



# Community and Economic Development Planning Division

Jamie Bax  
Director *JB*

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**PLANNING COMMISSION DATE:** December 5, 2023

**AGENDA ITEM:** #7, 8

<b>S</b>	<b>#2023-003; 004</b>	<b>Request approval for multiple Tentative Subdivision Maps – The Preserve at Millerton Lake</b>
<b>APN</b>	<b>MULTIPLE</b>	<b>Applicant: Dale Mell &amp; Associates</b>
<b>CEQA</b>	<b>EXEMPT</b>	<b>Section 15162</b>

**REQUEST:**

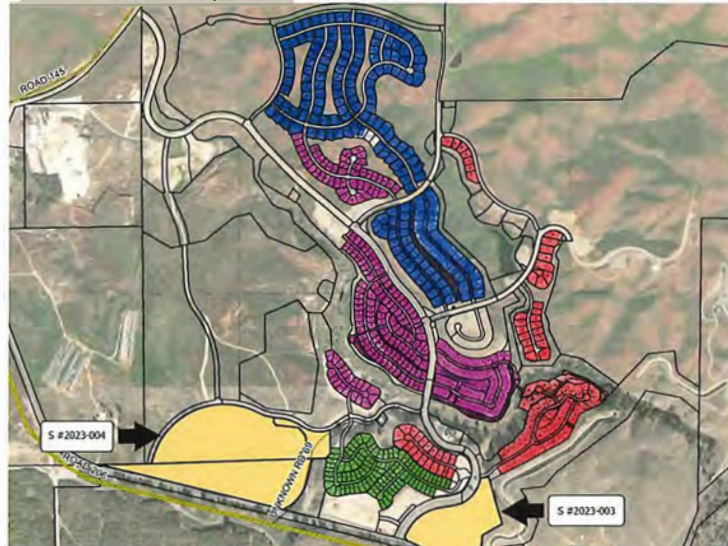
The request is for approval of multiple Tentative Subdivision Maps to create 1 commercial lot, residential lots, and outlots for community center, roads, recreation, open space, public utilities, and storm drain overflow purposes.

**LOCATION:**

Within the Preserve at Millerton Lake.

**ENVIRONMENTAL ASSESSMENT:**

An Environmental Impact Report, Specific Plan, and other previously certified related documents in which this project is consistent with what was adopted by the Board of Supervisors on December 8, 2008.



**RECOMMENDATION:** Adoption of resolutions approving the Tentative Subdivision Maps (S#2023-003; 004) subject to conditions and compliance with the previously certified Environmental Impact Report.

**GENERAL PLAN DESIGNATION (EXHIBIT A):**

SITE: See attached exhibits

SURROUNDING: See attached exhibits

**ZONING (EXHIBIT B)**

SITE: See attached exhibits

SURROUNDING: See attached exhibits

**LAND USE:**

SITE: See attached exhibits

SURROUNDING: See attached exhibits

**SIZE OF PROPERTY (EXHIBIT C):** See attached exhibits

**ACCESS (EXHIBIT C):**

See attached exhibits

**WILLIAMSON ACT:**

The subject property is not subject to a Williamson Act (Agricultural Preserve) contract.

**BACKGROUND AND PRIOR ACTIONS:**

The North Shore at Millerton Lake (aka North Fork Village) Specific Plan and corresponding Environmental Impact Report were approved on December 8, 2008.

**PROJECT DESCRIPTION:**

The project is for approval of multiple Tentative Subdivision Maps to create 1 commercial lot, multiple residential lots, and outlots for a community center, roads, recreation, open space, public utilities, and storm drain overflow purposes.

**ORDINANCES/POLICIES:**

North Fork Village Adopted by Board of Supervisors December 8, 2008.

Madera County Code (Chapter 17.20 regulates tentative subdivision maps).

California Government Code Title 7 (Subdivision Map Act).

**ANALYSIS:**

The Preserve at Millerton, originally Millerton North Shore, was approved by the Board of Supervisors in 2008. In the preceding time of nine (9) years the project has been negotiating with State and Federal agencies in the implementation of the adopted mitigation measures for endangered species and natural resource preservation. The result is a reduced project developable area of approximately 879 acres and 1,400 lots versus 2,100 acres and 2,966 lots as originally approved. The area now dedicated to conservation land is 1,224 acres.

Subsequent to the project approval, the property owner has negotiated an Incidental Take Permit with the California Department of Fish and Wildlife, necessary to mitigate impacts to endangered

SJR

species, as well as United States Army Corps of Engineers and the United States Fish and Wildlife Service permits to mitigate impacts to endangered species and waters of the United States. As a result of the Incidental Take Permit, the property owner is setting aside at least 1,216.8 acres of the approved project area for habitat and species mitigation. The habitat preserve will be burdened by a habitat conservation easement, approved by CDFW, prohibiting any development within the habitat preserve. The net result is that the project will yield less than 47% of the originally approved number of residential units.

Tentative map S#2023-003 includes one (1) commercial lot, ninety-one (91) residential lots, and sixteen (16) outlots for open space, storm drain, utilities, community center, and roads. Tentative map S#2023-004 includes one hundred twenty-two (122) residential lots, twenty-three (23) outlots for open space, storm drain, utilities, recreation, and roads. The current terrain consists of rolling foothills, oak trees, and grasslands. Slopes vary between 1% to greater than 50%, depending on location.

Currently, the site is being used as grassland for grazing. Access will be from Road 206 and Road 145 to the west. There are seven (7) wells on the site that have been there since as early as 1989. Water supply will be delivered via a public water system as indicated in the certified Water Supply Assessment. In January 2019, the property entered into an agreement with California Water Company (Cal Water) to acquire the water and wastewater assets of the project. The project site is within the boundaries of County Service Area 22A, which will be the mechanism for providing services such as Sheriff and Fire protection. The proposed road system is private and will be privately maintained and operated by the HOA.

A certified Environmental Impact Report, Specific Plan, Area Plan, and other related documents in which this project is consistent with, was adopted by the Board of Supervisors on December 8, 2008. In review of the proposed Tentative Map for development of the project there are no significant changes that would cause one or more impacts to the environment. The certified EIR analyzed a maximum of 2,966 dwelling units within the Specific Plan. The California Environmental Quality Act (CEQA) Guidelines Section 15162 set forth the criteria for determining the appropriate level of additional environmental documentation, if any, to be completed when there is a previously certified Environmental Impact Report covering the project for which a subsequent discretionary action is required, in this case the tentative subdivision map. This environmental analysis (Exhibit G) has been prepared to assist the County of Madera in determining whether any additional environmental documentation is needed for the subject discretionary action. As per Section 15182 of CEQA, where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. Also, as per Section 15183 of the Government Code, CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. There are no circumstances that have occurred that would result in environmental impacts since the certification of the EIR.

**FINDINGS OF FACT:**

1. *The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.* The proposed tentative map is consistent with the approved Specific Plan and Rio Mesa Area Plan.

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2. *The tentative subdivision map meets all of the requirements or conditions imposed by the Subdivision Map Act and Title 17 of the Madera County Code.* All requirements and proposed conditions are consistent with the Subdivision Map Act and Title 17 of the Madera County Code including road standards, and lot design. Infrastructure as required by the Specific Plan and Development Agreement will be required.
3. *The site is physically suitable for the type and density of development.* The project site is located in a New Growth area of Madera County allowing for residential, commercial, institutional, and industrial uses. The North Shore at Millerton Lake Specific Plan incorporates elements of community design, land use, parks and open space, traffic and circulation, and public facilities and services into a comprehensive plan that implements the project vision.
4. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.* In accordance with CEQA Section 15162 a certified Environmental Impact Report for the Specific Plan includes mitigation measures which would alleviate impacts to the environment. Mitigation measures applicable to this tentative map will be enforced.
5. *The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.* Mitigation measures have been adopted to regulate lighting, noise levels, and creating environmentally sound storm drainage facilities, to ensure a safe and peaceful community.
6. *The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use).* The subject property is not subject to Williamson Act Contract.

**GENERAL PLAN CONSISTENCY STATEMENT:**

The project is consistent with the land use policies in the Rio Mesa Area Plan and the General Plan.

The project includes two tentative maps (S#2023-003; 004). Tentative map S#2023-003 includes one (1) commercial lot, ninety-one (91) residential lots, and sixteen (16) outlots. Tentative map S#2023-004 includes one hundred twenty-two (122) residential lots and twenty-three (23) outlots for open space, storm drain, utilities, recreation, and roads. These lots will comply with densities and lot sizes approved in the Specific Plan.

In accordance with Goal 1.B of the General Plan, New Growth Areas are comprehensively planned and developed as well-balanced, independent communities. The Rio Mesa Area Plan is considered a New Growth Area with higher-density residential uses as per Policy 1.B.2b. Also, this tentative map supports Policy 1.B.2c of integrating residential and open space and making it possible to travel by bicycle, foot, and automobile.

**STAFF REPORT**  
Subdivision Maps

December 5, 2023

**RECOMMENDATION:**

The analysis contained in this report supports approval of the Tentative Subdivision Maps subject to compliance with the conditions and the previously adopted environmental impact report.

**CONDITIONS:**

See attached conditions of approval.

**ATTACHMENTS:**

1. Resolution
2. Conditions of Approval
3. Exhibit A, General Plan Map
4. Exhibit A-1, Area Plan Map
5. Exhibit B, Zoning Map
6. Exhibit C1-C5, Assessor Map
7. Exhibit D1-D4, Tentative Map
8. Exhibit E, Aerial Map
9. Exhibit F, Topographical Map
10. Exhibit G, EHS Comments
11. Exhibit H, Public Works
12. Exhibit I, CEQA Guideline Section 15162 Analysis

S2023-003



BEFORE  
THE PLANNING COMMISSION  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: <u>PCR 2023-</u>
	)	
DALE MELL & ASSOCIATES	)	RESOLUTION APPROVING THE
TENTATIVE SUBDIVISION MAP	)	APPLICATION OF DALE MELL &
SUB #2023-003	)	ASSOCIATES FOR A TENTATIVE
	)	SUBDIVISION MAP AND APPROVING
	)	A RELATED NOTICE OF EXEMPTION
	)	UNDER THE CALIFORNIA
	)	ENVIRONMENTAL QUALITY ACT
_____	)	

**WHEREAS**, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, December 7, 2023, held a duly noticed public hearing to consider the application of Dale Mell & Associates for a Tentative Subdivision Map; and

**WHEREAS**, County staff has presented substantial factual information regarding the Tentative Subdivision Map; and

**WHEREAS**, the hearing was to consider the application of Dale Mell & Associates, for a Tentative Subdivision Map (SUB #2023-003) to divide 13.22 acres into 91 residential lots, 1 commercial lot and 16 Outlots for open space, storm drain, utilities, roads, and a community center; and

**WHEREAS**, the property 051-830-024 is located north of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, (no situs) Friant; and

**WHEREAS**, the property is zoned NFV-MDR (North Fork Village Medium Density Residential); and

**WHEREAS**, a draft Notice of Exemption was also considered; and

**WHEREAS**, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission finds as follows:

1. A Notice of Exemption under the California Environmental Quality Act is approved.

2. The proposed map is consistent with applicable general and specific plans. The projects are consistent with the land use policies in the Rio Mesa Area Plan and the General Plan. In accordance with Goal 1.B of the General Plan, New Growth Areas are comprehensively planned and developed as well-balanced, independent communities. The Rio Mesa Area Plan is considered a New Growth Area with higher-density residential uses as per Policy 1.B.2b. Also, the tentative maps support Policy 1.B.2c of integrating residential and open space and making it possible to travel by bicycle, foot, and automobile.

3. The design or improvements of the proposed subdivision is consistent with applicable general and specific plans. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan. The proposed tentative map is consistent with the approved Specific Plan and Rio Mesa Area Plan.

4. The site is physically suitable for the type of development. The proposed Tentative Subdivision Map and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan. The proposed tentative maps are consistent with the approved North Fork Village Specific Plan and Rio Mesa Area Plan. The dwelling unit densities are consistent with the specific plan for all of the



areas included on the maps. The design of the maps is consistent with residential, commercial and open space uses for the South Creek neighborhood.

