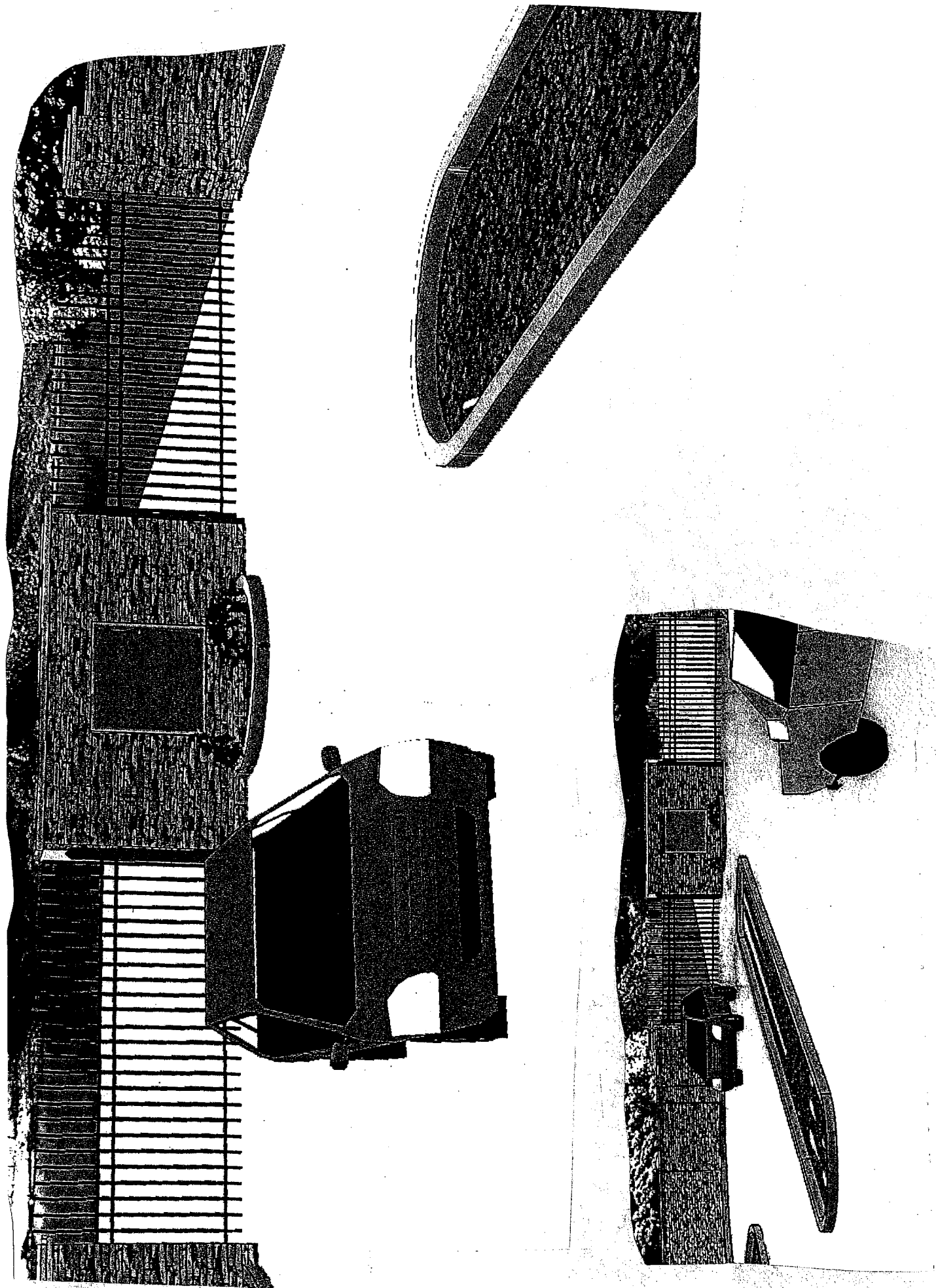


EXHIBIT 5

BWI Town homes

IS 5981, AA 3779, TT 5943, CUP 3237

February 2011

TT 5943

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FEB 24 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

(REVISED)

The proposed project consists of a rezoning, tentative tract map and conditional use permit for a proposed 58 unit planned residential development town home project. The purposed development is consistent with the Bretz Mountain Village Specific Plan.

A portion of the open space within the project includes a fifty foot wide green belt generally located on the north side of the project area, running adjacent to the Bretz Mountain Road extension to Dinkey Creek road. In addition the projects east and southern boundary is adjacent to the open space of approximately 270 acres contained within the BMCSF. This open space (279 acres) has a trail system design to traverse the open space and adjoin other trail systems within this development and the BMVSP.

Within the project boundaries a open air gazebo, and a "tot" lot will be part of the developments amenities along with the trial system.

The project will be ser4ved by a community water and sewer system through Fresno County CSA 41. Maintenance of common areas, trail systems will be by a properly constituted HOA consistent with the requirements of Fresno County and the State of California Department of Real Estate approvals.

