



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 March 15, 2018

SUBJECT: Initial Study Application No. 7280 and Unclassified Conditional Use Permit Application No. 3573

Allow the operation of a high-intensity park to be used for weddings and banquet activities on a 20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of E. Griffith Way, approximately 2,070 feet east of its intersection with N. Riverbend Avenue, approximately 5.2 miles north of the nearest city limits of the City of Sanger (16007 West Griffith Way) (SUP. DIST. 5) (APN 158-061-36S).

OWNER/APPLICANT: Mike and Maria Tillinghast

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

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RECOMMENDATION:

- Deny Unclassified Conditional Use Permit Application No. 3573; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, 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. Applicant's Operational Statement
7. Public Comment
8. Summary of Initial Study Application No. 7280
9. Public Comment regarding Initial Study Application No. 7280

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	20.11 acres	No change
Project Site	Approximately 5.5 acres	No change
Structural Improvements	5,200 square-foot residence with patio, gazebo, garage, well and septic system; 1,200 square-foot residence with patio, shop, and septic; carport pavilion, shop building, metal carport and storage building; additional well	New restroom buildings with associated septic system
Nearest Residence	~150 feet west of the western property line	No change
Surrounding Development	Grazing land, residential development, and vacant uses	No change
Operational Features	N/A	Parking lot with paved approach, primary residence (office), storage buildings,

Criteria	Existing	Proposed
		lawn areas for photos and ceremonies
Employees	N/A	7-8 on average, 12 maximum additional
Customers	N/A	120 guests on average, 390 maximum
Traffic Trips	Home Office/Residential	~312 one-way trips (156 each way)
Lighting	Residential	New solar, hardwired, low-voltage motion and photo-cell
Hours of Operation	N/A	Office hours from 8 AM to 5PM, weddings and receptions to end at 11 PM

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

While there is no active violation on the property, Violation #17-108459 was filed due to the operation of a manufacturing, service, or commercial business where expressly prohibited. An inspection was performed on December 1, 2017; no evidence was found that the business was operating in violation of the provisions of the Fresno County Zoning Ordinance. The file was closed due to lack of evidence.

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of Initial Study No. 7280 is included as Exhibit 8. Staff received seven letters from the public regarding the adequacy of the Initial Study, which are included as Exhibit 9.

CEQA Section 15384 indicates that “substantial evidence” as used in the CEQA guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: February 5, 2018.

PUBLIC NOTICE:

Notices were sent to 14 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance. Additional notices were sent to those property owners outside of 1,320 feet who provided public comment on this project.

PROCEDURAL CONSIDERATIONS:

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

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

The scope of this application relates only to the use of the property as a high-intensity park for weddings and banquets.

BACKGROUND INFORMATION:

The AE-20 zoning on the subject parcel was established by the Board of Supervisors on September 25, 1962 by way of Ordinance No. 490-A-220. There have been no zoning amendments adopted for this area since that time.

Director Review and Approval No. 4197 was approved on June 3, 2011, which allowed the 1,200 square-foot residence to remain as a permanent secondary residence to the 5,200 square-foot residence. As a condition of approval of the Director Review and Approval, an owner of record must occupy at least one of the residences. Based on the Applicant's Operational Statement, the owners intend to reside at the smaller residence.

This proposal entails the operation of a high-intensity park to be used for weddings and banquets. The project site is located on approximately five and a half acres of the 20-acre property. Guests will access the site first on Griffith Avenue, a private road, then by a gravel drive which extends 930 feet before feeding into the parking area in the rear of the parcel. All improvements are at least 600 feet south of Griffith Avenue. Ceremonies and receptions will take place a 1,300 square-foot freestanding cover which will be expanded to 3,300 square feet. Fans, carriage lighting, and heaters will be installed as part of the expansion. Event space also includes the interior of the 5,200 square-foot house.

Events will consist of an average attendance of 120 persons, with a maximum attendance at each event of 390. A condition of approval is recommended for this project that would restrict operations to a maximum of 388 persons per day in order to not exceed the capacity of the septic system. Events may occur any day of the week, but are anticipated to be primarily on weekends, during good weather. No more than 100 events per year are permitted, with an average of 7 events per month. All events will conclude by 11:00 PM. During non-event times, it is anticipated that a small number of persons will visit the site to view the property in advance of booking or to make deliveries.

Outdoor amplified sound is authorized during events. Speakers must be placed 45 feet southwest of the pool within the rear yard of the 5,200 square-foot house, in compliance with the

Acoustical Analysis. Said analysis, performed by WJV Acoustics, Inc., indicated that noise from speakers placed in this area, when played at a typical volume for events, would not exceed County Noise Ordinance standards.

Event staff is anticipated to include security, coordinators, and servers with a maximum of 12 employees during large events. The property owners will reside in the 1,200-square foot residence.

A traffic management plan was approved to show how traffic would flow onto the site without adversely impacting traffic on Griffith Avenue. A sewage feasibility analysis was approved to ensure that the new septic system could be accommodated. An Air Impact Assessment determined that this project would meet air quality standards without the need for mitigation. Use of the pool is not authorized as part of the operation of this high-intensity park.

Staff received public comments from the majority of the residents of Griffith Avenue. Concerns raised by the neighbors are discussed under the “Public Comments” section.

***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 (north): 35 feet Side: 20 feet Rear: 20 feet	No change	Y
Parking	Residential/private business	156 spaces required, with 7 handicap spaces	Y
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum	New restrooms will be 25 feet from the nearest building	Y
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100%	100% replacement area identified by sewage feasibility analysis	Y
Water Well Separation*	Septic Tank: 50 feet Disposal Field: 100 feet Seepage Pit: 150 feet	55 feet 115 feet N/A	Y Y

*As measured nearest well to nearest point

Reviewing Agency/Department Comments Regarding Site Adequacy:

County of Fresno Agricultural Commissioner: The Fresno County “Right to Farm” Ordinance Sections 17.01.100 and 17.72.075 shall be presented to the Applicant so that any necessary mitigation measures can be considered by the facility to minimize any potential discomfort or risk to staff and guests.

Fresno County Department of Building and Safety: Plans, permits, and inspections shall be required.

Development Engineering: According to FEMA, FIRM Panel 1620H, parcel is not subject to flooding from the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.

Fresno Irrigation District (FID): FID does not own, operate, or maintain any facilities located within the subject property and it is not located within FID boundaries.

Fresno County Fire Protection District: This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving conditions of approval from the Fresno County Fire Protection District (FCFPD), the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. This development shall annex to Community Facilities District No. 2010-01 of FCDPD and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Requirements for this project may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers systems, fire alarm systems, premises identification, and Title 15.60 County Ordinance.

Fresno County Department of Public Health, Environmental Health Division: The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the David Charles Annis report dated August 10, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure the on-site wastewater treatment systems’ adequacy to serve the proposed changes.

As per the submitted Operational Statement, during Phase I, all events shall have the food catered, with no food being prepared at the site. Phase II authorizes the preparation of food on site; however, prior to issuance of building permits for the commercial kitchen, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. This review may result in the requirement to install an improved septic system to accommodate the food preparation.

Fresno County Site Plan Review: The proposal states a 20-acre high-intensity park to ultimately be built for wedding and banquet use, therefore, per Zoning Ordinance Section 855-1-2b,

parking requirements shall be one (1) parking space for each five (5) persons normally attending or using the facilities, plus one (1) parking space for every two (2) permanent employees.

American Disabilities Act (ADA) compliant stalls must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so a disabled person does not cross a driveway into the parking lot.

An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. Outdoor lighting should be hooded and directed away from adjoining property and public roads.

All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE-20 Zone District.

The driveway should be a minimum of 24 feet and a maximum of 35 feet in width and should be asphalt concrete paved as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of driveway(s) off of the edge of the road easement shall be concrete or asphalt concrete. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Fresno County Zoning Division: New buildings will require permits. Existing buildings, such as ag-exempt structures, may require a change of occupancy to allow the new use.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments. The following agencies reviewed this application and returned “no comments” or “no concerns”: The Fresno Metropolitan Flood Control District and the Fresno County Resources Division.

Analysis:

The existing improvements satisfy the setback standards of the AE-20 Zone District and the proposed improvements are located further from the property lines than the new development. Further, a Site Plan Review is required prior to the issuance of permits related to the operation of the high-intensity park. The Site Plan Review will ensure that all development standards, including those regarding required parking spaces, can be adequately addressed. Staff notes that the Site Plan Review may require revision to the parking layout. High-intensity parks that do not utilize a main auditorium or meeting hall are required to provide at least one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees, per Zoning Ordinance Section 855.1.2.b. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces at a facility. In this case, the proposed high-intensity park will have up to 390 persons at each event and thus 76 parking spaces are required based on maximum attendance, with 6 spaces for staff, and 4 handicapped spaces. However, the proposed layout was prepared in association with the preparation of the Traffic Management Plan, which assumed a vehicle occupancy of 2.5 persons per vehicle based on the Federal Highway Administration’s “Managing Travel for Planned Special Events”. Based on this analysis, 156 parking spaces for guests, 6 parking spaces for employees, and 7 handicapped-

accessible spaces are required. Adherence to the requirement to file a Site Plan Review will ensure that the project meets parking standards. There is sufficient space on the parcel to accommodate a variety of designs.

With compliance to the Sewage Feasibility Analysis prepared for this application, staff has determined that there is sufficient space on the parcel for the existing septic systems, the proposed septic system, and the two wells without encroaching on the minimum setback distances for such systems. Staff notes that while the operational statement indicates a maximum proposed event attendance of 390 persons, the maximum attendance is limited by the size of the septic system and the feasibility study to 388 persons per day. A condition of approval is recommended to limit the maximum daily attendance to 388 until such a time as a new septic system design which can accommodate increased daily attendance is approved by the County of Fresno Environmental Health Division.

Staff finds that the proposed site is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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	Yes	Griffith Avenue	No change
Public Road Frontage	No	N/A	No change
Direct Access to Public Road	No	Riverbend Avenue is approximately 2,220 feet west of nearest site access	No change
Road Average Daily Traffic (ADT)		Residential for 10 occupied parcels	Up to 156 round trips per event
Road Classification		Private	No change
Road Width		60-foot easement	No change
Road Surface		Paved through the majority of the parcel	No change
Traffic Trips		Residential	156 round trips per event

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		N/A	Installation of a 36-inch stop sign on Griffith at Riverbend and 12-inch white limit line on Griffith

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: In accordance with the Traffic Management Plan conducted by JLB Traffic Engineering, a three-foot by six-foot double-sided sign with an arrow pointing toward the project site should be posted adjacent to the intersection of Riverbend Avenue and Griffith Avenue outside the road right-of-way. The Applicant shall install 12-inch white limit line and a 36-inch stop sign on Griffith Avenue at its intersection with Riverbend Avenue.

Road Maintenance and Operations Division (RMO) of the Fresno County Department of Public Works and Planning: Griffith Avenue is not a County-maintained road. Ashlan Avenue is a County-maintained road classified as a Local road with existing road right-of-way of 40 feet. Pavement width is 23.8 feet with dirt shoulders. The ADT of Ashlan Avenue is 800 vehicles per day (VPD), with pavement condition index (PCI) of 93.3. The roadway is in good condition. Riverbend Avenue is a County-maintained road classified as a Local road with existing road right-of-way of 40 feet, pavement width of 23.1 feet, and dirt shoulders. The ADT of Riverbend is 900 VPD, with a PCI of 88.1, and the road is in good condition.

Griffith Avenue traffic is uncontrolled at the intersection with Riverbend Avenue. Riverbend Avenue is the uncontrolled through street at this intersection. An RMO Encroachment Permit is required, pending CUP approval, for the proposed signage referenced in the supplemental Traffic Management Plan. The Encroachment Permit applies to the County right-of-way of Riverbend Avenue. The Applicant will need to make other provisions for the signage along Griffith Avenue, which is not a County-maintained road.

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

Analysis:

Griffith Avenue is a private road which is not maintained by the County and provides access to 16 parcels. There is pavement from its intersection with Riverbend Avenue to approximately 90 feet from the east side of the subject parcel. Guests will be directed past the end of the pavement to the gravel road which runs along the eastern property line. The Traffic Management Plan prepared for this application identifies how traffic will flow during events: guests will arrive from Griffith Avenue; pass the central, paved employee/resident entrance to the eastern access road which provides access to the interior of the site; then travel south approximately 950 feet towards the rear of the property where parking spaces are provided. As the majority of traffic will occur near the beginning and at the end of an event and these events are typically planned during weekend and evening hours, it is not anticipated that the increased

traffic in this area will cause substantial impacts to traffic flow on Griffith or Riverbend Avenue. The long drive from Griffith Avenue to the parking area provides space for queuing without the need for cars to stop on Griffith Avenue. As part of the Traffic Management Plan prepared for this application, the Applicant must install a 12-inch white limit line and stop sign on Griffith Avenue at its intersection with Riverbend Avenue.

The Traffic Management Plan (TMP) also assumed the installation of signs to direct traffic towards the site near the Griffith/Riverbend intersection and at the entrance to the project site. Staff notes that this signage may not be allowed under the current zoning ordinance. Failure to install directional signs may cause event attendees to bypass the turn onto Griffith Avenue and/or the entrance to the site and cause additional impacts to traffic and the road, due to u-turns. Staff notes that the Applicant could provide additional event staff positioned at the Griffith and Riverbend intersection and at the entrance to the project site to appropriately direct traffic; however, the use of flaggers was not contemplated by the TMP.

The increased number of cars that will travel on Griffith Avenue will cause increased wear and tear on the pavement. Average events, when considering the assumed vehicle occupancy of 2.5 persons per vehicle (per Federal Highway Administration’s “Managing Travel for Planned Special Events”) and the average of 120 persons, will result in an average increase in traffic of between 50 and 60 vehicles both arriving and departing the project site. The Traffic Management Plan established that there was sufficient space to allow cars to access the site without negatively impacting traffic flows on County roads or traffic on Griffith, although, it did not consider the damage that would be caused by said increase in use. As the vehicles will also be required to travel off unpaved (gravel) surfaces and back onto pavement when they leave the site, there will be transfer of rocks to the road surface, which will accelerate damage to the roadway beyond that caused by the increased traffic. The pavement width is 18 feet, which is sufficient to allow two-way traffic to pass each other; however, in practice, one car will be likely to drive off the paved surface to allow space for the other. Photographs of the road indicate there is pavement cracking present from typical residential usage and the shoulders are soft dirt.

Based on the above information, staff believes that East Griffith Avenue is not of sufficient width and pavement to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 cannot be made.

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	20.43 acres	Grazing, Residential	AE-20	125 feet
South	91.75 acres	Grazing, Residential	AE-20	1,430 feet

Surrounding Parcels				
East	20.3 acres	Vacant	AE-20	840 feet (next parcel)
West	20 acres	Residential	AE-20	155 feet

*As measured from the nearest property line of the subject parcel to the residence

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District: Based on information provided to the District, project-specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year Nitrous Oxides, 10 tons/year Reactive Organic Gases, and 15 tons/year Particulate Matter <10 micrometers in size. Based on the Air Impact Analysis approved by the District on June 28, 2017, the District determined that the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees. In order to maintain this exemption, the Applicant must comply with certain measures identified in the Air Impact Assessment approval letter. These conditions are included as Project Notes for the Applicant.

Development Engineering Division of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1620H, the parcel is not subject to flooding from the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties, and a grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.

State Water Resources Control Board: Based on the operational statement indicating up to 80 events per year with an average attendance of 120 persons, the Wedding and Banquet event center will meet the definition of a transient noncommunity public water system. It is the Division’s intention to permit Cobblestone Hill Weddings and Banquets as a transient noncommunity water system once a permit application has been submitted.

Water and Resources Division of the Fresno County Department of Public Works and Planning: Considering that the buildings and landscaping to be utilized by the project are already in existence, it is likely that there will be a minimal increase in water consumption, much of which would be returned to the groundwater via the septic system. The area in question has been shown to produce adequate water, despite being designated as a water-short area. Further, should the project be unable to produce adequate water supplies to serve the project’s needs, it could simply cease operation until new water resources could be developed.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

As discussed under the analysis for Findings 1 and 2, the Applicant’s Engineer prepared a sewage feasibility study to ensure that the use of the parcel would not have adverse impacts on local groundwater; a Traffic Management Plan to ensure that the level of traffic would not adversely impact traffic on Riverbend Avenue or Griffith Avenue; and an Air Impact Analysis to ensure that the project would not produce adverse levels of criteria pollutants. In addition, an

Acoustical Analysis prepared by WJV Acoustics Inc. determined that the speaker system could be operated on this property without violating County Noise Ordinance standards. The Acoustical Analysis was done with the speakers in a specific location, approximately 45 feet southwest of the pool. Variation from this positioning and orientation could result in a violation of County Noise standards and therefore the Applicant must adhere to a mitigation measure restricting the placement and orientation of the speakers.

Each study separately shows how the project will comply with County standards regarding traffic, air emissions, and noise contamination; however, a project may still have an adverse effect while still meeting County standards. Increased traffic and guests will bring increased problems to surrounding properties. With up to 100 permitted events per year, the Applicant could have music and other amplified sounds every weekend, which would cause a deviation from the current baseline quiet of the neighborhood.

Based on the above information and in consideration of the substantial public opposition relating to adverse impacts on neighboring properties, staff believes the proposal would have an adverse effect upon surrounding properties and would not be a compatible use with the surrounding neighborhood.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 cannot be made.

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

Relevant Policies:	Consistency/Considerations:
Policy LU-A.12 In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.	The operation of a high-intensity park is a use that is permitted in various zone districts, including AE-20, with approval of an Unclassified Conditional Use Permit (this application). This policy relates to the adoption of land use policies, regulations, and programs. Therefore it is not applicable to this project.
Policy LU-A.13 The County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Surrounding uses are undeveloped or utilized for grazing. There is an existing fence around the subject parcel, which provides sufficient buffer from this use.
Policy LU-A.14 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.	The majority of proposed improvements have been constructed and will not encroach onto active agricultural land. The loss of grazing land to the parking lot is not a significant impact.

Relevant Policies:	Consistency/Considerations:
<p>Policy PF-C.17 The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The Well Completion Report dated June 16, 2003 indicates sufficient water resources are available, and considering that the buildings and landscaping to be utilized by the project are already in existence, it is likely that there will be a minimal increase in water consumption, much of which would be returned to the groundwater via the septic system.</p>
<p>Policy PF-D.6 The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The Applicant must install the new sewage disposal system in accordance with the sewage feasibility analysis approved by the Fresno County Department of Public Health on August 14, 2017.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is not subject to an Agricultural Land Conservation Contract. The General Plan seeks to protect Prime agricultural land as the County’s most valuable natural resource. Policy LU-A.12 of the General Plan is aimed at protecting agricultural land from incompatible uses that may interfere with the normal agricultural operations such as disking, application of pesticides and other agricultural related activities that may cause dust or odor. Although the Zoning Ordinance provides for non-agriculturally-related uses in areas designed for agricultural uses, those uses should be evaluated as to whether or not they should be located in an agricultural area of the County. Certain non-agriculturally-related uses that, due to the nature of the use require a large parcel of land or location in a sparsely populated area, may be allowed in agricultural areas. The Policy Planning Section does not believe the proposed facility for private weddings, fundraising and special events is a type of use that requires location in an agricultural area of the County. As such, the Policy Planning Unit does not believe the proposed use is consistent with Policy LU-A.12 because it is an encroachment of a non-agricultural use in an area of the County designated for agricultural uses.

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

Analysis:

Policy LU-A.12 is intended to guide the County in the adoption of new policies, regulations, and programs and therefore is not applicable to this application; however staff recognizes the concern raised by the Policy Planning Section and public comment that this use is not compatible with the surrounding agricultural uses. However, weddings and other such events typically require large spaces which are not available within urbanized areas. In addition, this project site sits atop a hill, which provides a unique vista desirable to couples as a backdrop for their wedding day. Further, the land in this area is designed as Grazing land by the California Important Farmlands Map and therefore is less productive than lands determined to be Prime

Farmland, Farmland of State-wide Importance, or Farmland of Local Importance. The Applicant is required to acknowledge the surrounding properties' rights to farm, and review of historical aerial photos indicates that those uses have typically been non-intensive. Based on these factors and the analysis in the table above, the proposal is consistent with the General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

Staff received letters from 9 surrounding property owners, one letter from Wanger Jones Helsley PC on behalf of several property owners, one letter from Russell D. Cook (Attorney/Mediator) on behalf of another property owner, and one letter sent "representing approximately 12 neighborhood families" which was submitted unsigned. Some residents provided more than one comment, either via individual letter and petition or in varying formats, but each was considered as separate correspondence. The correspondence is attached as Exhibit 7. The following concerns were identified by the public comment letters:

- There is not sufficient space to provide parking without encroaching upon a shared property line.
- Griffith Avenue is a private easement and is not intended to support commercial traffic.
- Pavement on Griffith Avenue is cracking under typical usage after only two years.
- Increased travel on the unpaved portion of Griffith Avenue will raise dust and cause further damage to the road.
- Regular events will lead to a rise in inebriated drivers, causing increased risk to residents and property; inebriated drivers may be more likely to exceed safe driving speeds on Griffith Avenue.
- Increased litter and increased chance of fire from lit cigarettes.
- Sound carries in this area: residents have been able to hear the property owners speaking in their yard at normal levels.
- This area is currently quiet and isolated, which would change if events were allowed every weekend.
- The proposed event center will be operated by a corporation who will rent the property indiscriminately, potentially increasing the risk of theft on surrounding properties.
- Several comment letters identified specific concerns with the WJV Acoustics analysis.

Some concerns raised by the neighbors were addressed by revisions to the project description:

- The number of events allowed per month and per year were defined, alleviating concerns regarding unlimited events, but not addressing concerns that those limits were still too high.
- In order to meet the standards required by the sewage feasibility study and the traffic management plan, the Applicant reduced the maximum number of attendees from 450 to 390 and staff added a proposed condition of approval to further restrict that number to 388 per day.
- The option for guests to remain overnight was removed completely from the operational statement.

- Concerns regarding the lack of traffic controls at Griffith and Riverbend would be addressed by the requirement to install a stop sign and white limit line.

Staff also received seven pieces of correspondence relating to the adequacy of the Initial Study, which are attached as Exhibit 9.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit cannot be made. Staff therefore recommends denial of Unclassified Conditional Use Permit Application No. 3573.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Unclassified Conditional Use Permit Application No. 3573; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7280; and
- Move to determine the required Findings can be made (state basis for making the findings) and move to approve Unclassified Conditional Use Permit Application No. 3573, 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.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

CMM:ksn
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**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application No. 3573
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as to not shine toward adjacent properties and public roads.	Applicant	Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	Forty-eight (48) hours prior to any site excavation or grading activities, the Applicant shall notify all Tribes that participated in consultation of the opportunity to have a certified Native American Monitor present during all ground-disturbing activities. The notification shall be by email to Robert Ledger at ledgerrobert@ymail.com and by email to Robert Pennell at rpennell@tmr.org . The tribal monitors shall be independently insured in order to enter the construction zone.	Applicant	Applicant/PW&P	48 hours prior to site excavation or grading
*3.	Cultural Resources	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 should 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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
*4.	Geology/ Soils and Hydrology/ Water Quality	The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the David Charles Annis report dated August 10, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure the on-site wastewater treatment systems' adequacy to serve the proposed changes.	Applicant	Fresno County Department of Public Health, Environmental Health Division (DPH-EHD)	Prior to operations of the high-intensity park

EXHIBIT 1

*5.	Geology/ Soils and Hydrology/ Water Quality	Prior to operation of Phase II, a revised sewage feasibility analysis shall be approved by the Fresno County Department of Public Health, Environmental Health Division. If necessary, the new system shall be installed prior to the operation of events where food is prepared on site.	Applicant	DPH-EHD	Prior to operation of Phase II
*6.	Noise	During all events which include amplified sound generation, the speakers shall be placed approximately 45 feet southwest of the pool within the rear yard of the Main Residential House (Herron Point). The speakers shall be oriented facing toward the east.	Applicant	Applicant/PW&P	During events with outdoor sound generation
*7.	Transportation/ Traffic	Operation of the proposed High-Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated July 26, 2017, including the supplemental report submitted to the County on November 20, 2017 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.	Applicant	Applicant/PW&P	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission except as modified by the Conditions of Approval and Site Plan Review; hours of operation shall be between the hours of 8:00 A.M. and 11:00 P.M. and no more than 100 events shall be held per year.				
2.	Prior to issuance of Building Permits, a Site Plan Review (SPR) 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. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.				
3.	Prior to issuance of Building Permits, the owner of the subject property shall enter into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).				
4.	Attendance shall be limited to no more than 388 persons per day. This number may be increased through approval of a revised sewage feasibility analysis by the Fresno County Department of Public Health, Environmental Health Division.				
5.	The Applicant shall install a 12-inch white limit line and a 36-inch stop sign on Griffith Avenue at its intersection with Riverbend Avenue.				