5. The site is physically suitable for the proposed density or development. The Tentative Subdivision Map meets all of the requirements or conditions imposed by the Subdivision Map Act and Title 17 of the Madera County Code. All requirements and proposed conditions are consistent with the Subdivision Map Act and Title 17 of the Madera County Code, including water and wastewater design, road standards, and lot design.

6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is physically suitable for the type and density of development. The project site is located in a New Growth area of Madera County allowing for residential, commercial, institutional, and industrial uses. The North Fork Village Specific Plan incorporates elements of community design, land use, parks and open space, traffic and circulation, and public facilities and services into a comprehensive plan that implements the project vision. The project is located in a rolling hill environment. Slope issues will be addressed with grading plans and construction. The design allows for drainage to flow as addressed in the Specific Plan.

7. The design of the subdivision or type of improvements is not likely to cause serious public health problems. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. In accordance with CEQA Section 15162 a certified Environmental Impact Report for the North Fork Village Specific Plan

includes mitigation measures which would alleviate impacts to the environment. Mitigation measures applicable to this tentative map will be enforced.

8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The design of the amended subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. Mitigation measures have been adopted to regulate lighting, noise levels, and creating environmentally sound storm drainage facilities, to ensure a safe and peaceful community.

9. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use). The subject property is not subject to Williamson Act Contract.

10. As a result of Findings 1 – 9, the Tentative Subdivision Map is approved, subject to the applicable conditions.

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The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held before the Madera County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 2023 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: \_\_\_\_\_  
COMMISSIONER DAL CERRO VOTED: \_\_\_\_\_  
COMMISSIONER BURDETTE VOTED: \_\_\_\_\_  
COMMISSIONER PALMER VOTED: \_\_\_\_\_  
COMMISSIONER ESTRADA VOTED: \_\_\_\_\_

\_\_\_\_\_  
Tom Burdette, Chairperson

ATTEST:

\_\_\_\_\_  
Secretary of the Planning Commission

Approved as to Legal Form:  
COUNTY COUNSEL

By: Dale E. Bacigalupi  
Digitally signed by: Dale E. Bacigalupi  
DN: CN = Dale E. Bacigalupi email = dbacigalupi@lozanosmith.com C = US  
O = Lozano Smith  
Date: 2023.11.21 15:57:03 -08'00'

## CONDITIONS OF APPROVAL

<b>PROJECT NAME:</b>	S #2023-003
<b>PROJECT LOCATION:</b>	The property is located north of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, (no situs) Friant.
<b>PROJECT DESCRIPTION:</b>	To create 91 residential lots, 1 commercial lot, 16 outlots for open space, storm drain, utilities, roads, and a community center.
<b>APPLICANT:</b>	Dale G. Mell & Associates
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	Dale G. Mell & Associates 559-292-4046

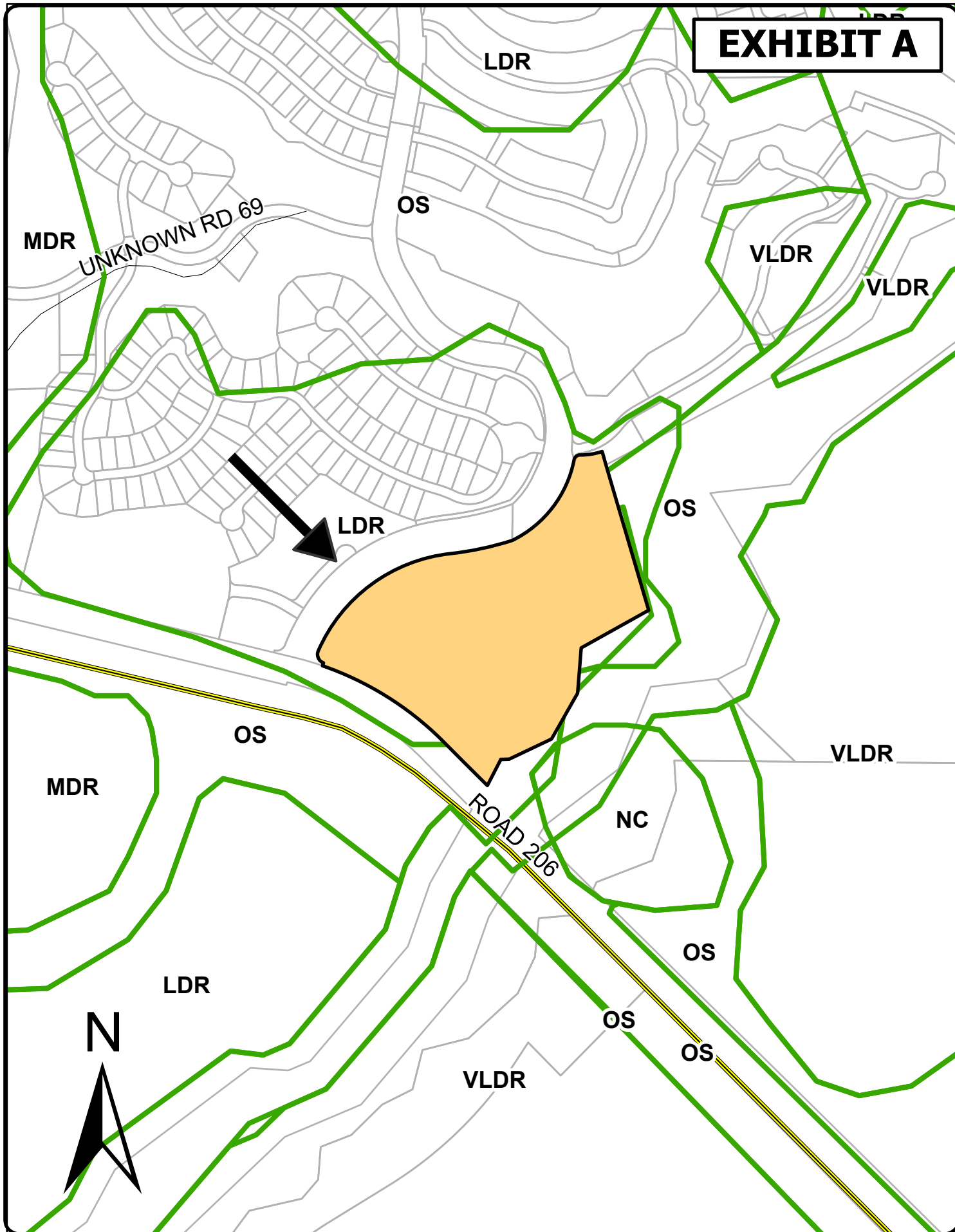
No.	Condition	Department/Age ncy	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	This proposed development shall be served by a community water system and a community sewer system [MCC Title 17.48]. Water and sewer services for any structures, on any parcels, within this development must be connected to an approved community water system and community sewer system that is approved by the Regional Water Quality Control Board (RWQCB) and State Water Resource Control Board Drinking Water Program (DWP)	EH			
2	Solid Waste collection with sorting for green waste, recyclable materials and garbage is required.	EH			
3	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
4	During the application process for any required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.	EH			
<b>Public Works</b>					
1	The applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.	Public Works			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
2	If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development. Drainage easements must be shown on plans if deemed necessary.	Public Works			
3	All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.	Public Works			
4	All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.	Public Works			
5	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800 -227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works			
6	Roadway improvements shall be constructed and completed to a point 25 feet beyond a Lot's driveway location prior to the issuance of certificates of occupancy for a home built on such Lot, and utility service must be available to serve such Lot.				
7	Roads that are not completed shall terminate with an approved Madera County Turnaround.				
8	All required road improvements and infrastructures are subject to inspection and/or approved by the County Public Works Department. All Inspection costs incurred will be paid for by the developer.	Public Works			
9	The applicant shall provide the appropriate signs throughout the proposed project in accordance with the latest edition of the California Manual on Uniform Traffic Control Devices, or as approved otherwise.	Public Works			
10	Traffic Mitigation measures as stipulated in the approved EIR and under the Mitigation Monitoring and Reporting Program (MMRP) shall be adhered to.	Public Works			
<b>Planning</b>					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	All mitigations measures outlined in the certified EIR for the North Shore at Millerton Lake Specific Plan shall be implemented in development of this project unless added to, deleted from and/or otherwise modified.	Planning			
2	The developer shall submit written certification of implementation of all mitigation measures to the Planning Department prior to recordation of the final map(s).	Planning			
3	The tentative and final maps shall be prepared and processed in accordance with Title 7 of the California Government Code and Title 17 of the Madera County Code.	Planning			
4	The applicant's engineer shall submit the construction plans for all improvements (i.e., water, sewer, drainage, roads, etc.) required for this subdivision to the Planning Department simultaneously with the final subdivision map filing.	Planning			
5	Corrective comments pertinent to the final map may be stipulated upon review of the final map for compliance with State law, County ordinance and conditions of approval.	Planning			
6	All improvements (water, sewer, roads, street signs, hydrants, utilities, vegetation clearing, etc.), including any necessary easements, required by the appropriate governmental agencies and/or public utilities shall be installed to each lot, unless bonded, prior to final map approval. Written certification that each improvement has been installed or will be bonded shall be submitted to the Planning Department by the responsible permitting agency/utility.	Planning			
7	Use of the outlot(s) is restricted to the specific use(s) indicated on the final map. Any deviation will require the approval of the County of Madera.	Planning			
8	Pursuant to the California Government Code (Subdivision Map Act), public utilities or public entities whose easements are affected by the map have thirty (30) days to determine if the map will unreasonably interfere with the free and complete exercise of the easements. A copy of the map and the easement(s) must be sent by certified mail to the affected public utility or entity by your project surveyor/engineer. Either a copy of the surveyor/engineer's notice to the utility/entity with a copy of the dated certified return receipt or a letter of consent to the recording of the map from the utility/entity must be provided to the Planning Department prior to final map approval.	Planning			
9	The final subdivision map shall require the signature of the Madera County Engineering/Surveyor and his Certificate of Acceptability	Planning			
10	A Subdivision Guarantee, current within 30 days, shall be provided to the Planning Department simultaneously with the final map	Planning			
11	Payment of all current, supplemental, pending supplemental, delinquent, and estimated taxes, as applicable, shall be made prior to approval of the final subdivision map	Planning			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
12	A recording fee based upon the number of final map sheets, shall be provided to the Planning Department for us in the final map recordation	Planning			
13	Any changes to the proposed phasing will require re-analysis of the project.	Planning			
14	The tentative map shall comply with the approved Environmental Impact Report, Mitigation Monitoring and Reporting Program, and Specific Plan	Planning			
15	The parcels being created shall have public access.	Planning			
16	In the event any parcels are sold to third parties, they would be altered to the conditions currently in place.	Planning			
17	The new acreages (gross and net) of all parcels/lots are provided for review prior to completion.	Planning			

**EXHIBIT A**



**GENERAL PLAN MAP**



**EXHIBIT B**

NFV-MDR

NFV-OSN

UNKNOWN RD 69

NFV-MU

NFV-MDR

OS

ARE-40

ROAD-206

ARF

ARF

OS



**ZONING MAP MAP**

ASSESSOR'S MAP

ORIGINAL



NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

2128-28 CLR

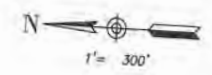
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THE OAKS TR. 289 R.M. Vol.66 Pg.24-31

SEC. 6 T.11S., R.21E. M.D.B.&M. THE PRESERVE AT MILLERTON LAKE VOL.63 PGS. 117-131 TRACT NO. 272

Tax Area Code 83-028

51-83



Assessor's Map No. 51-83 Chawanakee County of Madera, Calif. 2018

EXHIBIT C



# EXHIBIT E



Maxar, Microsoft, Esri Community Maps Contributors, Fresno County Dept. PWP, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Maxar

# AERIAL MAP

# EXHIBIT F



Fresno County Dept. PWP, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

# TOPOGRAPHICAL MAP



Community and Economic Development  
Environmental Health Division

Dexter Marr  
Deputy Director

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◆ Madera, CA 93637  
◆ TEL (559) 661-5191  
◆ FAX (559) 675-6573  
◆ TDD (559) 675-8970

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MEMORANDUM

TO: Kamara Biawogi  
FROM: Dexter Marr, Environmental Health Division  
DATE: September 22, 2023  
RE: Tract No. - Preserve at Millerton - 91 Residential Lots - Subdivision - Friant(051-830-024-000)

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Comments

TO: Planning Division  
FROM: Environmental Health Division  
DATE: March 29, 2023  
RE: Subdivision – S #2023-003 Tract No. \_\_ Preserve at Millerton, Friant APN: 051-830-024

Madera County Environmental Health Division (MCEHD) comments:

This proposed development shall be served by a community water system and a community sewer system [MCC Title 17.48]. Water and sewer services for any structures, on any parcels, within this development must be connected to an approved community water system and community sewer system that is approved by the Regional Water Quality Control Board (RWQCB) and State Water Resource Control Board Division Drinking Water Program (DWP).

