



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 August 24, 2023

SUBJECT: Conditional Use Permit Application No. 3757 and Initial Study No. 8354

To allow expansion of existing observatory facilities constructing fourteen additional buildings (thirteen Observatory Buildings, one Breakroom Building) on a 4.95-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Bald Mountain Rd., approximately 1,074 feet south of its intersection with Auberry Rd, and approximately 17 miles north of the City of Clovis (APN: 128-740-07) (42140 Bald Mountain Rd.) (Sup. Dist. 5).

OWNER: Sierra Remote Observatories, LLC

APPLICANT: Linda Dineen

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration based on Initial Study (IS) No. 8354; and
- Approve Conditional Use Permit Application No. 3757 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring and Reporting, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations/Site Photos
7. Applicant’s Operational Statement
8. Summary of Initial Study No.8354
9. Proposed Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Foothill Rural Residential in the County-adopted Sierra-North Regional Plan	No Change
Zoning	R-R (Rural Residential, two-acre minimum parcel size)	No Change
Parcel Size	4.95 acres	No Change
Project Site	Unmanned observatory facilities located on a 4.95-acre parcel	Allow expansion of unmanned observatory facilities authorized by Director Review and Approval (DRA) No. 4229 and Conditional Use Permit (CUP) No. 3467
Structural Improvements	Eight 120 square-foot observatory structures, two 480 square-foot observatory structures, four 1,008 square-foot observatory structures, and two 120 square-foot storage buildings	One 1,066 square-foot breakroom building, four 672 square-foot observatory structures, nine 1,200 square-foot observatory structures, and eight 120 square-foot observatory structures
Nearest Residence	Approximately 50 feet to the north	No Change
Surrounding Development	Meadow Lakes residential subdivision approximately one mile to the northwest; Mile High Park residential subdivision	No Change

Criteria	Existing	Proposed
	approximately 750 feet to the south; Alder Springs residential subdivision approximately one half-mile to the southeast	
Operational Features	Unmanned observatory facilities containing telescopes and cameras remotely controlled and used via the Internet	No change other than additional unmanned observatory structures similar to existing
Employees	Two employees	No change
Customers	No on-site sales	No change
Traffic Trips	Approximately two one-way employee trips (one round trip) every three months for maintenance	No change
Lighting	No exterior lighting	No change
Hours of Operation	24 hours a day, seven days a week, year-round	No change

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8354 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 9) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 14, 2023

PUBLIC NOTICE:

Notices were sent to 48 property owners within one-quarter of a mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

Per Section 820.2-P of the Fresno County Zoning Ordinance, observatory facilities with an aggregate size smaller than 3,000 square feet may be permitted in the R-R (Rural Residential, two-acre minimum parcel size) Zone District, subject to a Director Review and Approval. Further, per Section 820.3-L of the Fresno County Zoning Ordinance, observatory facilities with an aggregate size larger than 3,000 square feet may be permitted in the R-R Zone District, subject to an approved Classified Conditional Use Permit.

A Conditional Use Permit may be approved only if the five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

On October 28, 2011, Director Review and Approval (DRA) Application No. 4229 was approved and a Mitigated Negative Declaration based on Initial Study No. 6371 was adopted, authorizing an unmanned observatory facility consisting of eight 120 square-foot observatory structures and two 1,008 square-foot observatory structures on the subject parcel. On March 19, 2015, Conditional Use Permit No. 3467 was approved and a Mitigated Negative Declaration based on Initial Study No. 6854 was adopted, authorizing the expansion of the existing unmanned observatory facilities. The existing unmanned observatory facilities are comprised of eight 120 square-foot structures, two 480 square-foot structures, and four 1,008 square-foot structures, each of which contain telescopes and cameras that are remotely controlled and used via the Internet. Additionally, there are two 120 square-foot storage buildings located on the subject parcel. Collectively, the aggregate size of the observatory facilities on the subject parcel is 5,952 square feet.

The proposed expansion will be comprised of one 1,066 square-foot structure to be used as an employee breakroom, four 672 square-foot structures, nine 1,200 square-foot structures with eight of the structures including 120 square-foot observatory mini dome structures, each of which will be unmanned facilities containing telescopes and cameras remotely controlled and used via the Internet.

Finding 1: **That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front 35 feet; Sides 20 feet; Rear 20 feet	No change	Yes
Parking	The provisions of Section 855-I shall apply for off-street parking requirements. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or and current industry standards. Any proposed handicap accessible	There are four parking spaces included for the two employees, no increase in staffing is proposed or required.	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.		
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	6 feet minimum	Minimum 12 feet	Yes
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Septic tank: 50 feet; Disposal field: 100 feet	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Department of Public Works and Planning: Existing and proposed improvements satisfy the setback requirements of the R-R (Rural Residential, two-acre minimum parcel size) Zone District. Site Plan Review (SPR) is being required to ensure compliance with development standards.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

While there are fourteen buildings being added they are relatively small structures. The five acre parcel can easily accommodate the 14,554 sq. ft. of proposed new structures. Staff's review of the Site Plan determined that the existing and proposed improvements satisfy the minimum building setback requirements of the R-R Zone District.

Recommended Conditions of Approval:

Previous conditions of approval from CUP & DRA still apply, Site Plan Review is required.

Finding 1 Conclusion:

Finding 1 can be made, the subject parcel/project site is adequate in size and shape to accommodate the proposed use.

Finding 2: **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Bald Mountain Road: Fair condition	No change
Direct Access to Public Road	Yes	Bald Mountain Road	No change
Road ADT		Bald Mountain Road: 300	No change
Road Classification		Bald Mountain Road: Local	No change
Road Width		Bald Mountain Road: 60-foot right-of-way	No change
Road Surface		Bald Mountain Road: Paved (pavement width: 28.9 feet)	No change
Traffic Trips		Approximately two one-way employee trips (one round trip) for maintenance	No change
Traffic Impact Study (TIS) Prepared	No	N/A	None required as proposed expansion will not generate additional traffic beyond existing operational conditions
Road Improvements Required		N/A	None required

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Development Engineering Section of the Department of Public Works and Planning: Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Bald Mountain Road.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

The subject parcel has frontage on Bald Mountain Road which is County-maintained and classified as a Local road. As the minimum total right-of-way for a Local road is 60 feet, and Bald Mountain Road has a total existing right-of-way of 60 feet, no additional right-of-way dedication is required for this expansion proposal. Additionally, no increase in employees or traffic is proposed, hence a Traffic Impact Study was not required.

Recommended Conditions of Approval:

Setback, paving, and corner visual cutoff at entrance to site.

Finding 2 Conclusion:

Finding 2 can be made the streets are adequate to accommodate the proposed use with adherence to the Mitigation Measures and Conditions of Approval.

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

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	5.19 acres	Vacant	R-R	612 feet
South	4.87 acres	Vacant	R-R	160 feet
Northeast	5.05 acres	Single-family residence	R-R	252 feet
East	2.10 acres	Vacant	R-R	None
West	43.72 acres	Grazing land	AE-40	None

Reviewing Agency/Department Comments:

Department of Public Health, Environmental Health Division: The proposed project has the potential to expose nearby residents to elevated noise levels during construction. Consideration should be given to adherence to the Noise regulations in the County Ordinance Code.

Development Engineering Section of the Department of Public Works and Planning: Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on-site, per County Standards. An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A Notice of

Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work. These requirements have been included as Project Notes.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

There were no adverse impacts identified that would be caused by the proposed project from County Departments and outside agencies reviewing the project, nor were there any adverse comments received from the public.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made as there were adverse impacts to the surrounding area identified.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: <i>County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including non-agricultural uses, subject to the following criteria: a) Use shall provide a needed service to surrounding agricultural area which cannot be provided within urban areas, or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) Use shall not be sited on productive agricultural lands if less productive lands are available in the vicinity; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius; d) Probable workforce located nearby or readily available; h) Discretionary permits for existing commercial uses shall preclude Criteria LU-A.3(b).</i></p>	<p>According to the Non-Agricultural Rural Development section of the Fresno County General Plan Agriculture and Land Use Element, Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use.</p> <p>(a) This proposal entails the expansion of existing unmanned observatory facilities located in a wildland area of foothill/mountainous terrain with mixed forest and residential land uses dispersed throughout. The proposed use will operate more efficiently in a non-urban area due to the necessity of darkness to facilitate the use of observatory equipment. As this is an expansion to an existing commercial use, Criteria (b) does not apply per Criteria (h). (c) This proposal was reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, which commented that the subject parcel is located in a water-short area; however and determined the proposal will not</p>

Relevant Policies:	Consistency/Considerations:
	<p>have a significant impact on the existing water levels in the area. With adherence to the recommended Conditions of Approval and mandatory Project Notes discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. (d) This proposal is located approximately four miles east of the unincorporated community of Auberry, which has the ability to provide an adequate workforce. The proposal is consistent with these Criteria.</p>
<p>General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i></p>	<p>Review of the project’s impact on agricultural land was conducted in the prepared Initial Study and through analysis by the Policy Planning Section. The Initial Study determined that a less than significant impact would occur on agricultural land.</p>
<p>General Plan Policy PF-C.17: <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</i></p> <p><i>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, is must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</i></p> <p><i>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be</i></p>	<p>The Water and Natural Resources Division determined that the project site is located in a water short area and based on the number of employees impact is expected to be minimal as such determined the proposal will not have a significant impact on the existing water levels in the area.</p> <p>The proposal is consistent with this Policy.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</i></p> <p>c. <i>A determination of the impact that use of the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</i></p>	
<p>General Plan Policy HS-B.1: <i>The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property.</i></p>	<p>The project proposal was reviewed by the Fresno County Fire Protection District with additional review occurring during the building permit process for the subject facility.</p>
<p>General Plan Policy HS-F.1: <i>The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</i></p>	<p>Per the Fresno County Department of Public Health, Environmental Health Division, the project is subject to regulatory permit and oversight. Additional regulatory requirements including the preparation and submittal of a Hazardous Materials Business Plan is required by the Environmental Health Division.</p>
<p>General Plan Policy HS-F.2: <i>The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.</i></p>	<p>As noted, there are additional regulatory requirements anticipated for this project in addition to County conditions of approval for the handling and disposal of hazardous materials/wastes.</p>

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning: The Policy Planning Unit has determined that there are no Williamson Act Program or General Plan issues with CUP Application No. 3757 and associated ER Application No. 8354.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

The Sierra-North Regional Plan does not address observatories; however, Development Policies found in Section LU-A of the General Plan can be applicable to development proposals located in areas designated for Rural Residential land use per the Non-Agricultural Rural Development section of the Fresno County General Plan Agriculture and Land Use Element. As such, Applicable Policies regarding siting and water supply evaluation were reviewed for this proposal, and the project was found to be consistent with said Policies.

Based on these factors, the proposed expansion comprised of one 1,066 square-foot structure to be used as an employee breakroom, four 672 square-foot structures, nine 1,200 square-foot structures, are consistent with the General Plan.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made, as the existing and proposed expanded facilities and their use are consistent with the Sierra-North Regional Plan.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.

Analysis Finding 5:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

Finding 5 can be made based on staff's analysis. The conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, the required Findings for granting the Conditional Use Permit can be made. Staff therefore recommends approval of Conditional Use Permit No. 3757, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8354; and
- Move to determine the required Findings can be made based on the recommendations within the Staff Report and move to approve Classified Conditional Use No. 3757, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit Application No. 3757; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 8354/Classified Conditional Use Permit Application No. 3757
(Including Conditions of Approval and Project Notes)**

Mitigation Measure					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	All Conditions of Conditional Use Permit (CUP) No. 3467 shall remain in full force and effect, except as modified with the approval of Classified Conditional Use Permit (CUP) No. 3757.
2.	Development of the property shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Planning Commission, except as modified by the Conditions of Approval and Site Plan Review.
3.	A Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance.
4.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
5.	For any unpaved or gravel-surfaced access roads, the first 100 feet off of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with a dust palliative.
6.	If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Bald Mountain Road.