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

Notes

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

1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher may be required for any grading proposed with this application.
3.	This project is subject to the California Code of Regulations Title 24 – Fire Code. The property owner is responsible for delivery of three sets of plans to the Fresno County Fire Protection Department. The project will be required to annex to Community Facilities District No. 2010-01.
4.	Plans, permits, and inspections are required. Please contact the Zoning and Permitting section at (559) 600-4540, for information regarding permits for siting, construction and electrical work.
5.	Prior to issuance of building permits for the commercial kitchen, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to the change in operations, the operator shall obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
6.	Buildings and/or facilities providing a “Public Use” must comply with the Accessibility requirements of Chapter 11B of the California Building Code (CBC), per CBC 1.9.1.2 through CBC 1.9.1.2.2: <ol style="list-style-type: none">1. Construct Accessible Parking Spaces.2. Provide Accessible Routes from the site arrival point (Accessible Parking Area) to the public areas served and to connect buildings and facilities (event areas) providing public access, per CBC 11B-206.3. Modify buildings being converted to a public use to comply with the requirements of CBC Chapter 11B.4. Provide Accessible toilet facilities per CBC 11B-213 & CBC 11B-603.5. Event seating must comply with applicable sections of CBC 11B-221.6. Event Dining Areas must comply with CBC 11B-226.
7.	As a Condition of Approval relating to Director Review and Approval No. 4197, an owner of record must reside within one of the two residences on the property.
8.	An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction.
9.	All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE Zone District.

Notes

10.

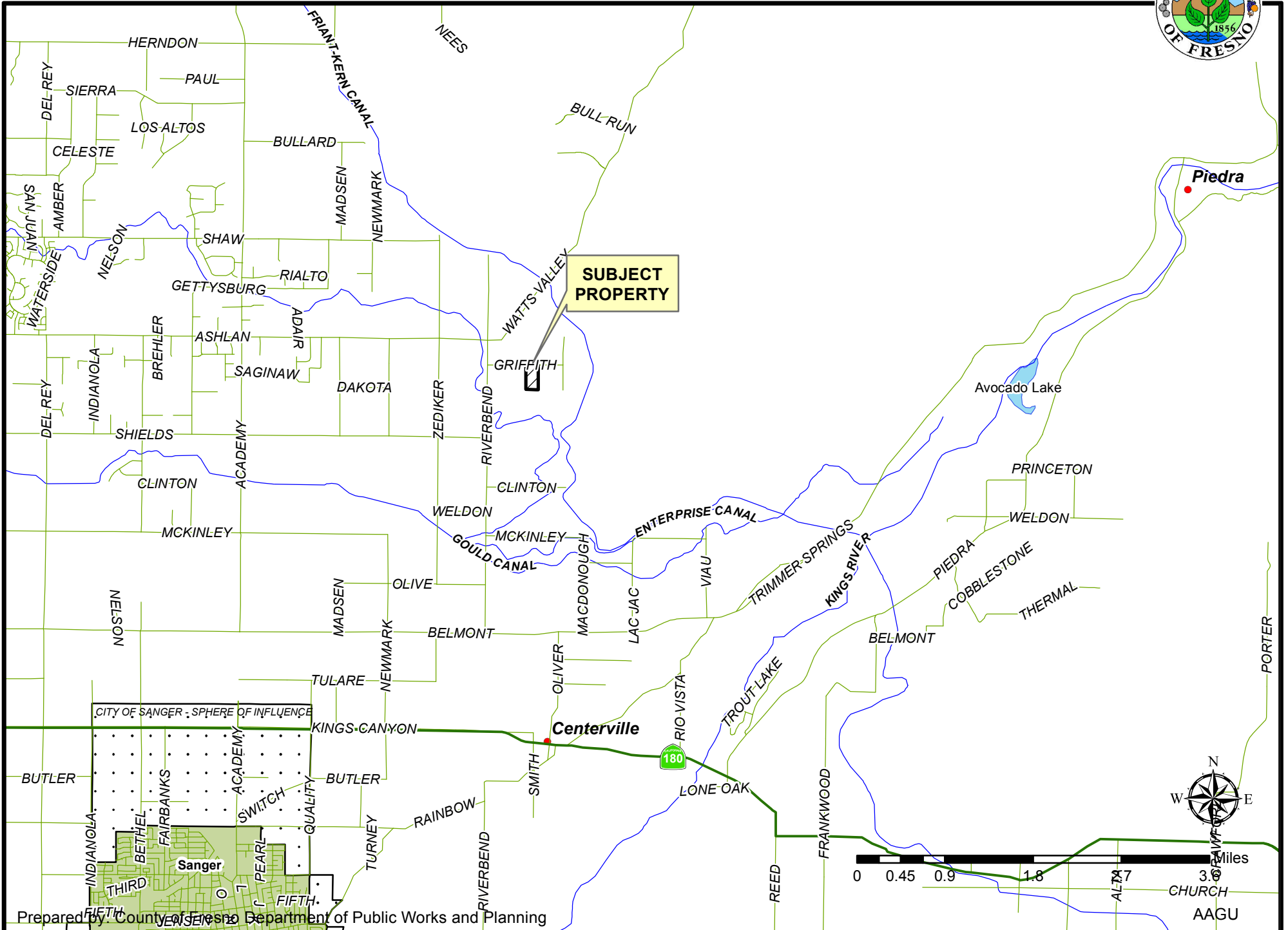
The Applicant shall comply with the following measures identified by the San Joaquin Valley Air Pollution Control District:

- For each project phase, maintain records of (1) the construction start and end dates, and (2) the date of issuance of the first certificate of occupancy, if applicable.
- For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.
- For each project phase, within 30 days of issuance of the first certificate of occupancy, if applicable, submit to the District a summary report of the construction start and end dates and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30 days of the end of each phase of construction.

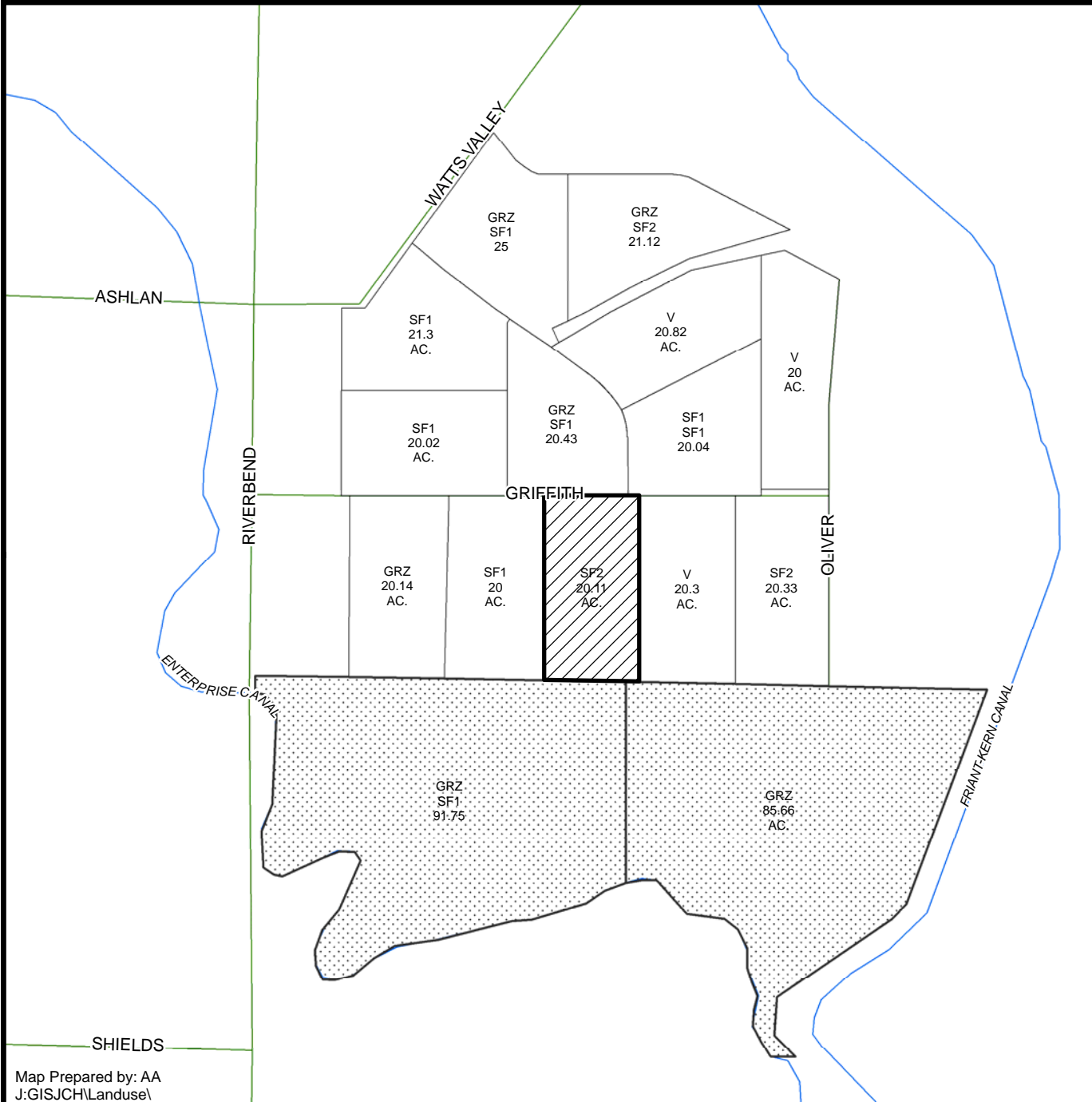
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LOCATION MAP





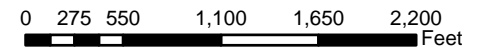
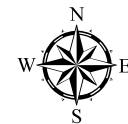
EXISTING LAND USE MAP



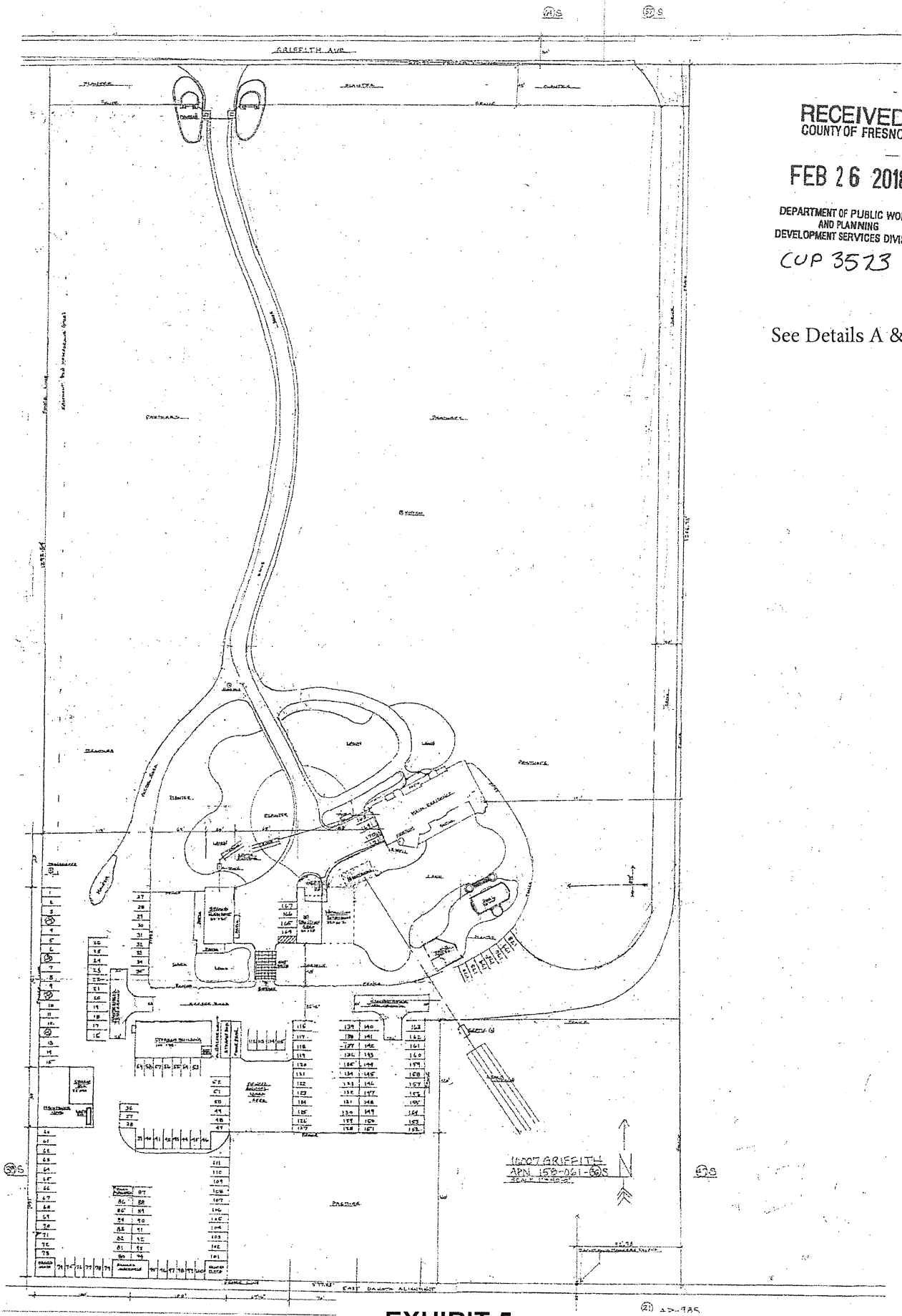
LEGEND	
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



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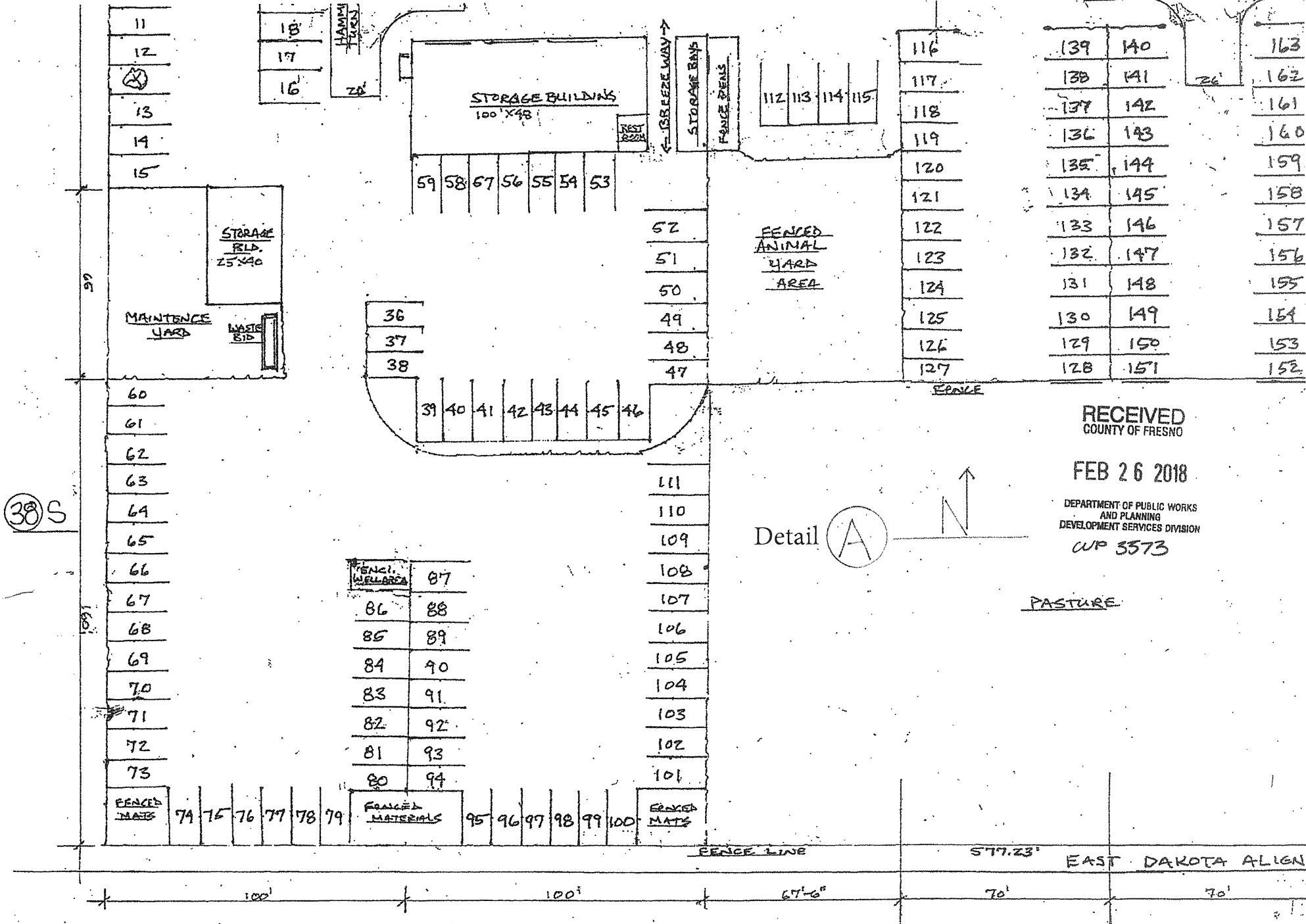
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3573

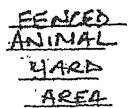
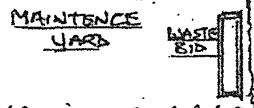
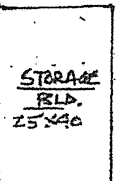
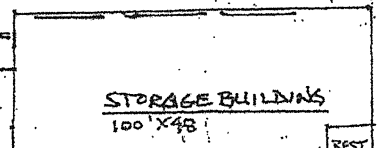
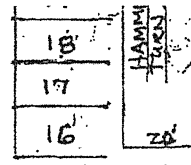
See Details A & B

EXHIBIT 5

22-195



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FENCE WELL AREA	87
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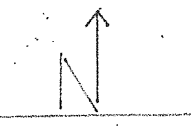
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AND PLANNING
DEVELOPMENT SERVICES DIVISION
WP 5573

Detail (A)

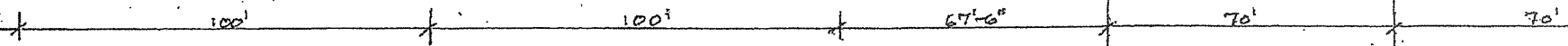


PASTURE

FENCE LINE

577.23'

EAST DAKOTA ALIGN.



Detail

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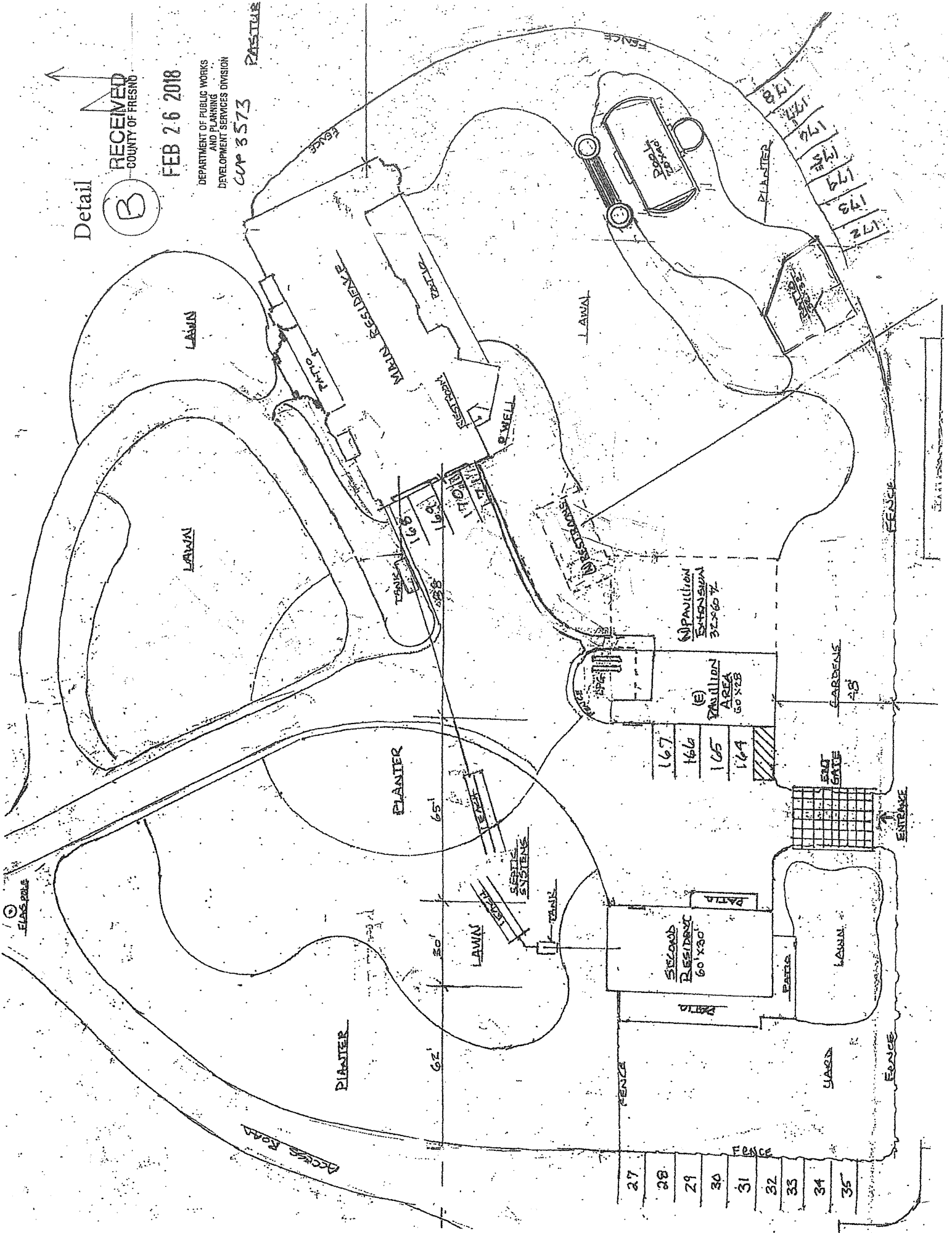
(B)

FEB 26 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3573

PASADENA



County of Fresno
Dept. of Public Works and Planning
Director: Steven E. White

Mike and Maria Tillinghast
Wedgewood Group and ZGolf Food & Beverage

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COUNTY OF FRESNO

FEB 20 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

COBBLESTONE HILL WEDDINGS AND BANQUETS
OPERATIONAL STATEMENT

I. PROJECT DESCRIPTION

A. FULL EVENT FACILITY-WEDDINGS & BANQUETS

We, Mike and Maria Tillinghast will enter into a lease agreement with ZGolf Food & Beverage to utilize hill top surroundings of Two Residential Homes, Carport Lounge, Shop, Storage Buildings, Patios and all Surrounding Grounds for the purpose of a "FULL EVENT FACILITY" located at 16007 Griffith Ave. Sanger, Calif. 93657 for the business of conducting Weddings and Banquets.

II. OPERATIONAL STATEMENT-BUSINESS PLAN

A. INTENDED USE & NATURE OF BUSINESS

The premise will be that outside Caterers will supply all food and beverage. Average gatherings shall include peoples numbering "on average" 120 guests. Events will occur throughout the year and averaging approx. seven events per Month. These are outdoor/indoor events occurring within the rear yard of Main Residential House, "Redhawk Gables" and Surrounding Grounds. It is located on a 20 Acre AE Agriculture parcel with Main residence located to the rear of said property approx. 700 ft. South of Griffith Ave (main road). It shall be understood that these events will be lighted into the evenings, accompany entertainment and or music, and catered. Two- way traffic is provided and will be enforced with adequate lighting and designated parking. The large Patio Carport will be modified and named, "The Hitchin' Post", will accompany 300 guests with adequate protection from the elements, will include options to expand for overflow of guests utilizing tents and or existing patios of Main House and Pool Patio and events not to exceed 390 persons. It is noted that this site is elevated and set back from surrounding residences to minimize our "sphere of influence" and related impacts- see Doc's. Primary drive, (Griffith Ave.), is paved and continues up into Main House- "Redhawk Gables". This drive will be utilized by staff, special guests, and emergency use only. The entire 20-acre parcel is fully fenced and gated on perimeter. Redhawk Gables and Red Barn residences are occupied with internal fencing for protection and seclusion. There exist ample storage facilities to conceal and store all equipment and supplies associated with running the operations of Cobblestone Hill Weddings and Banquets.

There exists a 40-cubic yard bin utilized for all trash deemed non-recyclable to be in operation at all times and an on-site 6-yard recyclable container to accompany and satisfy all waste management conservation means. Each residence is equipped with separate electrical meters, septic systems, irrigation systems, and propane LPG tanks. It is noted that a portable 50 amps back-up generator is to remain on property at all times during any scheduled event. It is understood that property owners Mike and Maria Tillinghast, can maintain their physical presence within the confines of Second residence "Red Barn" and will not occupy Main Residence at any time throughout the agreed lease period with GolfZ Food & Beverage. It is understood that the said owners will maintain all grounds, upkeep, and continue to watch and operate their personal Construction Business from Red Barn residence and oversee and aid the operations of GolfZ. This is to ensure that the safety of guests, neighbors, local government agencies including Fire & Police are met continuously for compliance and adequate accessibility. It is noted that there exist "full access" from all directions of all buildings to provide open and free access in case of any emergency. These lanes (roads) will be open at all times and clearly marked. The residence is located on AE Agriculture Land and not subject to subdividing. This will insure all setbacks and impacts to adjoining neighbors will be maintained and enforced. Mutual respect for noise considerations among impacted neighbors within the "sphere of influence" shall be monitored to meet a reasonable decibel volume as outlined in our Engineer Acoustical Study provided by WJV Acoustics during events- see Report. Handicap parking is provided with wheelchair accessibility to our Hitchin 'Post Dinning Area with adjoining new permanent restrooms facility, ADA equipped, and designed by David Charles Annis, Consulting Geologist. Additional existing unisex restrooms (3ea.) are available on-site within Main residence.