Solid Waste collection with sorting for green waste, recyclable materials and garbage is required.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise (s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

During the application process for any required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.

If there are any questions or comments regarding these conditions, please contact this Division at (559) 675-7823.



# COUNTY OF MADERA

## DEPARTMENT OF PUBLIC WORKS

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

### MEMORANDUM

**DATE:** September 22, 2023  
**TO:** Kamara Biawogi  
**FROM:** Madera County Public Works  
**SUBJECT:** Tract No. - Preserve at Millerton - 91 Residential Lots - Subdivision - Friant(051-830-02)

#### Comment

The applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.

If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development.

Drainage easements must be shown on plans if deemed necessary.

All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.

All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.



# COUNTY OF MADERA DEPARTMENT OF PUBLIC WORKS

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

## MEMORANDUM

**DATE:** September 22, 2023  
**TO:** Kamara Biawogi  
**FROM:** Madera County Public Works  
**SUBJECT:** Tract No. - Preserve at Millerton - 91 Residential Lots - Subdivision - Friant(051-830-02

### Comment

Roadway improvements shall be constructed and completed to a point 25 feet beyond a Lot's driveway location prior to the issuance of certificates of occupancy for a home built on such Lot, and utility service must be available to serve such Lot.

Roads that are not completed shall terminate with an approved Madera County Turnaround.

All required road improvements and infrastructures are subject to inspection and/or approved by the County Public Works Department. All Inspection costs incurred will be paid for by the developer.

The applicant shall provide the appropriate signs throughout the proposed project in accordance with the latest edition of the California Manual on Uniform Traffic Control Devices, or as approved otherwise.

Traffic Mitigation measures as stipulated in the approved EIR and under the Mitigation Monitoring and Reporting Program (MMRP) shall be adhered to.



## Environmental Checklist for Determination Under CEQA Guidelines Section 15162

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines sets forth the criteria for determining the appropriate level of additional environmental documentation, if any, to be completed when there is a previously certified Environmental Impact Report covering the project for which a subsequent discretionary action is required. This environmental analysis has been prepared to assist the County of Madera in determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously adopted Final Environmental Impact Report (FEIR) for the North Shore at Millerton Lake Specific Plan:

The FEIR was prepared for the North Shore at Millerton Lake Specific Plan, which contemplates the development of a comprehensively planned conversion of 2,100 acre site to urban uses. The master planned community consists of 1,400 residential lots after a project reduction occurred from conservation land dedication. The project is located on the north and east sides of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, Madera.

The proposed project being analyzed in this document is a Tentative Subdivision Map of 3 lots (the "Tentative Map"). This is the second phase of development contemplated under the North Shore at Millerton Lake Specific Plan. The specific plan area comprises a total of 733.31 acres per assessor's records. The project applicant is NFV-1 INV LLC, which is the successor to Kesterson Development, the project applicant for the approval of the Specific Plan.

2. Lead Agency Name and Address:

Planning Division  
Community and Economic Development  
Madera County  
200 W. Fourth Street, Suite 3100  
Madera CA 93637

3. Contact:

Samuel J. Rashe  
Senior Planner  
(559) 675-7821

4. Project Applicant's Name and Address:

Dale G Mell & Associates  
PO Box 3151  
Shell Beach CA 93448

5. Summary of the activities authorized by entitlement application:

The proposed project being analyzed in this document is a Tentative Subdivision Map (S#2023-003), which includes the creation of 91 residential lots and 16 outlots for open space, storm drain, utilities, community center, and roads. The proposed Tentative Subdivision map includes 13.22 acres. The specific plan area comprises a total of 733.31 acres.

The environmental factors identified below have been analyzed to determine the following:

- Are substantial changes proposed in the project which will require major revisions to the certified EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- Has new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified shows any of the following:
  1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The factors below are either checked yes to indicate that additional analysis under the California Environmental Quality Act is necessary, or no which indicates that the previously certified EIR needs no further amendments.

Yes	No		Yes	No		Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Population / Housing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Greenhouse Gases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

**I. AESTHETICS**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to aesthetic resources that were discussed in the certified EIR. As explained in the certified EIR, the visual setting of the project site contains rural and agricultural features typical of the southeastern portion of Madera County. Much of the aesthetic quality of the site is attributed to its current rural, open space character, its varied landforms, and oak woodlands. The project site is visible from Millerton Lake State Recreation Area (SRA), Road 206 along the project south boundary, and from portions of Road 211 and SR-145 along the site's western and northern boundaries. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. After project reduction occurred from conservation land dedication, the current project allows for 91 dwelling units, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial aesthetic changes occurred in the circumstances under which the project is being undertaken?**

*No. There has been no development of the property or adjacent properties since the certification of the EIR. The circumstances are the same for this proposed tentative subdivision map as it was at the time the EIR was prepared and certified.*

**Has any new aesthetic information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The mitigation measure adopted within the certified EIR remains applicable to the Tentative Map, and will be required as a condition of approval for the Tentative Map. The potential impacts on aesthetic resources have not changed, there are no additional significant effects that were not discussed within the certified EIR. Those impacts identified in the EIR have not become more severe since adoption of the North Shore at Millerton Lake Specific Plan in 2008, and as previously stated the proposed Tentative Map has less of an impact than what was analyzed in the certified EIR. With the incorporation of the required mitigation, the Tentative Map will result in a less than significant effect on the environment, and therefore no additional mitigation measures are required at this time. All feasible mitigation measures and alternatives were analyzed in the certified EIR, and no changes are required as a result of aesthetic impacts.*

## **II. AGRICULTURAL RESOURCES**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to agricultural resources. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The property is currently used as grazing land. The proposed development is for 91 residential lots and 16 outlots within the plan area, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial agricultural changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to agriculture. The types of soil within the North Shore at Millerton Lake Specific Plan boundary have not changed from the certified EIR.*

**Has any new agricultural information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified potential impacts on agriculture for the North Shore at Millerton Lake Specific Plan which were less than significant. There are no mitigation measures listed within the EIR.*

**III. AIR QUALITY****Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to air quality. The project site is currently being used for agriculture, and is used as grazing land. As a result, existing sources of air pollutant emissions include agricultural equipment, unpaved farm roads, and work areas. The proposed development is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial air quality changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to air quality.*

Has any new air quality information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified seven potential impacts related to air quality for the North Shore at Millerton Lake Specific Plan. Impacts ranged from No impact to significant and unavoidable. Those mitigation measure adopted within the Certified EIR remain applicable to this project, and will be required as conditions of approval.*

#### **IV. BIOLOGICAL RESOURCES**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to biological resources. For the purpose of the determining potential biological impacts, the scope of the analysis in the certified EIR included transportation rights-of-way, well sites, and off-site areas for effluent storage, in addition to the habitable areas within the Specific Plan boundary. The specific plan area has been used primarily for agricultural purposes. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed development is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial biological changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to biological resources. The certified EIR had a biological report prepared and reviewed by Madera County prior to its adoption. There are no circumstances that have occurred that would result in biological resource impacts since the certification of the EIR.*

Has any new biological resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

- significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified potential impacts on biological resources for the implementation of the North Shore at Millerton Lake Specific Plan. Some impacts were identified as significant and unavoidable. As a result, the certified EIR provided several mitigation measures as listed in attachment A to this report. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measure adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval. Therefore, no further analysis is required for biological resources.*

## **V. CULTURAL RESOURCES**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to cultural resources.*

### **Have Substantial cultural resource changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to cultural resources. The certified EIR had a cultural resource report prepared and was reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in cultural resource impacts since the certification of the EIR.*

### **Has any new cultural resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified potential impacts on cultural resources for the implementation of the North Shore at Millerton Lake Specific Plan. Four impacts required mitigation measures to mitigate to a less than significant impact. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified*

impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval. Therefore, no further analysis is required for cultural resources.

## **VI. GEOLOGY AND SOILS**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to geology and soils. The site is characterized by rolling hillsides at elevations ranging from approximately 350 above mean sea level to 1,400 above mean sea level. Approximately 35 percent of the property has slopes exceeding 25 percent. Steep north-south trending bluffs reside within the northernmost regions of the site, and Cottonwood Creek bisects the site.*

### **Have Substantial geology and soils changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to geology and soils. The certified EIR had a geotechnical report prepared and reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in geology and soil impacts since the certification of the EIR.*

### **Has any new geology and soil information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified five potential impacts on geology and soils for the implementation of the North Shore at Millerton Lake Specific Plan. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR.*

## **VII. HAZARDS AND HAZARDOUS MATERIALS**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to hazards and hazardous materials. The site of the proposed project has been used recently for cattle grazing and chicken raising, and past uses including mining/quarry activity. The site contains structures, evidence of previous structures (foundations, debris, etc.)*

containers of petroleum products, above ground storage tanks, potential polychlorinated biphenyl (PCB) containing equipment, pits/ponds/lagoons, water wells, and septic systems. Each of these is potentially hazardous material that, by their nature and properties, have the capacity to cause harm or create a health hazard during normal exposure or an accidental release. They are characterized as toxic, corrosive, flammable, reactive, an irritant, or a strong sensitizer. The presence of suspected or known hazardous waste contamination sites within the project site and immediate vicinity was determined through the Phase 1 Environmental Site Assessment.

There are no additional hazards known to occur, such as those related to being located within an airport land use plan or in the vicinity of a private airstrip. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area, as identified in Figure 1. The proposed development under the Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial hazards and hazardous material changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with the Specific Plan related to hazards and hazardous materials. There are no circumstances that have occurred which would result in hazards and hazardous material impacts since the certification of the EIR.

**Has any new hazard and hazardous material information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

No. The Certified EIR identified nine potential impacts on hazards and hazardous material for the implementation of the North Shore at Millerton Lake Specific Plan. Seven of the impacts required mitigation measures to mitigate the potential impacts of the project to a less than significant impact. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval for the Tentative Map.

## **VIII. HYDROLOGY AND WATER QUALITY**

**Are Substantial changes proposed in the project from the previously certified EIR?**



No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to hydrology and water quality. The proposed development contains eleven wells. The primary producing wells lie in two clusters: one on the southern part of the property and one on the northern edge. Well capacity data were obtained from pump tests conducted on each well within the project boundaries. Production ranged from 50 gallons per minute to 540 gallons per minute. Total well production was proven to be 1,373 gallons per minute, 2,215 acre-feet per year. The proposed development under the Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial hydrology and water quality changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with respect to the implementation of the North Shore at Millerton Lake Specific Plan related to hydrology and water quality. The certified EIR had a water supply assessment, which was reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in hydrology and water quality impacts since the certification of the EIR.

**Has any new hydrology and water quality information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

No. The Certified EIR identified potential impacts on hydrology and water quality for the implementation of the North Shore at Millerton Lake Specific Plan. Two of the impacts required mitigation measures to mitigate the impacts of the plan to a less than significant level. There are no significant effects on hydrology and water quality that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified, or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.

