



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 18-0411

**On agenda:** 5/1/2018

**Final action:** 5/1/2018

**Enactment date:**

**Enactment #:** Agreement No. 18-236, Agreement No. 18-237, Agreement No. 18-238, Agreement No. 18-239

**Title:** Consider and approve: Final Map for Tract 4968 located in Millerton New Town community, near intersection of Millerton Road and Marina Drive, Friant, CA; agreements between County of Fresno and developer of the subdivision, JPJ, INCORPORATED, necessary to ensure completion of subdivision improvements; accept dedication of easements for public use, and groundwater beneath subdivision; accept offer of relinquishment of direct vehicular rights; accept offer of dedication of outlots; place following securities on file: Performance and Maintenance Surety Bond in amount of \$2,600,000, Labor and Materials Surety Bond in amount of \$1,300,000, and Monumentation Bond in amount of \$5,000; authorize Director of Department of Public Works and Planning to allow reduction of financial securities as provided for in Subdivision Agreement; a determination that foregoing actions are exempt from California Environmental Quality Act, Public Resources Code section 21000, et seq

**Attachments:** 1. Agenda Item, 2. Exhibits A-J, 3. Agreement A-18-236 with JPJ Inc. Subdivision, 4. Agreement A-18-237 with JPJ Inc. Mitigation, 5. Agreement A-18-238 with JPJ Inc. Facility Fees, 6. Agreement A-18-239 with JPJ Inc. Traffic Impact Fees, 7. Agreement A-18-240 with JPJ Inc. Water Rights, 8. Exhibit G - Performance and Maintenance Bond, 9. Exhibit H - Labor and Materials Bond, 10. Exhibit I - Engineers and Surveyors Monumentation Bond

Date	Ver.	Action By	Action	Result
5/1/2018	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** May 1, 2018

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** Final Map for Tract No. 4968 (Subdivider: JPJ, Incorporated)

### RECOMMENDED ACTION(S):

1. **Approve and accept the Final Map for Tract No. 4968;**
2. **Approve authorize Chairman to execute the Subdivision Agreement for Tract Map No. 4968;**
3. **Approve and Authorize Chairman to execute the following Agreements with JPJ, Incorporated:**
  - a. **Agreement for Tract Map No. 4968 Reimbursement of Costs Associated with Mitigation Monitoring Program;**
  - b. **Agreement for Tract Map No. 4968 Facility and Development Fees;**
  - c. **Agreement for Tract Map No. 4968 Traffic Impact Fees; and,**
  - d. **Agreement for Allocation of Permanent Water Rights;**
4. **Accept the offer of dedication for public use Genteel Drive, Pescara Land, Marrone Way, Summona Drive, Siena Lane, Lakeridge Drive, Sunset Drive, Palmina Drive, Millerton Road, and Marina Drive as indicated on the Final Map for Tract No. 4968;**
5. **Accept the offer of dedication for public use the public utility easements as indicated on the Final Map for Tract No. 4968;**
6. **Accept the offer of dedication for storm drain easements, landscape easements, and slope**

- easements as indicated on the Final Map for Tract No. 4968;
7. **Accept the offer of the relinquishment of direct vehicular rights as indicated on the Final Map for Tract No. 4968;**
  8. **Accept the offer of dedication for public use all rights to groundwater beneath the subdivision, subject to development by the Subdivider, or his assignee, and only for lands to be served by County Service Area No. 34, Zone D, with its existing boundaries, as indicated on the Final Map for Tract No. 4968;**
  9. **Accept the offer of dedication of outlots as indicated on the Final Map for Tract No. 4968, to be owned by the County on behalf of County Service Area No. 34, as follows:**
    - a. **Outlots A and B for open space for wetland preservation, basin purposes, and White Fox Creek;**
    - b. **Outlots C and D for cultural preservation;**
    - c. **Outlots E and F for landscape purposes;**
    - d. **Outlot G for slope purposes;**
  10. **Place on file the following securities to guarantee completion and maintenance of the tract infrastructure and facilities related to the Final Map for Tract No. 4968: Performance and Maintenance Surety Bond in the amount of \$2,600,000, Labor and Materials Surety Bond in the amount of \$1,300,000, and Monumentation Bond in the amount of \$5,000;**
  11. **Authorize the Director of the Department of Public Works and Planning to, upon partial completion of the construction of subdivision improvements in increments of \$500,000, reduce the subdivision improvement security to guarantee performance of said construction as provided for in the Subdivision Agreement related to the Final Map for Tract No. 4968; and,**
  12. **Determine that the foregoing actions are exempt from the California Environmental Quality Act, Public Resources Code, section 21000, and the following related to the Final Map for Tract No. 4968.**