B. OPERATIONAL HOURS

It is understood that Cobblestone Weddings and Banquets shall be in operation (year-Round) with the majority of scheduled events occurring in good weather seasons, outdoors, and on weekends. Expected Yearly events will number approx. (50-100) and hours of operation shall vary depending on season, fluctuations in business, size and nature of schd. events, and improvements. It shall be understood that office hours will generally open at 8:00 am and close at 5:00 p.m. However, due to deliveries and unforeseen circumstances, the times of operations can change with or without notice. Actual Weddings and Banquets times will also vary and is subject to change. Generally, it is understood that we will enforce **strict guidelines for events**, applied to specific times for set up, ceremonies, closing, and clean up. These expanded times shall not exceed 11:00 p.m. into the evening and shall on average meet a reasonable event closure time between 10 - 11:00pm into the evening. "Term" for Weddings, Banquets and Events shall be understood to imply a ceremony of all invited peoples and a one-time occasion. No overnight events are permitted at any time.

C. VISITORS/GUESTS/EMPLOYEES - CONDITIONS & EXPECTATIONS

Customers, guests, employees and visitors shall respect and adhere to posted office hours and times. It should be expected that a few employees and or customers will visit on a daily basis. It is understood that Mike and Maria Tillinghast will act as caretakers of said premises and not employees of Cobblestone Weddings and Banquets, that they will continue to operate and run a small construction business (Mico

Construction Inc.), and understood that their partnership with GolfZ is conditional and binding per their contractual lease agreement and related circumstances in partnership. Closed hours of operations shall include that employees be off premises, that buildings be locked and secure, and gates closed. Event schedules shall include employees and staff adequate in numbers to provide for the safety and enjoyment of all guests, personnel, and unexpected conditions including and not limiting to maintenance men, security men, coordinators, and servers. It is noted that the size and number of peoples will dictate the "hands on" staff required to meet the needs of the ceremony being provided and related community. Average expected staff on an average Wedding events will range between 7-8 and a max. staff for large events shall consist of staff numbering between 10-12. Deliveries and service personnel shall be expected before, during and after events and generally within box vans or equivalent to transport food and supplies as needed. Wireless cameras and automated to I-phones with motion control and visuals shall be placed throughout premises including and not limiting to interior and exterior of buildings, structures, and grounds. Signs will be posted notifying guests and visitors of recordings.

D. SITE ACCESSIBILITY & TRAFFIC

Cobblestone Weddings and Banquets is unique in every way. We overlook the Sequoia Mountains elevated and secluded with open blue skies and hillside pastures. Our parcel is "God made" to capture a panoramic setting isolated from development and views that transcend time. The backdrop landscape of rolling 700 plus acres will encapsulate you with roaming herds of Cows, Herons, Pheasant, Coyotes, Squirrels, Rabbits, Red Tail Hawks, reflective canals and fish ponds, never ending summer breezes, and a sunset that leaves you speechless. We are just off the beaten path, two miles east of Academy and three miles north of Hwy 180. We have access to Griffith Ave. from (Belmont Ave. & Riverbend) and (Ashland Ave. & Riverbend). We have provided a Traffic Report Study performed by JLB Traffic Engineering which provided data that confirmed minimal traffic impacts to Riverbend and to dead end Griffith Ave. including surrounding areas and can accommodate all "event" traffic-See Report. As you head East on Griffith Ave. (a paved road), you are welcomed by a gated landscaped entrance and sign-COBBLESTONE WEDDINGS AND BANQUETS. The paved entrance will take you up to a mid-point junction where you can travel left up to the Main House -" Redhawk Gables" offices, choose to continue up ward on the main paved drive to assigned parking at The Hitchin' Post /Second House Residence - "Red Barn", or veer right to the west gravel road that will take you to our storage facilities, VIP Parking, Waste Bin area and Delivery Drop off Zone. For all events, our guests will continue traveling on Griffith Ave. another 400 ft. where they will enter into a two-way traffic gravel road up to designated Parking areas that are just South of the Main House Redhawk Gables and within easy walking distance to our South yard entrance. All Parking Areas will be gravel based, maintained with occasional grading, lighted and clearly marked. For those who may need to leave early or simply find themselves driving past our parking lot, we provide two turn arounds to get you back on the main road for easy egress. In addition, we will provide Special VIP parking sites especially for that limo and wedding family attendees. All vehicles are expected to follow posted signs, directions, and speed. It is noted that all VIP Arena Parking shall be utilized first, followed by South West Side General Parking Site. Asphalt drive and Main House "Redhawk Gables" Garage Parking is exclusive to management and used per their discretion at all times.

E. SUPPLIES, MATERIALS, & EQUIPMENT

Every effort has been made to ensure the “views and beauty” of Cobblestone Weddings and Banquets remain unobstructed within every direction. Painful attention to detail has been made to provide ample storage of all supplies, materials and equipment. Expected items (Supplies) in use on a continuous basis include linens, table settings, restroom accessories, plates, silverware, replacement bulbs, bags, kitchen utensils, trays, bowls, cleaning items, office items, buckets, brooms and stationary. Expected (Equipment) items shall include boxes, shelving, tables, chairs, standalone heaters and coolers, trash bins, carts, stereo and sound equip, furniture, lamps, trailers, photo props and carriage, tents, drapes, ropes, carpets, signs, tools, tractor, bins, and hardware. Expected Materials shall include perishable items such as all catered food, and nonperishable items that consist of hardware, building components of elect., plumbing, and mechanical, landscape items including trees, shrubs, and flowers, pots, hoses, and wedding fixtures. Storage facilities available that will house these items include oversized Pantry and large walk in Closets, 800 sq. ft. Garage and Mechanical room, Storage Bays Facility 3ea. 20x32, Office Spaces, Shop Yards to the west of property, Stall Bays 3ea., Utility Shed, and Red Barn Shop 1200 sq. ft. These enclosures are for the storage and safe protection of all stated Supplies, Materials, and Equipment. It is noted that optional 40 yards “enclosed bins” will be permitted to the far West side of property located to the South end of Metal Carport & Storage Bld. The entire grounds and facility is clean, groomed and maintained at all times. All yard service is weekly. Any Deliveries will be located to the South/West rear of property and out of plain sight. It is noted that Mike and Maria Tillinghast will occupy these area’s more specifically (West of Main paved drive) with regards to their new living quarters, business demands, and animal’s needs.

F. SOLID WASTE / DISPOSAL/ WATER SUPPLY

Each residence is equipped with individual septic systems. Both are to be used accordingly and to be maintained and monitored. In addition, the new restroom facility will utilize a new Engineered Septic System provided by David Charles Annis, Consulting Geologist consisting of a 4000-gallon tank and 500 lineal ft. of leach fields to accommodate 390 peoples. The new restroom facility will provide for 3 women’s water closets and two lavatories and provide the men’s a single water Closet and two urinals and two lavatories. In addition, there exists 3 unisex restrooms within main house that will be available for use. Disposal of garbage waste will utilize on- site garbage bins and recycle bins. This service is currently provided by Granite Waste and will continue as the primary source of waste disposal. Garbage waste will be bagged and disposed of promptly and accordingly. Water supply is serviced by two individual wells currently producing 50 gpm and 6 gpm respectively and will adequately supply the 150-200 gallons of required daily water consumption to meet the demands for cleaning, washing, commode and wash basin uses, and all drinking water supply.

G. ADVERTISING AND DISPLAY SIGNS

We will provide at gated entrance a rustic 3ft. x 6ft. sign that will be framed and elevated with an open trussed gable peak. Cobblestones will anchor posts with accent lighting directed towards lettering. The sign will provide a natural beauty and timber

aesthetic design that will not over power gated entrance and be properly scaled. Traffic signs, parking signs, directional signs, and identification signs will be tasteful and appropriate in size, color, usefulness, and appeal. Lighting to accompany all traffic flow-vehicle and foot. All Buildings and structures are equipped with internal, external, and grade change lighting. It is noted that lighting will comprise of solar, hard wired, low voltage, motion, and photo cell lighting. All signs to be clearly marked as outlined by JLB Traffic Engineering- see Report

H. NOISE, MUSIC, AND ACTIVITIES

Careful considerations and restraint on noise and related sound impacts will be enforced at all times. Improvements and architectural details have been put in place and utilized to reduce and improve Sound Transmissions (STC) and minimize impact to surrounding areas. The internal fencing is engineered with heavy 2 inch x2 inch grape stakes spaced evenly apart and 4 inches oc. spacing. The open and closed method of pickets (decoupling) provide less vibration than a solid fenced wall, and the thicker grape stakes provide a dense and heavy mass. The 200 plus shade trees, large buildings, and patios provide buffers and insulators to absorb noise and vibrations. Music will be projected from rear yard of Redhawk Gables residence. It is noted that no music will be allowed outside of fenced rear yard area and kept to decibel levels appropriate for functions and outdoor venues, and monitored during events to not exceed (dBa) levels as outlined by WJV Acoustical Sound Study. The report outlines the three related residences within the sphere of influence and performed "equipment sound studies" to document all sound impacts shown on page #9 listed as Sites 1-3. All Exterior noise levels does not exceed the minimal standards set forth by Fresno Co. for day and nighttime noise uses. Furthermore, it is noted that existing trees and second story "Red Barn House" buffer all noise to Site 1 and is directed to side yard of parcel. All noise transference to Site 3 buffers to home sites "garage facing" and is not in a direct path of daily use of home sites. All noise transference to Site 2 is directed to an empty 20-acre parcel and is not impacting any additional residences beyond the immediate adjoining 20-acre parcel.

III. DEVELOPMENTAL & OPERATIONAL USES OF BUILDINGS, STRUCTURES, AND GROUNDS

1. OPERATIONAL USES OF BLDs., STRUCTURES, AND GROUNDS

The existing developed conditions and future considerations of all buildings, structures and grounds are and will be located 700ft. South of Griffith Ave. and situated to the southeast portion of the AE 20-acre parcel. The compound estate makes up approx. 5 acres of developed grounds, two related buildings, and multiple structures. The primary Main House Residence - "Redhawk Manor," is nested on approx. two acres with the rear yard events area comprising of approx. one acre and the Second Residence - "Red Barn" is sitting on a quarter acre with both being internally fenced and gated. REDHAWK MANOR- 5200 sq. living space, three and half baths, all exterior doors 36 inch exits, underground power, paved entrance into garage, kitchen equipped with commercial 8 burner stoves, two dishwashers, three stoves, two farm house sinks, two refrigerators, compactor, wine cabinet, ice maker, bedrooms, 30x30 gathering room, study, three fireplaces, all eleven doors exit lead onto covered patios totaling 1000 sq. ft. outdoor bathroom, and 800 sq. ft. garage.

- A. HERRON POINT- 20ft. x 40ft. built in pool with 3000 sq. of concrete complete with a Free Stand Covered Patio 1000 sq. ft. with outdoor kitchen, barbecue, sink, fridge, island, burner, and mister system. At no time will the pool be in use and is for esthetics only.
 - B. HITCHIN' POST LOUNGE – 1300 sq. freestanding cover with a proposed 2000 sq. ft. extension. Completed Dinning area will yield 3300 sq. ft., fans, carriage lighting, electric ceiling mount heaters, 8 x 16 utility shed and perimeter fencing to be included in rear yard as part of Redhawk Gables. Included will be an arbor entrance, handicap parking and landing area, new ADA equipped restrooms (His / Hers), and enclosed trash disposal area.
 - C. STORAGE BAY FACILITY-3200 sq. structure with enclosed stalls, enclosed 20 x32 (bays 1,2,3,) with roll ups, tack room with sink, washer and dryer hook ups, full bathroom and large covered patio 16 x104 on South end.
 - D. VIP ARENA PARKING – 104 sq. x 70 Sq. ft. preferred parking area. This parking site will allow for 24 vehicles and 16 additional stalls to in designated surrounding areas.
 - E. VIP CORRAL PARKING –40sq.ft. x 30 sq. ft. providing for four vehicle parking stalls exclusive to management and Wedding bridal couple.
 - F. GENERAL PARKING AREA – 120 ft. X 120 ft. general parking area will provide 90 +/- parking stalls and is located in close walking distance to south entrance.
 - G. METAL CARPORT AND STORAGE – 30sq.ft. x 40sq.ft. This area is to provide for equipment storage and holding area.
 - H. BLACKTOP AREA PARKING – This large area will provide 10 parking stalls for management, caterers, and to be used per their discretion.
 - I. LAWN AND BACKGROUND VIEWS – All grass areas are to provide photo opportunities at any time for the enjoyment of bridal party and all related guests. These areas include front & rear of Redhawk Gables and Red Barn residences as well as all designated areas of buildings and structures.
 - J. RED BARN- This Building will be occupied by Mike and Maria Tillinghast. It shall be “optionable” to utilize this facility and Shop for equipment, materials, and supplies as well as provide for the use and enjoyment of Cobblestone Weddings and Banquets as desired. This is at the sole discretion of Mike and Maria Tillinghast and shall be reflected in lease agreement as such including any and all future changes to this agreement and related uses.
2. DEVELOPMENTAL USES OF BUILDINGS, STRUCTURES AND GROUNDS – The operations of Cobblestone Weddings and Banquets will utilize all existing dwellings, land, buildings, structures, and grounds as outlined and within the guidelines set forth in our CUP proposal and acceptance. It is noted that as the success of our enterprise becomes established, phases for “Developmental Improvement” will be necessary, identified in four phases for development, be conditional to the CUP submitted proposal and approval, and grant the “right to act” when such time it becomes deemed necessary to make said “Developmental Improvements” for owners Mike and Maria Tillinghast, GolfZ Weddings and Banquets, and or Wedgewood Group. It is noted that phases may in-fact be deemed not necessary at all and is at the sole discretion of said parties.
- A. PHASE I - Complete patio extension to The Hitchin' Post Lounge as permitted and outlined. Provide grindings and leveling to East entrance drive and South General Parking Lot. Provide Main Entrance sign, traffic signs, identification signs, parking signs and directional signs. Install solar lights and misc. light fixtures to ensure adequate

lighting for foot traffic and parking areas as noted on Engineered Traffic Report provided by JLB Traffic Engineering. Install new Engineer Septic System as outlined by Geologist, David Annis and build a new His/Her ADA Restrooms Facility and relocate all landscaping accordingly. Upgrade existing water well with treatment components as outlined by Water Board and set up all scheduled Maintenance Reporting. Complete and install Fire Marshall compliance recommendations and comply with all mandatory Police and Safety measures as outlined in CUP requirements. Complete any and all unforeseen modifications necessary to begin operations. It is noted that this PHASE 1 is to be completed prior to any schd. events.

- B. PHASE II – Install commercial kitchen within Red Barn shop area or Redhawk Gables Garage to provide “on-site” meal prep, cook, and serve. It shall include hood, stove, sinks, counters, shelving, refrigeration and freezers and wash basin areas. It shall comply with all Fire, Health, and Fresno Co. Building Dept. This phase is not a priority and is likely to not be considered in the future.
- C. PHASE III – Expand the Hitchin’ Post Lounge to the West Courtyard area and relocate Handicap parking accordingly. This improvement would provide for additional seating, dining and recreational settings. A covered Patio extension would be optional and expansion would include an overall size of 60ft. x 75ft. This new area would incorporate with outdoor rear yard of Redhawk Gables and front yard of Red Barn. Flooring could be comprised of concrete, lawn, landscaped, and blacktop. Additional fencing would continue east to west to enclose space for safety, privacy and seclusion. No additional impact would exist within sphere of influence and no additional impact would exist to Cobblestone Weddings and Banquet. This is a very unlikely phase and additional seating is deemed not necessary. Primary uses would be recreational space and enjoyment.
- D. OPERATIONAL USES INTENT AND UNDERSTANDINGS – All studies and compliance measures for Quality Air and Pollution, Water, Traffic, Sound, and waste (Septic) are deemed satisfied to all standards set forth by Fresno Co. to minimize any “Adverse Impacts” to the vicinity and or inhabitants.

It is mandatory that all PHASE 1 requirements must be completed prior to any scheduled event, including and not limiting to all Fire Dept. requirements for public health and safety, all police and signage requirements, Water Board requirements and well log specialist (outside approved entity) to monitor and regulate well conditions, Fresno Co. Septic and plumbing code requirements, and all State of Calif. Code of Regulations compliance measures. Furthermore, Cobblestone Weddings and Banquets shall perform routine operations “Check Points” to maintain facility standards and to ensure all personnel are trained to execute and perform duties necessary for compliance and safety.

RECEIVED
COUNTY OF FRESNO

OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

To whom it may concern:

RE: COBBLESTONE HILL WEDDINGS AND BANQUETS
COP # 3573

On behalf of my kids, wife (Alejandra Anderson) and myself (Brad Anderson) It has been brought to our attention through conversations with concerned neighbors, that one of our neighbors residing at 16007 e. Griffith, Sanger Ca 93657 is taking steps towards opening a venue that would operate as a wedding / party styled event location.

We live at the end of Griffith (a private road) not open as to a private thoroughfare, Not built, payed for or maintained by the city or county. Our home would be considered in the " sphere of influence " by access, sight & sound and we believe all of our neighbors (approx 11 homes) would be directly and indirectly impacted by such a business.

We are unhappy that we were not contacted / notified as to such intentions.

We purchased our property and built our home with the understanding that this was a private, residential neighborhood in an agriculture based environment only. A commercially operated business with bulk customers would have detrimental side effects to our shared road, yards, the local environment such as the abundant wildlife, noise, trash and a host of Negative results generated by random groups of people partying / drinking / driving at any hour of the night & day, weekends & holidays?

In conclusion: If such a business was to be implemented, we would have no other choice then to take legal actions along with all the other families affected.

Respectfully submitted Sept 29, 2017



EXHIBIT 7

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COUNTY OF FRESNO

MAR 06 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CP 3573

March 4, 2018

Mr. Steven White- Planning Director
Ms Marianne Mollring- Senior Planner
Ms. Christina Monfette- Planner
Fresno County Department
of Public Works and Planning Commission
2220 Tulare Street, 6th floor
Fresno, CA 93721

Dear Mr. White, Ms Mollring, & Ms. Monfette

We are submitting these objections to the proposed Cobblestone Hill Wedding & Banquets high intensity park facility that would be located at the single family residence of : Mike & Maria Tillinghast, 16007 Griffith Ave, Sanger, Ca. 93657

CUP No. 3573; Initial Study App. No. 7280

This is not the right location for this type of commercial business.

This kind of high traffic commercial business will have a negative impact on the surrounding prime farmland and decrease the safety of our ranches. It will increase traffic and traffic noise, light pollution and the addition of broadcasted music is not what living on or owning AE20 land is all about.

Brian and I have lived on our family farm, on the corner of Riverbend and Griffith for over 30 years and our families have been actively farming in Fresno County for 3 generations. We own and manage property along Belmont and Riverbend Avenues which is considered to be prime agricultural land and is also one of the access routes this high intensity facility is proposing to use. As new developments have been pushing out from town, we have seen an increase in trespassing, property destruction, theft and the stripping and burning of stolen cars in our fields. The current traffic makes it difficult to produce, harvest and transport our oranges. The proposed development would significantly increase this traffic which would place an unreasonable burden on us and other farmers and decrease our safety as well as the safety of our workers. Some farming practices need to be done when there is less traffic which is usually early evening through 3-4 o'clock in the morning. The increased traffic generated from this new commercial business would take away even this window of opportunity to take care of our businesses.

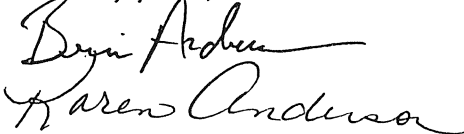
This small community on Riverbend and Griffith Ave, is designated exclusively as 20 acre agricultural land parcels which allows for owner occupied single family residents and businesses that relate to and support agriculture. The land owners of this community have gone to great expense to pay for our own septic systems, develop our own wells and pay to have electrical power bought to our individual homes. We did this with the expectation of living in a community away from the noise, lights and traffic that is present in the city. For over 30 years, Griffith road which allows access to this community, has been a gravel road and only recently has it been possible to partially pave it. These investments were made in good faith with Fresno County and the neighbors, knowing and agreeing to the limitations and benefits that owning land designated as AE 20 would bring us.

According to the operational statement, The Wedgewood Wedding and Banquet/ ZGolf Food & Beverage would operate and be responsible for running this high intensity business. This company is a commercial business which has nothing to do with or contribute to agriculture. This commercial business has no interest in our community except for how this location will benefit them financially. This location is being promoted as having abundant wildlife and "isolated from development". The very reason they can claim this, is because Fresno County has always valued, respected and protected its farmland from unnecessary commercial development like the kind of development that ZGolf and Wedgewood Weddings is proposing.

If this business is permitted our neighborhood visitors will increase by over 1,200 people and there will be more than over 600 cars each weekend. This increase will have a negative impact on our quality of life, a negative impact on our community and a negative impact on the prime farmland that is located along the proposed route of Riverbend and Belmont Avenues.

We respectfully ask that you deny this application.

Sincerely yours,

Handwritten signatures of Brian and Karen Anderson in cursive script.

Brian & Karen Anderson

3570 N. Riverbend

Sanger, Ca 93657

kbandkids@aol.com

(559)875-7639

Via Certified Mail

Anita and Dan Carrion
16082 E. Griffith Ave.
Sanger, Ca.
danca@csufresno.edu
559-875-2940 home
559-288-4387 cell

RECEIVED
COUNTY OF FRESNO

OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

September 27, 2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare Street, 6th floor
Fresno, CA 93721
mmollring@co.fresno.ca.us
559.600.4569

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

I am writing you to express my extreme concern regarding the proposed Cobblestone Hill Weddings and Banquets venue as outlined in Conditional Use Permit Application No. 3573 and supporting documents (hereinafter referred to as "the CUP").

As I read the CUP, several points immediately strike me as completely false, or at least, severely understated. The first point is that they don't seem to consider my property within their sphere of impact. Well, for a start, the two lane access road that they plan on building on the east side of their property will exit in front of my property. While this, in fact, only affects a corner portion of my property, the first drunk driver who comes out from one of their events, fails to turn, and crashes, will be crashing into my fence, my trees, and possibly my shop building. So, that makes me within their sphere of impact, literally.

Another understated point is that there will only be seven events per month. Really? Are we expected to believe that? This venue will be operated by a profit seeking corporation, not a neighbor who cares about the neighborhood. They will be concerned with maximizing their investment, and making as much money as they can at every moment. They won't care about my quality of life, or about any concerns the neighbors have. They will schedule as many events in a day as they can, for as many days a month as they can. This CUP will effectively allow them to operate seven days a week, around the clock. While reading the CUP, the hours mentioned seem to indicate that events will end by midnight. But the actual fact is that up to 70 people will

be allowed to remain there overnight. This is not a hotel district. They will not be able to monitor people or the use of automobiles coming and going, causing both noise and light problems. Do they actually believe that these overnight guests will stay inside their property? I don't believe that for a minute. Some alcohol infused guests will feel free to wander the neighborhood at all hours of the night, and look at the horses, or the cows, or the moon, or whatever may interest them. Who will pay for the items that suddenly go missing from our property during the night? Who pays the damage caused when some guest feeds a neighbor's horse or a cow some item that will make them sick, or worse, kill them? Do they plan on having security present all night long to monitor the guests? Who monitors the security people, who are notoriously as corrupt as the people they are supposed to guard us from?

The fact is that this is not exclusively a wedding venue, although that is how they present it. In reality, any large event could be held here....inviting up to 450 people. So, large birthday parties, conventions, anniversary parties, Easter celebrations, Halloween parties, corporate events, and nearly anything else that could be imagined would conceivably be held here. Alcohol will be served. So, in essence, we will be living next door to a bar that could be open 24 hours a day.

While they state that 120 people will be at the venue on average, the potential exists for up to 450 people to be there at any given time from 6am to midnight. For example, if they did a morning wedding, an afternoon anniversary party, and an evening wedding all on the same Saturday, we can expect up to 1350 guests (strangers) coming and going in one day, not including the staff. When the number grows to 450 guests, where will they park? The venue has only provided about 90 parking spaces total. So will they park on the dry grass, with their hot catalytic converters then causing an inferno? Will they park on Griffith? There seems to be no provision for that many people, even though they will be allowed to have that many people present. So, the worse case scenario is that the neighbors can expect this to be a constant 24 hours a day, seven days a week source of light, noise, and activity. I didn't build my house out here so I can live next to a hotel or a party house.