EXHIBIT 1

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Any additional storm water run-off generated by development cannot be drained across property lines or into County right-of-way and must be retained on site per County Standards.
2.	An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
3.	A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
4.	The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
5.	Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or and current industry standards. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
6.	Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
7.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
8.	Any noise-generating construction equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers.
9.	The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall complete the Fire Permit Application and submit two Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District (Fire District) for their review and approval. Project will comply with all requirements and regulations of the State Responsibility Area.
10.	A test hole/site inspection will be required prior to the issuance of proposed new septic system. Septic system must comply with Fresno County Local Area Management Program (LAMP).
11.	Proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

LOCATION MAP



CUP 3757

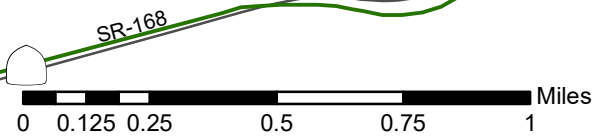
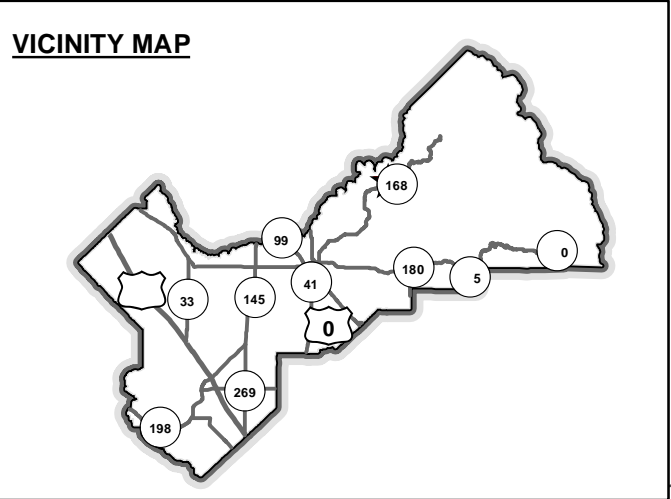
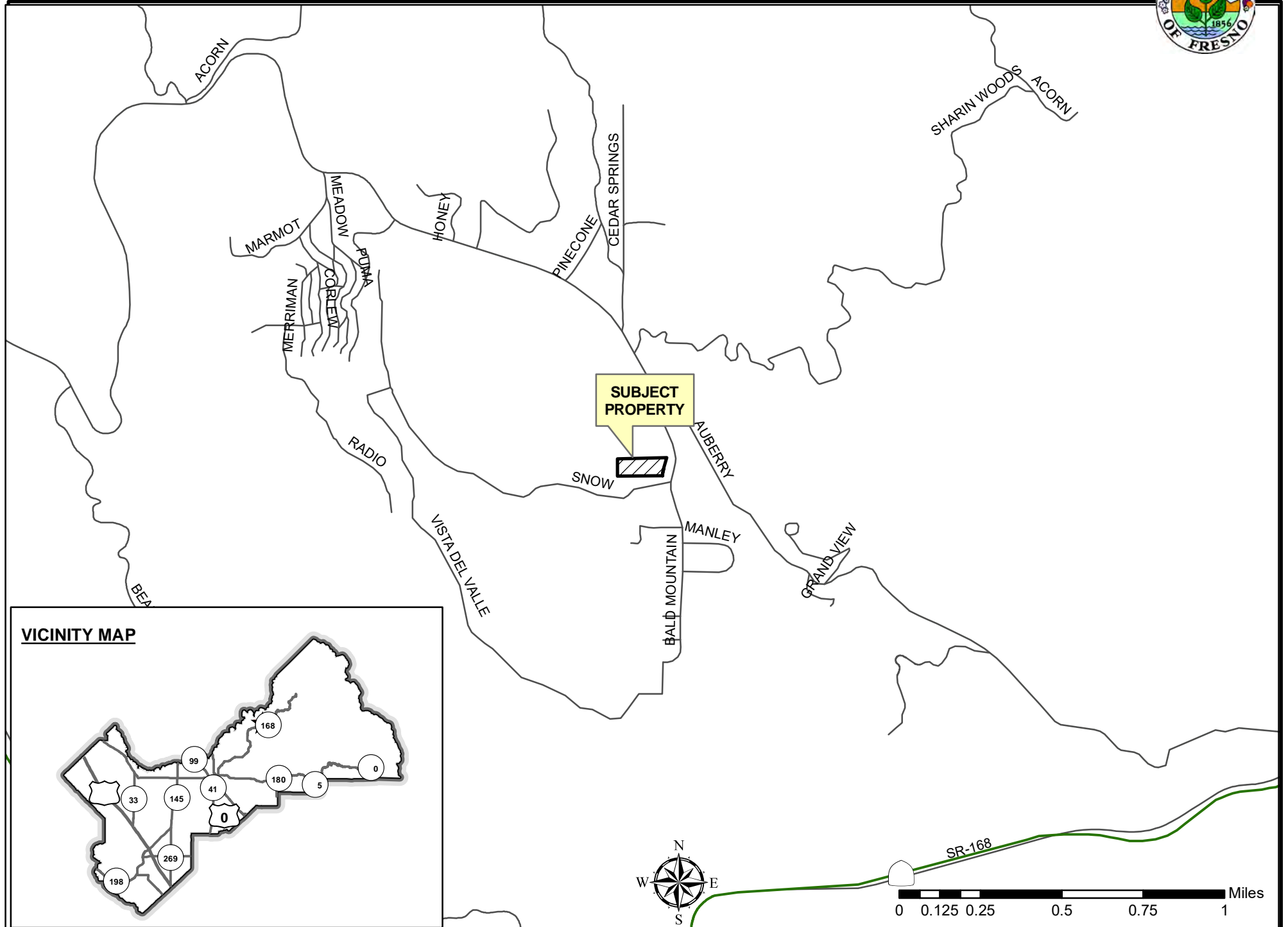
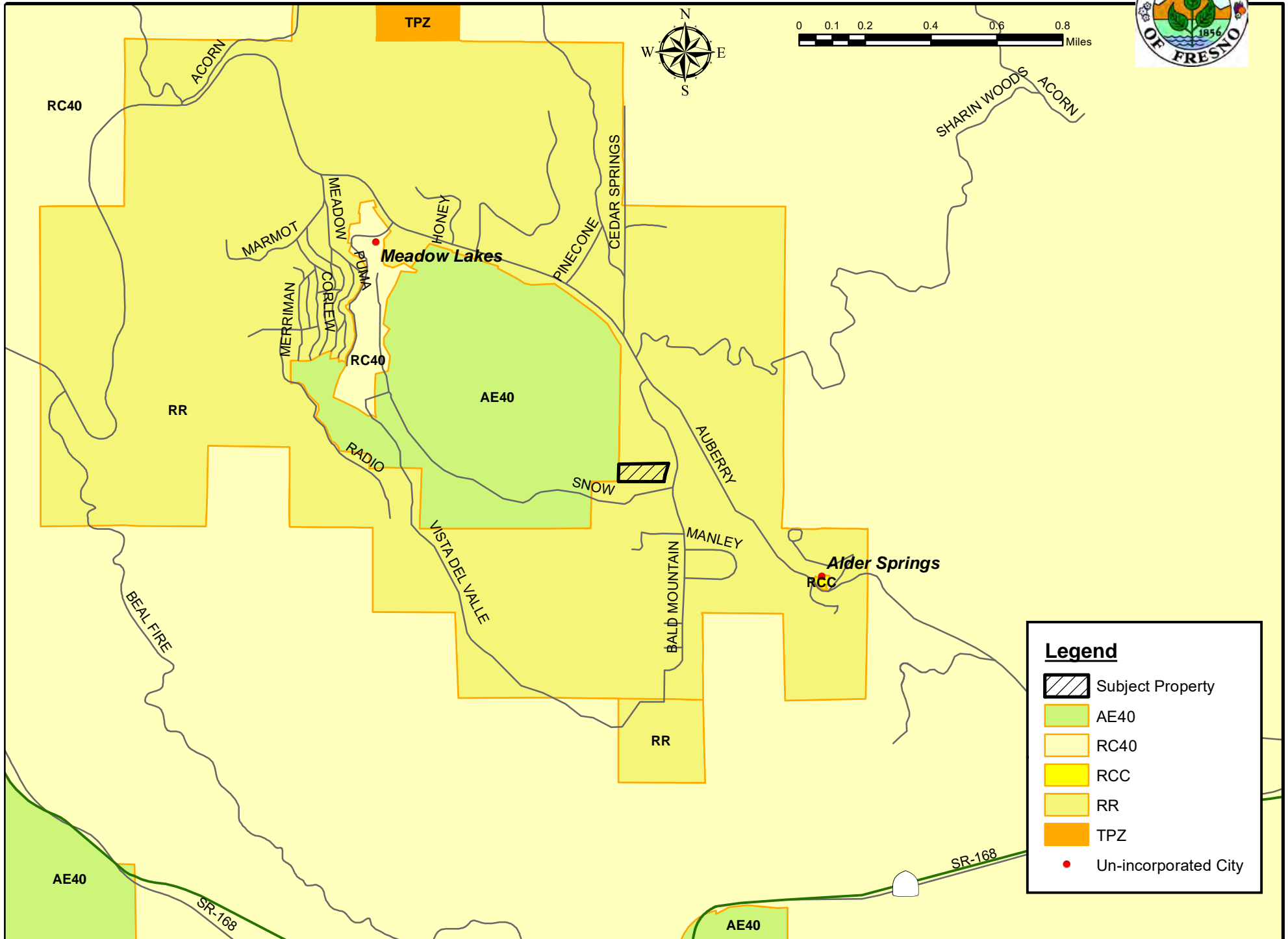


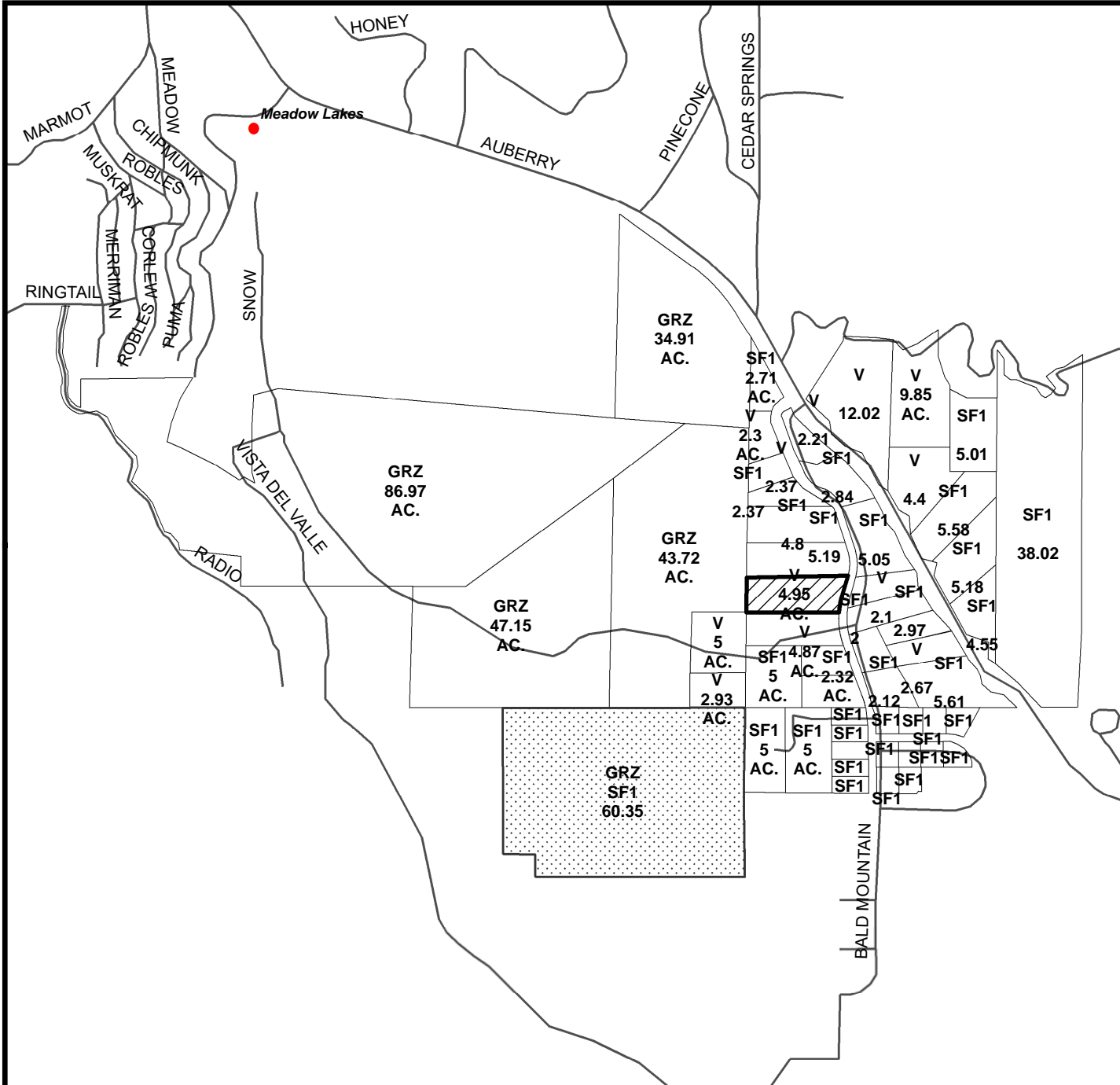
EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP






EXISTING LAND USE MAP

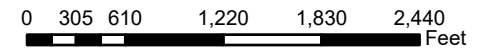
CUP 3757



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

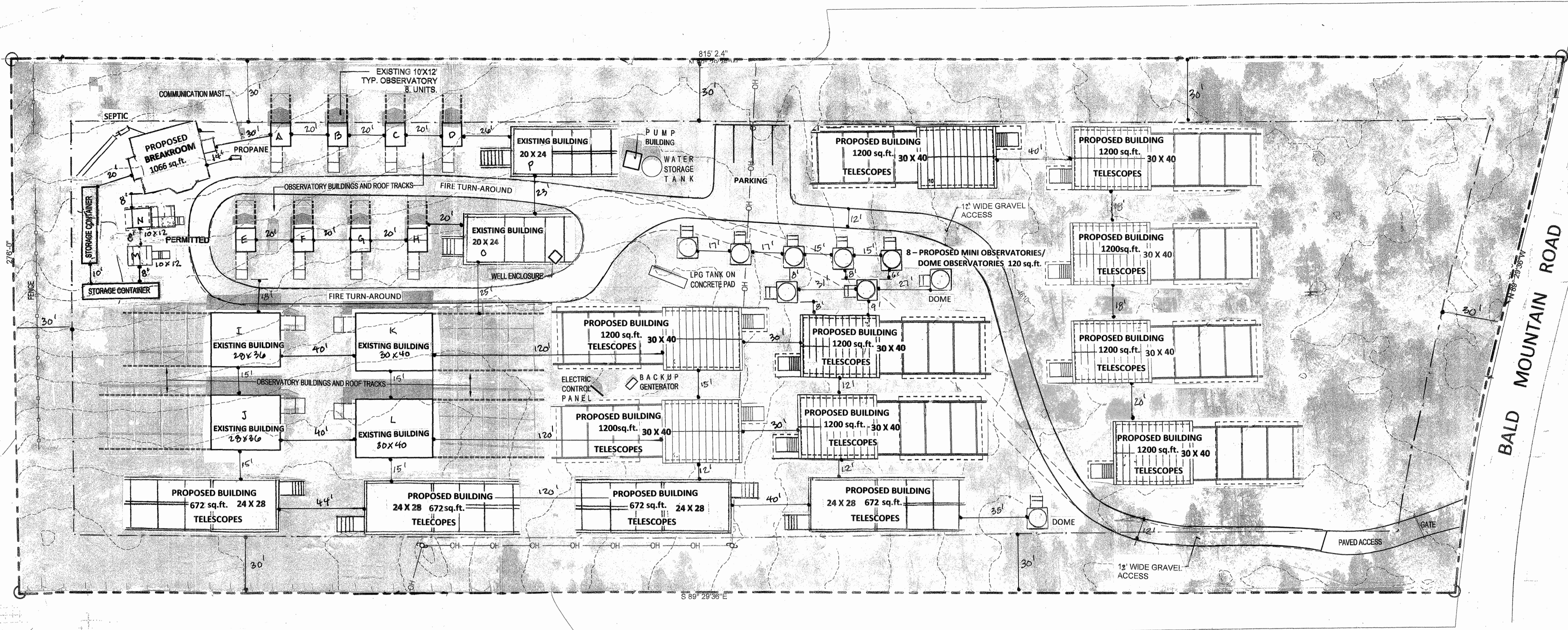
LEGEND:

-  Subject Property
-  Ag Contract Land
-  Meadow Lakes



Department of Public Works and Planning
Development Services Division

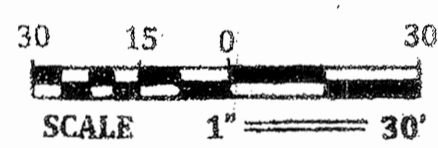
EXHIBIT 4



NOTE:
Sierra Remote Observatories would like the option of replacing any of the large (30x40) buildings with equivalent building area in smaller buildings or domes.

SITE STATISTICS:
APN: 128-740-07
Zoning: CG
Lot Size: 4.95 Acres
Occupancy: U
Type of Construction: VB

SITE PLAN



LOT COVERAGE:
Parcel Size = 4.95 Acres = 215,622 sq.ft.
Total Existing Building Area = 6,576 sq.ft.
Total Proposed Building Area = 15,634 sq.ft.
Total Building Area = 22,210 sq.ft.
Percent Coverage = 10%

OWNER: Sierra Remote Observatories
42140 Bald Mountain Road
Auberry, CA 93602

DESIGNER: Linda Dineen
Dineen Drafting & Design
2985 E. Willis Ave.
Fresno, CA 93726
(559) 221-6053

ENGINEER: David Letman
7948 N. Maple, Ste. 113
Fresno, Calif. 93720
(559) 325-8470

CONTRACTOR: Jon Thiele Construction
42026 Bretz Camp Lane
Shaver Lake, CA 93664
(559) 288-3561

California Green Building Standards

Indoor Water Use
Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
Water closets - The effective flush volume of all water closets shall not exceed 1.28 gal/flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for tank-type toilets.
The effective flush volume of dual flush toilets is defined as the composite, average flush volume of two reduced flushes and one full flush.
Urinals - The effective flush volume of urinals shall not exceed 0.5 gal/flush.
Showerheads - Single showerheads shall have a min. flow rate of not more than 2.0 gpm at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for showerheads. Multiple showerheads serving one shower - When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2.0 gpm at 80psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.
A hand-held shower shall be considered a showerhead.
Faucets - Residential lavatory faucets. The max. flow rate of residential lavatory faucets shall not exceed 1.5 gpm at 60psi. The min. flow rate of residential lavatory faucets shall not be less than 0.8 gpm at 20 psi.
Lavatory faucets in common public use areas. The max. flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gpm at 60psi.
Kitchen faucets. The max. flow rate of kitchen faucets shall not exceed 1.8 gpm at 60psi. Kitchen faucets may temporarily increase the flow above the max. rate, but not to exceed 2.2 gpm at 60psi, and must default to a max. flow rate of 1.8 gpm at 60psi.
Where complying faucets are unavailable, aerators or other means may be used to achieve reduction.
Standards for plumbing fixtures and fittings. Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code and shall meet the applicable standards referenced in Table 1401.1 of the CPC.
Enhanced Durability and Resilience
Rodent proofing. Annular spaces around pipes, electric cables, conduits or other openings in sole bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency.
Construction Waste Reduction, Disposal and Recycling
Construction waste management plan. Submit a construction waste management plan in conformance with items 1-5. The construction waste management plan shall be updated as necessary and shall be available during construction for examination by the enforcing agency.
1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse, on the project or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion facilities where the construction and demolition waste material will be taken.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition waste materials diverted shall be calculated by weight or volume, but not by both.
6. Waste Management Company. Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with Section 4.406.1.

Pollutant Control

Covering of duct openings and protection of mechanical equipment during construction. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all ducts and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of water, dust and debris, which may enter the system.
Finish material pollutant control - Finish materials shall comply with this section.
Adhesives, sealants and caulks. Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards unless more stringent local or regional air pollution or air quality management district rules apply:

1. Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAQMD Rule 1168 VOC limits, as shown in Table 4.504.1 or 4.504.2 as applicable. Such products also shall comply with the Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylene chloride, perchloroethylene and trichloroethylene), except for aerosol products, as specified in subsection 2 below.
2. Aerosol adhesives, and smaller unit sizes of adhesives, and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than one pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code Regulations, Title 17, commencing with Section 94507.
3. Paints and Coatings. Architectural paints and coatings shall comply with VOC limits in Table 1 of the ARB Architectural Suggested Control Measure, as shown in Table 4.504.3 unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as Flat, Nonflat or Nonflat High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36 and 4.37 of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat or Nonflat High Gloss VOC limit in Table 4.504.3 shall apply.
4. Aerosol paints and coatings. Aerosol paints and coatings shall meet the Product-weighted MIR Limits for ROC in Section 94522(a)(3) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances (Sections 94522(a)(2) and (d)(2) of California Code of Regulations, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District additionally comply with the Percent VOC by weight of product limits of Regulation 8, rule 49.
5. Verification. Verification of compliance with this section shall be provided at the request of the enforcing agency. Documentation may include, but is not limited to the following:
 - a. Manufacturer's product specification.
 - b. Field verification of on-site product containers.

Interior Moisture Control

General building shall meet or exceed the provisions of the California Building Standards Code.
Concrete slab foundations. Concrete slab foundations required to have a vapor retarder by the California Building Code, Chapter 19 or concrete slab-on-grade floors required to have a vapor retarder by the California Residential Code, Chapter 5, shall also comply with this section.
Capillary break - a capillary break shall be installed in compliance with at least one of the following:
1. A 4-inch-thick (101.6 mm) base of 1 inch (25.4 mm) or larger clean aggregate shall be provided with a vapor retarder in direct contact with concrete and a concrete mix design, which will address bleeding, shrinkage and curling, shall be used. For additional information, see American Concrete Institute ACI 302.2R-06.
2. Other equivalent methods approved by the enforcing agency.
3. A slab design specified by a licensed design professional. 4.505.3 Moisture content of building materials. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be verified in compliance with the following:
a. Moisture content shall be determined with either a probe-type or contact-type moisture meter. Equivalent moisture verification methods may be approved by the enforcing agency and shall satisfy requirements found in Section 101.8 of this code.
b. Moisture readings shall be taken at a point 2 feet (610 mm) to 4 feet (1219 mm) from the grade stamped end of each piece to be verified.
c. At least three random moisture readings shall be performed on wall and floor framing with documentation acceptable to the enforcing agency provided at the time of approval to enclose the wall and floor framing.