## **IX. LAND USE AND PLANNING**

**Are Substantial changes proposed in the project from the previously certified EIR?**

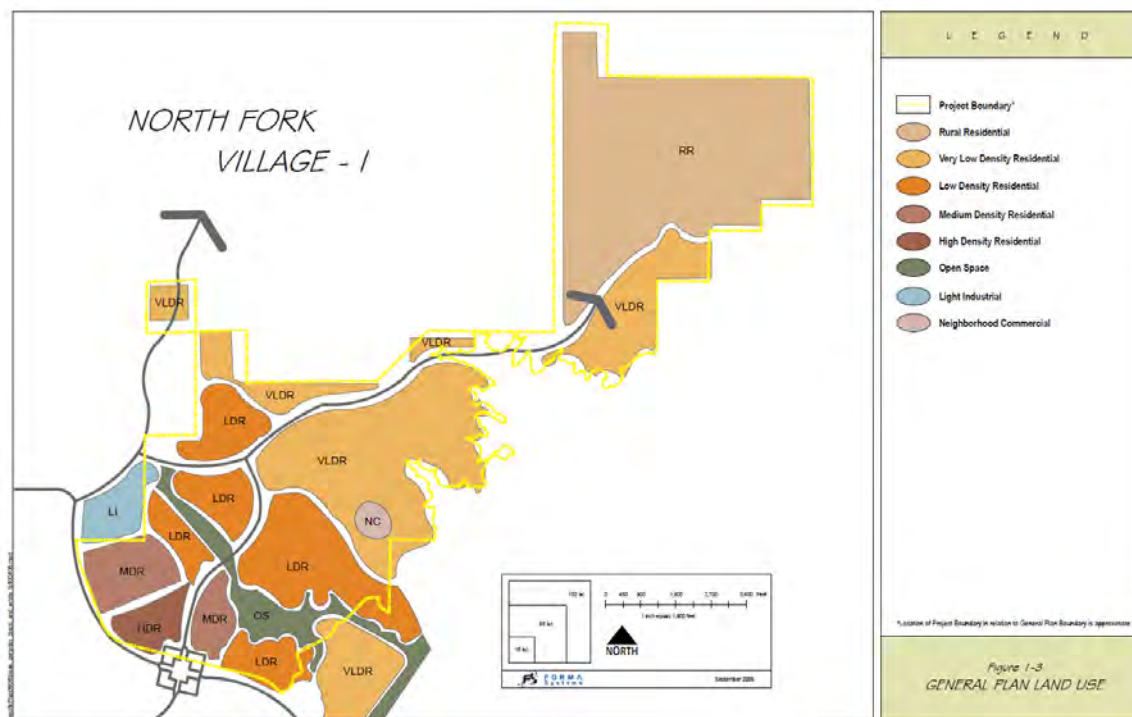
No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to land use and planning. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed development is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial land use and planning changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to land use and planning. There are no circumstances that have occurred which would result in land use and planning impacts since the certification of the EIR.

**Has any new land use and planning information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?



No. The Certified EIR identified potential impacts on land use and planning for the implementation of the North Shore at Millerton Lake Specific Plan. Seven of the potential impacts

required mitigation measures to mitigate to a less than significant level. There is no significant effect on land use and planning that was not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.

## **X. MINERAL RESOURCES**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to mineral resources. The proposed Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

### **Have Substantial hazards and hazardous material changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to mineral resources. There are no circumstances that have occurred which would result in mineral resource impacts since the certification of the EIR.*

### **Has any new mineral resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The certified EIR identified three potential impacts on mineral resources for the implementation of the North Shore at Millerton Lake Specific Plan. None of the impacts required mitigation measures to mitigate to a less than significant level. There is no significant effect on mineral resources that was not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.*

## **XI. NOISE**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to noise. The certified EIR analyzed a maximum of 2,966 dwelling units*

*within the plan area. The proposed Tentative Map contemplates 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial noise changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to noise. There are no circumstances that have occurred which would result in noise impacts since the certification of the EIR.*

**Has any new noise information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified four potential impacts on noise resulting from the implementation of the North Shore at Millerton Lake Specific Plan. Three of the impacts required mitigation measures to mitigate to a less than significant level. There are no additional significant effects that were not discussed in the certified EIR. The significant effects examined within the certified EIR are less significant due to the proposed tentative map having fewer residential lots that what was analyzed within the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.*

## **XII. POPULATION, EMPLOYMENT, AND HOUSING**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to population, employment, and housing. The certified EIR analyzed a maximum of 2,966 dwelling units within plan area. The proposed Tentative Map contemplates 91 residential lots and 16 outlots lots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial population, employment, and housing changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with respect to the implementation of the North Shore at Millerton Lake Specific Plan related to population, employment, and housing. There are no circumstances that have occurred which would result in population, employment, and housing impacts since the certification of the EIR.*

**Has any new population, employment, and housing information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified two potential impacts on population, employment, and housing for the implementation of the North Shore at Millerton Lake Specific Plan. None of the impacts required mitigation measures to mitigate such impacts to a less than significant level. There is no significant effect on population, employment, and housing that were not discussed and analyzed in the certified EIR. The significant effects examined within the certified EIR are less significant due to the proposed tentative map having fewer residential lots that what was analyzed within the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.*

### **XIII. PUBLIC SERVICES**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to public services. The certified EIR analyzed a maximum of 2,966 dwelling units within plan area. The proposed Tentative Map contemplates 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial public service changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to public services. There are no circumstances that have occurred which would result in public service impacts since the certification of the EIR.*

**Has any new public service information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The certified EIR identified potential impacts on public services for the implementation of the North Shore at Millerton Lake Specific Plan. Sixteen of the impacts required mitigation measures to mitigate to a less than significant level. There are no significant effect on public services that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measure adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.*

#### **XIV. RECREATION**

##### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to recreation. The certified EIR analyzed a maximum of 2,699 dwelling units within the plan area. The proposed Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

##### **Have Substantial recreation changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to recreation. There are no circumstances that have occurred which would result in recreation impacts since the certification of the EIR.*

##### **Has any new recreation information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The certified EIR identified potential impacts on recreation related to the implementation of the North Shore at Millerton Lake Specific Plan. Two of the impacts required mitigation measures*

to mitigate to a less than significant level. There are no significant effect on recreation that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.

## **XV. TRANSPORTATION AND CIRCULATION**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to transportation and circulation. The certified EIR analyzed a maximum of 2,966 dwelling units. The proposed Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

### **Have Substantial transportation and circulation changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred within the North Shore at Millerton Lake Specific Plan related to transportation and circulation. There are no circumstances that have occurred which would result in transportation and circulation impacts since the certification of the EIR.*

### **Has any new transportation and circulation information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The certified EIR identified potential impacts on transportation and circulation for the implementation of the Specific Plan. There are eight mitigation measures for those impacts. There are no additional significant effects that were not discussed in the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to this project, and will be required as conditions of approval.*

## **XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to the mandatory findings of significance in the California Environmental*

*Quality Act, as it relates to the cumulative impacts of the North Shore at Millerton Lake Specific Plan, substantial adverse effects on human beings, or the potential to degrade the quality of the environment. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed Tentative Map is for 91 residential lots and 16 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to the mandatory findings of significance. There are no circumstances that have occurred which would result in impacts since the certification of the EIR.*

**Has any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The project proponent is bound to the certified EIR and the adopted mitigation measures, which shall be included as conditions of approval of the Tentative Map. There are no significant effects of the Tentative Map that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.*

**DETERMINATION:**

On the basis of this initial evaluation:

- The proposed Tentative Subdivision Map would NOT result in any additional significant effects or the need for new additional mitigation measures or alternatives that are not already discussed in the North Shore at Millerton Lake Program Environmental Impact Report. Therefore, the proposed Tentative Subdivision map will not cause any additional significant effects which were not analyzed in the North Shore at Millerton Lake Program Environmental Impact Report.
- Shore at Millerton Lake Program Environmental Impact Report. Therefore, the proposed Tentative Subdivision map will not cause any additional significant effects which were not analyzed in the North Shore at Millerton Lake Program Environmental Impact Report.**

- All feasible and appropriate mitigation measures and alternatives set forth in the North Shore at Millerton Lake Program Environmental Impact Report have been applied, verbatim as adopted by the Board of Supervisors on December 8, 2008, to the project or otherwise made conditions of approval of the project.
- Millerton Lake Program Environmental Impact Report have been applied, verbatim as adopted by the Board of Supervisors on December 8, 2008, to the project or otherwise made conditions of approval of the project.**



- No substantial changes have occurred with respect to the circumstances under which the North Shore at Millerton Lake Environmental Impact Report was certified and there is no new available information which was not known and could not have been known at the time the North Shore at Millerton Lake Program Environmental Impact Report was certified.

Signature \_\_\_\_\_ Date \_\_\_\_\_

S2023-004



BEFORE  
THE PLANNING COMMISSION  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: <u>PCR 2023-</u>
	)	
DALE MELL & ASSOCIATES	)	RESOLUTION APPROVING THE
TENTATIVE SUBDIVISION	)	APPLICATION OF DALE MELL &
MAP SUB #2023-004	)	ASSOCIATES FOR A TENTATIVE
	)	SUBDIVISION MAP AND APPROVING
	)	A RELATED NOTICE OF EXEMPTION
	)	UNDER THE CALIFORNIA
	)	ENVIRONMENTAL QUALITY ACT
_____	)	

**WHEREAS**, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, December 7, 2023, held a duly noticed public hearing to consider the application of Dale Mell & Associates for a Tentative Subdivision Map; and

**WHEREAS**, County staff has presented substantial factual information regarding the Tentative Subdivision Map; and

**WHEREAS**, the hearing was to consider the application of Dale Mell & Associates, for a Tentative Subdivision Map (SUB #2023-004) to divide 25.34 acres into 122 residential lots and 23 Outlots utilized for open space, storm drain, utilities, recreation, and roads; and

**WHEREAS**, the properties 051-200-021, 051-860-003, -005, -018 and 082-061-062 are located north of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, (no situs) Friant, and

**WHEREAS**, the property is NFV-MU (North Fork Village - Mixed Use), NFV-MDR (North Fork Village – Medium Density Residential) and NFV-HDR (North Fork Village – High Density Residential); and

**WHEREAS**, a draft Notice of Exemption was also considered; and

**WHEREAS**, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission finds as follows:

1. A Notice of Exemption under the California Environmental Quality Act is approved.

2. The proposed map is consistent with applicable general and specific plans. The projects are consistent with the land use policies in the Rio Mesa Area Plan and the General Plan. In accordance with Goal 1.B of the General Plan, New Growth Areas are comprehensively planned and developed as well-balanced, independent communities. The Rio Mesa Area Plan is considered a New Growth Area with higher-density residential uses as per Policy 1.B.2b. Also, the tentative maps support Policy 1.B.2c of integrating residential and open space and making it possible to travel by bicycle, foot, and automobile.

3. The design or improvements of the proposed subdivision is consistent with applicable general and specific plans. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan. The proposed tentative map is consistent with the approved Specific Plan and Rio Mesa Area Plan.

4. The site is physically suitable for the type of development. The proposed Tentative Subdivision Map and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan. The proposed tentative maps are consistent with the approved North Fork Village Specific Plan and Rio Mesa

Area Plan. The dwelling unit densities are consistent with the specific plan for all of the areas included on the maps. The design of the maps is consistent with residential, commercial, and open space uses for the South Mesa neighborhood.

5. The site is physically suitable for the proposed density or development. The Tentative Subdivision Map meets all of the requirements or conditions imposed by the Subdivision Map Act and Title 17 of the Madera County Code. All requirements and proposed conditions are consistent with the Subdivision Map Act and Title 17 of the Madera County Code, including water and wastewater design, road standards, and lot design.

6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site is physically suitable for the type and density of development. The project site is located in a New Growth area of Madera County allowing for residential, commercial, institutional, and industrial uses. The North Shore Village Specific Plan incorporates elements of community design, land use, parks and open space, traffic and circulation, and public facilities and services into a comprehensive plan that implements the project vision. The project is located in a rolling hill environment. Slope issues will be addressed with grading plans and construction. The design allows for drainage to flow as addressed in the Specific Plan.

7. The design of the subdivision or type of improvements is not likely to cause serious public health problems. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. In accordance with CEQA Section 15162 a certified Environmental Impact Report for the North Fork Village Specific Plan

includes mitigation measures which would alleviate impacts to the environment. Mitigation measures applicable to this tentative map will be enforced.

8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The design of the amended subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. Mitigation measures have been adopted to regulate lighting, noise levels, and creating environmentally sound storm drainage facilities, to ensure a safe and peaceful community.

9. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use). The subject property is not subject to Williamson Act Contract.