The roadway system within the limits of the project will be granted to a homeowners association, and maintained by a homeowners association. A design exception request will be requested to allow a design speed of ten miles per hour, due to terrain, seasonal snow and harsh weather conditions at times. The roadway width exception is requested in conjunction wit the design speed to achieve a "slower" pace of use within the project. The project will be gated at both entrances, with the entrances maintained by the HOA.

In light of the fact that the property is located within the BMVSP area, is approximately the equal elevation of 5,775 feet plus it is appropriate to develop the subject property as a "planned residential development." This design is explained in @ 855-N.20 of the Fresno County zoning ordinance, "planned developments" intended to promote the efficient use of land through increased design flexibility and quality site planning.

The project is to have twelve single story "duplex" units on the bluff, to allow one to overlook the "Wishon-Courtwright" basin. Forty-six two story "duplex" units are positioned to allow for maximum viewing either over or through unit spacing on the site. The majority of the units are also designed to take advantage of a down hill slope or grade changes to again allow for maximum viewing by all. All "duplex" units are offset to achieve each unit having a private entrance and a private balcony.

Lot size, lot width, lot depth: adjacent to Bretz Mill road will be developed with a fifth foot set back as required by the BMVSP. All other areas of development either abut the "open space" or the Sierra National Forest. All other properties within the site will be established as an open space with a blanket access for the maintenance and snow storage for the HOA. Unit sizing as outlined on the tentative tract map is the actual "foot print" of each unit with the exception of building roof overhangs. Units will be designed within this footprint and size from 31250 square feet to 2800 square feet with numerous interior designs on the floor plan usage. Spacing between the units will range from 25 feet to 45 feet, again with an offset design to achieve private entrance and patios.

The following amenities are again restated to offset the project development modification as requested.

- 1) Trail system through the project and connecting to the 270 acre open space within BMVSP and other developments within BMVSP.
- 2) Gazebo, overlooking the Wishon-Courtwright basin.
- 3) Tot lot located in the southern portion of the project again overlooking the Wishon-Courtwright basin.

TT5943

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COUNTY OF FRESNO

FEB 24 2011

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

(REVISED)

## SECTION 817

### "AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

The "AL" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designation of 640, 320, 160, 80, 40, and 20 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

#### SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.

(Amended by Ord. T-038-306 adopted 5-22-90)

- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.

(Added by Ord. T-038-306 adopted 5-22-90).

- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.

(Added by Ordinance 490.174 re-adopted 5-8-79)

- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.

- F. Home Occupations, Class I, subject to the provisions of Section 855-N.  
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.
- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.

(Added by Ord. T-052-286 adopted 3-8-94)

## SECTION 824

### "R-1-B" - SINGLE FAMILY RESIDENTIAL DISTRICT

The "R-1-B" District is intended to provide for the development of single family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot, except within Planned Developments. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents.

(Amended by Ord. 490.66 adopted 2-2-71)

#### SECTION 824.1 - USES PERMITTED

The following uses shall be permitted in the "R-1-B" District. All uses shall be subject to the Property Development Standards in Section 824.5.

(Amended by Ord. 490.174 re-adopted 5-8-79)

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings, including garage.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.

(Amended by Ord. T-288 adopted 2-25-86)

- F. House trailer parking subject to the provisions of Section 855-I.1.f.
- G. Temporary tract offices and model homes, in the tract being developed.

(Added by Ord. 490.39 adopted 12-5-76)

- H. Day nursery - small

(Added by Ord. 490.188 adopted 10-29-79)

## SECTION 827

### "R-2" AND "R-2-A" - LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICTS

The "R-2" and "R-2-A" Districts are intended to provide for the development of low density multiple family residential structures where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand six hundred (6,600) square feet in area.

The regulations for both districts are identical except that building heights are limited to a single story in the "R-2-A" District.

(Amended by Ord. 490.42 adopted 6-11-68)

#### SECTION 827.1 - USES PERMITTED

The following uses shall be permitted in the "R-2" and R-2-A" Districts subject to the Property Development Standards in Section 827.5 and those in Section 855.

(Amended by Ord. 490.42 adopted 6-11-68; Ord. 490.174 re-adopted 5-8-79)

- A. Those uses permitted in the "R-1" District, Section 826.1 shall apply.
- B. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business.
- C. Food, drink and cigarette vending machines, providing the machines are located within the main structure and their use is intended primarily for persons resident upon the premises.

(Added by Ord. 490.29 adopted 9-27-66)

- D. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply.

(Added by Ord. 490.39 adopted 12-5-67)



## SECTION 850

### OVERLAY DISTRICTS

The purpose of an Overlay District is to modify specific provisions of the underlying zone district(s). Overlay Districts will generally be applied to areas that have different underlying zone districts, but have unique features or characteristics that are common to the parcels that are located within the overlay district. Overlay Districts shall be identified by suffixing the applicable overlay letters next to the underlying zone district designation.