Indoor Air Quality and Exhaust

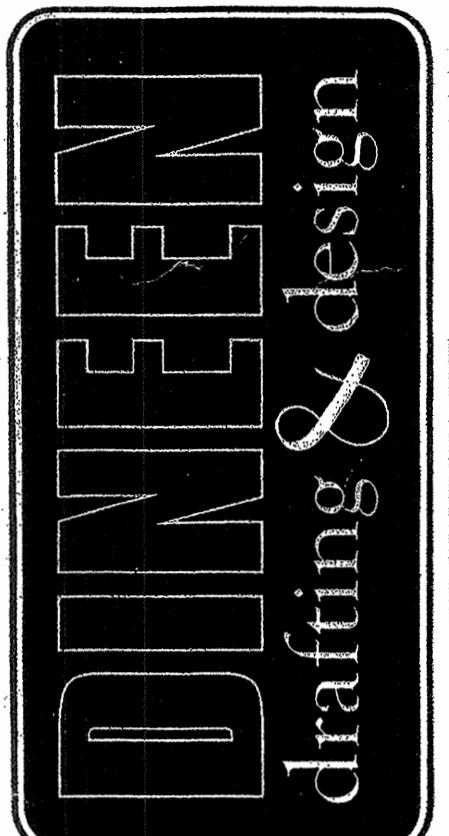
Bathroom exhaust fans - Each bathroom shall be mechanically ventilated and shall comply with the following:
1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the building.
2. Unless functioning as a component of a whole house ventilation system, fans must be controlled by a humidity control.
a. Humidity controls shall be capable of adjustment between a relative humidity range of 50% to a max. 80% A humidity control may utilize manual or automatic means of adjustment.
b. A humidity control may be a separate component to the exhaust fan and is not required to be integral (i.e. built in). For the purposes of this section, a bathroom is a room which contains a bathtub, shower, or tub/shower.
Lighting integral to bathroom exhaust fans shall comply with the California Energy Code.

SITE NOTES:

Chemical toilet to be provided on site during construction.
Provide 2% min. slope away from structure for a min. of 5'.
Driveways and private roads shall have a maximum slope of 12%.
Install street address numeral at least 4" high with min. 1/2" stroke on contrasting background clearly visible from the street.
No on-site water retention.
No drainage to adjacent property.
Changes from the approved plans during the course of construction shall cause construction to be suspended until such time as the plans can be amended by the designer and submitted to the County for review and approval.
The Construction Waste Management Plan must be finalized prior to occupancy.

GOVERNING CODES :

- 2019 CBC CALIF. BUILDING CODE
- 2019 CFG CALIF. FIRE CODE
- 2019 CEC CALIF. ELECTRICAL CODE
- 2019 CFC CALIF. PLUMBING CODE
- 2019 CPC CALIF. MECHANICAL CODE
- 2019 C ENERGY CODE (NON-RESIDENTIAL ENERGY STANDARDS)
- 2019 CCBCC CALIF. CALGREEN CODE SECTION 5 (NON-RESIDENTIAL MANDATORY MEASURES)

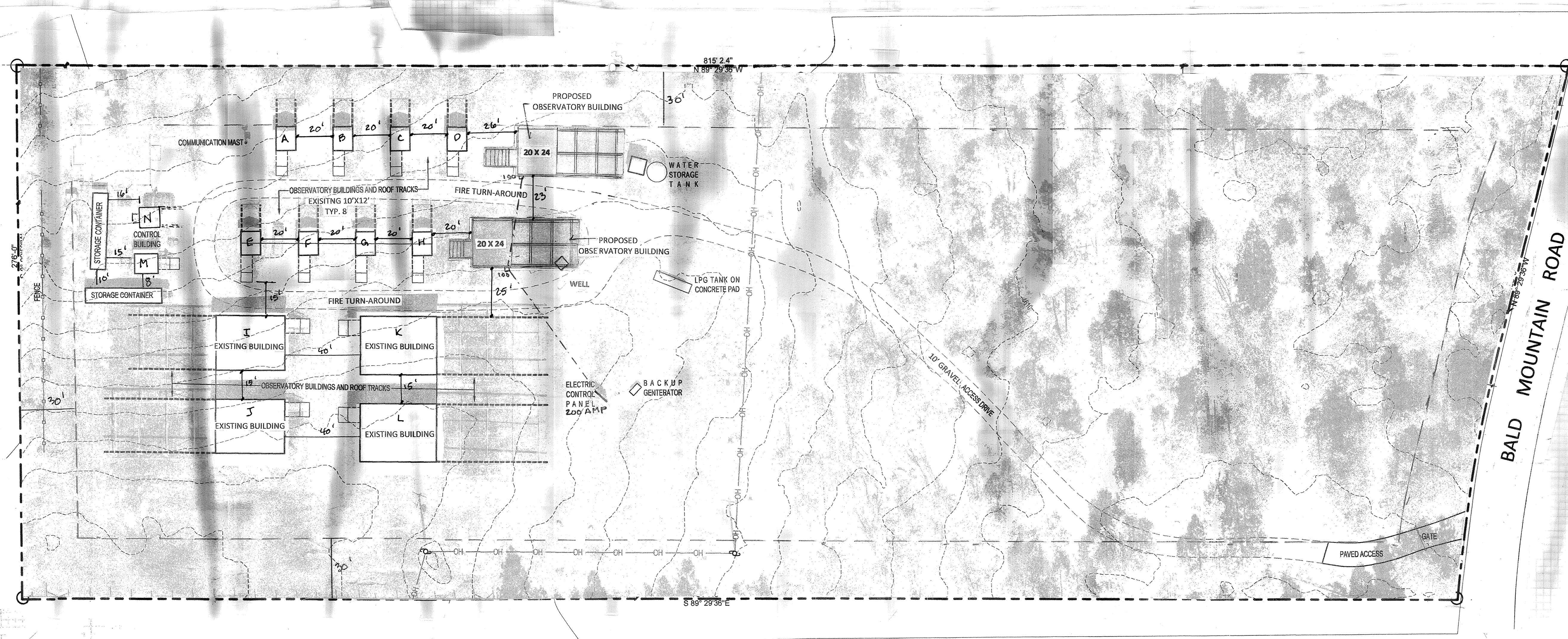


Linda Dineen
(559) 221-6053

PROPOSED SITE PLAN FOR:
SIERRA REMOTE OBSERVATORIES
42140 BALD MOUNTAIN ROAD
AUBERRY, CA

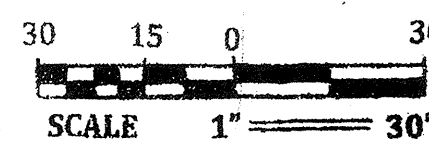
L.Dineen

L. Dineen



SITE STATISTICS:
APN: 128-740-07
Zoning: CG
Lot Size: 4.95 Acres
Occupancy: U
Type of Construction: VB

SITE PLAN



OWNER: Sierra Remote Observatories
42140 Bald Mountain Road
Auberry, CA 93602

DESIGNER: Linda Dineen
Dineen Drafting & Design
2985 E. Willis Ave.
Fresno, CA 93726
(559) 221-6053

ENGINEER: David Lehman
7948 N. Maple, Ste. 113
Fresno, Calif. 93720
(559) 325-8470

CONTRACTOR: Jon Thiele Construction
42026 Bretz Camp Lane
Shaver Lake, CA 93664
(559) 288-3561

California Green Building Standards

Indoor Water Use
Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
Water closets - The effective flush volume of all water closets shall not exceed 1.28gal/flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for tank-type toilets.
The effective flush volume of dual flush toilets is defined as the composite, average flush volume of two Reduced flushes and one full flush.
Urinals - The effective flush volume of urinals shall not exceed 0.5 gal/flush.
Showerheads - Single showerhead. Showerheads shall have a min. flow rate of not more than 2.0 gpm at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for showerheads. Multiple showerheads serving one shower - When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2.0 gpm at 80psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time. A hand-held shower shall be considered a showerhead.
Faucets - Residential lavatory faucets. The max. flow rate of residential lavatory faucets shall not exceed 1.5 gpm at 60psi. The min. flow rate of residential lavatory faucets shall not be less than 0.8 gpm at 20 psi.
Lavatory faucets in common public use areas. The max. flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gpm at 60psi.
Kitchen faucets. The max. flow rate of kitchen faucets shall not exceed 1.8 gpm at 60psi. Kitchen faucets may temporarily increase the flow above the max. rate, but not to exceed 2.2 gpm at 60psi, and must default to a max. flow rate of 1.8 gpm at 60psi.
Where complying faucets are unavailable, aerators or other means may be used to achieve reduction.
Standards for plumbing fixtures and fittings. Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code and shall meet the applicable standards referenced in Table 1401.1 of the CPC.
Enhanced Durability and Reduced Maintenance
Rodent proofing. Annular spaces around pipes, electric cables, conduits or other openings in sole bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency.
Construction Waste Reduction, Disposal and Recycling
Construction waste management plan. Submit a construction waste management plan in conformance with items 1-5. The construction waste management plan shall be updated a necessary and shall be available during construction for examination by the enforcing agency.
1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse
On the project or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk Mixed (single stream).
3. Identify diversion facilities where the construction and demolition waste material will be taken.
4. Identify construction methods employed to reduce the amount of construction and demolition waste Generated.
5. Specify that the amount of construction and demolition waste materials diverted shall be calculated by weight or volume, but not by both.
6. Waste Management Company. Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with Section 4.408.1.
Pollutant Control
Covering of duct openings and protection of mechanical equipment during construction. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all ducts and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of water, dust and debris, which may enter the system.
Finish material pollutant control - Finish materials shall comply with this section.
Adhesives, sealants and caulks. Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards unless more stringent local or regional air pollution or air quality management district rules apply:

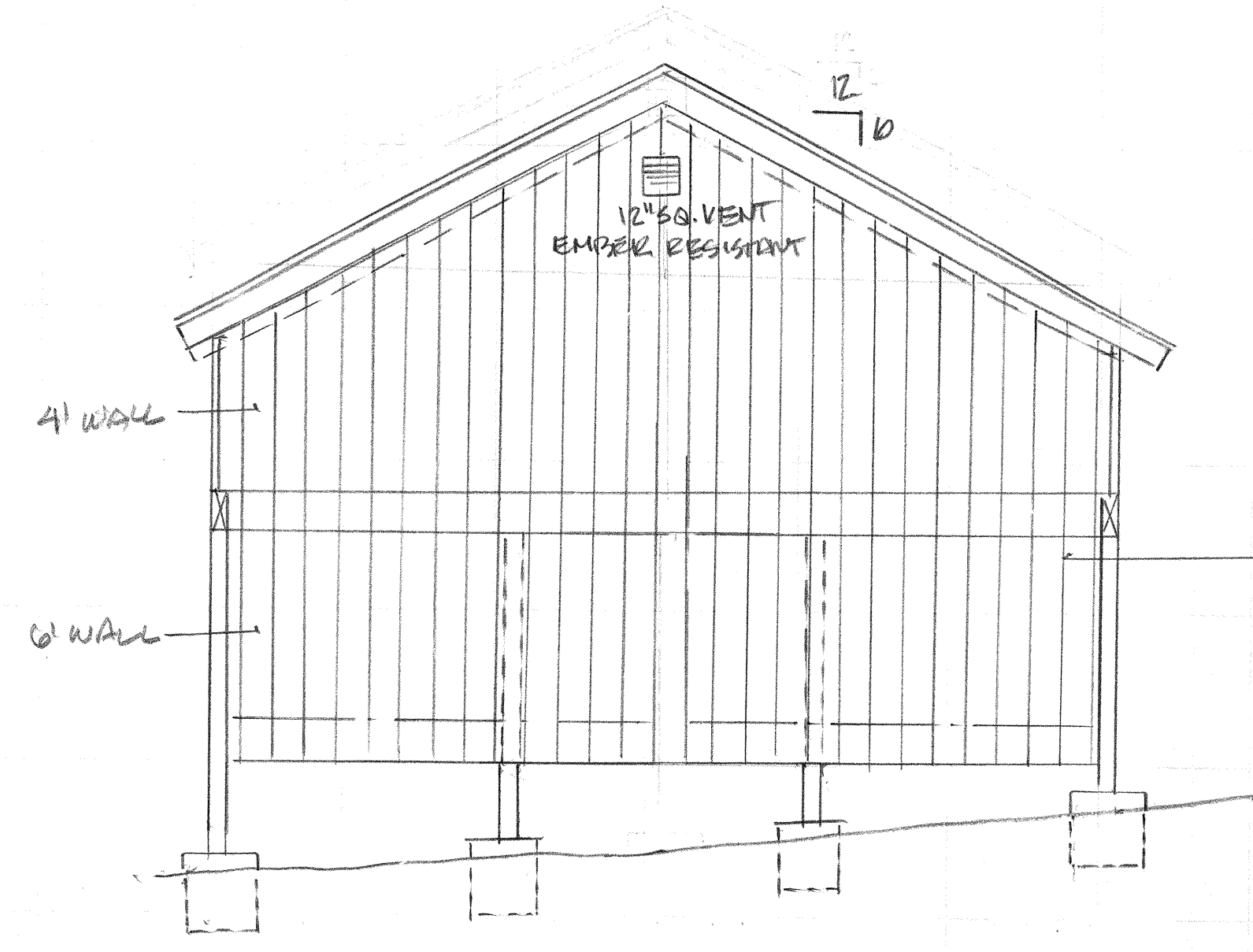
- Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAQMD Rule 1168 VOC limits, as shown in Table 4.504.1 or 4.504.2 as applicable. Such products also shall comply with the Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylene chloride, perchloroethylene and trichloroethylene), except for aerosol products, as specified in subsection 2 below.
 - Aerosol adhesives, and smaller unit sizes of adhesives, and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than one pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code Regulations, Title 17, commencing with Section 94507.
 - Paints and Coatings. Architectural paints and coatings shall comply with VOC limits in Table 1 of the ARB Architectural Suggested Control Measure, as shown in Table 4.504.3 unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as Flat, Nonflat or Nonflat High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36 and 4.37 of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat or Nonflat High Gloss VOC limit in Table 4.504.3 shall apply.
 - Aerosol paints and coatings. Aerosol paints and coatings shall meet the Product-weighted MIR Limits for ROC in Section 94522(a)(3) and other requirements, including prohibitions on use of certain toxic compounds and ozone-depleting substances Sections 94522(a)(1) and (b)(2) of California Code of Regulations, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District additionally comply with the Percent VOC by weight of product limits of Regulation 8, rule 49.
 - Verification. Verification of compliance with this section shall be provided at the request of the enforcing agency. Documentation may include, but is not limited to the following:
 - Manufacturer's product specification.
 - Field verification of on-site product containers.
- Interior Moisture Control**
General building shall meet or exceed the provisions of the California Building Standards Code.
Concrete slab foundations. Concrete slab foundations required to have a vapor retarder by the California Building Code, Chapter 19 or concrete slab-on-grade floors required to have a vapor retarder by the California Residential Code, Chapter 5, shall also comply with this section.
Capillary break - a capillary break shall be installed in compliance with at least one of the following:
1. A 4-inch-thick (101.6 mm) base of 1 inch (25.4 mm) or larger clean aggregate shall be provided with a vapor retarder in direct contact with concrete and a concrete mix design, which will address bleeding, shrinkage and curling, shall be used. For additional information, see American Concrete Institute ACI 302.2R-06.
2. Other equivalent methods approved by the enforcing agency.
3. A slab design specified by a licensed design professional. 4.505.3 Moisture content of building materials. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be verified in compliance with the following:
a. Moisture content shall be determined with either a probe-type or contact-type moisture meter. Equivalent moisture verification methods may be approved by the enforcing agency and shall satisfy requirements found in Section 101.8 of this code.
b. Moisture readings shall be taken at a point 2 feet (610 mm) to 4 feet (1219 mm) from the grade stamped end of each piece to be verified.
c. At least three random moisture readings shall be performed on wall and floor framing with documentation acceptable to the enforcing agency provided at the time of approval to enclose the wall and floor framing.
Indoor Air Quality and Exhaust
Bathroom Exhaust Fans - Each bathroom shall be mechanically ventilated and shall comply with the following:
1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the building.
2. Unless functioning as a component of a whole-house ventilation system, fans must be controlled by a humidity control.
a. Humidity controls shall be capable of adjustment between a relative humidity range of 50% to a max. 80%. A humidity control may utilize manual or automatic means of adjustment.
b. A humidity control may be a separate component to the exhaust fan and is not required to be integral (i.e. built in).
For the purposes of this section, a bathroom is a room which contains a bathtub, shower, or Tub/shower.
Lighting integral to bathroom exhaust fans shall comply with the California Energy Code.

SITE NOTES:

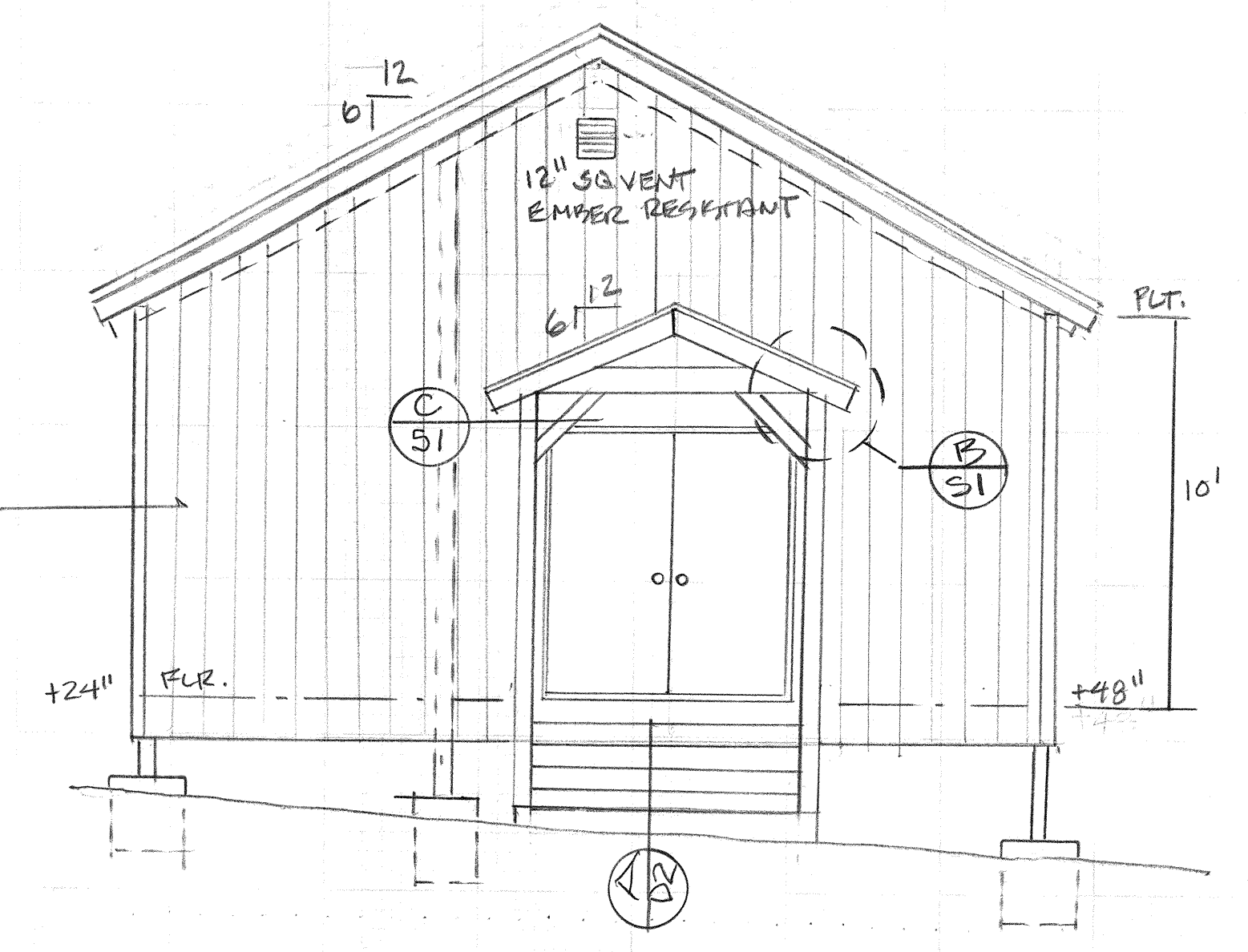
- Chemical toilet to be provided on site during construction. Provide 2% min. slope away from structure for a min. of 5'. Driveways and private roads shall have a maximum slope of 12%. Install street address numeral at least 4" high with min. 1/2" stroke on contrasting background clearly visible from the street.
- No on-site water retention.
- No drainage to adjacent property.
- Changes from the approved plans during the course of construction shall cause construction to be suspended until such time as the plans Review and approval.
- The Construction Waste Management Plan must be finalized prior to occupancy.

GOVERNING CODES :	
2019 CBC	CALIF. BUILDING CODE
2019 CPC	CALIF. FIRE CODE
2019 CEG	CALIF. ELECTRICAL CODE
2019 CFC	CALIF. PLUMBING CODE
2019 CMG	CALIF. MECHANICAL CODE
2019 C	ENERGY CODE (NON-RESIDENTIAL ENERGY STANDARDS)
2019 CGESC	CALIF. CALGREEN CODE, SECTION 5 (NON-RESIDENTIAL MANDATORY MEASURES)