Tract No. 4968 is the second Final Map in the Millerton Specific Plan area that if recorded, will result in a 106-lot subdivision in the R-1-C (Single-Family Residential, 6,000 square-foot minimum lot size) and R-2-C (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, located on the south side of Millerton Road between Friant and Auberry Roads shown on Exhibit A. Adoption of the recommended actions will provide for the fulfillment of the tract requirements and allow for recordation of the Final Map (Exhibit J) and construction of the tract infrastructure and facilities (improvements). All application fees per the County Master Schedule of Fees have been paid, conditions of approval have been met or have been addressed by separate agreement, and requested documents provided. The Subdivider has posted security in the form of a Performance and Maintenance Surety Bond (Exhibit G) to guarantee completion of the improvements, a Labor and Materials Bond (Exhibit H) to guarantee payment to all contractors and material suppliers, and a Monumentation Bond (Exhibit I) to ensure the placement of all required survey monuments (Fresno County Ordinance Code, Section 17.56.040). The recommended actions were all required either directly as or through the fulfillment of the conditions of approval associated with Vesting Tentative Tract Map Application No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study Applications. This item pertains to a location in District 5.

#### ALTERNATIVE ACTION(S):

Your Board may deny any or all of the recommended actions identified above. Denial will require your Board to identify the action or actions being denied and to direct staff accordingly. The recommended actions were all required either directly as or through the fulfillment of the Conditions of Approval associated with the Vesting Tentative Tract Map Application No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study Applications.

#### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The Subdivider has paid an Agreement Administration Fee and Final Map Fee as required by the County Master Schedule of Fees. Plan Check and Inspection Fees have also been paid for the subdivision improvements.

Creation of lots and development thereon will increase the assessed value of the property, thereby generating additional revenue to the County through property taxes. However, public facilities and services will be impacted by the project and the additional costs associated with these activities may offset the potential additional revenue. To reduce some of these costs, the County has annexed the Subdivider's land into a Mello-Roos District for the financing of enhanced police protection services by the Fresno County Sheriff-Coroner's Office. The Subdivider has also executed an agreement and covenant with the Fresno County Fire Protection District for the establishment of a Fire Station Fee to be paid with each Building Permit that is issued and for the levying of an annual benefit assessment for enhanced fire protection services.

#### **DISCUSSION:**

On December 14, 2000, the Planning Commission approved Initial Study Application No. 4665, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082, and Vesting Tentative Tract Map Application No. 4968, a subdivision of a 146-acre parcel on the south side of Millerton Road between Friant and Auberry Roads as shown on Exhibit A. The Vesting Tentative Tract Map Application included 308 lots in the R-1-C (Single Family Residential, 6,000 square-foot minimum parcel size) and R-2-C (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts. The Final Map for Tract No. 4968 is phase one of the Vesting Tentative Tract Map Application and includes 106 lots.

Tract Map No. 4968 includes the development of approximately 1.5 miles of public roads. The Tract also includes the development of landscape buffers along Millerton Road and preserving wetland areas where needed. Once the Subdivider has completed the aforementioned maintenance obligations, the public roads will be accepted into County Service Area 34, Zone D (CSA 34D), will pay for and provide permanent maintenance.

#### **SUBDIVISION AGREEMENT (Exhibit B):**

The Subdivider has constructed only a portion of the subdivision improvements at the time of the preparation of this agenda item and is requesting to enter into a Subdivision Agreement with the County to allow for the completion of the improvements after the Final Map records. The Subdivision Agreement provides a schedule for the construction of the improvements identified on the improvement plans approved by and on file with the Department of Public Works and Planning on April 24, 2017 (On-Site), September 8, 2017 (Water Treatment Plant Expansion) and March 14, 2018 (Off-Site) with a final completion date being June 30, 2021. During that time, the Subdivider will be required to provide a surety bond as security for the faithful performance and maintenance of the work. Upon the Subdivider's completion and your Board's acceptance of the improvements, the Subdivider will be required to provide maintenance of the public roads constructed with Tract Map No. 4968 for a period of two years. In addition, the Subdivider will be required to provide maintenance for the electrical and mechanical equipment associated with the water and sewer infrastructure for a period of one year after acceptance of the work by your Board. After completion of the required maintenance periods, the surety bonds provided for said maintenance can be released through future Board action.