10. As a result of Findings 1 – 9, the Tentative Subdivision Map is approved, subject to the applicable conditions.

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\* \* \* \* \*

The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held before the Madera County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 2023 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: \_\_\_\_\_  
COMMISSIONER DAL CERRO VOTED: \_\_\_\_\_  
COMMISSIONER BURDETTE VOTED: \_\_\_\_\_  
COMMISSIONER PALMER VOTED: \_\_\_\_\_  
COMMISSIONER ESTRADA VOTED: \_\_\_\_\_

\_\_\_\_\_  
Tom Burdette, Chairperson

ATTEST:

\_\_\_\_\_  
Secretary of the Planning Commission

Approved as to Legal Form:  
COUNTY COUNSEL

By: Dale E. Bacigalupi  
Digitally signed by: Dale E. Bacigalupi  
DN: CN = Dale E. Bacigalupi email = dbacigalupi@lozanosmith.com C = US  
O = Lozano Smith  
Date: 2023.11.21 15:44:18 -08'00'

## CONDITIONS OF APPROVAL

<b>PROJECT NAME:</b>	S #2023-004
<b>PROJECT LOCATION:</b>	The property is located north of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, (no situs) Friant.
<b>PROJECT DESCRIPTION:</b>	one hundred twenty-two (122), residential lots twenty-three (23), for open space, storm drain, utilities, recreation, and roads
<b>APPLICANT:</b>	Dale G. Mell & Associates
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	Dale G. Mell & Associates 559-292-4046

No.	Condition	Department/Age ncy	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	This proposed development shall be served by a community water system and a community sewer system [MCC Title 17.48]. Water and sewer services for any structures, on any parcels, within this development must be connected to an approved community water system and community sewer system that is approved by the Regional Water Quality Control Board (RWQCB) and State Water Resource Control Board Drinking Water Program (DWP)	EH			
2	Solid Waste collection with sorting for green waste, recyclable materials and garbage is required.	EH			
3	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
4	During the application process for any required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.	EH			
<b>Public Works</b>					
1	The applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.	Public Works			

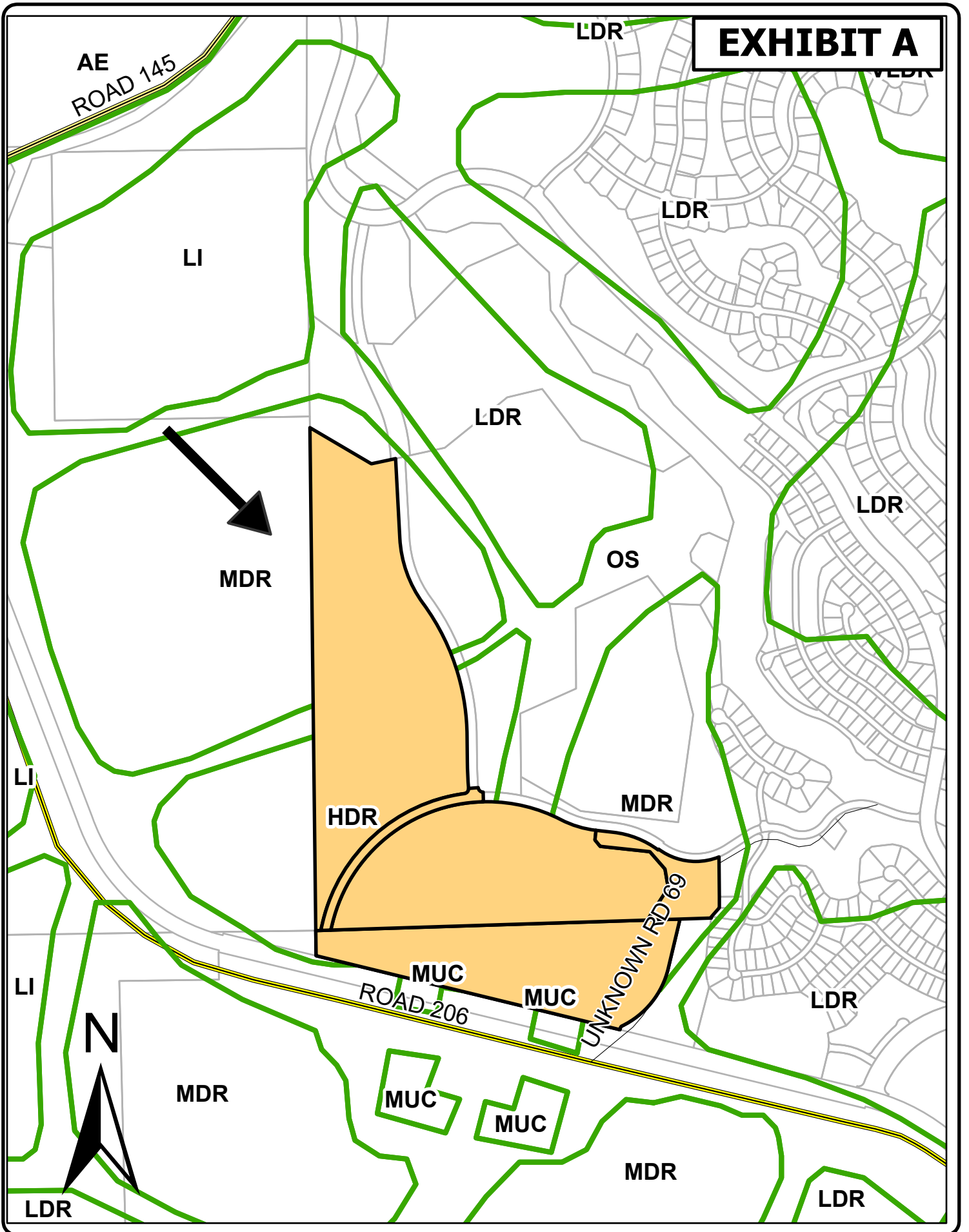


No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
2	If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development. Drainage easements must be shown on plans if deemed necessary.	Public Works			
3	All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.	Public Works			
4	All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.	Public Works			
5	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800 -227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works			
6	Roadway improvements shall be constructed and completed to a point 25 feet beyond a Lot's driveway location prior to the issuance of certificates of occupancy for a home built on such Lot, and utility service must be available to serve such Lot.				
7	Roads that are not completed shall terminate with an approved Madera County Turnaround.				
8	All required road improvements and infrastructures are subject to inspection and/or approved by the County Public Works Department. All Inspection costs incurred will be paid for by the developer.	Public Works			
9	The applicant shall provide the appropriate signs throughout the proposed project in accordance with the latest edition of the California Manual on Uniform Traffic Control Devices, or as approved otherwise.	Public Works			
10	Traffic Mitigation measures as stipulated in the approved EIR and under the Mitigation Monitoring and Reporting Program (MMRP) shall be adhered to.	Public Works			
<b>Planning</b>					

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	All mitigations measures outlined in the certified EIR for the North Shore at Millerton Lake Specific Plan shall be implemented in development of this project unless added to, deleted from and/or otherwise modified.	Planning			
2	The developer shall submit written certification of implementation of all mitigation measures to the Planning Department prior to recordation of the final map(s).	Planning			
3	The tentative and final maps shall be prepared and processed in accordance with Title 7 of the California Government Code and Title 17 of the Madera County Code.	Planning			
4	The applicant's engineer shall submit the construction plans for all improvements (i.e., water, sewer, drainage, roads, etc.) required for this subdivision to the Planning Department simultaneously with the final subdivision map filing.	Planning			
5	Corrective comments pertinent to the final map may be stipulated upon review of the final map for compliance with State law, County ordinance and conditions of approval.	Planning			
6	All improvements (water, sewer, roads, street signs, hydrants, utilities, vegetation clearing, etc.), including any necessary easements, required by the appropriate governmental agencies and/or public utilities shall be installed to each lot, unless bonded, prior to final map approval. Written certification that each improvement has been installed or will be bonded shall be submitted to the Planning Department by the responsible permitting agency/utility.	Planning			
7	Use of the outlot(s) is restricted to the specific use(s) indicated on the final map. Any deviation will require the approval of the County of Madera.	Planning			
8	Pursuant to the California Government Code (Subdivision Map Act), public utilities or public entities whose easements are affected by the map have thirty (30) days to determine if the map will unreasonably interfere with the free and complete exercise of the easements. A copy of the map and the easement(s) must be sent by certified mail to the affected public utility or entity by your project surveyor/engineer. Either a copy of the surveyor/engineer's notice to the utility/entity with a copy of the dated certified return receipt of a letter of consent to the recording of the map from the utility/entity must be provided to the Planning Department prior to final map approval.	Planning			
9	The final subdivision map shall require the signature of the Madera County Engineering/Surveyor and his Certificate of Acceptability	Planning			
10	A Subdivision Guarantee, current within 30 days, shall be provided to the Planning Department simultaneously with the final map	Planning			
11	Payment of all current, supplemental, pending supplemental, delinquent, and estimated taxes, as applicable, shall be made prior to approval of the final subdivision map	Planning			

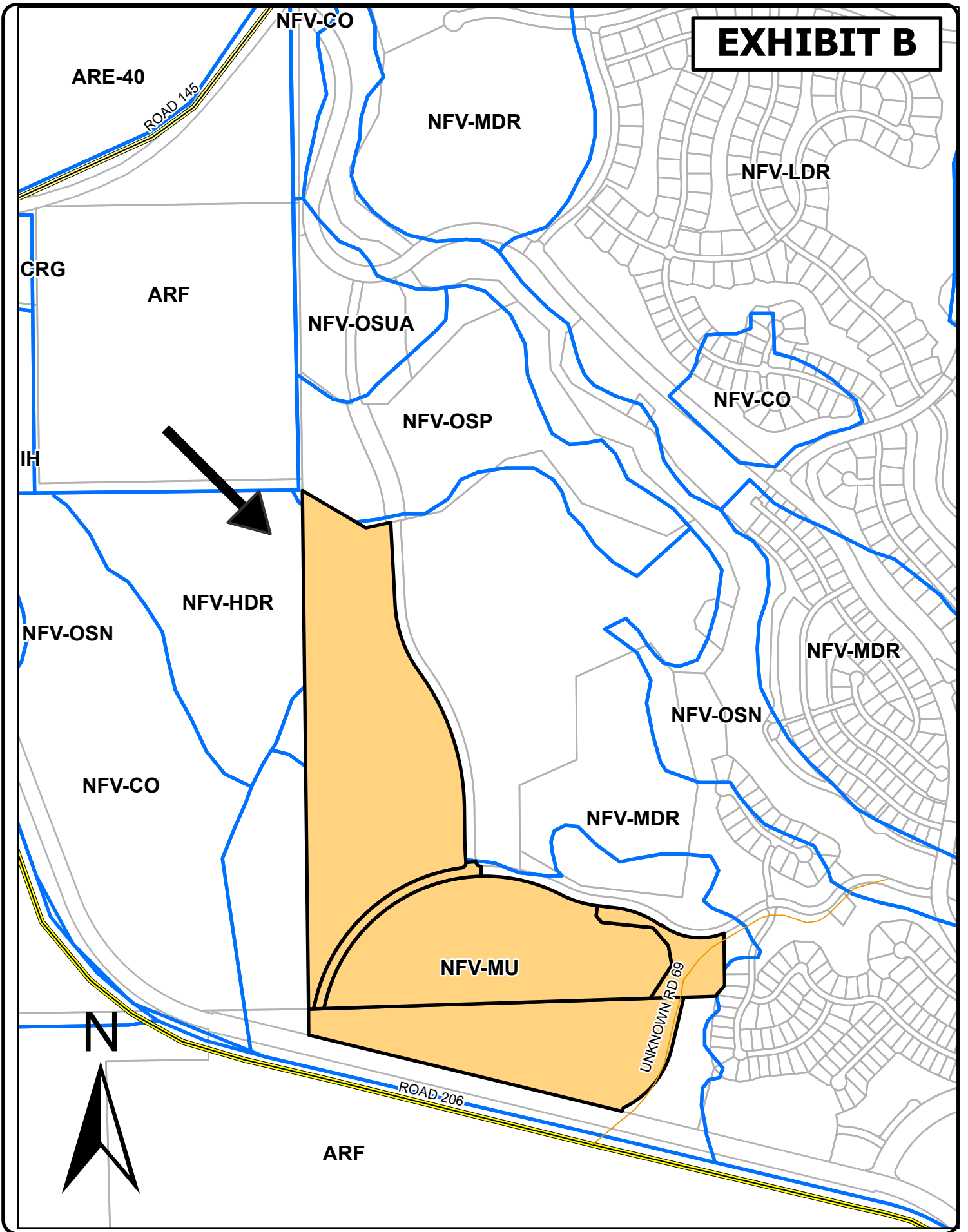
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
12	A recording fee based upon the number of final map sheets, shall be provided to the Planning Department for us in the final map recordation	Planning			
13	Any changes to the proposed phasing will require re-analysis of the project.	Planning			
14	The tentative map shall comply with the approved Environmental Impact Report, Mitigation Monitoring and Reporting Program, and Specific Plan	Planning			
15	The parcels being created shall have public access.	Planning			
16	In the event any parcels are sold to third parties, they would be altered to the conditions currently in place.	Planning			
17	The new acreages (gross and net) of all parcels/lots are provided for review prior to completion.	Planning			

**EXHIBIT A**



**GENERAL PLAN MAP**

**EXHIBIT B**



**ZONING MAP**

# EXHIBIT C

SEC. 5, 6, 7 T.11S. R.21E. M.D.B.&M.