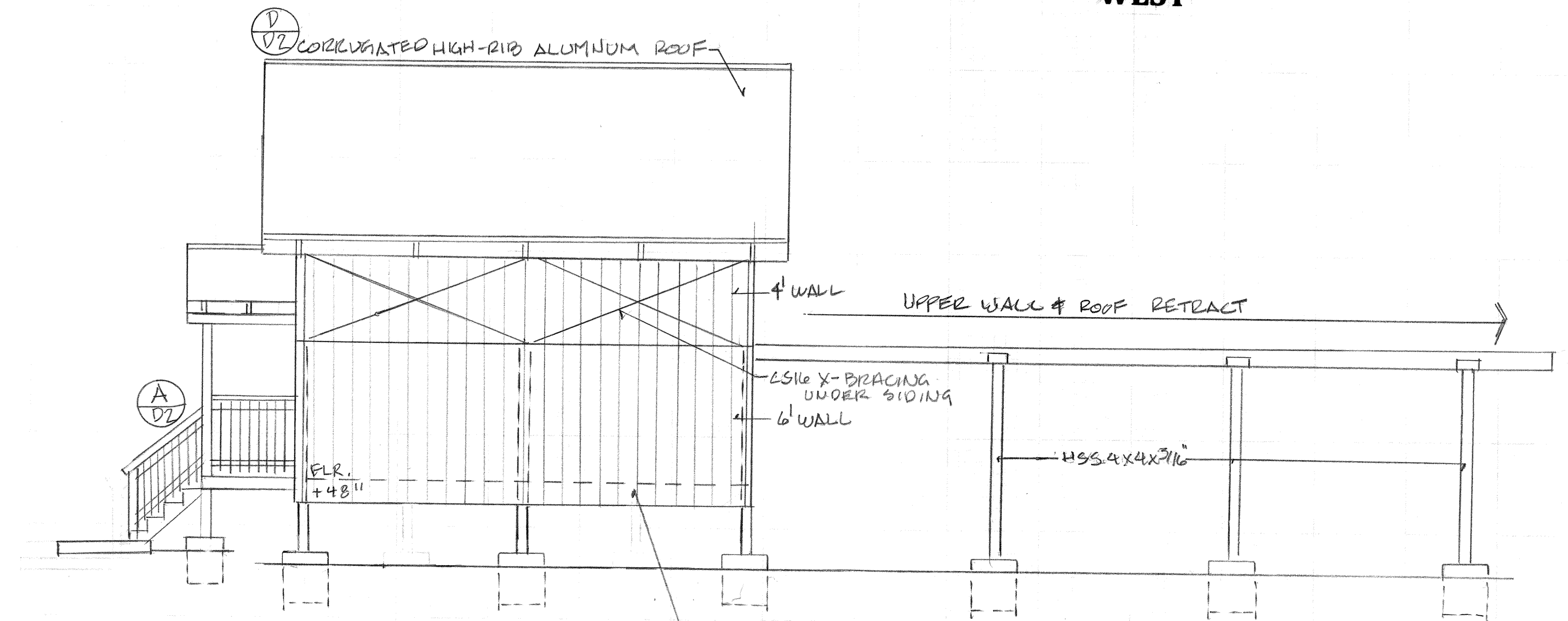
Fresno County Ordinance Code Title 15



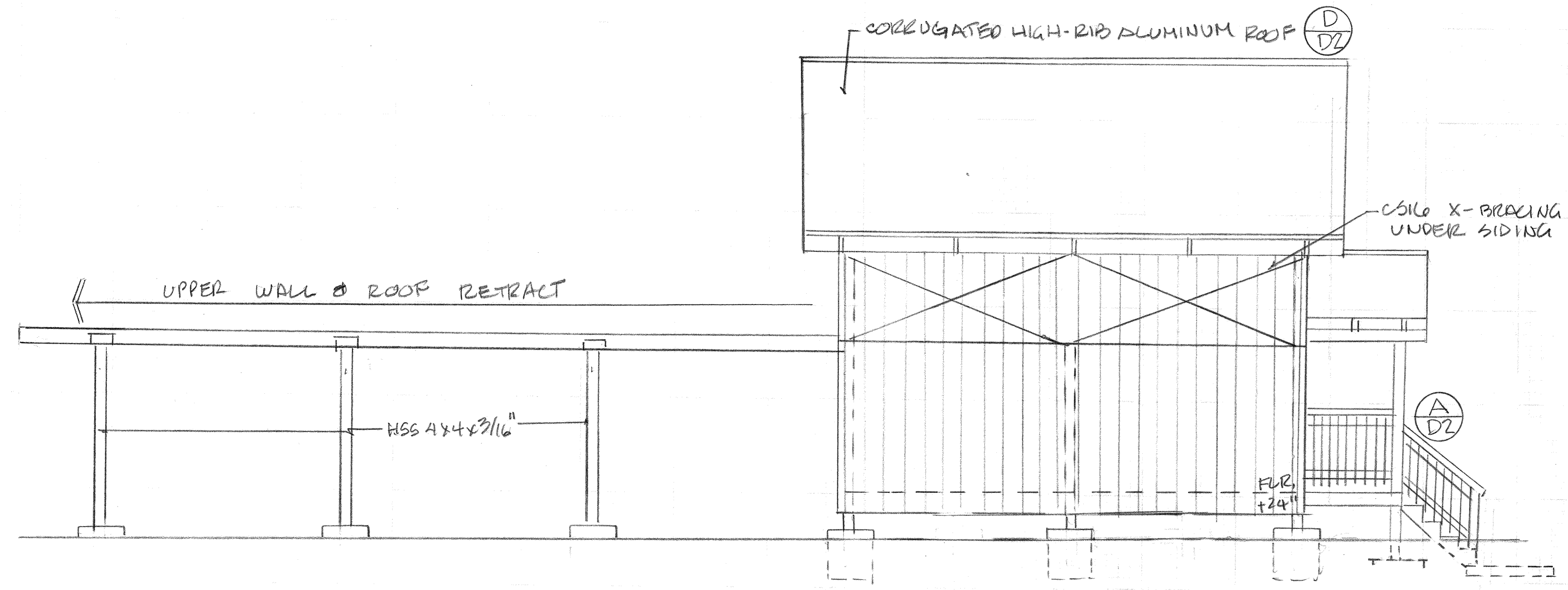
EAST



WEST



SOUTH



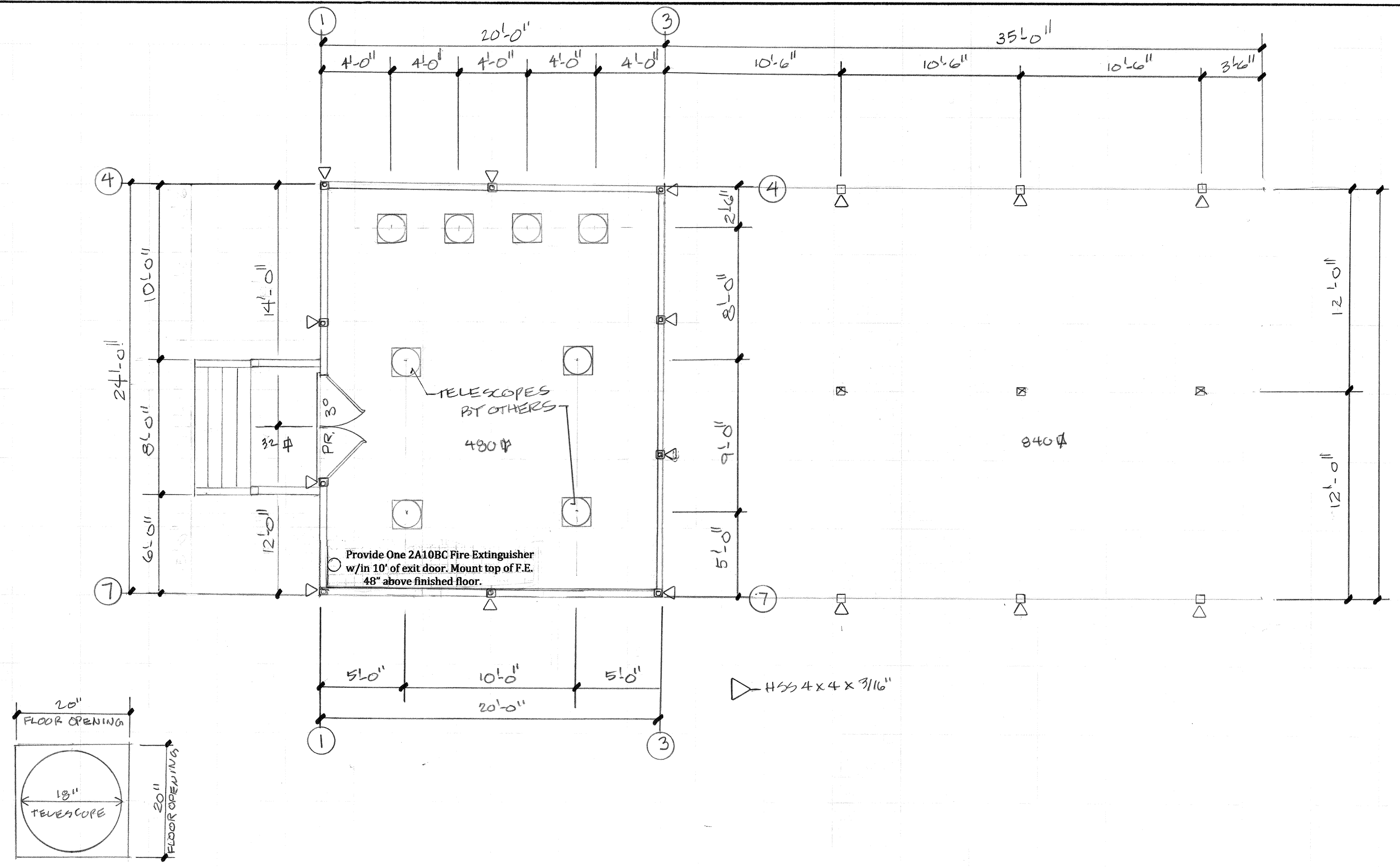
NORTH

ELEVATIONS

SCALE: 1/4" = 1'-0"

L.D. Dineen

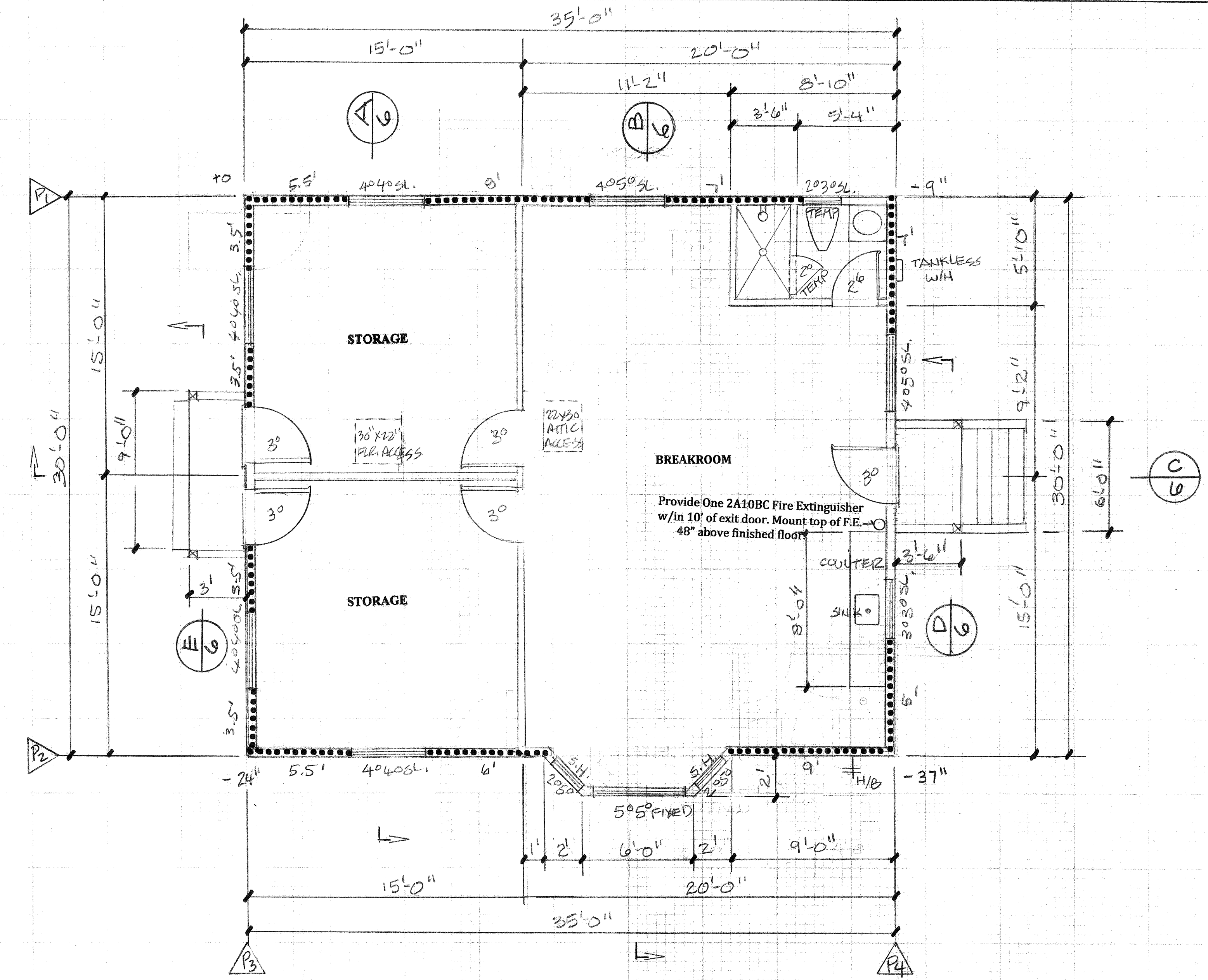
EXHIBIT 5 PAGE 3



FLOOR PLAN 480 SQ. FT.
SCALE: 1/4" = 1'-0"