Let's get into it a bit deeper. One of the biggest jokes of this CUP is the notion that noise will be kept at a level of 80 aDb. I just happen to be a theatrical sound designer. So I am very familiar with this issue. Where will that 80aDb be measured, and by whom? When? What happens when it exceeds 80aDb? Who polices that? Because I can tell you that when the Tillinghasts are out in their yard speaking to one another, I can hear them at my house. When they have a backyard party, I hear it at my house. When one car drives up or leaves, I hear it at my house. The grape stake fences will do nothing to stop the sound. The fact that they sit on top of a hill means that there is absolutely no noise attenuation, not even from the existing trees, walls, and/or buildings. That means that there is nothing to stop the sound from travelling great distances. Given the fact that alcohol will be served, there will be no way that the management can effectively keep the noise at "talking levels". The noise simply hits the air and travels down to all of us. And that is without a sound system involved. It is usually very quiet in this neighborhood. The ambient noise floor is very low. Unlike being in the city, there isn't a background noise level. There is only silence most of the time. So any sound seems loud,

whether it is a car going by or a voice talking, since there is no other sound for it to compete with. Add a DJ or a band to our environment, and the neighborhood will be contaminated with noise every day of the week from 6am to midnight. This will be especially true for the Skadden family, the Anderson family, the Contreras family, the Larsen family, and my family, since the sound equipment will be aimed in our direction.

Yet another issue is their thoughtless argument that light pollution will not be an issue. From my house, and I'm sure this is true with the Crawford house as well, I currently know when anyone is leaving the Tillinghast home, because their headlights flash in my front windows and front door, even though their home is reasonably far away. That is because, again, they are on a hill. There are few structures to block the path of the light before it gets to my house. The venue plans on adding a new two lane access road on the east side of their property. That road faces my home. If 60 cars exit down that road after dark, I will have 60 cars flashing their lights at my house. I often go out into my yard at night and enjoy seeing the stars. I sometimes pull out my telescope and look at the Heavens. The venue will create light pollution that will make this impossible. The CUP states that the new east access road will be accessible at all times, creating a problem 24 hours per day. Approval of this CUP, then, will guarantee that I have lights flashing in my windows all night long. And, of course, I will have the noise from those 60 (or more) cars disturbing my solitude and sleep, and that of my family.

Let's discuss the impact of all those vehicles using the paved road (Griffith Ave.). Griffith is not a county road. That road was paved and is maintained at the expense the residents who own the property it sits on. It always has been so. I see no indication that there will be any contribution to the maintenance of the road or the easements bordering the road. There is no language stating that they even care about the road, except that it provides easy access to the venue. Have they not thought about the wear and tear on the road? The delivery trucks will have an impact, the endless number of passenger vehicles coming and going will have an impact, careless party goers who toss lit cigarettes, empty bottles, and trash from their cars will have an impact. Soon the road will fall into disrepair. Who pays for fixing it? Who picks up the trash? Paving is very expensive. Why should I, or any other neighbor, pay for damage caused by their profit making business?

The gravel road and parking lots that they plan on building will have an impact, whether they want you to believe it or not. The pavement on Griffith Avenue ends and is gravel for a distance before the proposed east side access road. Gravel roads, especially roads constructed of road base (base rock) are inherently dusty. That dust will fly wherever the wind blows, usually toward my house and shop. I have asthma. I have a difficult enough time already keeping my asthma under control, just with the traffic that already exists. Increasing it by the amount suggested, even at the minimum level suggested, will be a disaster for me. Will they pay for my doctor and hospital bills? Or my medications? I don't see that mentioned in the CUP.

Let's discuss a few other things they forgot to mention. The property that is directly adjacent to the proposed access road is nearly always full of weeds. It is pasture and is thus supposed to be full of weeds. Several other properties around the Tillinghasts are pasture, mine included. One

tossed cigarette will set any of them into an inferno. The wind is nearly always blowing out here to some degree, so the wind will fan that fire. Who pays for the damage and the costs of fighting that fire? The burned out property owner? The anonymous person who threw the cigarette? Who is responsible for the activities of the guests once they leave the venue and travel down the private road (Griffith)? Again, recall that alcohol is being served, so anything can, and probably will happen.

Alarmingly, there is no control over who rents this facility. The corporation will rent it out to whoever has the cash. So literally anyone will drive into our neighborhood for a party, and then be able to scope out every piece of property within view. Gang bangers could potentially have their wedding ceremony one weekend, and then return for a home invasion the next, having been introduced to easy pickings by this wedding venue. While sitting at the Tillinghast property, they could literally plan their crimes by peering into the neighboring properties to determine what they could steal. The CUP opens up the neighborhood and invites anyone to come in.

What happens to the vomit that will inevitably be left at the roadside after these events? Or the feces or urine that are deposited on our properties by the various party goers? Certainly bathrooms are provided in the CUP, but what happens when someone has to "go" on the way out? Will they turn around? No, they will do it on my property, or someone else's. Who will clean that up?

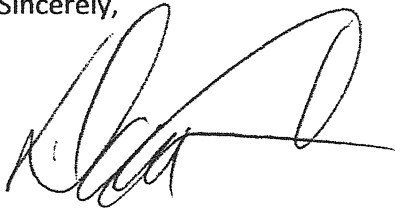
When we bought our property, we bought it specifically because it was off the beaten path. It was not on a main road. It was on a dead end road. It was secluded. There was no traffic. It was quiet. It was dark. It was private. It is zoned for agriculture, so we knew that there would be no multi-home developments suddenly springing up next door, no industrial uses, no manufacturing, no commercial uses other than ag and ag related uses. But now, after we have spent our hard earned money to buy this property, to develop the infrastructure, to build our home and shop, to establish our lives here, to exist as good neighbors, we will be forced to live with calamity across the street, and suffer injury to our own property and lives? The calamity of a populated area is exactly what we wanted to leave when we bought this property. And what will happen to our property values when this venue is in full operation? I'll answer that for you. They will plummet. That is a known fact. Why? Because who in their right mind wants to live next door to an outdoor event center? Do you?

I've always enjoyed a good relationship with the Tillinghasts. I consider them friends, not just neighbors. I bode them no ill will, and in fact, I have always hoped that everything goes very well for them and their family. It is quite upsetting that our friendship will, most likely, end over their proposal, simply because we are against it. I'm sure they will be upset that we opposed it. But I can guarantee you that if our positions were reversed, and we were applying for the CUP, they would be first in line to oppose it. In fact, knowing the Tillinghasts as I do, I doubt that they will remain living on the property once this CUP is approved. They won't want to live next door to this. Would you?

If the Tillinghasts want to run an event center, I suggest they find a location that is more secluded. There is plenty of property available elsewhere that will provide a similar experience and is less populated by families wanting a quiet life. Locations that will cause less destruction of quality of life for everyone concerned. Because really, that's what this comes down to. The quality of my life will be severely impacted, let's just call it "destroyed", by the greed of my neighbors who want to shove this application through the approval process, without even mentioning it to me prior. However, had the Tillinghasts mentioned it to me before they applied, I would have opposed it immediately. Which is probably why they didn't mention it.

This proposed wedding/party venue is completely contrary to the spirit of the current AE20 zoning. This is exactly the wrong place for this kind of use. It should not be allowed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Carrion', written in a cursive style.A handwritten signature in black ink, appearing to read 'Anita Carrion', written in a cursive style.

Dan Carrion
Anita Carrion
danca@csufresno.edu
559-875-2940 home
559-288-4387 cell

RECEIVED
COUNTY OF FRESNO

OCT 05 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

RECEIVED
OCT 05 2017

Dear Ms. Mollring : Regarding the proposed Cobblestone Hill Wedding and Banquets, CUP # 3573:

My husband and I would like to express our EXTREME concern regarding the proposed Cobblestone Hill Weddings and Banquets venue that is outlined in the conditional use permit application # 3573. It is really hard for us to believe that "once again" Mr Tillinghast, is "going against" what is already zoned for our area. Our area is zoned AGRICULTURE, yet Mr Tillinghast has continued to run his business, " Mico Construction" from his home. Even though we reported him to the County YEARS ago, we no longer have the name of the individual we contacted with the county of fresno depart of public works but I am confident you could find a copy of this concern/complaint that was written concerning the fact that Mr Tillinghast has continued to run his own personal business, " Mico Construction" from this address and all of his employees continue to drive to and from this address EVERY DAY, and running a business where it is zoned agriculture, (not to mention the extra dust all his employees traffic creates going up the dusty side road on his property straight to where all the materials are picked up to then drive to the job sites!) How in the world is he STILL able to get away with this AFTER we filed a complaint with the County, AND Mr Tillinghast, advertises his company at the bottom of his driveway, when according to the zoning ordinance is NOT ALLOWED either..It absolutely amazes us that once again he is attempting to do what is NOT allowed according to our zoning rules. My husband and I have a tile business, but our employees do not come to our residential home, to pick up material, they go directly to the job site, as Mico Construction employees should be doing, Mr Tillinghast does this because it is cheaper to run his business from his residence, instead of having to pay rent in town somewhere to keep all his materials and fabricating of materials, since his business is mainly patio additions. But obviously somebody is turning a blind eye to his functions, or possibly Tillinghast is greasing somebody's palm in the planning commission dept ?? Either way, this should not be allowed to continue, he has already shown to break one zoning ordinance so why would the county let him break yet another, and we the neighbors, who already pay EXTRMEMELY high property tax, (over \$ 7,000/year, and rising)) have to continue to be subjected to this obnoxious money making individual, who will hide behind his corporation to break/bend every ordinance that applies to him. This latest act by Mr Tillinghast continues to show what a non caring neighbor he is, and his only concern is how much money he can continue to make, AND, in the Tillinghast's past party events, , it has sounded like a DJ's has been there with their bands, and has been a nightmare with no sleep, from the amount of noise aimed at our home, and there is only a vacant lot between our home and Tillinghast's home, causing my dogs to bark non stop, and causing un-necessary stress to them. So in concluding this letter, we are URGING, the County of Fresno Department of Public Works and Planning Commission, NOT to allow this venue, " CobblestoneHill Weddings/Banquets" to take place and PLEASE take a look at the zoning laws again and how this would IMPACT our lives and the peaceful area we live in here, Sincerely, Mark and Rebecca Dyer Contreras, 16173 E griffith Way Sanger Ca 93657

559-875-7636 OR 559-285-4470

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COUNTY OF FRESNO

OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION**Via Certified Mail**

Kelly & Mercedes Larson
3872 N Oliver Ave
Sanger, CA 93657
ktlarson@gmail.com
559-292-7234

September 30, 2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare Street, 6th floor
Fresno, CA 93721
mmollring@co.fresno.ca.us
559.600.4569

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

I am writing you to express my concern regarding the proposed Cobblestone Hill Weddings and Banquets as outlined in Conditional Use Permit Application No. 3573 and supporting documents (hereinafter referred to as "the CUP").

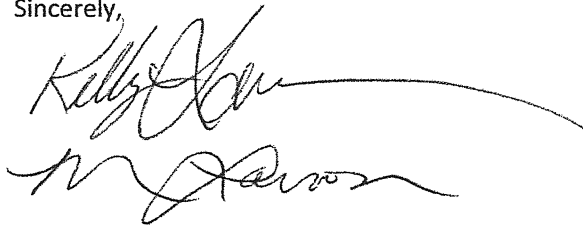
I'm confused...All of the properties in our neighborhood are zoned as AE 20, "Agriculture Exclusive". This conditional use permit has nothing to do with Agriculture and everything to do with commercializing a private residence and our local area. When I purchased my property I did so with the purpose of utilizing my land for agricultural purposes. I wanted to farm, so when I looked to acquire property I searched out properties and areas with the proper zoning. If I owned land on Shaw & Blackstone, would the county grant me a CUP to plant an orchard of trees? Properties are zoned on purpose, to avoid these kind of problems - Period.

Everyone in this neighborhood purchased land for different reasons but we all wanted to be in a secluded area away from the on-goings of city life. If this CUP is granted that will change everything in our area. We live on a "private" non county maintained road. There is no telling how many cars, service trucks, etc. will be traveling up and down our private road on a daily basis. Traffic now is a few cars in the morning and a few in the evening, if a corporation takes control of the Tillinghasts residence it will become a heavily traveled roadway day & night and that corporation cares nothing about the surrounding residents, only the profits they stand to gain. My two sons and other kids in the neighborhood often travel up and down our private road to get the mail, stop in and see the neighbors, or just ride their bikes. Right now it's a very safe place for all the kids who live in our neighborhood. But if hundreds of vehicles go up and down that road day and night, the chances of one of the neighborhood kids getting hit by one of these cars is highly likely. No one in this neighborhood should have to alter our lifestyle to further one person's pursuit of wealth and lessen the quality of life for everyone else. Further more, who will pay to maintain the road? Who will pick up the trash left behind? Most of the land in this

area is dedicated to rangeland and pasture...One cigarette butt thrown out the window jeopardizes all of our homes and livestock. Who will be responsible for the losses when that happens?

With the hundreds of additional people traveling up and down our road, our homes and properties now have the potential to become hunting grounds for potential criminals. Again, this is yet another reason we all live away from the city life and in an Agriculture Exclusive area. Beyond the obvious concerns I have outlined above, what about the noise? If you have ever spent anytime in areas like ours you know how sound travels. I can hear neighbors talking from a couple hundred yards away. Weddings and Banquets are going to sound like a rock concert in this area. Everyone uses their home as a sanctuary to unwind and relax, away from the stresses of life. The last thing anyone in this area wants to hear is the drone of band and/or a DJ until midnight every night of my life, not to mention the hundreds of people partying with zero concern about the other residents around them. This proposed CUP will bring untold and unforeseen problems that none of want or deserve.

Sincerely,

Two handwritten signatures in black ink. The top signature is for Kelly Larson, featuring a large, stylized 'K' and 'L'. The bottom signature is for Mercedes Larson, with a more fluid, cursive style.

Kelly Larson
Mercedes Larson

Via Certified Mail

Carol MacNeill
15815 E. Griffith Ave.
Sanger, CA 93657
cmacneill@guarantee.com
559-618-7872

RECEIVED
COUNTY OF FRESNO

OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

September 28, 2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare Street, 6th floor
Fresno, CA 93721
mmollring@co.fresno.ca.us
559-600-4569

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

I just recently learned that my neighbors, Mike & Maria Tillinghast, are pursuing a conditional use permit (application no. 3573) to open a business that will host weddings, corporate gatherings, and other similar events. We have been made aware that the venue could host up to 450 people, with parking for up to 190 cars.

I am the neighbor located due west of the Tillinghast property. I am very opposed to this proposal for many reasons.

It is my understanding that the Tillinghast's intent is to sub-lease the property to a wedding venue company, with no restrictions on the number of events that can take place. I believe that the hours of operation requested are 6:00 a.m. to midnight every day. Knowing how this type of company operates, I am certain that they will book the maximum number of events possible. I fear that there will be 2-3 events per day every weekend during spring, summer, and fall and that many other days (weekdays, off-season) will also be booked as well, possibly for multiple events.

I believe that the Tillinghasts are requesting to have a full bar on site. That will compound all the problems I will touch on in this letter exponentially. Impaired people don't respect other people's property rights, don't control their noise levels, and don't always plan for a designated driver.

One of my major concerns is in regard to the noise that we will inevitably have to endure. Our house is less than 500 feet from the area that DJs will set up. Even if the volume isn't supposed to exceed 80 db, we will have considerably impacted; unfortunately, it is common for DJs at events to disregard sound level guidelines and "crank it up." Several years ago there were regular events more than a mile from our house. They went late into the night and were loud enough to make it difficult to fall asleep. I am very fearful about the noise levels coming from a venue that is literally right next door!

For each event, there will be an enormous number of cars driving in and out of our dead-end, privately maintained road. It has no lane markers or sidewalks; neighborhood children ride their bikes on it and my 80-year-old mother walks on it every day. Those activities will have to come to an immediate end. There will be hundred and hundreds of cars driving on that road each week (possibly each day if there are multiple events booked), bringing thousands of people into our neighborhood. We have been a tight-knit community, but I fear that even our watchfulness for each other may not prevent potential injury or damage to neighbor's property, during an event or at a later time if any less-than-honest attenders see an opportunity.

In addition to the venue parking on the back of the Tillinghast property, there will also be spaces along the west side of their property, right on our property line. Currently there is a drive-through gate where the proposed parking will be. Additionally, our home has the look of a venue (big house on the top of the hill), so we anticipate that a number of people will take a wrong turn into our driveway for each event. At minimum, we will have to invest time and money into building a new fence along the front and east side of our property and a gate on our driveway, at significant cost. The worst case scenario is that we will have people trespassing on our property.

When we purchased our 20 acre parcel in 2002, it was with the intent to build our "forever home." For the past 15 years we have literally put our blood (my husband suffered a nearly fatal saw cut during construction), sweat, and tears into building our dream home. We anticipated many years of quiet enjoyment as we finished raising our children and moved into our retirement years. Unfortunately, if the Tillinghasts are granted their conditional use permit, all of our dreams will never be reality for us, a thought that terrifies me. Many of the neighbors have followed a similar path to ours, and they have the same fear. None of us relish the thought of increased traffic, loud parties, impaired drivers, and the resulting police activity that will be required.

Please deny the request for this CUP.

Sincerely,



Carol MacNeill
cmacneill@guarantee.com
559-618-7872

Doug MacNeill
15815 E. Griffith Ave.
Sanger, CA 93657
Doug@OnTrackConstruction.com
(559) 908-2328

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COUNTY OF FRESNO

OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RECEIVED

OCT 03 2017

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

September 27, 2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare Street, 6th floor
Fresno, CA 93721
mmollring@co.fresno.ca.us
559.600.4569

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

I am writing you to express my concern regarding the proposed Cobblestone Hill Weddings and Banquets as outlined in Conditional Use Permit Application No. 3573 and supporting documents (hereinafter referred to as "the CUP").

At night, if a car is driving south on Watts Valley Road, and it is dark in our house, we can see the headlights shine on the south wall of our Living Room or Bedroom (3000-5000 feet away). If the windows are open (and they are all summer long since we don't use air conditioning), we will sometimes hear those cars. We will certainly hear every motorcycle or automobile with a louder than average exhaust system on Riverbend Road and Watts Valley Road. I'm not saying this to complain. I'm just saying it because most people don't understand how well sound and light can travel out here. I am willing to provide you with Google Earth images documenting the distances if you would like them.

We have also experienced the sound coming from weddings that are between 2000 and 4000 feet from our house. That sound is loud enough to hinder going to sleep at night. Those events are very rare, and they are important to the families that are hosting them, so we accept this sound as a part of life.

However, the CUP being discussed here is only 500 feet away and the events there will not be rare, and they will not be attended by the friends and families of our neighbors.

We bought this property and have been slowly developing it to be a place our friends and family can enjoy away from the city life. There is nothing wrong with that. We have sacrificed a great deal to build our house, plant our trees and many other things for this purpose. We are part of a close-knit community here (the Tillinghast family included) and the type of land use the CUP proposes is not consistent with this life, or our zoning for that matter.

If my research is correct, the County of Fresno cannot approve a CUP like this unless it meets 4 criteria. It seems that this CUP only meets the first of those criteria - the size and shape of the land will accommodate the proposed use.

The second requirement is that the road be adequate to accommodate the proposed use. Our road is located in a 60' private easement and is privately maintained. I don't think the road section (road bed and asphalt thickness) is heavy enough to accommodate the increase in traffic this CUP would create. We have 2 garbage trucks that come every Friday to collect the garbage and recyclable material in our bins. One of the trucks turns around near our driveway and I can see how the pavement (which is only a year or 2 old) is already cracking up. Out of respect for the neighbors, the people in our community drive a reasonable speed of 15-20 MPH so the road won't take a pounding and wear out sooner than needed, and for safety reasons. This speed seems ridiculously slow to people outside our community. Strangers that do not respect our property or community (and impaired drivers) will drive much faster and there will be hundreds of more cars using the road. The new load of vehicles will not only include light cars, but there will be a substantial increase in the number of trucks also.

The third CUP requirement is that the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof. This CUP will have nothing BUT adverse effects on the abutting properties. I can't think of any effect that will be beneficial to the community. I will only list a few of the effects that immediately come to mind, without expounding on any of them in detail, or I would have to write a very long letter for you to read.

Unwelcomed sound, frequently – The CUP places no limit on the number of events and even if it did, the nicest days, evenings and nights will be polluted with noise. Whoever is operating this type of business will book as many events as possible.

Many strangers coming to our community – Our community looks out for each other and we have had very little (none?) crime on our 2 streets. The parking for this CUP includes parking on the other side of our fence, only 150-170 feet away from a private area on our grounds. This will severely reduce our privacy. It will also reduce our perceived safety and probably our actual safety. The people in our community make a conscious effort to not invite strangers to our properties by not having sales, or advertising on Craigslist type of forums. I could say much more about this.

Drunken disorder – Many of the people attending these events will become drunk and act inappropriately. Groups will probably gather in the parking area, right on the other side of our fence, and cause disruptions. Who knows what other trouble will be created, and where some of these hundreds will go on our properties? The CUP outlines how everything will go if everything is done by the book, but drunken people don't go by the book. Even sober people push the limits.

Impaired drivers driving on our private road and away from our community – We have very few cars driving on our road. We recognize nearly all of them and if we don't, we watch where they go. I think a person who is drunk, will more likely drive on a road that is not patrolled, and the county roads that have little police presence. They might think they are less likely to be caught, and decide to drive impaired. It is quite possible that one of us who live here will meet one of these drivers while driving home, within a 5-10 mile radius of our community.

Adverse effect on permitted use of abutting property – The zoning for the land in our community is AE-20. We are allowed one residence on 20 acres. We don't have enough land, or water, for a large

agricultural operation. Most of us have a small orchard and some land for animals or hay. Allowing a large number of strangers who are not farmers will have an adverse effect on our land use. It will introduce the ones who have experience stealing metal or other materials from farmers to targets they didn't know of before. The people who will come here will start to feel comfortable around our properties and may become emboldened. Some of these people should not be welcomed to be near our small agricultural community, and if they are, our land use will be affected. Part of the way of life for a person living on a small ag-use property is just the atmosphere of such a community. This CUP will destroy that important element of our zoned land use.

The fourth requirement the CUP must meet is that the proposed use is consistent with the Fresno County General Plan. This CUP does not meet that requirement because using the property as a high intensity park has nothing to do with "Agriculture Exclusive".

Every time there is an issue related to the proposed CUP land use, and I expect there will be many, I will be helpless to resolve it on my own. I will be forced to call the Sherriff's Department and ask for an officer to come out. The department will be required by law to respond and that puts an unneeded burden on our emergency response services. I know the department is stretched thin now, and I do not want to add to their workload, but I will have no other choice. I don't think it will be effective for me to go over there and confront those causing the issue by myself. It may even become dangerous.

I really could write a much longer letter about my concerns for our community's future if this CUP is approved. I hope this is enough to communicate my strong opposition to the proposal, and that you will do what is within your power to prevent it from going any further forward. As I said earlier, our community is tight-knit, and we are united in our opposition to this idea. If I learn the CUP is moving forward, I will consult an attorney to see what options are available for us. We will do everything we can to protect the way of life we have worked so hard to create.

Thank you for your attention in reading this letter. I hope it assists you in understanding how seriously we regard this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. MacNeill". The signature is written in a cursive style with a large, sweeping initial "D".

Douglas W. MacNeill

October 10, 2017

Chrissy Monfette
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RECEIVED
COUNTY OF FRESNO

OCT 10 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3573

Dear Ms. Monfette,

Subject: Conditional Use Permit Application No. 3573

Thank you for your reply dated 10-3-17 to my letter dated 9-27-17.

After reading your letter, I believe you had some misunderstandings of what I was trying to communicate to you and others in your department.

You seemed to think that I was concerned about light shining into my house from a great distance, or noise (traffic and weddings) from a great distance. This is not at all what I was trying to communicate. My point is that light and sound travel so well out here that even the faintest light and sound is very noticeable. My point is that the sphere of influence is much greater than a quarter of a mile. We can hear weddings that are half of a mile to three quarters of a mile away and they are not just a faint sound. They are loud enough to make it difficult to go to sleep. We are able to hear neighbors talking a quarter of a mile away. I am not complaining or concerned about hearing people talking, but I want you to understand it will not be possible to mitigate this to an acceptable level. The Tillinghast's place is on the hill over the community and this will make it impossible. **The sphere of influence radius needs to be increased to 1 mile in this situation.**

Your comment in response to my other concerns, that were not addressed, was simply to say that the operational statement restricts the applicants to 100 events per year, an average of seven per month. Do you think that will make it tolerable? The seasons that typically have less desirable weather, will have fewer bookings. The pleasant weather times will be booked heavily. The pleasant weather times are the times people in our community are engaged in outdoor activities. Those are the times the disruptions will be the greatest. Your suggested perspective does not at all alleviate my concern.

After reading your letter, I was left with the impression that my concerns were not taken seriously. I don't think my letter was even read carefully. You also suggested that I should wait until after the CUP is approved before taking any action. You said that if there are problems after the CUP is approved, I can contact the Code Enforcement Department. That is very insightful (see next paragraph).