Tax Area Code 51-20  
83-010  
83-028



ORIGINAL



NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

THE PRESERVE AT MILLERTON TR. 272 R.M. Vol.63 Pg.117-131

Assessor's Map No. 51-20  
Chawannee  
County of Madera, Calif.  
1960

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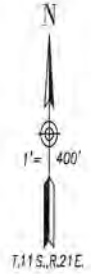
3128-44 CR

# ASSESSOR MAP

## SEC. 6 T.11S., R.21E. M.D.B.&M. THE PRESERVE AT MILLERTON LAKE

TRACT NO. 272  
VOL.63 PGS. 117-131

Tax Area Code 51-86  
83-028



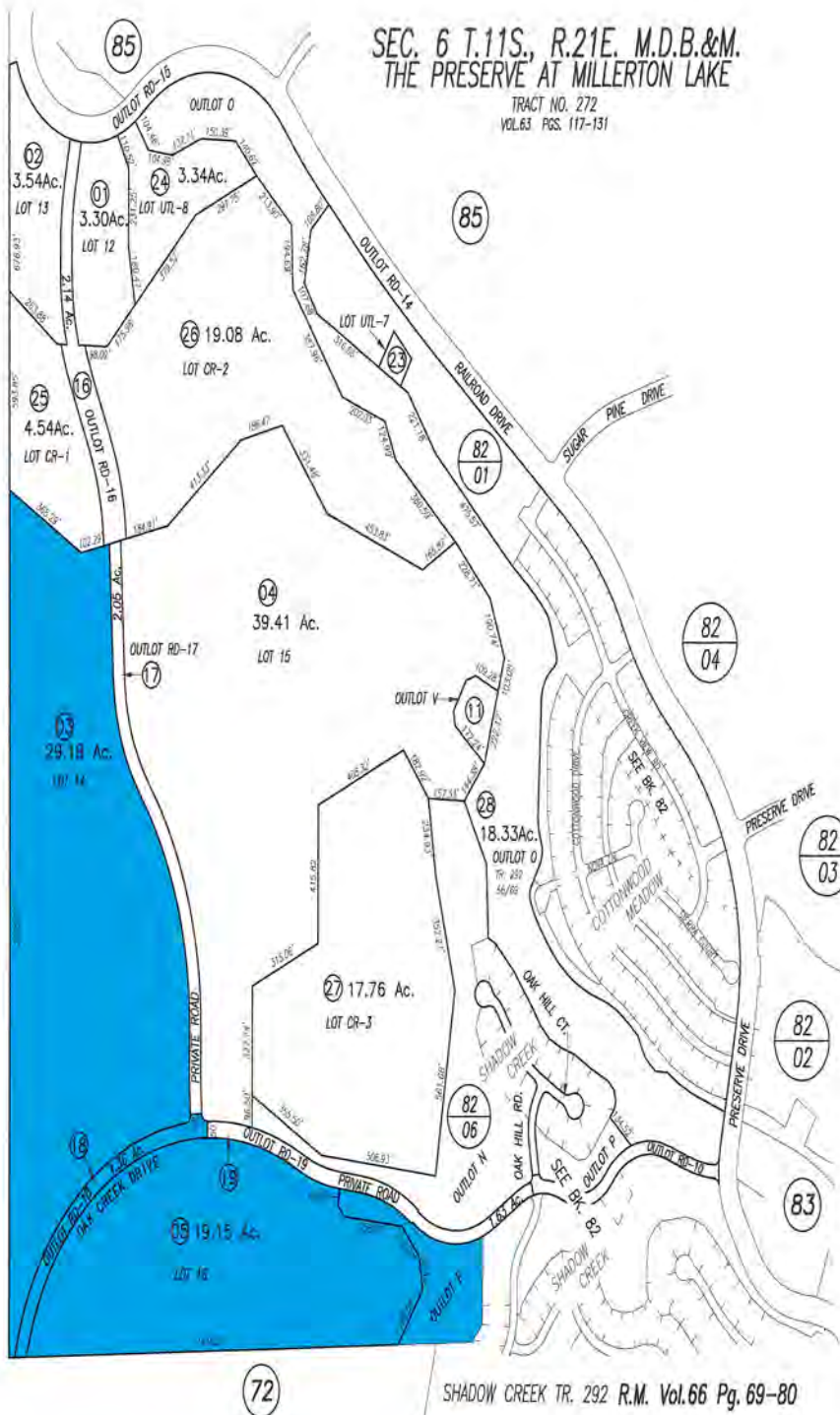
ORIGINAL



NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

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21228-28 OR



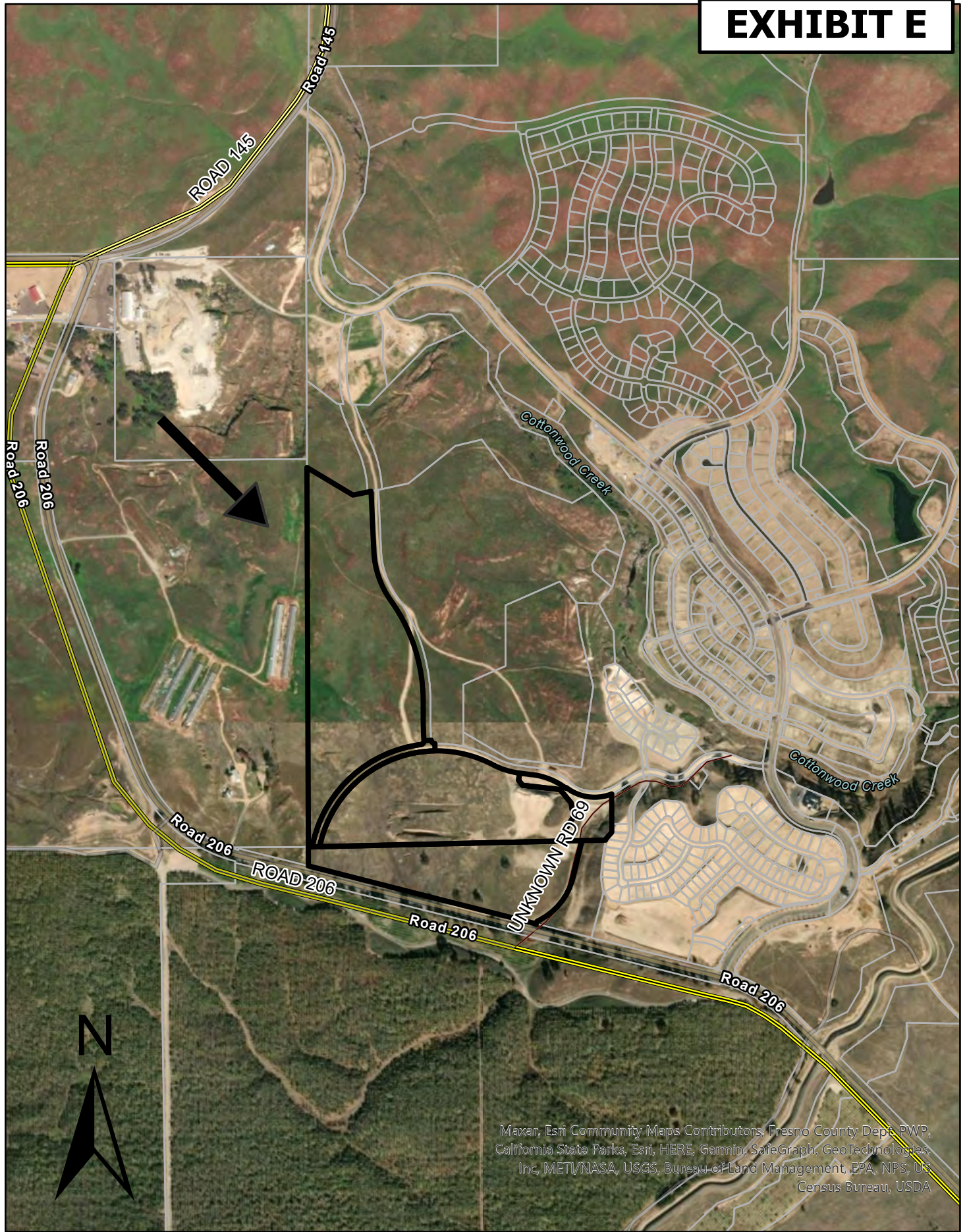
Assessor's Map No. 51-86  
Chawannee  
County of Madera, Calif.  
2018

SHADOW CREEK TR. 292 R.M. Vol.66 Pg. 69-80





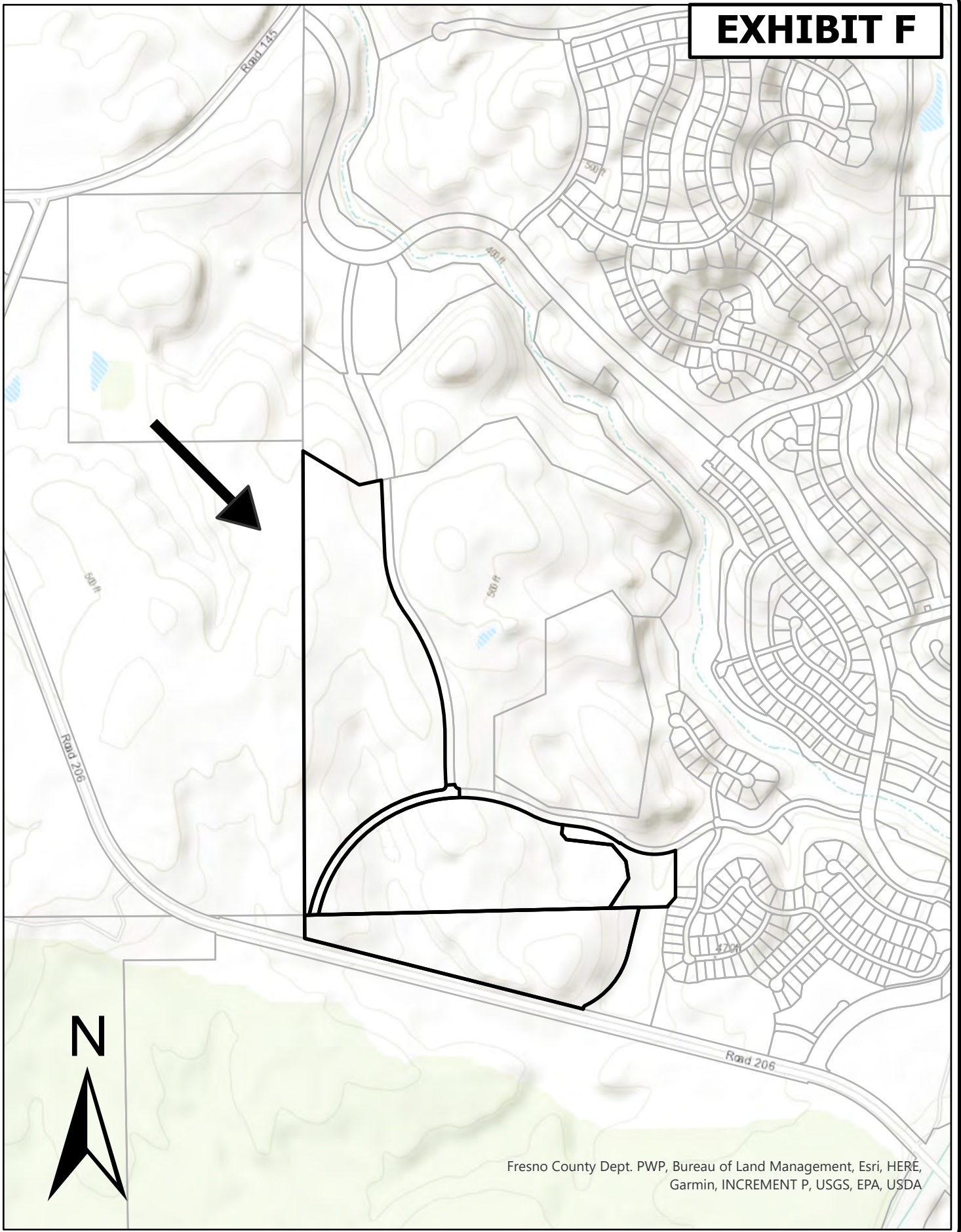
# EXHIBIT E



Maxar, Esri Community Maps Contributors, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