L. Dineen

- PLUMBING NOTES:**
- Water closets to have less than or equal to .28 gal/flush
 - Showers:
 - Min. dimension 30", min. area 1024 sq.in.
 - Min. door 24", walls finished with a non-absorbent surface for a minimum of 6 feet above the floor.
 - Single showerheads - to use less than or equal to 2 gpm @ 80 psi.
 - Multiple showerheads - combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2 gpm @ 80 psi or only one shower outlet is to be in operation at a time.
 - Tub:
 - Provide welded plastic or brass ferrule drain fittings. 12" sq. minimum access @ jetted tubs.
 - All tub & shower valves to be single control pressure balancing or thermostatic type.
 - Provide manufacturer installation instructions for all circulating tubs on job site for inspection.
 - Faucets:
 - Residential lavatory faucets shall use less than or equal to 1.5 gpm @ 60 psi.
 - Kitchen faucets shall use less than or equal to 1.8 gpm @ 60 psi.
 - Temporary increase to .2 gpm allowed but shall default to 1.8 gpm.
 - All plumbing conveying or dispensing water for human consumption shall Comply with AB 1953 for lead content.
 - After installing water heating systems, fenestration and VAC equipment, the Installer shall submit the "Installation Certificate" (CF-2P Form), completed and signed by the installer, listing the equipment installed, (manufacturer, model and efficiencies, U-values and SHGC values, etc.) and that it meets or exceeds the requirements of the energy documentation. **Registered copies shall be provided when HERS verification is required.**
 - Water closet compartment must have 30" width & 24" clear in front of the fixture. Fixture shall not be set closer than 15" from its center to any side wall or obstruction.
 - All water closets that will be installed will be low flow water closets with a maximum capacity of 1.6 gal.
 - All equipment in the potable water delivery system must meet the Cal. AB1953 Lead Free req. This applies to all piping, fixtures and fittings. All of the above noted items are not permitted to exceed .25% lead content.
 - For PEX - at the time of fill, each fixture shall have a removable tag applied Stating "This new plumbing system was first filled and flushed on _____ by _____ The State of California requires that the system be flushed after standing at least one week after the fill date specified above. If the system is used earlier than one week after the fill date, the water must be allowed to run for at least two minutes prior to use for human consumption. This tag may not be removed prior to the completion of the required second flushing except by the owner or occupant."
 - Galvanized malleable iron, galvanized wrought iron, or galvanized steel are prohibited material for water supply and building water piping both underground and in buildings.
 - The maximum hot water temperatures shall be limited for the following:
 - Bathtubs and whirlpool tubs shall be limited to 120°F by a device that conforms to ASSE 1070 or CSA B125.3(CPC section 409.4)
 - The water heater thermostat shall not be considered a control for meeting this provision.
 - Bidets shall be limited to 110°F by a device that conforms to ASSE 1070 or CSA B125.3 (CPC section 410.3) The water heater thermostat shall not be considered a control for meeting this provision.
 - Showers and tub/shower combinations shall be provided with individual control valves of the pressure balance, thermostatic or combination pressure balance/thermostatic mixing valves type that provide scald and thermal shock protection for the rated flow rate of the installed shower head. These Valves shall be installed at the point of use and in accordance with ASSE 1016 or ASME112.6 or ASME 112.18.1/CSAB125.1(CPC 408.3)
 - Water hammer arrestors shall be installed at the following quick-acting shut-off valves:
 - Automatic washing machine (hot and cold)
 - Dishwasher
 - Where a vent passes through an insulated assembly, an approved metal shield shall be installed between the vent & the insulation. The shield is required to extend a minimum of 2" above the insulation.
 - All domestic hot water piping is required to be insulated. Hot water pipe insulation shall have a minimum wall thickness of not less than the diameter of the pip up to 2".
 - All hose bibbs shall be equipped with non-removable backflow preventers.



FLOOR PLAN 10667
SCALE: 1/4" = 1'-0"

WINDOWS AND DOORS

Exterior windows, window walls, glazed doors, and glazed openings within exterior doors shall be insulating glass units with a minimum of one tempered pane or glass block units, or have a fire resistance rating of not less than 20 minutes when tested according to ASTM E 2010, or conform to the performance requirements of SFM 12-7A-2.

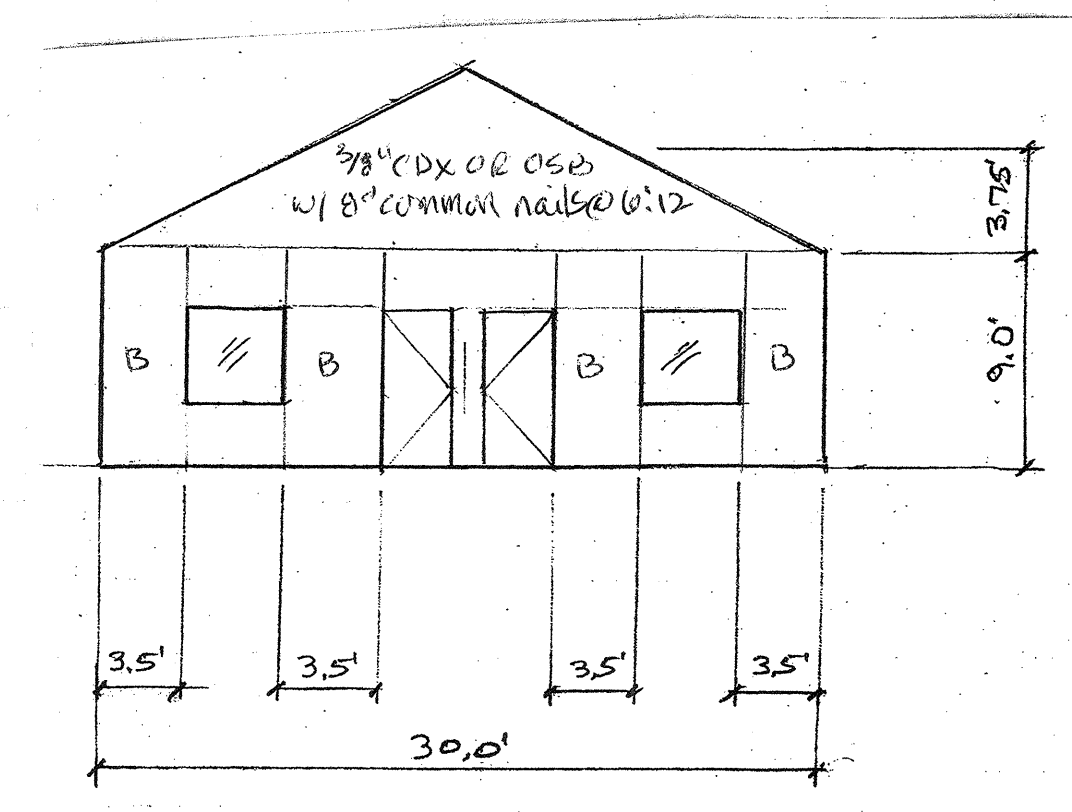
Every manufactured and site-built fenestration product or fenestration system installed in construction subject to Title 24, Part 6 shall have attached to it a clearly visible temporary label or have an associated label certificate that lists the U-factor, the solar heat gain coefficient (SHGC) of that product and the method used to derive those values, and certifies compliance with air leakage requirements of the California Energy Code, Section 116(a) 1. The label shall not be removed until approved by the building inspector.

Sill height of windows in sleeping areas shall not exceed 44 inches.

Exterior door assemblies shall conform to the performance requirements of Standard SFM 12-7A-1 or shall be of approved noncombustible construction, or solid core wood having stiles and rails not less than 1 3/8" thick, or shall have a fire resistance rating of not less than 20 minutes when tested according to ASTM E 074

Exception: Noncombustible or exterior fire retardant treated wood vehicle access doors are not required to comply with CRC R327.8.3

Every manufactured and site-built fenestration product or fenestration system installed in construction subject to Title 24, Part 6 shall have attached to it a clearly visible temporary label or have an associated label certificate that lists the U-factor, the solar heat gain coefficient (SHGC) of that product and the method used to derive those values, and certifies compliance with air leakage requirements of the Calif. Energy Code, Section 116(a) 1. The label shall not be removed until Approved by the Building Inspector.



- SHEARWALL SCHEDULE**
- P1 3/8" CDX or OSB ply w/ 8d common nails @ 6" o.c. edges, 12" field.
 - P2 3/8" CDX or OSB ply w/ 8d common nails @ 6" o.c. edges, 12" field.
 - Panel B:
 - P3 3/8" CDX or OSB ply w/ 8d common nails @ 6" o.c. edges, 12" field.
 - P4 3/8" CDX or OSB ply w/ 8d common nails @ 6" o.c. edges, 12" field.

L. Dincen

EXHIBIT 6



NORTH



WEST



SOUTHWEST



SOUTHWEST



SOUTH
SIERRA REMOTE OBSERVATORIES SITE PHOTOS

DINEEN
drafting & design

Linda Dineen
(559) 221-6053

PROPOSED CUP AMENDMENT FOR:
SIERRA REMOTE OBSERVATORIES
42140 BALD MOUNTAIN ROAD
AUBERRY, CA

JANUARY 2023

2

L. Dineen

EXHIBIT 6

DINEEN DRAFTING & DESIGN

2985 E. Willis Ave,
Fresno, CA 93726

OPERATIONAL STATEMENT 1/23/2023

Owner: Sierra Remote Observatories

Job Address: 42140 Bald Mountain Road
Auberry, CA 93602
APN: 128-740-07

Amendment to CUP #3467

1. Nature of the operation:

This property has established unmanned observatory buildings which contain telescopes of various sizes remotely operate by individuals and institutions around the world. We are proposing to build 14 additional conservatory buildings of various sizes to total 15,634 sq.ft. of building area. Added to the existing building area of 6,576 sq.ft. this totals 22,210 sq.ft. of lot coverage which equals 10% coverage. As other buildings on the site, these will contain telescopes of various sizes which will be provide by others. The building roofs retract automatically in the evening giving an unobstructed view of the night sky. The property owners have been inundated with requests for telescope space from agencies worldwide.

2. Operation time limits:

This observatory operates 24 hours a day, 7 days a week however, most action occurs at night.

3. Number of customers or visitors:

There are no customers or any public access to the property. Owners operate their telescopes remotely.

4. Number of employees:

There are no more than 1-2 employees on site and not full time. They only perform maintenance to the property.

5. Service and delivery vehicles:

There are no service or delivery vehicles.

6. Access to the site:

The site is on the south side of Auberry Road and accessed by private unpaved gravel driveway approximately ¼ mile south on Bald Mountain Road. The site is 4.95 acres of which less than 1 acre is developed.

7. Number of parking spaces for employees, customers, and service/delivery vehicles:

Due to the low number of employees, a parking lot is not required. Previously, the 1-2 employees parked on dirt areas around the buildings. Four parking spaces are proposed for occasional use in order to not disturb the telescope sites.

8. Are any goods to be sold on-site?

No goods will be sold on-site.

9. What equipment is used?

The only equipment on site are the telescopes within the buildings.

10. What supplies or materials are used and how are they stored?

The only supplies are extra telescope parts. These are stored in two storage containers.

11. Does the use cause an unsightly appearance?

The telescopes are contained inside simple building structures. There will be no exterior lights, dust or odor generated.

12. List any solid or liquid wastes to be produced.

No solid or liquid waste will be produced.

13. Estimated volume of water to be used (gallons per day).

There is no water used on this site. The only water usage will be in the proposed Breakroom.

14. Describe any proposed advertising including size, appearance, and placement.

Since this is an operation that does not involve the public, there is no advertising or signs.

15. Will existing buildings be used or what portion of buildings will be used in the Operation.

Fourteen new buildings are proposed at this time to operate along with the other buildings already constructed. These are single level, wood frame buildings for the sole purpose of housing telescopes.

16. Explain which buildings or what portion of buildings will be used in the Operation.

See #15 above

17. Will outdoor lighting or an outdoor sound amplification system be used?

Due to the necessity of having darkness at night for this operation, absolutely no outdoor lighting will be installed. Telescopes are very quiet. Outdoor sound amplification is not applicable.

18. Landscaping or fencing proposed?

None will be installed.

19. Any other information that will provide a clear understanding of the project or operation?

The 14 proposed buildings are totally consistent with the other buildings constructed on site in appearance and operation. The dome observatories would be the same 120 sq.ft. size as the smaller "mini" buildings already on site.