(Added by Ord. T-062-333 adopted 11-7-00)

### SECTION 850.A - "m" MOUNTAIN OVERLAY DISTRICT

The Mountain Overlay District is an overlying zoning district which may be applied to any zoning district, except the "O" (Open Conservation) and the "AE" (Exclusive Agricultural) Zone Districts, which is identified by the General Plan as compatible or conditionally compatible with the Mountain Residential or Mountain Commercial Land Use designation. This Overlay District shall be identified by suffixing the letter "m" next to the underlying zone district designation.

(Section 850 added by Ord. 490.190 adopted 11-5-79, Amended by Ord. T-062-333 adopted 11-7-00)

### SECTION 850.A.1 – USES

Uses Permitted, Uses Permitted Subject to Director Review and Approval, Uses Permitted Subject to Conditional Use Permit, and Uses Expressly Prohibited shall be those stated in the underlying zoning district, except that uses and development types as defined herein, may only be permitted subject to approval of a Director Review and Approval or a Conditional Use Permit.

(Amended by Ord. T-062-333 adopted 11-7-00)

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

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

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**Motta, Chris**

**From:** Paul Swing [pdswing@msn.com]  
**Sent:** Wednesday, July 20, 2011 10:22 AM  
**To:** Motta, Chris  
**Cc:** Paul Swing; Diane Swing  
**Subject:** Bratton Tract 5943; initial study 5981 - objection

**RECEIVED**  
 COUNTY OF FRESNO

**JUL 20 2011**

DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION

Chris,

I received notification for an application to rezone a portion of land adjacent to property I recently purchased. We are in objection to any such rezoning, and our reasons for the objections are explained below.

1. We recently built a home (in 2008) across the street from a small townhouse project on Blue Canyon in Shaver Lake. As the homes were constructed after our home was built, a noticeable increase in traffic has changed the dynamic of our rural neighborhood. The additional cars travelling at all hours of the day takes away from the serenity of this rural environment.
2. The townhouses currently here and currently in the Shaver Lake area are mostly occupied with weekly rental tenants. These tenants generally have little to no regard for owners of properties adjacent. Many late nights and loud noises take away from the neighborhood.
3. In December 2010, we purchased 2 parcels on Garnet up against the Forest Service land. We made the decision to relocate from the home we built in 2008 across the street from townhomes to get away from the traffic and noise. We purchased land against the forest and we purchased 2 lots in order to ensure separation from the situation we currently live in. We are adamantly opposed to increasing the density of housing adjacent to large, rural parcels. We specifically sought out this location to get away from this.
4. We purchased the more expensive parcels in the Quartz Mountain development. This property was sold to us as an exclusive, high-end, luxury home neighborhood. Approving smaller lots and higher density housing will decrease the property values of adjacent lots, as the price of homes sold in that development will be significantly less valuable than the homes in Quartz Mountain.
5. Shaver Lake is a diverse community with areas appropriate for townhome construction. As in most cities, the closer you are to town or major highways, the higher the density of housing. As you get further from town, the properties become more rural. We chose to build in a rural environment away from the denser population, and this application proposes to bring that next door.
6. When we built our home in 2008, there was not enough water allocation for the lots that currently were developed in the Bretz Mountain community. We had to fight to get water to our lot, 42235 Summit Creek Lane, Shaver Lake, at the time of our construction. At this time, we learned that there were not enough water resources for new development in the Shaver Lake area. We were also told that there is a limited amount of future lots that can ever be developed in Shaver because of water. We do not want the limited resources diluted further with small, inexpensive parcels miles outside of town.

We strongly encourage the County staff and supervisors to make the right decision and not to increase the density of housing in the rural areas of Shaver Lake. This is both detrimental to our natural forest as well as our quality of life in the forest. We intend on following this action at every step, until it is a dead issue.

Regards,  
 Paul Swing  
 408-595-1067

7/20/2011

ATTACHMENT B

**DIRK POESCHEL**

*Land Development Services, Inc.*

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

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

July 17, 2019

Bernard Jimenez, Manager  
Development Services Division  
Department of Public Works and Planning  
2220 Tulare Street  
Fresno, CA 93721

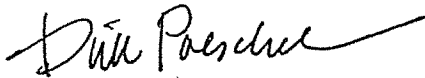
SUBJECT: Tentative Subdivision Map No. 5943

Dear Bernard,

Reference is made to Bratton Investments, LLC Tentative Subdivision Map No. 5943 proposing 60 townhomes on APN 130 920-17. On behalf of my client, Mr. James Bratton and Bratton Investments, I respectfully request that an extension of time be granted to complete the subject entitlement. Attached is a check for the required extension request submittal fee.

Market conditions over which my client has no control necessitates the subject extension. More importantly, attaining domestic water supply has become much more difficult and expensive than expected. I trust that this information is of assistance to you. If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

Attachments

cc: Mr. James Bratton

c:\users\dirk\autotask workplace\current clients\bratton ttm 5943 time extension 19-21\correspondence\extension request to b. jimenez.docx