It reveals that the County is likely to approve this CUP without seriously considering the community's concerns and objections. The county should be more prone to protecting those in the community who purchased land with an established zoning with the intension of living that way in the future. Is the County motivated to approve the CUP for some reason?

Is the County going to benefit from the fees it will receive if the CUP is approved? Does the County feel more obligated to the CUP applicants, than the residents of the community, because of the fees already paid? I am now thinking that our voices will not be heard and that the CUP will be approved, and the people in the community will have to accept half measured solutions, and deal with the problems after the fact.

We have some neighbors that live on Riverbend, just where our private road, Griffith Ave. begins. They have been robbed 3 times since I have lived here because it is accessible to regular traffic. Or community is tight-knit and we watch for indications of activity like that, and we have had no crime like that on our road. The only exception I know of was when Mike Tillinghast had some building material stolen when he was building his house. I don't remember the value, but it was a significant loss. **The reason he was robbed was because there was a higher than normal amount of activity, and people were coming and going more than usual.** But, the amount of activity then will be nothing compared to the amount of activity being proposed by the CUP!

Will the County increase the radius of the sphere of influence in this situation (paragraph 3)?


Is the County willing to protect the rights of those in the community?

Will the County approve a CUP that is contrary to the established zoning against the wishes of those in the community?

If so, what motivates the County to favor a CUP applicant over the residents of the community?

These are honest questions, not intended to be argumentative. I am looking forward to receiving your answers.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. MacNeill". The signature is written in a cursive style with a large, looping initial "D".

Douglas W. MacNeill

Monfette, Christina

From: Doug MacNeill <Doug@OnTrackConstruction.com>
Sent: Wednesday, October 11, 2017 3:13 PM
To: Monfette, Christina
Subject: RE: Opposition Letter to CUP 3573
Attachments: Tillinghast Parcel Usable Area.pdf

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OCT 11 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

Hi Chrissy,

Thanks for the detailed reply. It was very helpful.

I would like to amend my original letter, and then I think I will have voiced my main concerns, for all practical purposes.

In my original letter, I stated that the Tillinghast property met the first condition required to approve the CUP, that the parcel is of adequate shape and size to support the proposed use. After giving it some more thought, I would like to say that I was mistaken and no longer think it is.

There is not enough space on the property for the needed parking, without putting it right on our shared property line. People parking and gathering in that area, will cause disruptions near an area intended for quite, private activities. A parcel that was or adequate size would not have this problem. The Tillinghast parcel is 20 acres, but only about 5 acres is usable for this purpose. I am a licensed General Engineering Contractor and a licensed General Building Contractor with 30 years of experience in surveying and civil engineering design. I surveyed the Tillinghast parcel many years ago and I have attached an exhibit showing the area of the parcel that is usable for this purpose. Please refer to it while reading this paragraph. I have shown on my property where we have a terrace and a place for vineyards, walking path and private sitting areas. The proposed parking is right on the other side of the fence.

Also, a parcel that is of adequate size for this purpose would be large enough to host an event without the sound leaving the property lines. This will be impossible with this layout. It is bad on my side, but it is even worse on the east side. The hill is like an amphitheater that will project the sound to the east. I do not think the sound study that was done was done properly, and I don't think any sound study was done to evaluate the sound of traffic and pedestrians in the parking areas.

The attached exhibit may also help you understand the concerns I have with respect to strangers approaching my property. As you can see, a person walking will have easy access to my property. I believe that groups of people (many intoxicated) will gather on my property line after an event and cause disruptions or even come onto my property and cause damage or get injured.

Is this letter adequate in this form to be placed in the file? If not, I will format it into a formal letter.

Thankyou again for your attention in this matter,

Doug MacNeill

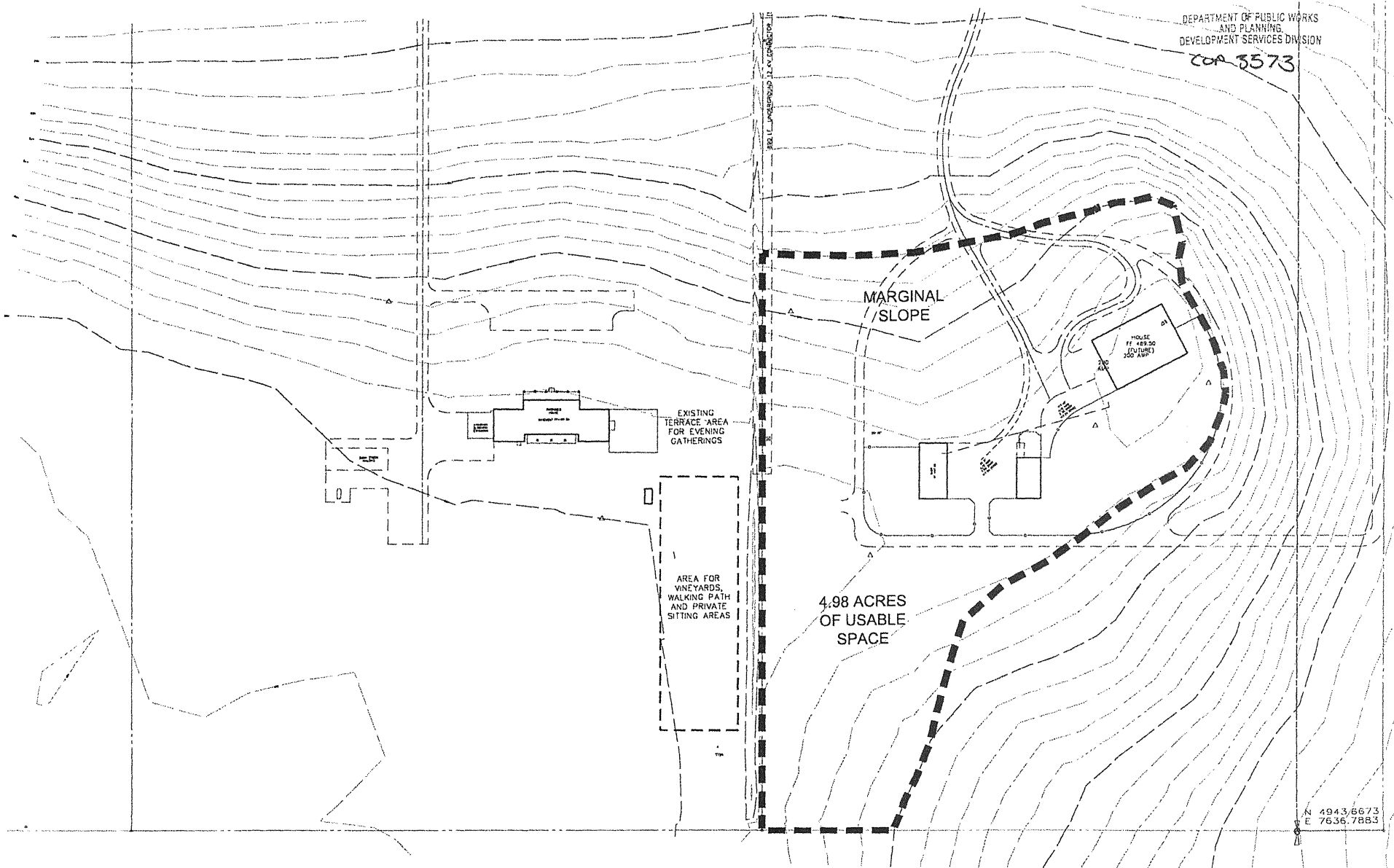
From: Monfette, Christina [mailto:cmonfette@co.fresno.ca.us]
Sent: Tuesday, October 10, 2017 11:39 AM
To: 'Doug MacNeill'

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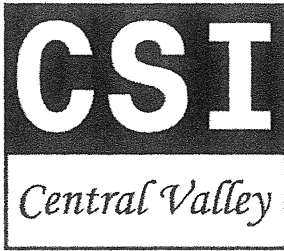
OCT 11 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CDP 8573



N 4943.6673
E 7636.7883



William MacNeill, PE
Matthew King, Ph.D.
15815 E. Griffith
Sanger, CA 93657

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Via Certified Mail

Will MacNeill, PE
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wmacneill@csicv.com
559.891.0274

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COUNTY OF FRESNO
OCT 10 2017
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
WP 5573

September 29, 2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare Street, 6th floor
Fresno, CA 93721
559.600.4569
mmollring@co.fresno.ca.us

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

I am writing you to express my concern regarding the proposed Cobblestone Hill Weddings and Banquets (hereinafter referred to as "the venue") as outlined in Conditional Use Permit Application No. 3573 and supporting documents (hereinafter referred to as "the CUP").

This document will address four primary concerns with the venue and the CUP as follows:

- 1.) Sound levels that exceed allowable standards
- 2.) Traffic on a privately maintained road
- 3.) Increased incidence of accidents and the possibility of litigation
- 4.) Water consumption, quality and supply concerns

As the successor trustee for the Douglas William MacNeill and Carol Ann MacNeill Revocable Trust (hereinafter referred to as “the trust”) which manages the residence and property located at 15815 E. Griffith Ave, immediately adjacent to the venue to the west, I feel it is necessary to contact you and your staff at this stage. The lease agreement for the venue has a term of five years with two options for renewal. These options have no stipulations other than the tenant must give notice to the landlord in writing 180 days before the expiration of the lease. If signed this year, and with the exercise of the commercial lease options, the lease will remain in force until the year 2032. At this point, my parents will be in their mid-seventies.

My background -- I am a Registered Engineer in the state of California (License M38176), and my primary line of business is engineering accident reconstruction. I am currently the lead engineer and managing partner at a local engineering and accident reconstruction firm.

Section 1: Sound Levels Exceeding County Standards

A report dated August 11, 2017 and written by Walter J. Van Groningen of WJV Acoustics, Inc, states that acoustical testing was performed on August 9, 2017. His firm reported that the sound levels that are expected at the venue are below the Fresno County criteria for acceptable sound exposure. *However, the report predicates the findings on several claims that lack foundation, and on others that are incorrectly determined or measured.*

The report concludes that the sound levels at the location of sensitive receivers are at levels under 40 dBA at all times during their test conditions. However, **WJV acoustics did not take a measurement of sound level at the source, merely stating the following: “According to the DJ, amplified noise levels during the simulated event were comparable to that which would be experienced during a wedding or banquet event”.**

Sound attenuation (gradual loss of power over distance) and diffraction (the ability of the sound waves to bend around objects and travel through gaps) are both frequency dependent phenomena – a decrease in sound wave frequency results in less attenuation with distance and a greater ability to bend around objects and go through gaps. In other words, bass travels farther before dying out and, as a result, is easier to hear at a great distance. WJV did not address the frequency dependency of attenuation or diffraction whatsoever, nor did they disclose what was being played during the sound level testing.

The report also states that the closest residential land uses (or sensitive receivers) are 650 feet to the west, as measured from the location of the sound system and 260 feet to the west of the nearest vehicle movement area. These numbers are understated by approximately 100 feet. The report estimates movement of vehicles to range from 60-65 dBA at 50 feet. Due to the understated distance the vehicle traffic noise actually results in an approximate sound level of 50-55 dBA at the sensitive receiver location to the west of the parking area, **exceeding the acceptable sound exposure levels by at minimum 10-15 dBA.** *This estimate does not include any noises above that of the vehicles traveling over the gravel driveway, such as yelling, loud stereos, loud exhaust, motorcycles, etc.*

The traffic management plan indicates that vehicle traffic is expected between 10pm and midnight, resulting in approximately two hours of noise at levels that violate the county ordinance.

The report does contain a catch-all phrase in the Conclusions and Recommendations section that any changes in volume, location or direction could result in levels elevated above those in their report – giving a nod to the widely held knowledge that it is very common for DJs at a wedding to use elevated sound levels.

The fact that the report understated distances and left the measurement of the source volume up to the DJ (in spite of having the equipment and ability to test the level) is scientifically negligent, produces meaningless conclusions, and is misleading to the reader.

Section 2: Increased Traffic and Private Roadway Wear

The venue does not have in place an agreement for maintenance of the private roadway (East Griffith Avenue, hereinafter referred to as “the road”). JLB Traffic Engineering, Inc. estimated the traffic caused by the venue at approximately 360 per day. Traffic of that level on the paved, but lightly constructed, road will lead to untimely damage and elevated maintenance costs to keep the road in serviceable condition.

Neither the lease agreement or the venue operational statement addresses the issue of road maintenance. Essentially, everyone living along or accessing their property from the roadway will either make repairs as needed, subsidizing the profits of Mr. Tillinghast and ZGolf Food & Beverage, or be forced to wait until the venue undertakes road maintenance.

An additional 360 trips per day by guests of the venue, plus traffic from vendors and employees would adversely affect the privately maintained roadway, causing additional cost and burden on the residents. Additional concerns over traffic collisions and impaired drivers will be covered in Section 3.

Section 3: Liability and Potential Litigation

The lease agreement for the venue indicates that in addition to the \$2,000,000 liquor liability and the \$1,000,000 per occurrence and \$2,000,000 annual aggregate for bodily injury, property damage liability, and personal injury liability policy maintained by ZGolf Food & Beverage, Mr. Tillinghast is required to maintain a bodily injury insurance policy of not less than \$1,000,000 (against claims of bodily injury, personal injury or property damage arising out of Landlord's operations, assumed liabilities, contractual liabilities, or use of the Real Property). In total insurance amounting to \$4,000,000 per occurrence will be carried by the venue and Mr. Tillinghast.

The cost of such insurance is not trivial, but is required should a loss occur and/or litigation be brought against the venue. This insurance would likely cover any settlements, attorneys' fees, court costs, etc. However, the cost of such insurance is much less than the benefit to both Mr. Tillinghast and ZGolf Food & Beverage of running a highly profitable event center.

The surrounding property owners, however, have no benefit provided to them by the operation of the venue, but are subject to increased liability due to proximity to the venue and the actions of the guests while at the event, as well as when arriving and departing. The close proximity of the proposed venue parking area to the venue's western property line (bordering the MacNeill property, owned by the trust) places the trust at a disproportionately high risk of litigation arising from injuries near, at, or over the property line.

Service of alcohol can result in impairment and poor judgment leading to an increase in the incidents of bodily injury (most commonly, but not limited to Slip, Trip and Fall and motor vehicle incidents) and/or extensive property damage.

According to California DMV statistics, Fresno County has one of the highest DUI rates in the state, with 1.0 DUI arrests for every 100 licensed drivers. The service of alcohol from a full bar at the venue and the remote location of the venue which makes access to public transportation and/or taxi/rideshare services difficult may lead to a high incidence of impaired drivers at the end of an event at the venue. Furthermore, the venue is located on a private road, which intersects N. Riverbend Avenue at an uncontrolled intersection with reduced visibility in

both directions – to the south by a hill, and to the north by a curve in the road. The surrounding roadways are unlit, narrow county roads, often without a full shoulder. When guests choose to drive home while intoxicated, under those road and lighting conditions, they pose a disproportionality high danger to other motorists. An impaired driver under any circumstances is a severe danger, but they are relatively safer on a well-lit, divided roadway.

The construction of the venue may increase the incidence of motor vehicle accidents both on the venue’s property, the private roadway and on the surrounding roadways, as well as subject the neighborhood to undue noise, hassle, and elevated liability exposure.

Section 4: Water Scarcity and Quality

The venue is located in an area of water scarcity and water quality that varies with environmental conditions. During the California drought of 2012-2017, well levels in this area dropped significantly and water quality was adversely affected.

The venue operational statement makes the claim that the venue shall have a daily water consumption of 50-60 gallons per day “to meet the demands for cleaning, washing, commode and wash basin uses, and all drinking water supply” The CUP also states that there will be on average 120 guests plus staff with a maximum of 450 guests plus staff. EPA WaterSense criteria for a low flow toilet caps the consumption at 1.28 gallons per flush – 47 toilet flushes would cause the highest water consumption estimate of 60 gallons to be exceeded. A 6-8 hour event with 120 guests and a full bar will certainly exceed 47 flushes. At an event of the type and scale of those planned to take place at the venue, there will be many other significant sources of water consumption, such as washing spilled drinks off of walkways, etc. that will likely *far* exceed 60 gallons per day.

I feel that the four concerns addressed above are understated, downplayed, and ultimately inadequately addressed by either Mr. Tillinghast or ZGolf Food & Beverage.

Further, and as you are aware, construction of a high intensity park for weddings and banquets on agriculture exempt land is not permitted by right. It is my opinion that the approval of the CUP and construction of the venue would not fall within the County of Fresno’s criteria of having no adverse effect on abutting properties and surrounding neighborhood.

Should you have any questions, please do not hesitate to email or call my office number found in my signature line.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'W-MacNeill', with a stylized, flowing script.

William MacNeill, PE
Registered Mechanical Engineer
Managing Partner
CSI Central Valley
wmacneill@csicv.com
559.891.0274

Rick L. Shelton
Twila L. Shelton
15780 E. Griffith Ave.
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OCT 03 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

9/27/2017

County of Fresno Department of Public Works and Planning
Planning Commission
Marianne Mollring, Senior Planner
2220 Tulare St., 6th Floor
Fresno, CA 93721

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

Dear Ms. Mollring,

We are writing to you to express our concerns about the proposed Cobblestone Hill Weddings and Banquets (Conditional Use Permit Application 3573 and supporting documents).

Our neighborhood (where this proposed venue will be located) is a little community situated on a dead-end road. We all know each other. For the most part, only we, relatives and friends, and certain workers use this road. Additionally, this road is a private road. It has been paved at our own expense and is maintained at our own expense. The amount of traffic, if this proposal goes through, will increase exponentially, causing much wear and tear at our own expense.

We are concerned that with all of the extra traffic we will, at times, have trouble exiting or entering our own property.

We and the neighbors on both sides of us have fences that run the length of the road where the traffic will occur. These fences contain either horses or cattle. If any of the guests who attend functions at the proposed venue leave the event inebriated, they could crash into

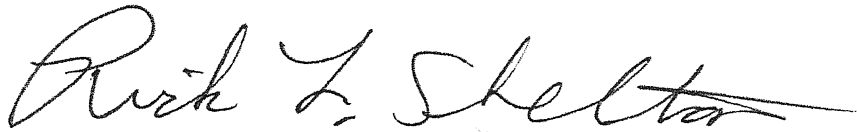
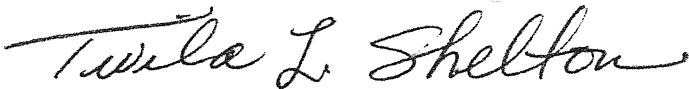
any one of these fences and leave an opening for our animals to escape which could prove disastrous.

When we bought our property here in the country, we were looking forward to peace and quiet. So far, we have not been disappointed. But, with this proposal, we foresee noisy traffic, possible loud music and possible noisy crowds of people.

In conclusion, we enjoy our life out here in the country on Griffith Ave. It makes us sick at heart to think we could be invaded by crowds of strangers, heavy traffic and noise. We are also fearful of our animals getting out should an impaired driver run into our fences.

Thank you for listening to our concerns and giving them serious thought and consideration.

Sincerely,

559-708-9112

559-708-3275

Via Certified Mail

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OCT 10 2017

FRESNO COUNTY
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Via Certified Mail

Melanie & Shane Skadden
3650 N. Oliver Ave.
Sanger, CA 93657
mस्कadden@gmail.com
559-970-2434 Cell
559-970-3136 Cell

October 04, 2017

County of Fresno Department of Public Works and Planning
Development Services Division
Marianne Mollring, Senior Planner
Chrissy Monfette, Planner
2220 Tulare St., 6th
Fresno, CA 93721
mmollring@co.fresno.ca.us
cmonfette@co.fresno.ca.us

Re: Cobblestone Hill Weddings and Banquets, CUP3573
16007 Griffith Ave., Sanger, CA 93657

Dear Ms. Mollring and Ms. Monfette,

We are writing to you to express our extreme concern regarding the proposed Cobblestone Hill Weddings and Banquet venue as outlined in the Conditional Use Permit Application No. 3575 and supporting documents (a.k.a. CUP3573).

We were recently advised of this proposed CUP3573 by our neighbors, Dan and Anita Carrion. They have submitted their own letter of concern which we are in total agreement with. This proposed CUP3573 would have several negative effects on our property value, usage and quality of life. We will attempt to address our concerns in this letter.

Our concerns are the following:

1. **Traffic:** Our neighborhood consists of 16 parcels accessed by a non-exclusive easement (Griffith Avenue) that borders the frontage of each parcel. This easement has been paved up to the proposed CUP3573 location but ends just short of the proposed two-way traffic graveled road. The remainder of the road, Griffith Ave. & Oliver Ave., is a compacted gravel road. It is voluntarily maintained by the property owners and is **not** a "Public Right of Way" or a "County Maintained Road."

As such, the road is seasonally affected. That is, muddy during the rainy season and very dusty during the dry weather. Any significant increase in vehicular traffic will severely impact the integrity of our road. This is because the drivers will undoubtedly, out of curiosity or confusion,

drive to the end of the road, find a dead end at our property, then turn around and drive back out. Our part of the road cannot support any additional traffic and the base is breaking apart from just a little traffic.

This also creates a huge security issue for us as there will be regular traffic, after dark, turning around at our gate. This results in a disturbance to our animals and our peace.

The fact that alcohol will be served to the guests further concerns us as the possibility of impaired drivers is increased and exiting the property onto dark, unlit rural county roads.

2. **Noise:** We are located at the base of a hill, approximately ¼ mile east of the proposed CUP3573 location. The Tillinghast Family have had a few parties or celebrations in their backyard over the past few years which have resulted in noise consisting of loud voices and music. We have not made a big issue out of this in the past due to the small size and the infrequency of these parties. However, the proposal states, in section II, A, that approximately 7 events per month with “an average” of 120 guests per event. The business states further down in this section, “the large Patio Carport will be modified and named “The Hitchin Post”, will accompany 300 guests with adequate protection from the elements”, will include options to expand for overflow of guests utilizing tents and or existing patios of Main House and Pool Patio and events not to exceed 450 guests”. They went from 120 guests to 450 guests. This is a huge difference.

Clearly, this is a major event venue being proposed, not a quaint location for small, intimate gatherings.

3. **Water Impact:** The Initial Study Application section 24 states: “anticipated volume of water to be used (gallons per day) for project is 50 gallons +/- . Event commode will generate the majority of water consumption.” If 200 guests use the commode just once during an event, the typical 1.6 gallons per flush toilet in this 3.5 bathroom house will generate a usage of 320 gallons at a minimum. This assumes that the guests do not wash their hands afterwards.

Clearly the proponents of this “Project” have substantially underestimated their water usage. This brings up the concern of where will all of this “Effluent” be contained? Certainly not in a septic system designed and engineered for a 5100 square foot, 5 bedroom, single family residence.

4. **Zoning:** The proposed CUP3573 location is located on a 20 acre parcel zoned AE20. This CUP3573 and Business Plan describes a “Full Event Facility”, leased to and managed by ZGolf Food & Beverage, which is a nation-wide corporate wedding facility and banquet management company located in Temecula, CA. The events proposed at this location will have a major commercial impact to the entire surrounding area – not just the neighboring parcels.

There is very little commercial activity in this area. It is typically limited to small family businesses using the main residence as an office for light use. There is no retail or associated traffic in this area.

This CUP3573 Application, Business Plan and Initial Study Application, describes a major commercial enterprise that not only violates the spirit of, but most likely the letter of the zoning laws and regulations.

Guests staying "overnight if so desired" constitutes lodging on the order of a hotel/motel enterprise. Again, this is a five bedroom, single family residence.

Additional impact will occur to the Fresno Sheriffs Department. The likely hood of increased calls for service to this location as a result of "disturbing the peace" and "Trespassing" to adjoining neighbors is also a very real issue.

We have lived out here the longest, at 17 years. We bought this property because of its secluded location and peaceful surroundings. No city lights, no constant traffic noise. Just quiet. A safe place to raise our family.

To sum up, we feel that the Tillinghasts mean well in their business plan. However, many issues with their resulting negative impact, seem, to a reasonable person, to be incompatible with the zoning, neighborhood and surrounding area.

Thank you for your consideration.

Melanie Skadden

Shane Skadden

Melanie Skadden

Shane Skadden

MAR 05 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

proposed "verbal" & "pictorial" presentation addressing CUP #3573 (requirement #5) 3/1/2018

Representing approx (12) of the (12) neighborhood families (residing directly around the proposed) " High Intensity" " commercial event facility" adamantly opposing this CUP

We spent our hard earned money to buy property & build our homes and conduct our lives in an agriculturally based residential neighborhood (zoned as such) on a one lane drive that dead ends, eliminating pass through & high speed traffic.

We specifically chose to live here because;

- #1 it is zoned agriculture / residential (not commercial)
- #2 it is outside and away from urban / suburban sprawl & track developments
- #3 avoids noise & light pollution from traffic & congestion
- #4 safe & healthy for our kids to play & families to thrive
- #5 to enjoy the views of natural surroundings & abundant wildlife

An approval on this CUP will result in;

- #1 lower property values
- #2 constant disturbances requiring police, fire and emergency vehicle actions
- #3 traffic accidents & altercations (drunk driving) leading "to" and "from" proposed venue
- #4 trash along drive, noise & dust
- #5 unwanted trespassing, vandalism, potential theft
- #6 constant barking from neighboring dogs (night & day)
- #7 stress to domestic animals directly adjacent to drive including; horses, cows, goats & dogs
- #8 stress & loss of existing wildlife in immediate area, existing creek & pond, which include; rabbits, squirrels, raccoons, possum, skunk, badger, coyote, lizards, snakes, turtles, Geese, eagles, hawks, owls, herrin & crane, vultures & ravens seen regularly.

