



County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Details (With Text)

File #: 21-1045

On agenda: 11/16/2021

Final action: 11/16/2021

Enactment date: **Enactment #:** Agreement No. 21-481, Agreement No. 21-482, Agreement No. 21-483, Agreement No. 21-484

Title: Approve and accept Final Map for Tract No. 6189, providing for a 133-lot subdivision in Millerton Specific Plan area near intersection of Millerton Road and Marina Drive, approximately eight miles north of northern boundary of City of Clovis and two and a half miles east of community of Friant; and approve and authorize Chairman to execute Subdivision Agreement for Tract No. 6189; and approve and authorize Chairman to execute following Agreements with 3B Development, Inc.: a. agreement for Tract No. 6189 Reimbursement of Costs Associated with Mitigation Monitoring Program; and b. agreement for Tract No. 6189 Facility and Development Fees; and c. agreement for Tract No. 6189 Traffic Impact Fees; and d. agreement for Allocation of Permanent Water Rights; and accept offer of dedication for public use Lakeridge Drive, Sandhill Lane, Gloriosa Lane, Deerbrush Lane, Hazelwood Lane, Goldfinch Lane, Desert Willow Lane, Redberry Lane, Goldfield Lane, Morningside Way and Zinnia Drive as indicated on Final Map for Tract No. 6189; and accept offer of dedication for public use public utility easements as indicated on Final Map for Tract No. 6189; and accept offer of dedication for landscape easements as indicated on Final Map for Tract No. 6189; and accept offer of relinquishment of direct vehicular access rights as indicated on Final Map for Tract No. 6189; and accept offer of dedication for public use all rights to groundwater beneath subdivision, subject to development by Subdivider, or his assignee, and only for lands to be served by County Service Area No. 34, with its existing boundaries, as indicated on Final Map for Tract No. 6189; and accept offer of dedication of outlots as indicated on Final Map for Tract No. 6189, to be owned by County on behalf of County Service Area No. 34 (CSA 34), as follows: a. outlot A for protected cultural resource purposes; and b. outlot B for designated wetland purposes; and place on file following securities to guarantee completion and maintenance of tract infrastructure and facilities related to Final Map for Tract No. 6189: Performance and Maintenance Surety Bond in amount of \$3,746,249.65 for all on-site work and \$2,575,254 for all off-site work, Labor and Materials Surety Bond in the amount of \$1,702,840.75 for all on-site work and \$1,170,570 for all off-site work, and Monumentation Bond in amount of \$5,000; and determine that foregoing actions are exempt from the California Environmental Quality Act, Public Resources Code, section 21000, and the following related to Final Map for Tract No. 6189

Attachments: 1. Agenda Item, 2. Exhibits A - E, 3. Agreement A-21-481 Traffic Impact Fees Tract No. 6189, 4. Agreement A-21-482 Allocation of Permanent Water Rights Tract No. 6189, 5. Agreement A-21-483 Facility and Development Fees Tract No. 6189, 6. Agreement A-21-484 Mitigation Monitoring Program Tract No. 6189, 7. Agreement A-21-485 Subdivision Agreement Tract No. 6189

Date	Ver.	Action By	Action	Result
11/16/2021	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: November 16, 2021

TO: Board of Supervisors

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

SUBJECT: Final Map for Tract No. 6189 (Subdivider: 3B Development, Inc.)

RECOMMENDED ACTION(S):

1. Approve and accept the Final Map for Tract No. 6189, providing for a 133-lot subdivision in the

Millerton Specific Plan area near the intersection of Millerton Road and Marina Drive, approximately eight miles north of the northern boundary of the City of Clovis and two and a half miles east of the community of Friant;

2. Approve and authorize Chairman to execute the Subdivision Agreement for Tract No. 6189;
3. Approve and authorize Chairman to execute the following Agreements with 3B Development, Inc.:
 - a. Agreement for Tract No. 6189 Reimbursement of Costs Associated with Mitigation Monitoring Program;
 - b. Agreement for Tract No. 6189 Facility and Development Fees;
 - c. Agreement for Tract No. 6189 Traffic Impact Fees;
 - d. Agreement for Allocation of Permanent Water Rights;
4. Accept the offer of dedication for public use Lakeridge Drive, Sandhill Lane, Gloriosa Lane, Deerbrush Lane, Hazelwood Lane, Goldfinch Lane, Desert Willow Lane, Redberry Lane, Goldfield Lane, Morningside Way and Zinnia Drive as indicated on the Final Map for Tract No. 6189;
5. Accept the offer of dedication for public use the public utility easements as indicated on the Final Map for Tract No. 6189;
6. Accept the offer of dedication for landscape easements as indicated on the Final Map for Tract No. 6189;
7. Accept the offer of the relinquishment of direct vehicular access rights as indicated on the Final Map for Tract No. 6189;
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, with its existing boundaries, as indicated on the Final Map for Tract No. 6189;
9. Accept the offer of dedication of outlots as indicated on the Final Map for Tract No. 6189, to be owned by the County on behalf of County Service Area No. 34 (CSA 34), as follows:
 - a. Outlot A for protected cultural resource purposes.
 - b. Outlot B for designated wetland 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. 6189: Performance and Maintenance Surety Bond in the amount of \$3,746,249.65 for all on-site work and \$2,575,254 for all off-site work, Labor and Materials Surety Bond in the amount of \$1,702,840.75 for all on-site work and \$1,170,570 for all off-site work, and Monumentation Bond in the amount of \$5,000;
11. 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. 6189.