#### **MITIGATION MONITORING AGREEMENT (Exhibit C):**

The Agreement for Reimbursement of Costs Associated with Mitigation Monitoring Program, recommended for approval, places money in an account to be used for county staff costs associated with mitigation monitoring.

The agreement provides that the Subdivider account for all county costs, with any remaining money left in the account trust fund be reimbursed to the Subdivider at the conclusion of the services.

**TRAFFIC FEE AGREEMENT (Exhibit D):**

To offset the development's incremental impact on area-wide roads, the Subdivider is proposing to enter into an agreement to pay fees in an amount equal to its pro-rata share of costs for the mitigation of traffic impacts associated with Tract Map No. 4968, as required by the Tract's mitigation measures. The fees will be placed into accounts to help finance to cost of future road improvements including the signalization of various intersections and road widening along Friant, Millerton, and Auberry Roads. These fees include a 3% administration fee to account for county costs.

**FACILITY AND DEVELOPMENT FEE AGREEMENT (Exhibit E):**

The Facility and Development Fees Agreement, recommended for approval, provides that the Subdivider pay fees in an amount equal to its pro-rata share of costs for construction of improvements specific to the Millerton New Town area. The fees will be placed in accounts administered by the County and may be used for reimbursement to future subdividers that construct more than their pro-rata share of certain improvements for full build-out of the Millerton New Town area. This agreement and fee structure are included as required by the Millerton New Town Infrastructure Plan and Implementation Procedures and includes a 3% administration fee to account for county costs.

**WATER RIGHTS AGREEMENT (Exhibit F):**

Water supply to Tract Map No. 4968 will be provided by CSA 34 from surface water from Millerton Lake through the Allocation of Permanent Water Rights Agreement recommended for approval. Sewer service will be provided by the County through CSA 34, through operation of CSA 34's regional wastewater facility. Once the Subdivider has completed the aforementioned maintenance obligations, permanent maintenance of the public water and sewer facilities will be provided and paid for through a service fee structure adopted by CSA 34D.

The Allocation of Permanent Water Rights Agreement provides for payment to the County for the Subdivider's pro-rata share of reimbursing the County's capital investment in the construction of the Cross Valley Canal. With the execution of this agreement, a permanent allocation will be made to Tract Map No. 4968 from the County's Cross Valley Canal exchange water out of Millerton Lake.

**EASEMENTS:**

The majority of the aforementioned improvements identified on the plans approved by the Department will be constructed within easements being dedicated to the County for public uses as indicated on the Final Map. These easements are necessary for the construction of public roads and the placement of public utilities. Other easements are necessary for slope protection and common area landscaping. In addition to the easements being offered for dedication, outlot parcels are being dedicated for uses as specified on the Final Map. These uses include open space, wetlands preservation, cultural preserves, landscaping, and slope protection. Maintenance of these easements and outlots will be provided and paid for through CSA 34D.

Also being offered for dedication is the relinquishment of direct vehicular rights to lots fronting upon Lakeridge Drive and Millerton Road. The relinquishment is required as a condition of approval of Vesting Tentative Tract Map Application No. 4968 for the purposes of limiting direct access to the higher traffic volume roads serving the development.

The offer of dedication of all rights to groundwater beneath the subdivision, subject to development by the Subdivider, or his assignee, and only for lands to be served by CSA 34 within its existing boundary is being

done to fulfill a condition of approval of Vesting Tentative Tract Map Application No. 4968.

**DIRECTOR'S AUTHORIZATION:**

The Department is also seeking authorization for the Director to, upon partial completion of the construction of subdivision improvements in increments of \$500,000, reduce the subdivision improvement security to guarantee performance of said construction as provided for in the Subdivision Agreement. This may allow a periodic reduction in security without the need to come before your Board. Action to accept constructed facilities and the placement of those facilities into required maintenance periods will still be brought to your Board for consideration.

**CEQA DETERMINATION:**

Recommended Actions 1 to 12 are exempt from California Environmental Quality Act (CEQA), pursuant to Section 15162(a) of the CEQA Guidelines based on the previously certified Environmental Impact Report that was prepared for the Millerton Specific Plan. Furthermore, an Initial Study was subsequently prepared and adopted for Tentative Tract Map No. 4968, which did not identify any significant effects or any new information that previously identified effects are more significant.

With your Board's approval, the Conditions of Approval associated with the Vesting Tentative Tract Map Application No. 4968, Classified Conditional Use Permit Application No. 2956, Site Plan Review Application No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study Applications will be fulfilled.

**REFERENCE MATERIAL:**

BAI #20, December 19, 2000

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Exhibits A - J

**CAO ANALYST:**

Sonia M. De La Rosa