# AERIAL MAP

# EXHIBIT F



Fresno County Dept. PWP, Bureau of Land Management, Esri, HERE,  
Garmin, INCREMENT P, USGS, EPA, USDA

# TOPOGRAPHICAL MAP



## Community and Economic Development Environmental Health Division

Dexter Marr  
Deputy Director

◆ 200 W. Fourth St.  
◆ Suite 3100  
◆ Madera, CA 93637  
◆ TEL (559) 661-5191  
◆ FAX (559) 675-6573  
◆ TDD (559) 675-8970

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### MEMORANDUM

TO: Kamara Biawogi  
FROM: Dexter Marr, Environmental Health Division  
DATE: September 22, 2023  
RE: Tract No. - Preserve at Millerton - 122 Residential Lots - Subdivision - (051-200-021-000)

---

#### Comments

TO: Planning Division  
FROM: Environmental Health Division  
DATE: August 23, 2023  
RE: Subdivision – S #2023-004 Tract No. \_\_ Preserve at Millerton, Friant APN:  
051-830-024

Madera County Environmental Health Division (MCEHD) comments:

This proposed development shall be served by a community water system and a community sewer system [MCC Title 17.48]. Water and sewer services for any structures, on any parcels, within this development must be connected to an approved community water system and community sewer system that is approved by the Regional Water Quality Control Board (RWQCB) and State Water Resource Control Board Division Drinking Water Program (DWP).

Solid Waste collection with sorting for green waste, recyclable materials and garbage is required.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise (s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

During the application process for any required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this Division.

If there are any questions or comments regarding these conditions, please contact this Division at (559) 675-7823.



# COUNTY OF MADERA

## DEPARTMENT OF PUBLIC WORKS

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

### MEMORANDUM

**DATE:** September 22, 2023  
**TO:** Kamara Biawogi  
**FROM:** Madera County Public Works  
**SUBJECT:** Tract No. - Preserve at Millerton - 122 Residential Lots - Subdivision - (051-200-021-00)

#### Comment

The applicant is required to submit a grading, drainage, and erosion control plans to the Public Works Department for review. Such improvement plans shall be prepared by a licensed professional.

If there are existing drainage facilities and storage pond existed on site, the developer is required to verify that the existing system and its onsite storage still have the adequate capacity and fully functional for the proposed development.

Drainage easements must be shown on plans if deemed necessary.

All National Pollution Discharge Elimination System (NPDES) storm water regulations and standards shall be met. It is possible that the quality of storm water may be affected by pollutants. The applicant shall mitigate any impacts associated with storm water contamination caused by this project. A Storm Water Pollution Prevention Plan (SWPPP) is required for all projects 1-acre or more of site disturbance.

All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.



# COUNTY OF MADERA DEPARTMENT OF PUBLIC WORKS

200 West 4th Street  
Madera, CA 93637-8720  
Main Line - (559) 675-7811  
Special districts - (559) 675-7820  
Fairmead Landfill - (559) 665-1310

## MEMORANDUM

**DATE:** September 22, 2023  
**TO:** Kamara Biawogi  
**FROM:** Madera County Public Works  
**SUBJECT:** Tract No. - Preserve at Millerton - 122 Residential Lots - Subdivision - (051-200-021-00)

### Comment

Roadway improvements shall be constructed and completed to a point 25 feet beyond a Lot's driveway location prior to the issuance of certificates of occupancy for a home built on such Lot, and utility service must be available to serve such Lot.

Roads that are not completed shall terminate with an approved Madera County Turnaround.

All required road improvements and infrastructures are subject to inspection and/or approved by the County Public Works Department. All Inspection costs incurred will be paid for by the developer.

The applicant shall provide the appropriate signs throughout the proposed project in accordance with the latest edition of the California Manual on Uniform Traffic Control Devices, or as approved otherwise.

Traffic Mitigation measures as stipulated in the approved EIR and under the Mitigation Monitoring and Reporting Program (MMRP) shall be adhered to.

## Environmental Checklist for Determination Under CEQA Guidelines Section 15162

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines sets forth the criteria for determining the appropriate level of additional environmental documentation, if any, to be completed when there is a previously certified Environmental Impact Report covering the project for which a subsequent discretionary action is required. This environmental analysis has been prepared to assist the County of Madera in determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously adopted Final Environmental Impact Report (FEIR) for the North Shore at Millerton Lake Specific Plan:

The FEIR was prepared for the North Shore at Millerton Lake Specific Plan, which contemplates the development of a comprehensively planned conversion of 2,100 acre site to urban uses. The master planned community consists of 1,400 residential lots after a project reduction occurred from conservation land dedication. The project is located on the north and east sides of Road 206, west of the Madera Canal, one mile northwest of the town of Friant, Madera.

The proposed project being analyzed in this document is a Tentative Subdivision Map of 3 lots (the "Tentative Map"). This is the second phase of development contemplated under the North Shore at Millerton Lake Specific Plan. The specific plan area comprises a total of 733.31 acres per assessor's records. The project applicant is NFV-1 INV LLC, which is the successor to Kesterson Development, the project applicant for the approval of the Specific Plan.

2. Lead Agency Name and Address:

Planning Division  
Community and Economic Development  
Madera County  
200 W. Fourth Street, Suite 3100  
Madera CA 93637

3. Contact:

Samuel J. Rashe  
Senior Planner  
(559) 675-7821

4. Project Applicant's Name and Address:

Dale G Mell & Associates  
PO Box 3151  
Shell Beach CA 93448

5. Summary of the activities authorized by entitlement application:

The proposed project being analyzed in this document is a Tentative Subdivision Map (S#2023-003), which includes the creation of 122 residential lots and 23 outlots for open space, storm drain, utilities, community center, and roads. The proposed Tentative Subdivision map includes 13.22 acres. The specific plan area comprises a total of 733.31 acres.

The environmental factors identified below have been analyzed to determine the following:

- Are substantial changes proposed in the project which will require major revisions to the certified EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Have substantial changes occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- Has new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified shows any of the following:
  1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The factors below are either checked yes to indicate that additional analysis under the California Environmental Quality Act is necessary, or no which indicates that the previously certified EIR needs no further amendments.

Yes	No		Yes	No		Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Population / Housing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Greenhouse Gases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

**I. AESTHETICS**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to aesthetic resources that were discussed in the certified EIR. As explained in the certified EIR, the visual setting of the project site contains rural and agricultural features typical of the southeastern portion of Madera County. Much of the aesthetic quality of the site is attributed to its current rural, open space character, its varied landforms, and oak woodlands. The project site is visible from Millerton Lake State Recreation Area (SRA), Road 206 along the project south boundary, and from portions of Road 211 and SR-145 along the site's western and northern boundaries. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. After project reduction occurred from conservation land dedication, the current project allows for 122 dwelling units, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial aesthetic changes occurred in the circumstances under which the project is being undertaken?**

*No. There has been no development of the property or adjacent properties since the certification of the EIR. The circumstances are the same for this proposed tentative subdivision map as it was at the time the EIR was prepared and certified.*

**Has any new aesthetic information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The mitigation measure adopted within the certified EIR remains applicable to the Tentative Map, and will be required as a condition of approval for the Tentative Map. The potential impacts on aesthetic resources have not changed, there are no additional significant effects that were not discussed within the certified EIR. Those impacts identified in the EIR have not become more severe since adoption of the North Shore at Millerton Lake Specific Plan in 2008, and as previously stated the proposed Tentative Map has less of an impact than what was analyzed in the certified EIR. With the incorporation of the required mitigation, the Tentative Map will result in a less than significant effect on the environment, and therefore no additional mitigation measures are required at this time. All feasible mitigation measures and alternatives were analyzed in the certified EIR, and no changes are required as a result of aesthetic impacts.*

## **II. AGRICULTURAL RESOURCES**



**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to agricultural resources. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The property is currently used as grazing land. The proposed development is for 122 residential lots and 23 outlots within the plan area, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial agricultural changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to agriculture. The types of soil within the North Shore at Millerton Lake Specific Plan boundary have not changed from the certified EIR.*

**Has any new agricultural information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified potential impacts on agriculture for the North Shore at Millerton Lake Specific Plan which were less than significant. There are no mitigation measures listed within the EIR.*

**III. AIR QUALITY****Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to air quality. The project site is currently being used for agriculture, and is used as grazing land. As a result, existing sources of air pollutant emissions include agricultural equipment, unpaved farm roads, and work areas. The proposed development is for 122 residential lots and 23 outlots thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial air quality changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to air quality.*

Has any new air quality information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified seven potential impacts related to air quality for the North Shore at Millerton Lake Specific Plan. Impacts ranged from No impact to significant and unavoidable. Those mitigation measure adopted within the Certified EIR remain applicable to this project, and will be required as conditions of approval.*

#### **IV. BIOLOGICAL RESOURCES**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to biological resources. For the purpose of the determining potential biological impacts, the scope of the analysis in the certified EIR included transportation rights-of-way, well sites, and off-site areas for effluent storage, in addition to the habitable areas within the Specific Plan boundary. The specific plan area has been used primarily for agricultural purposes. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed development is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial biological changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to biological resources. The certified EIR had a biological report prepared and reviewed by Madera County prior to its adoption. There are no circumstances that have occurred that would result in biological resource impacts since the certification of the EIR.*

Has any new biological resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more

- significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified potential impacts on biological resources for the implementation of the North Shore at Millerton Lake Specific Plan. Some impacts were identified as significant and unavoidable. As a result, the certified EIR provided several mitigation measures as listed in attachment A to this report. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measure adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval. Therefore, no further analysis is required for biological resources.*

## **V. CULTURAL RESOURCES**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map there are no significant changes that would cause one or more impacts to cultural resources.*

### **Have Substantial cultural resource changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the North Shore at Millerton Lake Specific Plan related to cultural resources. The certified EIR had a cultural resource report prepared and was reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in cultural resource impacts since the certification of the EIR.*

### **Has any new cultural resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The Certified EIR identified potential impacts on cultural resources for the implementation of the North Shore at Millerton Lake Specific Plan. Four impacts required mitigation measures to mitigate to a less than significant impact. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified*

impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval. Therefore, no further analysis is required for cultural resources.

## **VI. GEOLOGY AND SOILS**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to geology and soils. The site is characterized by rolling hillsides at elevations ranging from approximately 350 above mean sea level to 1,400 above mean sea level. Approximately 35 percent of the property has slopes exceeding 25 percent. Steep north-south trending bluffs reside within the northernmost regions of the site, and Cottonwood Creek bisects the site.*

### **Have Substantial geology and soils changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to geology and soils. The certified EIR had a geotechnical report prepared and reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in geology and soil impacts since the certification of the EIR.*

### **Has any new geology and soil information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified five potential impacts on geology and soils for the implementation of the North Shore at Millerton Lake Specific Plan. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR.*

## **VII. HAZARDS AND HAZARDOUS MATERIALS**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to hazards and hazardous materials. The site of the proposed project has been used recently for cattle grazing and chicken raising, and past uses including mining/quarry activity. The site contains structures, evidence of previous structures (foundations, debris, etc.)*

containers of petroleum products, above ground storage tanks, potential polychlorinated biphenyl (PCB) containing equipment, pits/ponds/lagoons, water wells, and septic systems. Each of these is potentially hazardous material that, by their nature and properties, have the capacity to cause harm or create a health hazard during normal exposure or an accidental release. They are characterized as toxic, corrosive, flammable, reactive, an irritant, or a strong sensitizer. The presence of suspected or known hazardous waste contamination sites within the project site and immediate vicinity was determined through the Phase 1 Environmental Site Assessment.