#9 in addition to the regular event crowds, will be an endless and daily parade of party planners, marketing & advertising promoters, event staff, catering, entertainers, photographers, Maintenance, clean-up & grounds crews, sewage & waste off haul vehicles not to forget all the potential customers and their friends & families who will drive through the neighborhood day after day, looking at the venue, prior & post to the actual events!

PAGE 1

CUP# 3573

In Conclusion,

This proposed "High Intensity Event Facility" has already taken it's toll on the (12) residences vehemently opposed to this CUP.

We are all sad & disappointed that our supposed friend / neighbor the(Tillinghast's) and their commercial (for profit at our expense) partners, have Selfishly, inappropriately and cold heartedly subjected all of us to this time consuming and expensive process.

In reality, we (the neighbors) ultimately are burdened with the full time responsibility of monitoring and enforcing the daily operation (traffic, noise, light, trash, etc..) incurred by the daily public invasion!

It has taken countless hours, considerations & preparation already, neighborhood meetings, Emails, phone calls, our analysis, conversations with officials, trips to the planning dept, loss of work hours & family time, photo copies & ink, hiring a lawyer & loss of work so we can show up to the hearing too. Pure & simple, we're already the victims!

What comes next? A public golf course, concrete plant, detention facility, automotive repair shop, public shooting range? We pay ridiculously high property tax's so we don't have to live in areas like that and with hopes that our property will go up in value, an approval will absolutely lower our property values and has already killed a "pending sale" on an adjoining lot, up for sale.

If approved, the cost & time to "appeal / petition", lawyers & law suites, neighborhood protest, pictiting of events and potential police interventions, put's us all at further considerable loss!

If you were to drive down our " one lane " entry road(once) through our neighborhood homes, group mail box's, along the pond, creek, kids on bikes, yard animals & daily wildlife, you would realize that a public, commercial business, does not belong here & was never the original intention for this area, back to the original covenant and zoning.

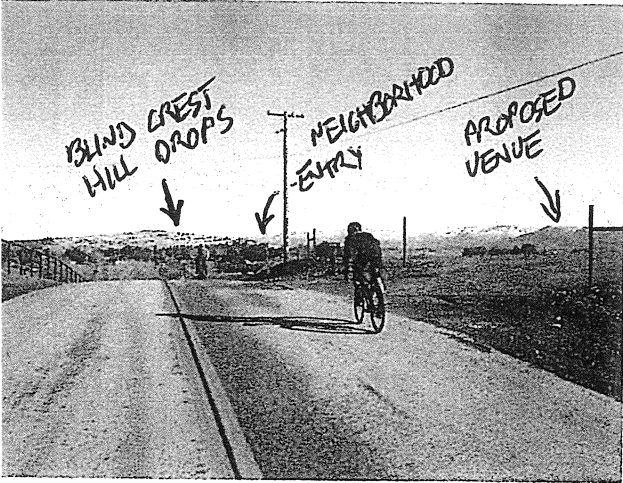
We collectively " Thank You" for your time & considerations

(PAGE 2)

MAR 05 2018

DEPARTMENT OF PUBLIC WORKS AND PLANNING DEVELOPMENT SERVICES DIVISION

(APPROACHING OUR NEIGHBORHOOD)



Heading north on Riverbend Top of hill



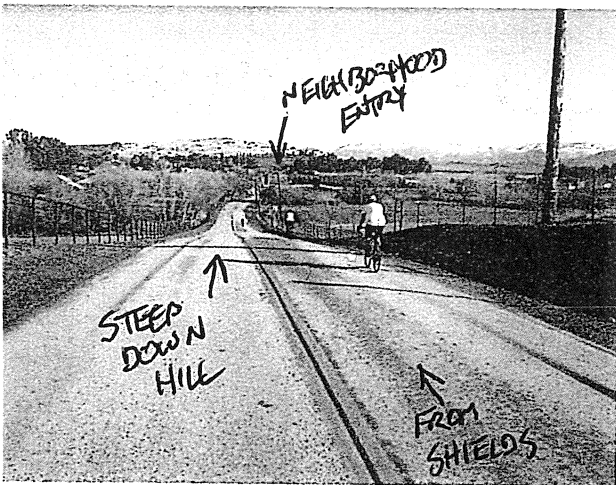
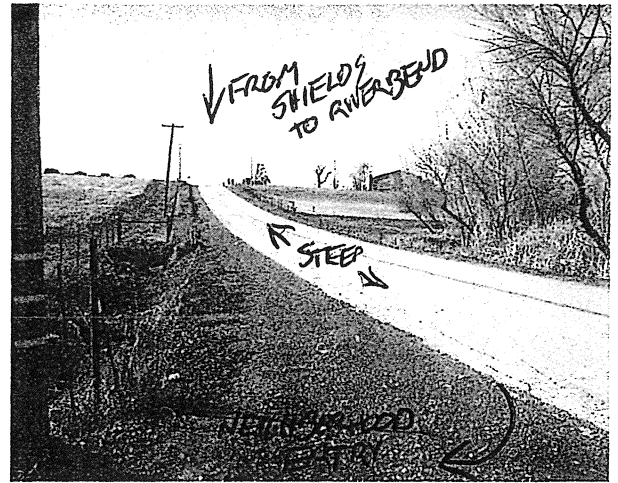
Entry on to griffith Below To the right Tricky at any speed



Bicycles Are common Heading down fast



Leaving Griffith way Looking up hill Bikes & vehicles Come over (blind) Crest & pick up speed

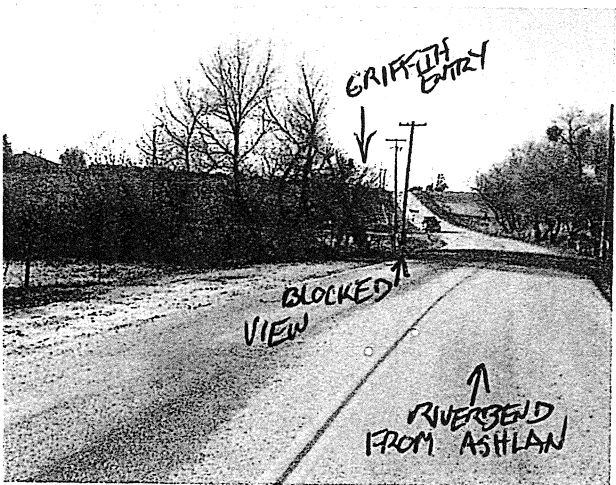
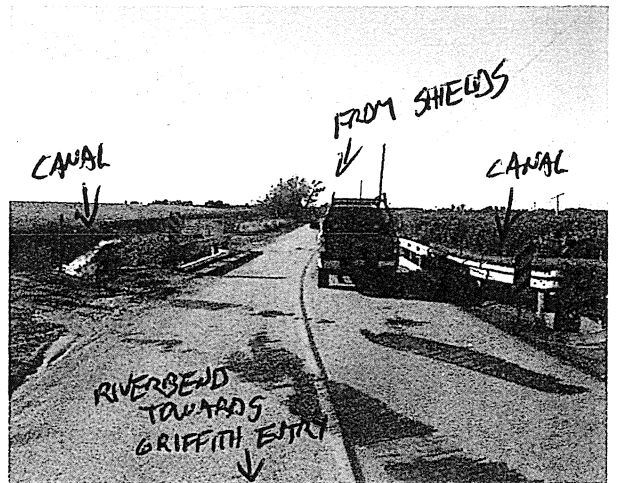


Heading south on Riverbend Entry on left (Near truck)

When leaves on trees View at turn blocked

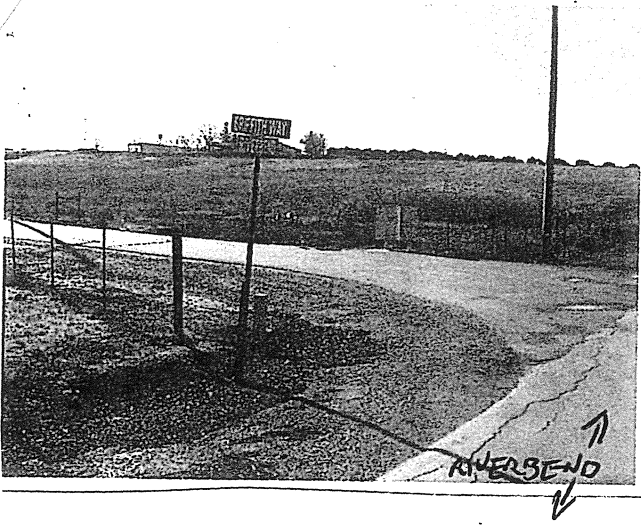


On south side of hill "S" turn at canal Bridge narrows Dangerous Night / fog Vehicles end up In canal sometimes



NO STREET LIGHTS

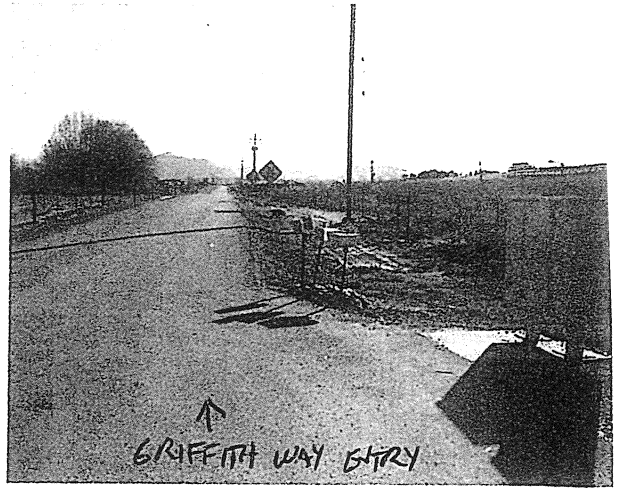
(ENTERING OUR NEIGHBORHOOD)



Entering our Neighborhood
Griffith way
Off Riverbend



Community mail box area
Signs say Private road
Not a county road



GRIFFITH WAY ENTRY



GRIFFITH WAY ENTRY

Turning left onto Griffith way



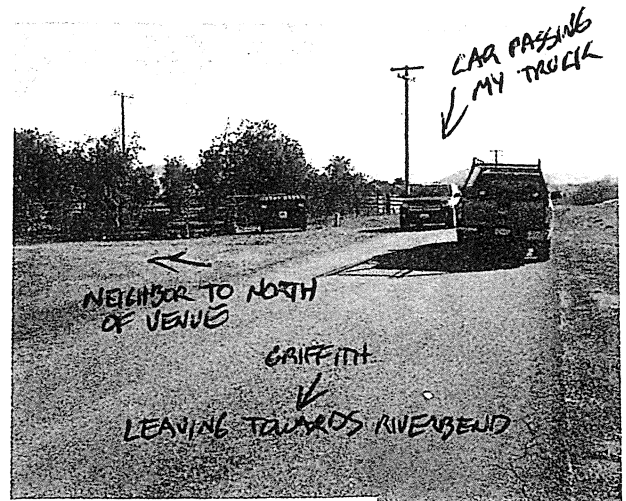
Passing vehicles
Slow to a crawl
Often off shoulder
To get by



Stopping for mail
Blocks off
Both directions



NO STREET LIGHTS - VERY DARK AT NIGHT

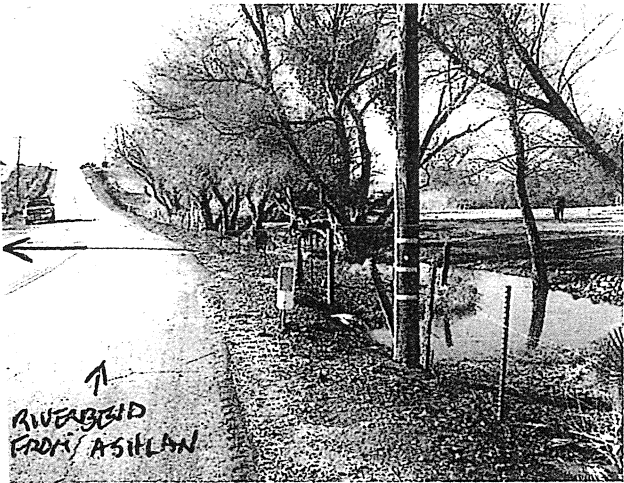


CAR PASSING MY TRUCK

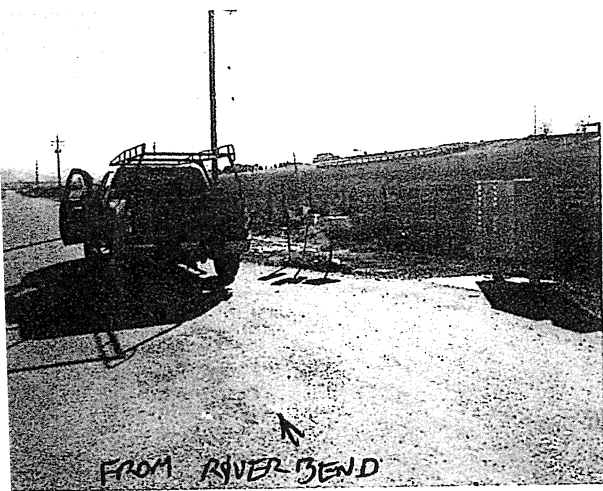
NEIGHBOR TO NORTH OF VENUS

GRIFFITH

LEAVING TOWARDS RIVERBEND



RIVERBEND FROM ASHLAN



FROM RIVER BEND

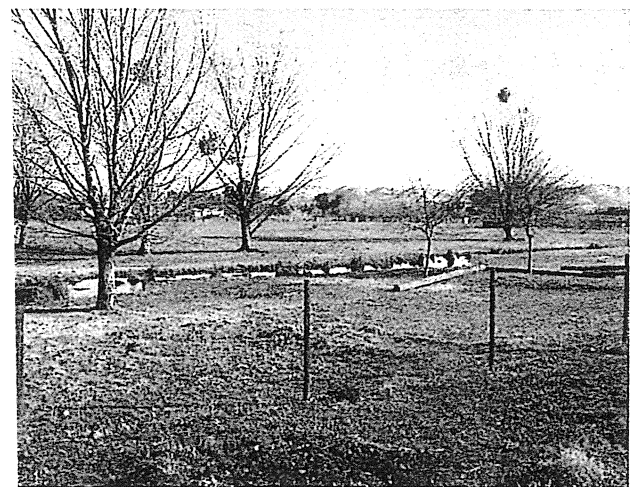
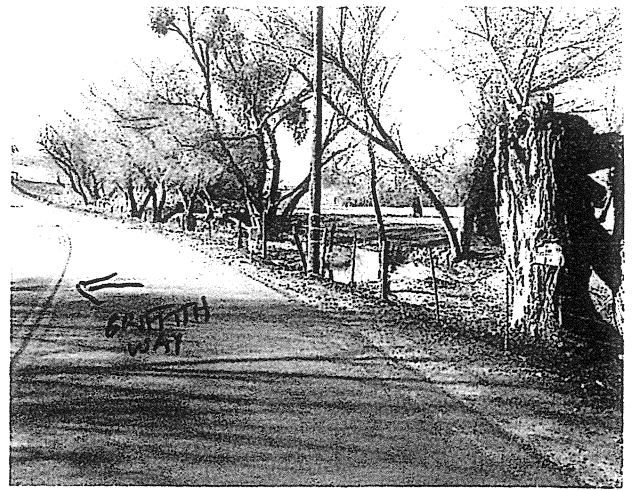


ALONG GRIFFITH WAY

← CREEK (ALONG THE WAY)

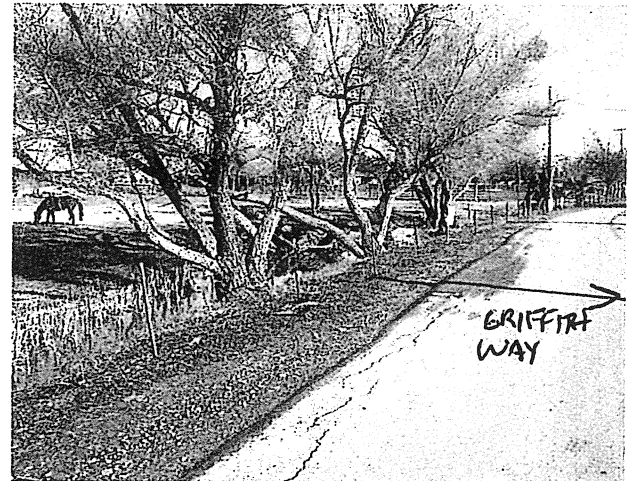


From riverbend into
Our neighborhood
On Griffith way
You pass through
A wildlife habitat
Pond & creek
Year round
Animals are present
And cross the road
frequently



← CREEK

CREEK →

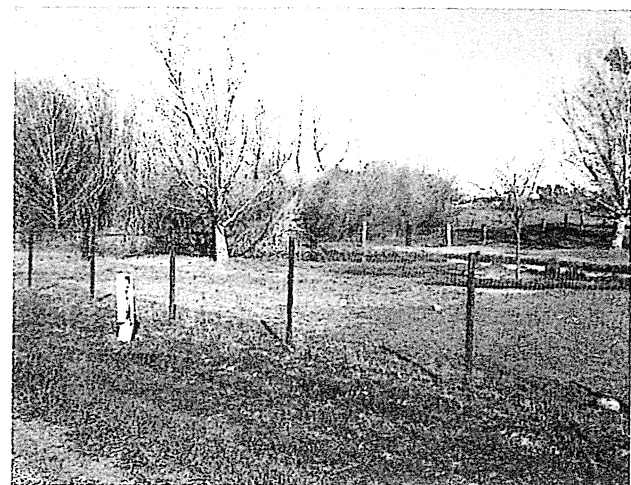
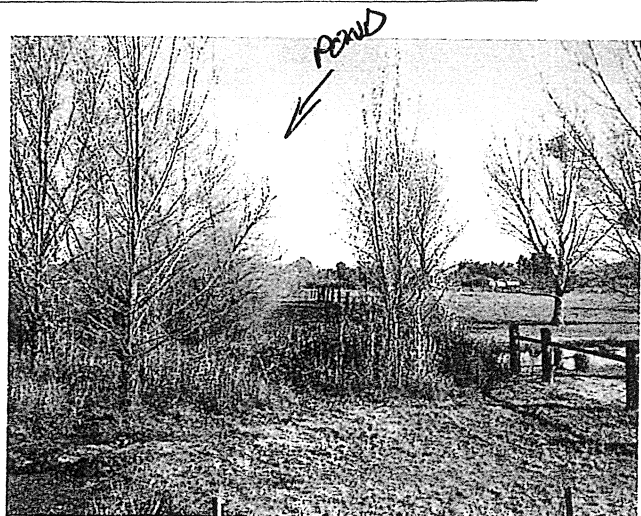


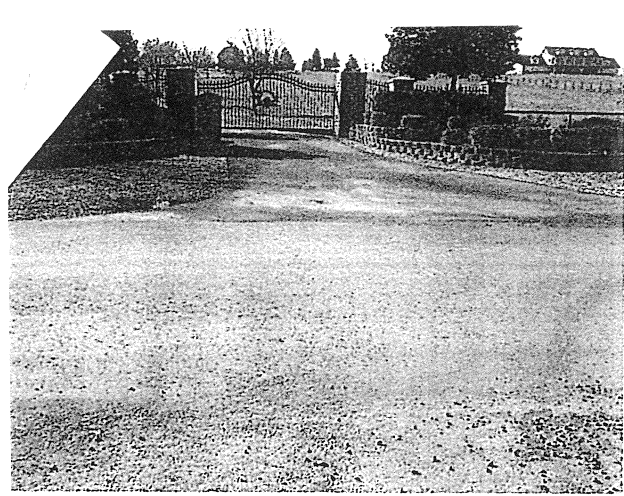
← POND

CREEK →



PAGE
3



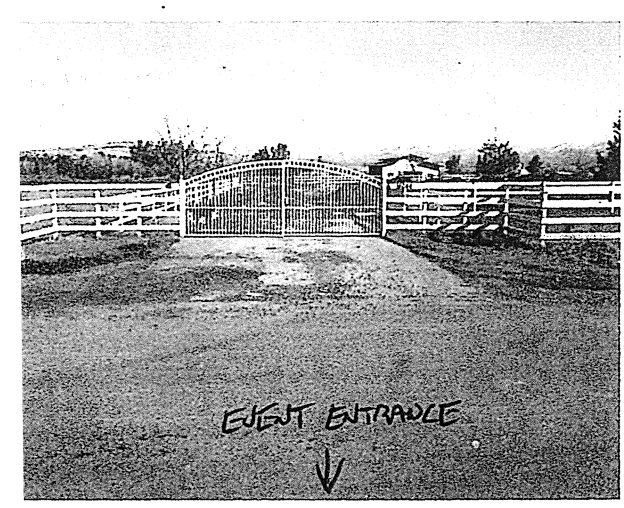
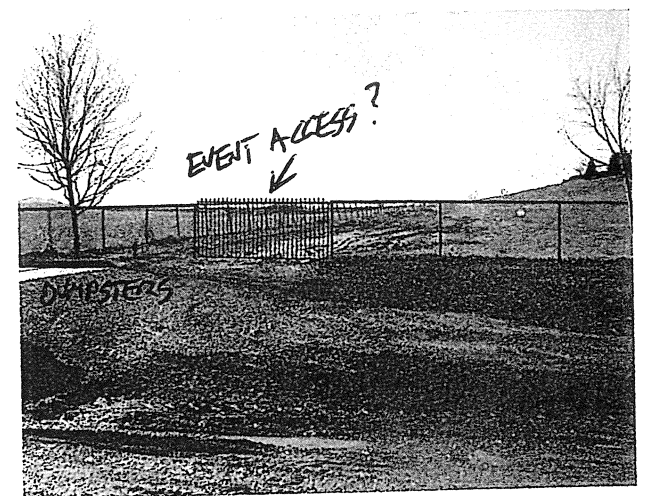


PROPOSED SIGN IS ILLEGAL
DIRT & GRAVEL EAST ENTRY?