10. Land Conservation Contract No. (If applicable): N/A

11. What other agencies will you need to get permits or authorization from:

<u>NO</u> LAFCo (annexation or extension of services)	<u>NO</u> SJVUAPCD (Air Pollution Control District)
<u>NO</u> CALTRANS	<u>NO</u> Reclamation Board
<u>NO</u> Division of Aeronautics	<u>NO</u> Department of Energy
<u>NO</u> Water Quality Control Board	<u>NO</u> Airport Land Use Commission
Other _____	

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? Yes No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District: CG

14. Existing General Plan Land Use Designation: _____

ENVIRONMENTAL INFORMATION

15. Present land use: observatory buildings

Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

Propose to add 15,634 sq. ft. observatory buildings to existing site 14 New buildings

Describe the major vegetative cover: sparse low vegetation

Any perennial or intermittent water courses? If so, show on map: no

Is property in a flood-prone area? Describe:
no

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Ag

South: Ag

East: Residential

West: unimproved open land

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2023: \$3,839.25 for an EIR; \$2,764.00 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

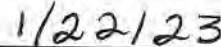
1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).
2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.



Applicant's Signature



Date

G:\4360Devs&Pln\PROJSEC\PROJDOCS\TEMPLATES\IS-CEQA TEMPLATES\INITIAL STUDY APP.DOTX



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Linda Dineen

APPLICATION NOS.: Conditional Use Permit Application No. 3757 & Initial Study Application No. 8354

DESCRIPTION: Allow the expansion of existing observatory facilities constructing fourteen additional buildings (thirteen Observatory Buildings, one Breakroom Building) and eight mini-Domes/Observatory buildings on a 4.95-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Bald Mountain Rd., approximately 1,074 feet south of its intersection with Auberry Rd, and approximately 17 miles north of the City of Clovis (APN: 128-740-07) (42140 Bald Mountain Rd.) (Sup. Dist. 5).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the expansion of existing unmanned observatory structures authorized by Classified Conditional Use Permit No. 3467, which are located on a 4.95-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The existing unmanned observatory facilities are comprised of eight 120 square-foot structures, two 480 square-foot structures, and four 1,008 square-foot structures, each

of which contain telescopes and cameras that are remotely controlled and used via the Internet. Additionally, there are two 120 square-foot storage buildings located on the subject parcel. The proposed expansion will be located on the same 4.95-acre parcel as the existing facilities and will be comprised of one 1,066 square-foot structure to be used as an employee breakroom utilized by up to two employees, four 672 square-foot structures, nine 1,200 square-foot structures, and eight 120 square-foot structures, each of which will be unmanned facilities containing telescopes and cameras remotely controlled and used via the Internet.

The subject parcel is located in a wildland area of foothill/mountainous terrain with mixed forest and residential land uses dispersed throughout. Visibility of this proposal from neighboring properties to the east and west will be screened from view by existing mature trees located along the eastern and western property lines of the subject parcel. Visibility of this proposal from neighboring properties to the north will be screened from view by an existing orchard located along the northern property line of the subject parcel. Visibility of this proposal from neighboring properties to the south will be screened from view by existing mature trees located throughout the southerly-adjacent parcel. Further, the subject parcel is not located along a designated Scenic Highway, and the existing and proposed structures cannot be seen from Auberry Road, a County-designated Scenic Drive located approximately 545 feet east of the subject parcel.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

Due to the necessity of darkness to facilitate the use of the observatory equipment, this proposal will not utilize any outdoor lighting. As such, this proposal does not have the potential of generating new sources of light and glare in the area. A Condition of Approval will be included prohibiting outdoor lighting other than for emergency or repair purposes.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract; or
- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not identified as farmland on the Fresno County Important Farmland Map (2010), and is not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract). There is an existing orchard located along the northern property line of the subject parcel; however, the proposed improvements will be located to the south of the existing orchard.

The subject parcel is located on forested land; however, considering the relatively small 4.95-acre parcel size of the subject property in conjunction with the fact that neighboring properties have been developed with rural residential land uses, the loss of forested land associated with this proposal is less than significant.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net

increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject parcel is located in a wildland area of foothill/mountainous terrain with mixed forest and residential land uses dispersed throughout. Further, the subject parcel has been previously disturbed.

The proposed project was referred to the US Fish and Wildlife Service and the California Department of Fish and Wildlife for review and comments. No concerns were expressed by either agency. According to the California Natural Diversity Database, the project site is not located in any reported occurrence areas of a special status species. Therefore, this analysis identified no impacts regarding: 1.) any candidate, sensitive, or special-status species; 2.) any riparian habitat or other sensitive natural community; 3.) any federally protected wetlands; nor 4.) any native resident or migratory fish or wildlife species, migratory wildlife corridors, or wildlife nursery sites.

The proposed project will neither conflict with any local policies or ordinances protecting biological resources, nor will it conflict with the provisions of any conservation plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The parcel on which the proposed project will be sited is located within proximity of an area designated to be highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will be built to current building code standards which would take into consideration applicable energy efficiency standards. The project construction and operation would not result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources. No state or local plan for renewable energy or energy efficiency was identified during Agency and Department review

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 2. Strong seismic ground shaking?
 - 3. Seismic-related ground failure, including liquefaction?
 - 4. Landslides?

FINDING: NO IMPACT:

According to Figures 9-4 & 9-5 of the Fresno County General Plan Background Report (FCGPBR) and the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project site is not located on or near identified earthquake hazard zone areas. The area of the proposed project is not identified as an area which by nature is subject to these types of seismic effects. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction, or landslides. Construction of the proposed project will be subject to seismic design standards.

- B. Result in substantial soil erosion or loss of topsoil; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on-site, per County Standards. Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction

activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work. These requirements will be included as a Project Notes and shall be reviewed for approval during the Site Plan Review (SPR) process that will be included as a Condition of Approval. With adherence to these requirements, potential erosion impacts will be reduced to a less than significant level.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; or

FINDING: NO IMPACT:

The subject parcel is not located within an area of known risk for landslides, lateral spreading, subsidence, liquefaction, or collapse. Additionally, per Figure 7-1 of the FCGPBR, Fresno County General Plan Background Report, the project site is not located within an area of known risk of expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or

FINDING: NO IMPACT:

No concerns related to soil capabilities and the septic systems were expressed by reviewing agencies and departments.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The parcel on which the proposed project will be sited is located within proximity of an area designated to be highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. If a paleontological*

resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact the qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed this proposal and expressed no concerns regarding greenhouse gas emissions. This proposal entails a relatively passive use in that the existing and proposed observatory structures are unmanned facilities with telescopes and cameras remotely controlled and used via the Internet.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;

FINDING: NO IMPACT:

This proposal does not involve storage of hazardous materials, and no hazardous materials impacts were identified in the project analysis. The subject parcel is not located within one-quarter mile of a school. The proposed project site is not listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by

the California Department of Toxic Substances Control. There are no listed sites located within a half-mile radius of the proposed project site.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area; or

FINDING: NO IMPACT:

The subject parcel is not located within an Airport Land Use Plan, nor is the subject parcel located within two miles of a public airport or private airstrip.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan. In addition, the Fresno County Department of Public Health, Environmental Health Division which administers the Office of Emergency Services to coordinate planning and preparedness, response and recovery efforts for disasters did not express any concerns regarding emergency response or evacuation plans.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in a mountainous forest area which falls under the State Responsibility Area (SRA) for control and suppression of wildland fire. This proposal was reviewed by the Fresno County Fire Protection District, which did not identify any concerns related to the project. Further, any development associated with this proposal shall comply with the current Fire Code, and provisions for annual maintenance to assure continued availability, access, and utilization of the defensible space provided for these standards during a wildfire. These requirements will be included as a Condition of Approval for the project.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

FINDING: NO IMPACT:

This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns with the project in regard to wastewater disposal. The Fresno County Water and Natural Resources Division has reviewed this proposal and determined the proposal will not have a significant impact on the existing water levels in the area. Reviewing agencies expressed no concerns with the project in regard to wastewater disposal, or with the project having a significant impact on the existing water levels in the area.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 - 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No streams or rivers are located near on or near the subject parcel. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This is an existing regulation and will be included as a Project Note.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The subject parcel is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The proposed project will not physically divide an established community nor cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area identified in Policy OS-C.2 of the General Plan.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project could result in an increase in noise level due to construction activities on the property. Noise impacts associated with construction are expected to be temporary and will be subject to the Fresno County Noise Ordinance.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public

use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The subject parcel is not located in the vicinity of a public airport or private airstrip, and is not impacted by airport noise.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The proposed project will not induce population growth, nor will it displace housing or people. It will not induce substantial unplanned population growth in an area directly nor indirectly.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

The proposal will not have substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project is not located near any neighborhood or regional parks or recreational centers and does not propose any new recreational facilities or require the construction of such facilities.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or

FINDING: NO IMPACT:

The project was reviewed by the Transportation Planning Unit of the Public Works and Planning Department and did not express concern. As the project does not generate any additional trips to the site, no impacts in terms of Vehicle Miles Traveled (VMT) was identified as the project is not anticipated to exceed the daily trip threshold for VMT established by the State Governors Office of Planning and Research (OPR).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Design Division and the Fresno County Road Maintenance and Operations Division expressed no concerns as the proposed project meets all set back requirements and does not have any major construction that would affect emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

The parcel on which the proposed project will be sited is located within proximity of an area designated to be highly sensitive for archeological resources. Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on addressing potential tribal cultural resources. No concerns were expressed by notified California Native American Tribes and no consultation request was received. Therefore, mitigation will be implemented to address tribal cultural resources in the unlikely event they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The reviewing agencies expressed no concerns with wastewater treatment or having a significant impact on the existing water levels in the area as the project will utilize an existing onsite wastewater treatment system. Due to the number of onsite employees not increasing, it is not anticipated to result in the generation of solid waste in excess of State or local standards or impair the attainment of or be non-compliant with federal, state or local solid waste standards.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Although, the project is located within the State Responsibility Area (SRA), it would not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides. This proposal was reviewed by the Fresno County Fire Protection District, which did not identify any concerns related to the project. Further, any development associated with this proposal shall comply with the current Fire Code, and provisions for annual maintenance to assure continued availability, access, and utilization of the defensible space provided for these standards during a wildfire. These requirements will be included as a Condition of Approval for the project.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; or
- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or
- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Development of the project may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant. The project will not substantially degrade the quality of the environment nor substantially reduce the habitat of a fish or wildlife species. Responsible agencies and departments concurred with the findings determined that no substantial adverse impacts on human beings would occur.

The project will not substantially degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3757, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to air quality, biological resources, greenhouse gas emissions, mineral resources, population and housing, and recreation.

Potential impacts related to aesthetics, agricultural and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant.

Potential impacts relating to cultural resources have been determined to be less than significant with the identified mitigation measure. A Mitigated Negative Declaration/Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

AA
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EXHIBIT 9

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8354	LOCAL AGENCY PROPOSED DRAFT MITIGATED NEGATIVE DECLARATION		County Clerk File No: E- 202310000162
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Alyce Alvarez, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Project Applicant/Sponsor (Name): Linda Dineen	Project Title: Initial Study Application No. 8354, Conditional Use Permit Application No. 3757		
Project Description: Allow the expansion of existing observatory facilities constructing fourteen additional buildings (thirteen Observatory Buildings, one Breakroom Building) and eight mini-Domes/Observatory buildings on a 4.95-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for 8354 Classified Conditional Use Permit Application No. 3741, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to air quality, biological resources, greenhouse gas emissions, mineral resources, population and housing, and recreation. Potential impacts related to aesthetics, agricultural and forestry resources, geology and soils, hazards and hazardous materials, hydrology, land use and planning, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant. Potential impacts relating to cultural resources have been determined to be less than significant with the identified mitigation measure.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – July 12, 2023		Review Date Deadline: Planning Commission – July 20, 2023	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Alyce Alvarez Planner	

State 15083, 15085

County Clerk File No.:_E20230000162_

**LOCAL AGENCY
DRAFT MITIGATED NEGATIVE DECLARATION**