There are no additional hazards known to occur, such as those related to being located within an airport land use plan or in the vicinity of a private airstrip. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area, as identified in Figure 1. The proposed development under the Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial hazards and hazardous material changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with the Specific Plan related to hazards and hazardous materials. There are no circumstances that have occurred which would result in hazards and hazardous material impacts since the certification of the EIR.

**Has any new hazard and hazardous material information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

No. The Certified EIR identified nine potential impacts on hazards and hazardous material for the implementation of the North Shore at Millerton Lake Specific Plan. Seven of the impacts required mitigation measures to mitigate the potential impacts of the project to a less than significant impact. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval for the Tentative Map.

## **VIII. HYDROLOGY AND WATER QUALITY**

**Are Substantial changes proposed in the project from the previously certified EIR?**

No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to hydrology and water quality. The proposed development contains eleven wells. The primary producing wells lie in two clusters: one on the southern part of the property and one on the northern edge. Well capacity data were obtained from pump tests conducted on each well within the project boundaries. Production ranged from 50 gallons per minute to 540 gallons per minute. Total well production was proven to be 1,373 gallons per minute, 2,215 acre-feet per year. The proposed development under the Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial hydrology and water quality changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with respect to the implementation of the North Shore at Millerton Lake Specific Plan related to hydrology and water quality. The certified EIR had a water supply assessment, which was reviewed by Madera County prior to its adoption. There are no circumstances that have occurred which would result in hydrology and water quality impacts since the certification of the EIR.

**Has any new hydrology and water quality information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

No. The Certified EIR identified potential impacts on hydrology and water quality for the implementation of the North Shore at Millerton Lake Specific Plan. Two of the impacts required mitigation measures to mitigate the impacts of the plan to a less than significant level. There are no significant effects on hydrology and water quality that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified, or project alternatives that would be considered feasible and would lessen the identified impacts within the certified EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.

## **IX. LAND USE AND PLANNING**

**Are Substantial changes proposed in the project from the previously certified EIR?**

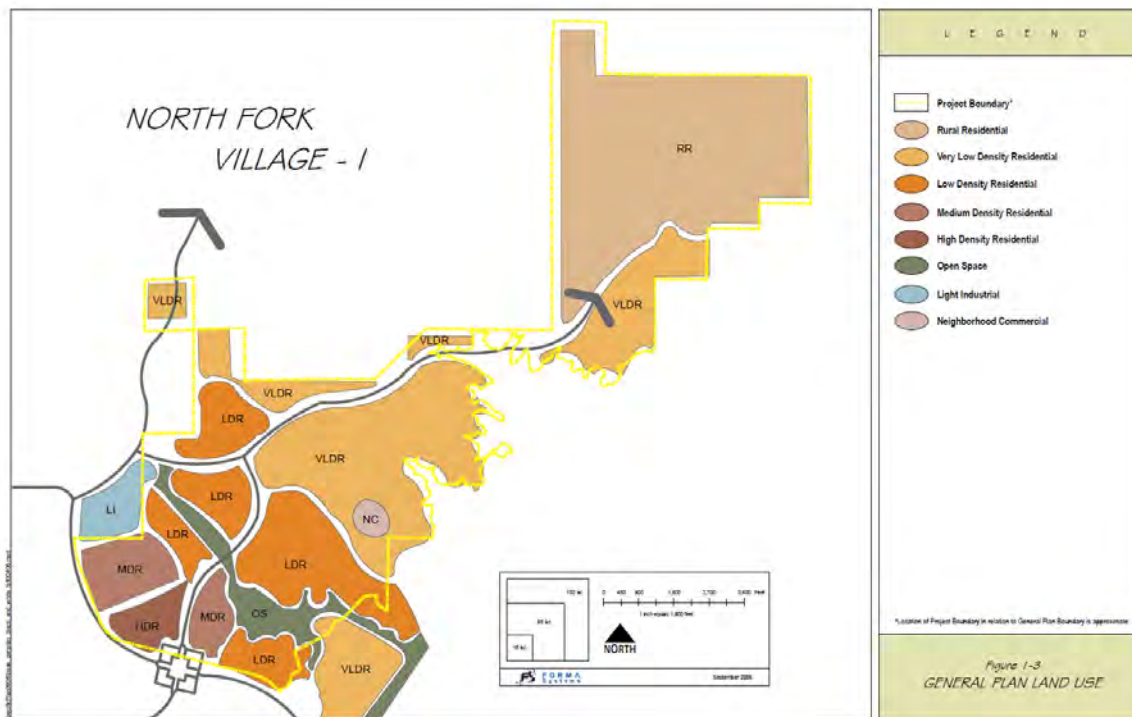
No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to land use and planning. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed development is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial land use and planning changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to land use and planning. There are no circumstances that have occurred which would result in land use and planning impacts since the certification of the EIR.

**Has any new land use and planning information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?



No. The Certified EIR identified potential impacts on land use and planning for the implementation of the North Shore at Millerton Lake Specific Plan. Seven of the potential impacts

required mitigation measures to mitigate to a less than significant level. There is no significant effect on land use and planning that was not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.

## **X. MINERAL RESOURCES**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to mineral resources. The proposed Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

### **Have Substantial hazards and hazardous material changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to mineral resources. There are no circumstances that have occurred which would result in mineral resource impacts since the certification of the EIR.*

**Has any new mineral resource information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The certified EIR identified three potential impacts on mineral resources for the implementation of the North Shore at Millerton Lake Specific Plan. None of the impacts required mitigation measures to mitigate to a less than significant level. There is no significant effect on mineral resources that was not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.*

## **XI. NOISE**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to noise. The certified EIR analyzed a maximum of 2,966 dwelling units*



within the plan area. The proposed Tentative Map contemplates 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial noise changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to noise. There are no circumstances that have occurred which would result in noise impacts since the certification of the EIR.

**Has any new noise information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

No. The Certified EIR identified four potential impacts on noise resulting from the implementation of the North Shore at Millerton Lake Specific Plan. Three of the impacts required mitigation measures to mitigate to a less than significant level. There are no additional significant effects that were not discussed in the certified EIR. The significant effects examined within the certified EIR are less significant due to the proposed tentative map having fewer residential lots than what was analyzed within the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.

## **XII. POPULATION, EMPLOYMENT, AND HOUSING**

**Are Substantial changes proposed in the project from the previously certified EIR?**

No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to population, employment, and housing. The certified EIR analyzed a maximum of 2,966 dwelling units within plan area. The proposed Tentative Map contemplates 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.

**Have Substantial population, employment, and housing changes occurred in the circumstances under which the project is being undertaken?**

No. There have been no substantial changes that have occurred with respect to the implementation of the North Shore at Millerton Lake Specific Plan related to population, employment, and housing. There are no circumstances that have occurred which would result in population, employment, and housing impacts since the certification of the EIR.

**Has any new population, employment, and housing information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The Certified EIR identified two potential impacts on population, employment, and housing for the implementation of the North Shore at Millerton Lake Specific Plan. None of the impacts required mitigation measures to mitigate such impacts to a less than significant level. There is no significant effect on population, employment, and housing that were not discussed and analyzed in the certified EIR. The significant effects examined within the certified EIR are less significant due to the proposed tentative map having fewer residential lots that what was analyzed within the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.*

### **XIII. PUBLIC SERVICES**

**Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to public services. The certified EIR analyzed a maximum of 2,966 dwelling units within plan area. The proposed Tentative Map contemplates 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial public service changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to public services. There are no circumstances that have occurred which would result in public service impacts since the certification of the EIR.*

**Has any new public service information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The certified EIR identified potential impacts on public services for the implementation of the North Shore at Millerton Lake Specific Plan. Sixteen of the impacts required mitigation measures to mitigate to a less than significant level. There are no significant effect on public services that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measure adopted within the certified EIR remain applicable to the Tentative Map, and will be required as conditions of approval.*

#### **XIV. RECREATION**

##### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to recreation. The certified EIR analyzed a maximum of 2,699 dwelling units within the plan area. The proposed Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

##### **Have Substantial recreation changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the implementation of the North Shore at Millerton Lake Specific Plan related to recreation. There are no circumstances that have occurred which would result in recreation impacts since the certification of the EIR.*

##### **Has any new recreation information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?

*No. The certified EIR identified potential impacts on recreation related to the implementation of the North Shore at Millerton Lake Specific Plan. Two of the impacts required mitigation measures*

to mitigate to a less than significant level. There are no significant effect on recreation that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.

## **XV. TRANSPORTATION AND CIRCULATION**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to transportation and circulation. The certified EIR analyzed a maximum of 2,966 dwelling units. The proposed Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

### **Have Substantial transportation and circulation changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred within the North Shore at Millerton Lake Specific Plan related to transportation and circulation. There are no circumstances that have occurred which would result in transportation and circulation impacts since the certification of the EIR.*

### **Has any new transportation and circulation information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The certified EIR identified potential impacts on transportation and circulation for the implementation of the Specific Plan. There are eight mitigation measures for those impacts. There are no additional significant effects that were not discussed in the certified EIR. There are no additional mitigation measures other than those identified in the certified EIR or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR. Those mitigation measures adopted within the certified EIR remain applicable to this project, and will be required as conditions of approval.*

## **XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

### **Are Substantial changes proposed in the project from the previously certified EIR?**

*No. In review of the proposed Tentative Map, there are no significant changes that would cause one or more impacts to the mandatory findings of significance in the California Environmental*

*Quality Act, as it relates to the cumulative impacts of the North Shore at Millerton Lake Specific Plan, substantial adverse effects on human beings, or the potential to degrade the quality of the environment. The certified EIR analyzed a maximum of 2,966 dwelling units within the plan area. The proposed Tentative Map is for 122 residential lots and 23 outlots, thereby creating less of an impact than what was analyzed within the certified EIR.*

**Have Substantial changes occurred in the circumstances under which the project is being undertaken?**

*No. There have been no substantial changes that have occurred with the project related to the mandatory findings of significance. There are no circumstances that have occurred which would result in impacts since the certification of the EIR.*

**Has any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:**

- 1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**
- 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative?**

*No. The project proponent is bound to the certified EIR and the adopted mitigation measures, which shall be included as conditions of approval of the Tentative Map. There are no significant effects of the Tentative Map that were not discussed and analyzed in the certified EIR. There are no additional mitigation measures other than those identified or project alternatives that would be considered feasible and would lessen the identified impacts within the EIR.*

**DETERMINATION:**

On the basis of this initial evaluation:

- The proposed Tentative Subdivision Map would NOT result in any additional significant effects or the need for new additional mitigation measures or alternatives that are not already discussed in the North Shore at Millerton Lake Program Environmental Impact Report. Therefore, the proposed Tentative Subdivision map will not cause any additional significant effects which were not analyzed in the North Shore at Millerton Lake Program Environmental Impact Report.
- Shore at Millerton Lake Program Environmental Impact Report. Therefore, the proposed Tentative Subdivision map will not cause any additional significant effects which were not analyzed in the North Shore at Millerton Lake Program Environmental Impact Report.**

- All feasible and appropriate mitigation measures and alternatives set forth in the North Shore at Millerton Lake Program Environmental Impact Report have been applied, verbatim as adopted by the Board of Supervisors on December 8, 2008, to the project or otherwise made conditions of approval of the project.
- Millerton Lake Program Environmental Impact Report have been applied, verbatim as adopted by the Board of Supervisors on December 8, 2008, to the project or otherwise made conditions of approval of the project.**

- No substantial changes have occurred with respect to the circumstances under which the North Shore at Millerton Lake Environmental Impact Report was certified and there is no new available information which was not known and could not have been known at the time the North Shore at Millerton Lake Program Environmental Impact Report was certified.

Signature \_\_\_\_\_ Date \_\_\_\_\_