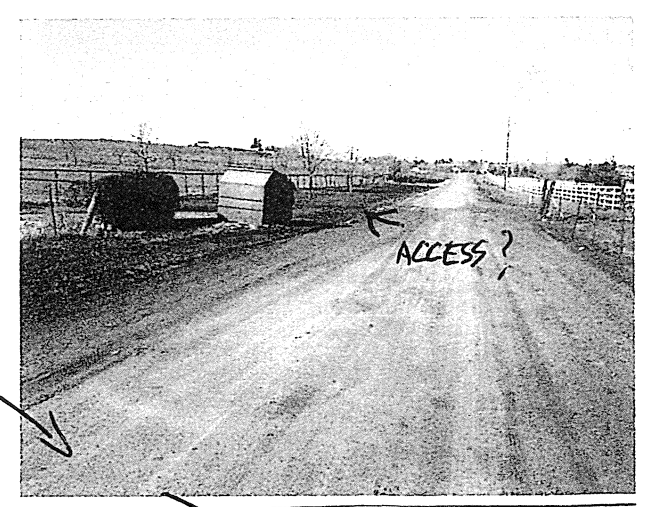
Existing entry to Proposed "High intensity" Event facility
Single vehicle Bottle neck



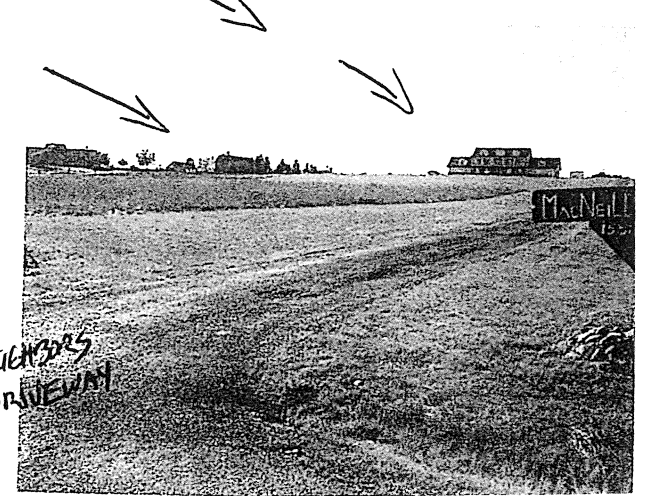
East side of front Asphalt ends to Gravel & dirt
Trash dumpsters
Event access?
Does any of this Look like an Event facility?
Neighbors entry Across from venue



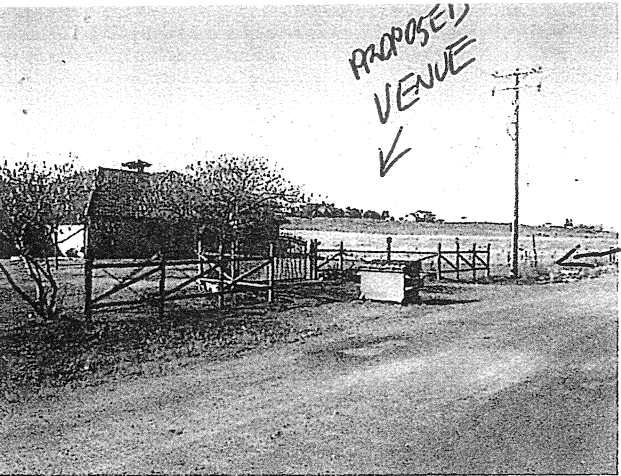
Neighbors house To the west on right Yards from venue On left



PROPOSED EVENT VENUE
MINIATURE HORSES DOGS ACROSS FROM ENTRY



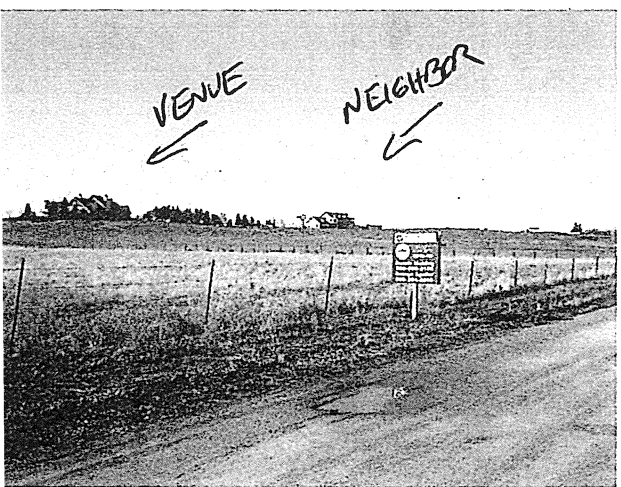
(SURROUNDING THE PROPOSED VENUE)



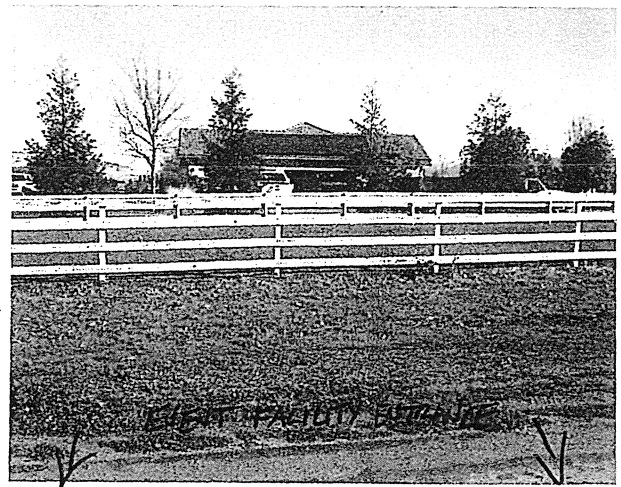
Neighbors house
East of proposed venue
in background
Light & noise rain down
From above



Directly across from
Proposed venue entry
Neighbors house & animal
Enclosures bombarded
Traffic lights & noise



Lot for sale next to venue
Escrow fell through
Because of proposed
Event facility

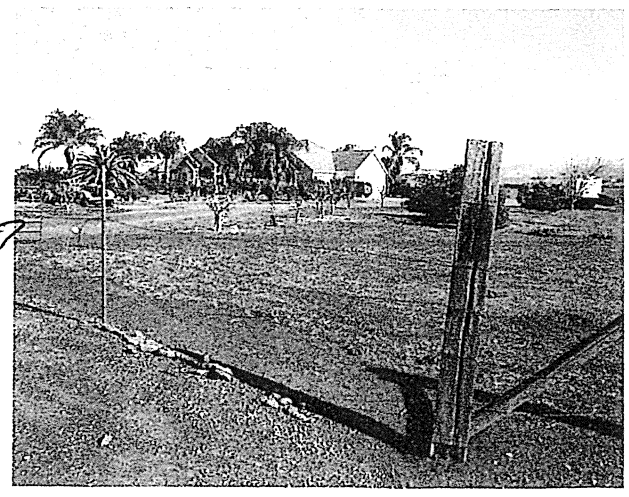


Neighbors house
just to east



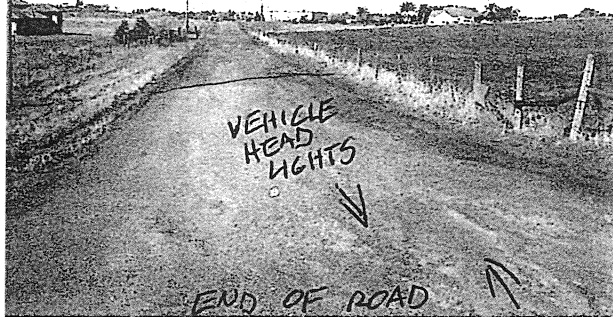
PROPOSED
VENUE
LOCATION

ACROSS
FROM
EAST
FRONT
ACCESS?

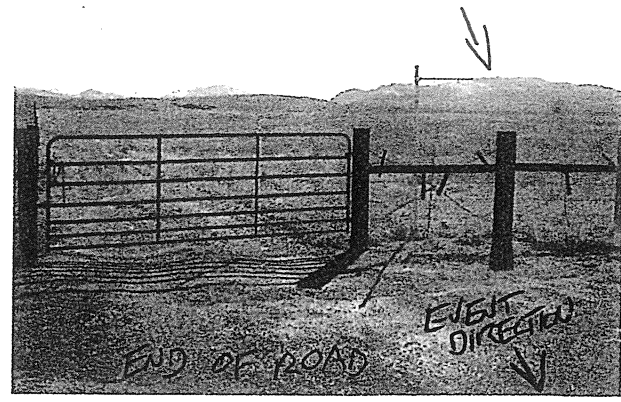


(END OF THE NEIGHBORS)

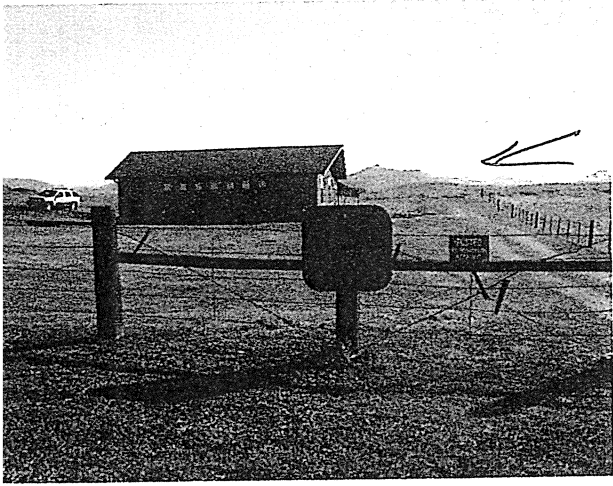
THIS LOT JUST SOLD MONTHS AGO
PLANNING TO BUILD HOME



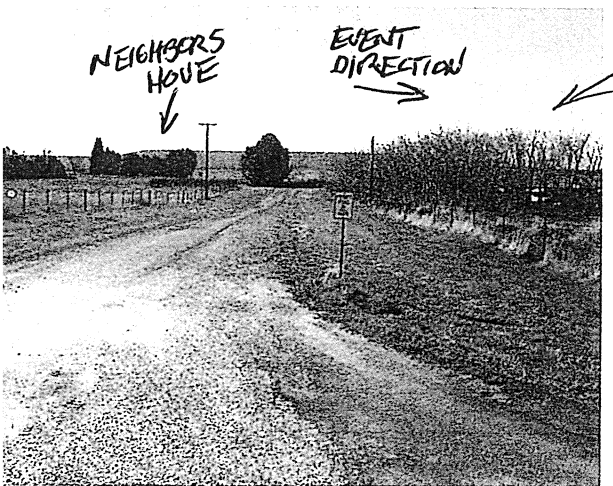
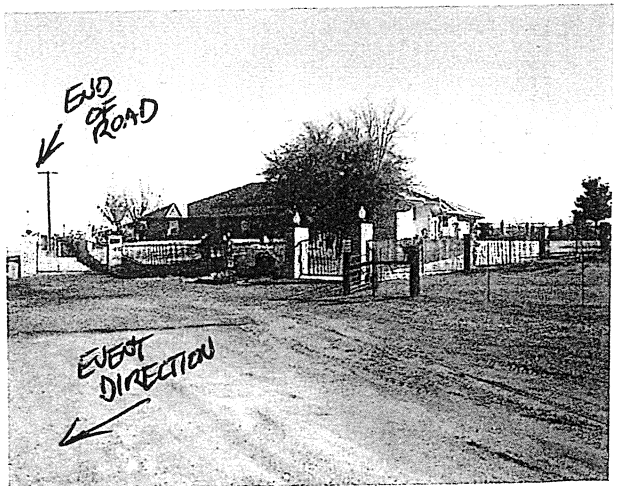
East end of Griffith way
No through access
Vehicles turn around
Approx six residences



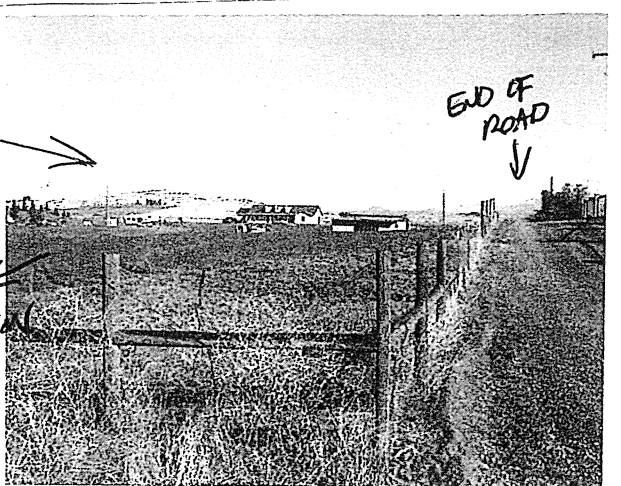
NEIGHBOR DIRECTLY
ACROSS FROM
PROPOSED
EAST
ACCESS
DRAINAGE
AREA
ROAD
NARROWS
SUFFERS
FROM
CHRONIC
ALLERGIES
(MONTHLY INJECTIONS)
YARD & HOUSE GET
DUSTED WHEN ONE
VEHICLE DRIVES PAST



NEIGHBOR
AT END
OF GRIFFITH WAY
WINDOWS ARE SMALL
BECAUSE HEADLIGHTS
FROM VEHICLES
SHINE ON THIS
SIDE OF HOUSE



END
OF
ROAD
NEWEST
NEIGHBOR
JUST
BUILDING
HOME



Russell D. Cook
Attorney at Law / Mediator
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Fresno, California 93711

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rdcooklaw.com

October 6, 2015

HAND DELIVERED

Marianne Mollring, Senior Planner
County of Fresno
Department of Public Works & Planning Commission
2220 Tulare Street, 6th floor
Fresno, CA 93721

RECEIVED
COUNTY OF FRESNO

OCT 06 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573
My client: Marshall and Baylee Crawford

Dear Ms. Mollring,

Please be advised that I have been retained to represent the interests of Marshall and Baylee Crawford, who reside at 16044 E. Griffith, Sanger, California. The Crawfords have asked me to present a letter in opposition to the Conditional Use Permit application filed by either Mike Tillinghast or his lessee under CUP 3573.

Marshall and Baylee Crawford live across the driveway from the property that is proposed to be used for the weddings and banquet facility. Our opposition to the proposed is manifold:

1. The introduction of a commercial use violates the general plan for the area. It is not anticipated that commercial zoning will ever come to the residential and agricultural area where Mr. Tillinghast and Mr. Crawford reside. Additionally, the proposed usage violates the stated zoning for the area. The area is zoned AE 20. Individuals purchased their parcels at that location to either stay with the zoned use of agricultural or to have an estate sized lot with a home in keeping with that zoning.

2. Allowing weddings and banquets every day of the week and most particularly on weekends is a land use that should be restricted to areas zoned for weddings and banquets, not in areas zoned AE 20 and particularly not the subject property.

3. In the event that the conditional use permit were issued by the county, then traffic on Griffith and the surrounding roads areas will be substantially changed. While this is hearsay, it is our understanding that the permit was for 200 cars and up to 400 people. With that type of volume, we can anticipate traffic congestion on the small country roads where there had never been traffic congestion before.

RUSSELL D. COOK

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573
October 6, 2017
Page 2

4. The area in question develops high grass every spring, which dries out in early summer. The location of the facility, close to Watts Valley road and close to the foothills is an area with a substantial fire danger. (There was a fire on the Watts Valley Road that burnt 188 acres in the summer of 2016) With so many individuals in the area, there will be some individuals who smoke, increasing the danger of a grassland fire. The closest fire station is on Academy and SR 180 in Sanger, 15 minutes away. Additionally, there are no fire hydrants in the area that could be used to suppress a fire that would be ignited from a careless or intoxicated smoker.

5. The domestic water supply in the area is through water wells on each property. Likewise, sewage disposal is through septic tanks. There is no public water supply nor is there a public sewer system. As such, with the number of people who are anticipated, it will overtax both the domestic water supply, while it will also overtax the septic system on the subject property. As clean ground water can easily be polluted by a failing septic system, this is another basis upon which the County must deny the Conditional Use Permit application.

6. As there will be weddings and other special occasions for the consumers, we can expect that individuals will be leaving the premises in all states of intoxication. Marshall Crawford is concerned about his own grandchildren, as well as other children who may be walking along Griffith, that may be in jeopardy of being hit by a person who had too much to drink at the wedding or other occasion.

7. In addition, these weddings and other special events may go well into the evening, thereby destroying the peaceful community that the Crawfords and their neighbors once experienced. We would expect bands and recorded music to be played on the premises. We would also expect that the decibel levels will fall outside of the county noise ordinances, as the party goers will expect that they have full reign on the music at their party. It should be noted that from Marshall Crawford's home, sound carries well enough to where he can hear individuals talking at the Tillinghast residence.

8. The proposed parking area is behind the residence but in a dirt lot. Unless mitigated the introduction of up to 200 vehicles, driving down a dirt road and parking in a dirt parking lot will result in dust escaping from the subject property, which will create a noxious environment for the neighbors.

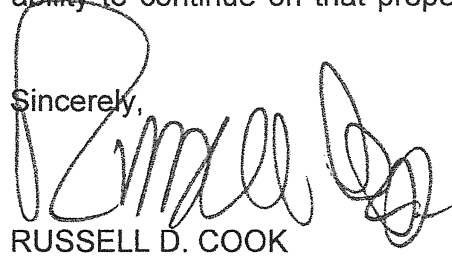
9. I also expect that the property values in the area will be effected, as the individuals who are interested in purchasing a 20 acre agricultural parcel and home will not be interested in purchasing on Griffith, with the increased traffic, noise, erratic drivers, congestion, dust and problems with the ground water.

RUSSELL D. COOK

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573
October 6, 2017
Page 3

10. Marshall Crawford uses his property to breed horses. The introduction of all of the increased traffic and associated problems changes the character of the community to where that my effect the ability to continue on that property as a horse breeding facility.

Sincerely,

A handwritten signature in black ink, appearing to read 'Russell D. Cook', with a large, stylized initial 'R' and 'C'.

RUSSELL D. COOK

RDC

cc: Marshall Crawford

WANGER JONES HELSLEY PC
ATTORNEYS

OLIVER W. WANGER
TIMOTHY JONES*
MICHAEL S. HELSLEY
PATRICK D. TOOLE
SCOTT D. LAIRD
JOHN P. KINSEY
KURT F. VOTE
TROY T. EWELL
JAY A. CHRISTOFFERSON
MARISA L. BALCH
PETER M. JONES**
STEVEN M. CRASS**
JENA M. HARLOS***
MICAELA L. NEAL
NICOLAS R. CARDELLA
ERIN T. HUNTINGTON
STEVEN K. VOTE
JENNIFER F. DELAROSA
LAWRENCE J.H. LIU
N. RICHARD SHREIBA
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LYNN M. HOFFMAN

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* Also admitted in Washington
** Of Counsel
*** Also admitted in Wisconsin

December 27, 2017

VIA UNITED STATES MAIL

Mike and Maria Tillinghast
16007 Griffith Avenue
Sanger, CA 93657

Wedgewood Group/Z Golf Food & Beverage
4584 W Jacquelyn Avenue
Fresno, CA 93722

Re: Cobblestone Hill Weddings and Banquets

Dear Mr. and Mrs. Tillinghast and Wedgewood Group/Z Golf Food & Beverage:

Our firm has been retained by several residents who reside near the property located at 16007 Griffith Avenue, Sanger, California 93657 (the "Subject Property"), including Doug MacNeill and Dan Carrion, in connection with the proposed Conditional Use Permit Application No. 3573 for Cobblestone Hill Weddings and Banquets (the "Proposed Project"). On behalf of my clients, I am writing to advise you that the Proposed Project would (i) impermissibly overburden the existing easement providing access to the Subject Property, and (ii) unlawfully purport to provide third-parties the right to use the easement. As a result, my clients demand that you immediately withdraw all pending applications for entitlements for the Proposed Project.

A. Factual Background

As shown in the attached Record of Survey Map (**Attachment "A"**) and the Legal Description (**Attachment "B"**), the Subject Property and surrounding properties share a 60.00 foot non-exclusive road easement. I understand 16 total lots share the non-exclusive road

RECEIVED
COUNTY OF FRESNO

DEC 29 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
COP 3573

easement. I also understand the roadway is maintained by the property owners who share the non-exclusive road easement.¹

The attached Pre-Application for a conditional use permit (**Attachment "C"**) for the Proposed Project submitted on November 14, 2016, and the Cobblestone Hill Weddings and Banquets Operational Statement (**Attachment "D"**), contemplate that the Subject Property would be used as a "FULL EVENT FACILITY" for the business of conducting weddings and banquets. The Proposed Project plans to use outside caterers that will supply all food and beverage. Average gatherings are expected to have anywhere between 120 to 450 people, averaging seven events per month throughout the year. In addition, the easement would be traversed by persons performing maintenance and general services for the event center, and delivery trucks and employees to help facilitate the weddings and banquets.

This, of course, represents a significant departure from the current baseline. As explained in the attached Initial Study Application (**Attachment "E"**), the "only people generally using Griffith Ave." at this time "are current home owners."

B. The Proposed Use Would Constitute an Unreasonable Surcharge on The Easement

The use of an easement is limited to original creation. Once an easement has been created, "both parties have the right to insist that so long as the easement is enjoyed it shall remain substantially the same as it was at the time the right accrued, entirely regardless of the question as to the relative benefit and damage that would ensue to the parties by reason of a change in the mode and manner of its enjoyment." (*Whalen v. Ruiz* (1953) 40 Cal.2d 294, 302.)

Roadway easements can only be used for reasonable purposes. (*Scrubby v. Vintage Grapevine, Inc.* (1995) 37 Cal.App.4th 697, 702.) The conveyance of a roadway easement grants only a right of ingress and egress and a right of unobstructed passage across the easement, it does not include the right to use the easement for any other purpose. (*Miller & Starr, Cal Real Estate* (4th ed. 2017) § 15:59, p. 214.)

1. The Proposed Use Would Impermissibly Increase the Burden On the Easement

The owner of an easement cannot change or increase the use of an easement in any manner that imposes a new or greater burden on the servient tenement without consent of the servient owner. (*McCarty v. Walton* (1963) 212 Cal.App.2d 39, 46.) An unreasonable increase in the burden of a servient tenement resulting from an increase or change in the use of an

¹ The persons' rights affected by the Proposed Project include not only Doug MacNeill, Dan Carrion, and their respective families, but also Rick and Twila Shelton, Marshall and Baylee Crawford, Kelly and Mercedes Larsen, Brad and Alejandra Anderson, Shane and Melanie Skadden, and Mark and Becky Contreras.

easement is called a “surcharge.” (Miller & Starr, Cal. Real Estate (4th ed. 2017) § 15:55, p. 195.) As such, an unreasonable increase of the burden may ripen into a prescriptive right and is a nuisance that can be enjoined by the owner of the servient tenement. (*Krieger v. Pacific Gas & Electric Co.* (1981) 119 Cal.App.3d 145-147.) The use of an easement can be enlarged where it can be shown that an increased use was reasonably contemplated by the parties within the ordinary development of the dominant tenement, and the use is for reasonable purposes consistent with the scope of the basic purpose of the grant. (*Camp Meeker Water System, Inc. v. Public Utilities Com.* (1990) 51 Cal.3d 845, 866.)

Here, the Proposed Project would change and increase the use of the easement in a manner that would impose a significantly greater burden on the other parties to the roadway easement, without their consent. The unreasonable increase in the burden on the easement constitutes an illegal surcharge, as it is not consistent with the scope of the basic purpose of the grant – *i.e.*, residential uses. As a result, the use contemplated under the Proposed Project would violate my clients’ rights under the easements.

2. The Proposed Use Would Impermissibly Allow for Use By Third-Parties Not Contemplated in Grant

A roadway easement also cannot be used to benefit additional persons who are not in title or possession of the dominant tenement. (*Gaither v. Gaither* (1958) 165 Cal.App.2d 782, 785.) As such, the owner of an easement cannot license third parties to use it, unless this extended use was contemplated at the time the easement was created. (*Kerr v. Brede* (1960) 180 Cal.App.2d 149, 151; *Laux v. Freed* (1960) 53 Cal.2d 512, 516, 517.)

As contemplated in the Pre-Application for a conditional use permit (**Attachment “C”**) for the Proposed Project and the Cobblestone Hill Weddings and Banquets Operational Statement (**Attachment “D”**), the Tillinghasts plan to enter into a lease agreement with Wedgewood Group/Z Golf Food and Beverage to utilize the Subject Property for the Proposed Project. The proposed use would benefit Wedgewood Group/Z Golf Food and Beverage, and the third-parties who intend to use the facilities. However, none of those persons hold title to, or are in possession of, the underlying property (*i.e.*, dominant tenement). Additionally, the proposed use was not contemplated at the time the easement was created, so the Tillinghasts cannot license third-parties to use the Subject Property.

C. Demand

Stated simply, the Proposed Project is unlawful, as it would impermissibly overburden the existing easements, and purport to allow use of the easement by unauthorized third-parties. Therefore, my clients demand that you immediately withdraw all pending applications for entitlements for the Proposed Project.

///

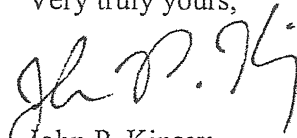
WANGER JONES HELSLEY PC

December 27, 2017

Page 4

Thank you in advance for your prompt attention on this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



John P. Kinsey

cc: Marianne Mollring, County of Fresno
Doug and Carol MacNeill
Dan and Anita Carrion
Rick and Twila Shelton
Marshall and Baylee Crawford
Kelly and Mercedes Larsen
Brad and Alejandra Anderson
Shane and Melanie Skadden
Mark and Becky Contreras

JPK/yhn

EXHIBIT "A"

EXHIBIT "B"

LEGAL DESCRIPTION

The land referred to in this Report is described as follows:

That portion of Section 19, Township 13 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

Beginning at a point on the South line of the Northeast quarter of said Section 19, lying South $88^{\circ} 46' 34''$ East, a distance of 1,381.99 feet from the center quarter corner of said Section 19; thence continuing South $88^{\circ} 46' 34''$ East, along the South line of the Northeast quarter of said Section 19, a distance of 678.15 feet; thence North $01^{\circ} 00' 15''$ East, parallel to the West line of the Northeast quarter of said Section 19, a distance of 1,292.54 feet; thence South $89^{\circ} 53' 46''$ West, a distance of 678.27 feet; thence South $01^{\circ} 00' 15''$ West, parallel to the West line of said Section 19, a distance of 1,276.82 feet to the point of beginning.

Road Easements:

A 60.00 foot non-exclusive road easement being a portion of Sections 17, 18, 19 and 20, Township 13 South, Range 23 East, Mount Diablo Base and Meridian, the centerline being more particularly described as follows:

Being at a point on the West line of the Northeast quarter of said Section 19, lying South $01^{\circ} 00' 15''$ West, a distance of 1,396.25 feet from the North quarter corner of said Section 19, thence North $89^{\circ} 53' 46''$ East, a distance of 2,638.32 feet to a point "A"; thence continuing North $89^{\circ} 53' 46''$ East, a distance of 1,439.32 feet to a point "B".

Beginning at said Point "B"; thence North $01^{\circ} 01' 31''$ East, parallel to the West line of the Northwest quarter of Section 20, a distance of 620.31 feet to a radius point of a standard 50.00 foot radius cul-de-sac.

Beginning at said Point "B"; thence South $01^{\circ} 01' 31''$ West, parallel to the West line of the Northwest quarter of Section 20, a distance of 1,322.34 feet to a point on the South line of the Northwest quarter of said Section 20, said point lying South $89^{\circ} 27' 03''$ East, a distance of 1,439.10 feet from the West quarter corner of said Section 20.