Tract No. 6189 is the second phase of Vesting Tentative Tract No. 4968 and represents the third Final Map in the Millerton Specific Plan area that if recorded, will result in a 133-lot subdivision in the R-1-C (c) (Single-Family Residential Conditional, 9,000 square-foot minimum parcel size, R-1(c) (Single Family Residential Conditional, 6,000 square-foot minimum parcel size) and the R-2 (c) (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) located on the south side of Millerton Road between Brighton Crest Subdivision and Friant-Kern Canal 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 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 were provided. The Subdivider has posted security in the form of a Performance and Maintenance Surety Bond to guarantee completion of the improvements, a Labor and Materials Bond to guarantee payment to all contractors and material suppliers, and a Monumentation Bond 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 No. 4968, Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

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 No. 4968, Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study. Tract No. 6189 is phase two of Vesting Tentative Tract No. 4968. 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.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The Subdivider has paid a Final Map Fee as required by the County Master Schedule of Fees.

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 included 308 lots in the R-1 (c) (Single Family Residential Conditional, 6,000 square-foot minimum parcel size), R-2 (c) (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) and the R-1-C (c) (Single Family Residential Conditional, 9,000 square-foot minimum parcel size), Zone Districts. The Final Map for Tract No. 6189 is phase two of the Vesting Tentative Tract Map and includes 133 lots.

Tract No. 6189 includes the development of approximately 1.5 miles of public roads. The tract also includes the development of outlots for preserving wetland areas and cultural resources where needed. Once the Subdivider has completed the improvements associated with the aforementioned, the public roads and outlots will be accepted into CSA 34 Zone "G". Maintenance of these improvements will be provided through CSA 34 Zone "G".

SUBDIVISION AGREEMENT:

Fresno County Ordinance Code section 17.48.400, subd. (A) requires the Subdivider to enter into an agreement with the County when the Subdivider has not completed all tract improvements by the recordation of the Final Map. With respect to this tract, 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 January 24, 2020 (On-Site), and November 13, 2020 (Off-Site) with a final completion date being December 31, 2023. During that time, the Subdivider will be required to provide a surety bond as security for the faithful performance 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. 6189 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:

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:

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 No. 6189, as required by the tract's mitigation measures. Your Board approved the amount of the Traffic Impact Fee on July 9, 2019, based on a Traffic Impact Analysis dated March 2019. The fees will be placed into accounts to help finance the 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 administrative costs.

FACILITY AND DEVELOPMENT FEE AGREEMENT:

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. Your Board approved the amount of the Facility and Development Fee on February 25, 2020. 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 administrative costs.

WATER RIGHTS AGREEMENT

Water supply to Tract No. 6189 will be provided by CSA 34 from surface water from Millerton Lake through the Allocation of Permanent Water Rights Agreement recommended for approval.

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 No. 6189 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. 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 wetlands preservation and cultural preserves. Maintenance of these easements and outlots will be provided and paid for through CSA 34 Zone "G".

Also being offered for dedication is the relinquishment of direct vehicular rights to lots fronting upon Lakeridge Drive. 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 No. 4968.

CEQA DETERMINATION:

Recommended Actions 1 to 11 are encompassed within the previously-certified Environmental Impact Report No. 84051409 that was prepared for the Millerton Specific Plan. Under section 15162, subd. (a) of the CEQA Guidelines, no further environmental review is necessary for approval of the Recommended Actions.

Furthermore, Initial Study No. 4665, which was prepared and adopted for Tentative Tract Map No. 4968, did not identify any significant effects or any new information that previously identified effects are more significant. As stated above, Tentative Tract Map No. 4968 encompassed the area included in Tract No. 6189, which is the second phase of Tentative Tract Map No. 4968. Accordingly, circumstances do not exist that would necessitate a subsequent Environmental Impact Report section 15162 of the CEQA Guidelines.

With your Board's approval, the Conditions of Approval associated with the Vesting Tentative Tract Map No. 4968, Classified Conditional Use Permit No. 2956, Site Plan Review No. 7082 or Mitigation Measures adopted and/or approved through the associated Initial Study No. 4665, will be fulfilled.

REFERENCE MATERIAL:

BAI # 51, February 25, 2020
BAI # 62, July 9, 2019
BAI # 26, June 18, 2019
BAI # 17, May 1, 2018
BAI # 20, December 19, 2000

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A Location Map
Exhibit B Performance and Maintenance Bond
Exhibit C Labor and Materials Bond
Exhibit D Monumentation Bond
Exhibit E Final Map
On file with Clerk - Subdivision Agreement
On file with Clerk - MMRP Agreement
On file with Clerk - Traffic Impact Fee Agreement
On file with Clerk - Facility and Development Agreement
On file with Clerk - Water Rights Allocation Agreement

CAO ANALYST:

Ron Alexander