Beginning at said Point "A"; thence North $01^{\circ} 01' 31''$ East, along the East line of the Northeast quarter of said Section 19, a distance of 497.31 feet; thence along a curve to the left; concave to the Southwest, with a radius of 500.00 feet, a central angle of $55^{\circ} 50' 47''$, and an arc length of 487.35 feet; thence North $54^{\circ} 49' 16''$ West, a distance of 1,539.33 feet to a point on the Southeast right of way line of Watts Valley Road, from which the North quarter corner of said Section 19 lies South $35^{\circ} 10' 44''$ West, along the Southeast right of way line of Watts Valley Road, a distance of 302.28 feet; thence North $88^{\circ} 37' 04''$ West, a distance of 72.20 feet to a point on the Northwest right of way line of Watts Valley Road; thence South $35^{\circ} 10' 44''$ West, along the Northwest right of way line of Watts Valley Road, a distance of 91.01 feet; thence South a distance of 111.30 feet to a point on the Southeast right of way line of Watts Valley Road; thence North $88^{\circ} 37' 04''$ West, along the North line of the Northeast quarter corner of said Section 19, a distance of 854.19 feet to the North quarter corner of said Section 19.

Commencing at a point on the South line of the Southeast quarter of said Section 18, lying South $88^{\circ} 37' 04''$ East, a distance of 854.19 feet from the South quarter corner of said Section 18, said point being the intersection of the center line of East Ashlan Avenue and the Southeast right of way line of Watts Valley Road; thence North, a distance of 111.30 feet to a point the Northwest right of way line of Watts Valley Road; thence North $35^{\circ} 10' 44''$ East, along the Northwest right of way line of Watts Valley Road, a distance of 91.01 feet; thence South $88^{\circ} 37' 04''$ East, a distance of 72.20 feet to a point on the Southeast right of way line of Watts Valley Road; thence North $35^{\circ} 10' 44''$ East, along the Southeast right of way line of Watts Valley Road, a distance of 590.54 feet; thence North $35^{\circ} 10' 44''$ East, along the Southeast right of way line of Watts Valley Road, a distance of 590.54 feet; thence North, a distance of 52.07 feet to a point on the center line of Watts Valley Road; thence North $35^{\circ} 10' 44''$ East, along the center line of Watts Valley Road, a distance of 684.23 feet to the point of beginning; thence South $54^{\circ} 49' 16''$ East, a distance of 170.00 feet; thence along a curve to the left, concave to the Northeast, with a radius of 500.00 feet, a central angle of $33^{\circ} 47' 48''$, and an arc length of 294.93 feet; thence South $88^{\circ} 37' 04''$ East, a distance of 940.00 feet; thence along a curve to the right, concave to the Southwest, with a radius of 250.00 feet, a central angle of $21^{\circ} 55' 00''$, and an arc length of 95.63 feet to Point "C"; thence continuing along said curve to the right, concave to the Southwest a radius of 250.00 feet, a central angle of $17^{\circ} 27' 17''$, and an arc length of 76.36 feet; thence South $49^{\circ} 14' 47''$ East, a distance of 58.31 feet to the radius.

Beginning at said Point "O", thence North $23^{\circ} 27' 56''$ East, a distance of 30.00 feet; thence North $48^{\circ} 07' 59''$ East, a distance of 619.12 feet to a point 30.00 feet Southwest of the West right of way line of Friant-Kern Canal; thence South $28^{\circ} 34' 38''$ East, parallel with and 30.00 feet Southwest of the West right of way line of the Friant-Kern Canal, a distance of 198.48 feet; thence South $49^{\circ} 33' 26''$ East, a distance of 1,400.00 feet.

Beginning at said Point "B" thence North $01^{\circ} 01' 31''$ East, a distance of 3.70 feet; thence South $89^{\circ} 27' 03''$ East, a distance of 1,362.48 feet to a point 30.00 feet West of the West right of way line of the Friant-Kern Canal; thence South $13^{\circ} 23' 21''$ East, parallel with and 30.00 feet West of the West right of way line of the Friant-Kern Canal, a distance of 262.35 feet; thence South $18^{\circ} 49' 11''$ West, a distance of 1,096.65 feet to a point 30.00 feet North of the South line of the Northwest quarter of said Section 20; thence North $89^{\circ} 27' 03''$ West, a distance of 1,092.99 feet.

APN: 158-061-38s

EXHIBIT "C"

To: The County of Fresno/ Development Services Division
Department of Public Works and Planning

11-14-2016

Regards: Pre-Application Review for Mike and Maria Tillinghast (property owners)
Cobblestone Hill - Weddings and Banquets
Wedgewood Group / Z Golf Food & Beverage

PROJECT DESCRIPTION

We, Mike and Maria Tillinghast will enter into a lease agreement with Z Golf to utilize Main House and Grounds of property located at 16007 Griffith Ave, Sanger Ca. 93657 for the purpose of a "FULL EVENT FACILITY" for the business of conducting Weddings and Banquets.

OPERATIONAL STATEMENT/INTENDED USE

The premise will be that outside caterers will supply all food and beverage. Average gatherings shall include peoples numbering on average of 120 guests, generally not exceeding 300, and Monthly Events totaling 6-7 throughout the year.

These are outdoor events occurring within the rear yard of Main House and surrounding grounds. It is located on 20 acres plus parcel with Main Residence located to the rear of said property approx. 800 ft. South of main road (Griffith Ave). It is understood that these events will be lighted into the evenings, accompany entertaining or music, and catered. One way traffic will be enforced and adequate lighted parking provided. The Large Patio- "Hilltop Pavilion" will accompany approx. 200 guests with adequate protection from the elements and overflow guests utilizing tent and or existing Main House rear patio occupying about 100 guests if needed. It is noted that this site is elevated and set back from surrounding residences and impact within the "quarter mile sphere of influence-see doc." to adjoining neighbors is minimal at best. Primary drive, (Griffith Ave.) is paved and continues up into residence followed by a compacted gravel based road to designated Parking Areas. The 20-acre residence is fully fenced on perimeter and gated with 5ft. non-climb wire. Main house residence occupies a full internal fenced and gated area (yard) including some fencing for pastures and arena. There exist ample storage facilities to conceal and store all equipment and supplies associated with events. There exists a 40 yard bin utilized for all trash currently in operation on property and an onsite recyclable container to north east corner of property to satisfy waste management conservation. There exist two wells on property with an average yield GPM of approx. 40/50 gallons per min. Main well has satisfied a Water Yield Test for all construction and improvements. Each residence is supplied with individual metered (Elect.), individual 500-gallon propane tanks and individual septic systems. Property owners will not occupy Main Residence at any time throughout the agreed leased period with Golf Z. It is understood that property owners will maintain all grounds, upkeep, and continue to watch and operate their personal business from Second residence and monitor operations of Golf Z. This will insure that the safety of guests, neighbors, local government agencies including Fire & Police are met for compliance and accessibility. It is noted that there exist "full access" from all directions of all buildings to provide adequate access in case of any emergency. These lanes (roads) will be open at all times and clearly marked. The residence is located on Ag Preserve Land and is not subject to subdividing. This will insure all setbacks and impacts to adjoining neighbors will be maintained and enforced. Closest neighbor to the west currently utilizes a gun shooting range berm for personal use. Mutual respect for noise considerations is understood and have never been an issue- currently located approx. 750 ft. west of Wedding /Banquet areas. Lastly, handicap parking will be provided with wheel chair access to restrooms (ADA equipped) incl. Hilltop Pavilion Dining area; Additional unisex restrooms (3ea.) are available onsite within Main Residence.



Mail to:

Development Services Division
Mike Tillinghast
16007 E Griffith Way
Sanger, CA 93657

Pre-Application Review

Department of Public Works and Planning

NUMBER: 39058
APPLICANT: MIKE & MARIA TILLINGHAST
PHONE: (559) 243-6404

PROPERTY LOCATION: 16007 E Griffith Ave. Sanger CA 93657
APN: 158-061-365 ALCC: Yes # VIOLATION NO.
CNEL: Yes (level) LOW WATER: No Yes WITHIN 1/2 MILE OF CITY: No Yes
ZONE DISTRICT: AE-20; SRA: Yes HOMESITE DECLARATION REQ'D.: No Yes
LOT STATUS:

Zoning: Conforms; () Legal Non-Conforming lot; () Deed Review Req'd (see Form #236)

Merger: May be subject to merger: No Yes ZM# Initiated In process

Map Act: () Lot of Rec. Map; () On '72 rolls; () Other ; () Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes DISTRICT: PERMIT JACKET: No Yes

FMFCD FEE AREA: () Outside () District No.: FLOOD PRONE: No Yes

PROPOSAL for an Unclassified Conditional Use Permit for a High Intensity Park to allow weddings and special events in the AE-20 zone district

COMMENTS:
ORD. SECTION(S): BY: Tawanda Mungu DATE:

GENERAL PLAN POLICIES:

LAND USE DESIGNATION: () GPA: () MINOR VA:
COMMUNITY PLAN: () AA: () HD:
REGIONAL PLAN: () CUP: () JAG COMM:
SPECIFIC PLAN: () DRA: () ALCC:
SPECIAL POLICIES: () VA: () IS/PER*:
SPHERE OF INFLUENCE: () AT: () Viol. (35%):
ANNEX REFERRAL (LU-G17/MOU): () TT: () Other:

PROCEDURES AND FEES:

COMMENTS:
Filing Fee: \$
Pre-Application Fee: - \$247.00
Total County Filing Fee:

FILING REQUIREMENTS:

- Land Use Applications and Fees
- This Pre-Application Review form
- Copy of Deed / Legal Description
- Photographs
- Letter Verifying Deed Review.
- IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
- Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Project Description / Operational Statement (Typed)
- Statement of Variance Findings
- Statement of Intended Use (ALCC)
- Dependency Relationship Statement
- Resolution/Letter of Release from City of
Referral Letter #

OTHER FILING FEES:

- Archaeological Inventory Fee: \$75 at time of filing
(Separate check to Southern San Joaquin Valley Info. Center)
- CA Dept. of Fish & Wildlife (DFW): (\$50) (\$50+\$2,792.25; \$50+\$2,010.25)
(Separate check to Fresno County Clerk for pass-thru to DFW.
Must be paid prior to IS closure and prior to setting hearing date.)

PLU # 113 Fee: \$247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

BY: DATE:
PHONE NUMBER: (559)

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- COVENANT
- MAP CERTIFICATE
- PARCEL MAP
- FINAL MAP
- FMFCD FEES
- ALUC or ALCC
- SITE PLAN REVIEW
- BUILDING PLANS
- BUILDING PERMITS
- WASTE FACILITIES PERMIT
- SCHOOL FEES
- OTHER (see reverse side)

County of Fresno

REG-RECEIPT: 7135-88605

CASHIER ID: JSA0815

Nov. 17, 2016

Date Printed: Nov 17, 2016 11:11 AM

Invoice
County of Fresno
Department of Public Works & Planning
Mailing Address: 2220 Tulare Street, 6th Floor Fresno, CA 93721
24-HR REQUEST LINE: 600-4131 LOCAL: 600-4560
TOLL FREE: 800742-1011 FAX: 600-4201



INVOICE TO: TILLINGHAST MIKE & MARIA

16109673 LU	\$247.00
<hr/>	
SubTotal	\$247.00
GST	\$0.00
PST	\$0.00
TOTAL DUE	\$247.00

INVOICE NO: 92321

INVOICE DATE: November 17, 2016

PERMIT #: Folder 16 109673 000 00 LU

REFERENCE #: PRE-APP 39058

PROJECT LOCATION: 16007 GRIFFITH SANGER CA

RECEIVED FROM:
TILLINGHAST MIKE & MARIA
CHECK \$247.00

TOTAL TENDERED \$247.00

CHANGE DUE \$0.00

PROJECT DESCRIPTION: PRE-APPLICATION FOR AN UCUP TO ALLOW A HIGH INTENSITY PARK TO ALLOW WEDDINGS AND SPECIAL EVENTS IN THE AE20 ZONE DISTRICT.

FEE DESCRIPTION	AMOUNT	COMMENT
Pre-Application Review (Conf Checklist)	\$247.00	

SUMMARY

OTHER

TOTAL \$247.00

\$247.00

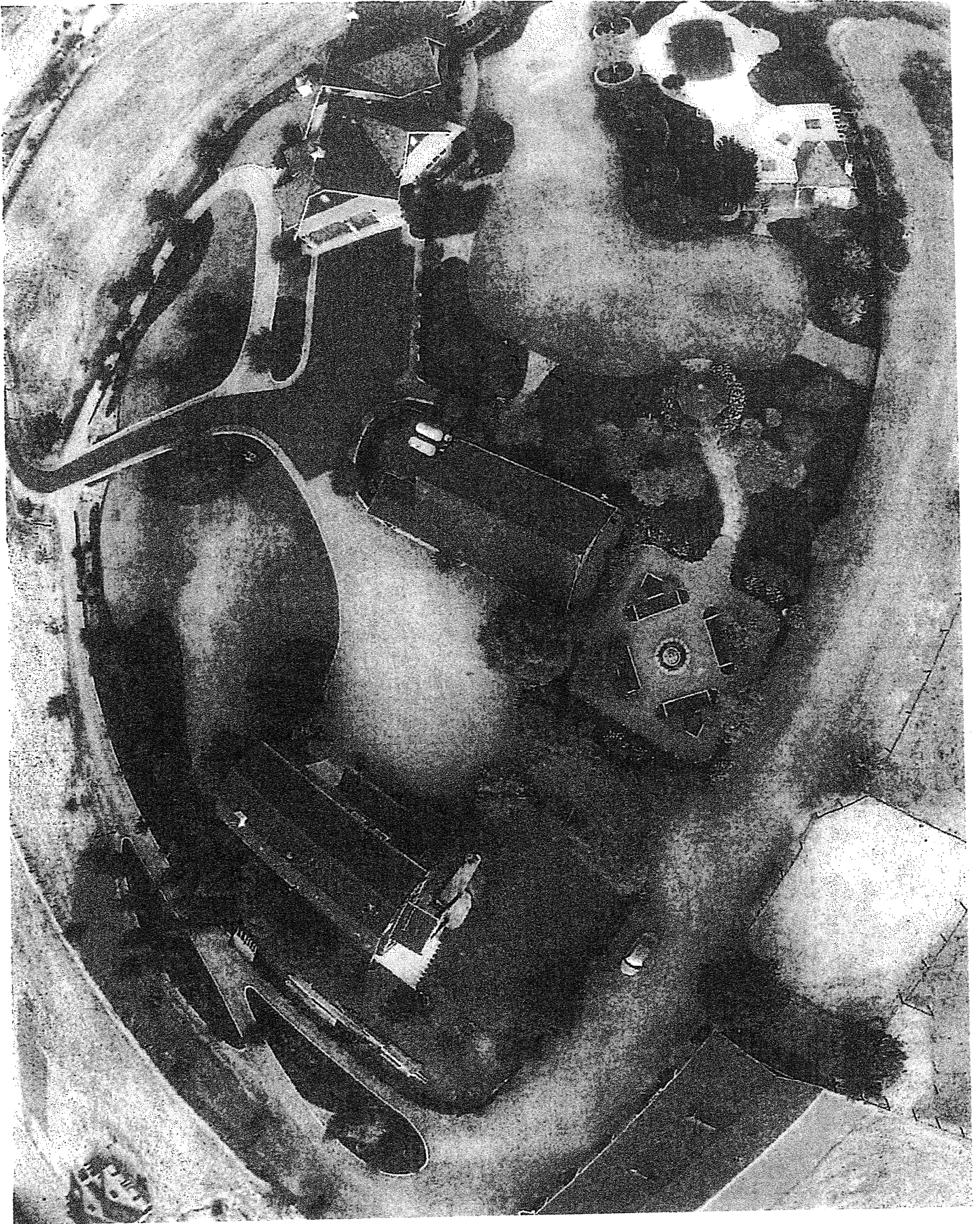
TOTAL \$247.00

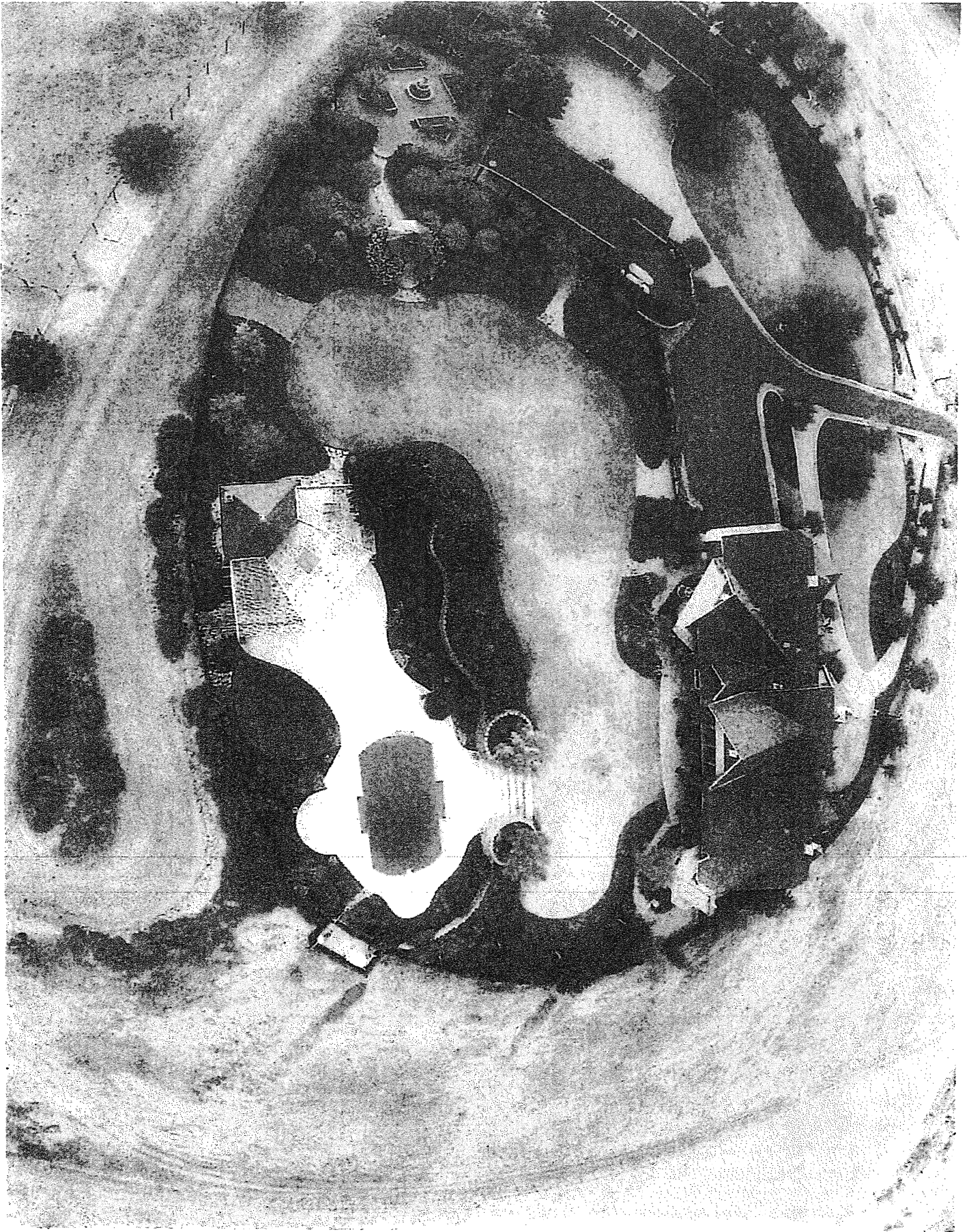
Total Billed: \$247.00

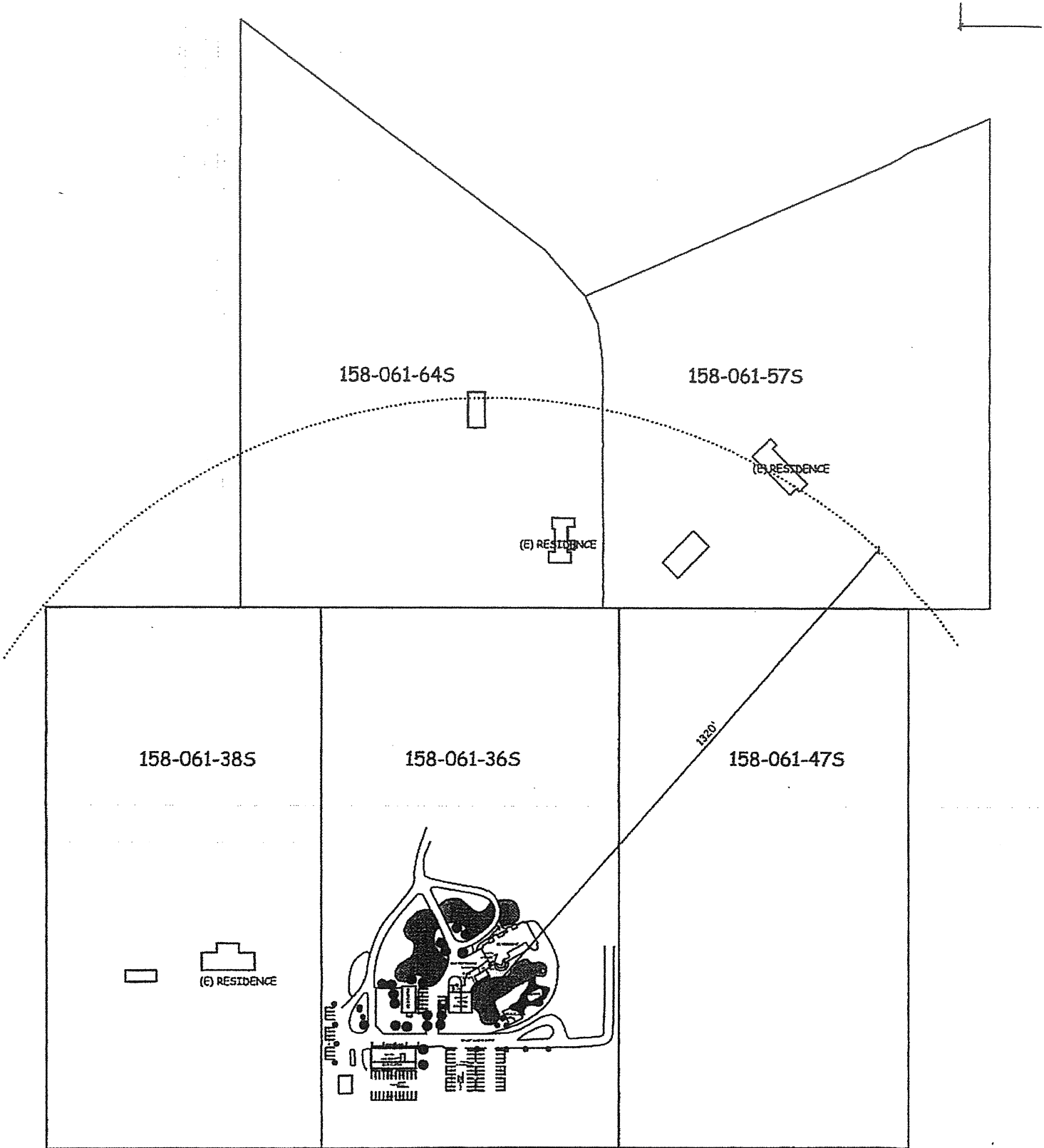
Payment Recieved: \$0.00

Balance Due: \$247.00





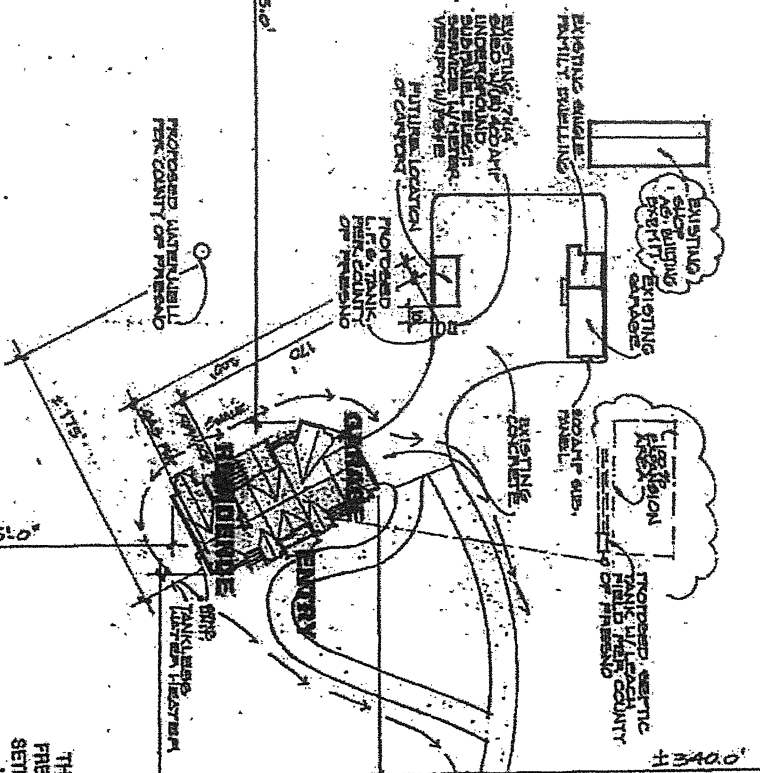




COWS / Pastures



1292 S41 PROPERTY LINE



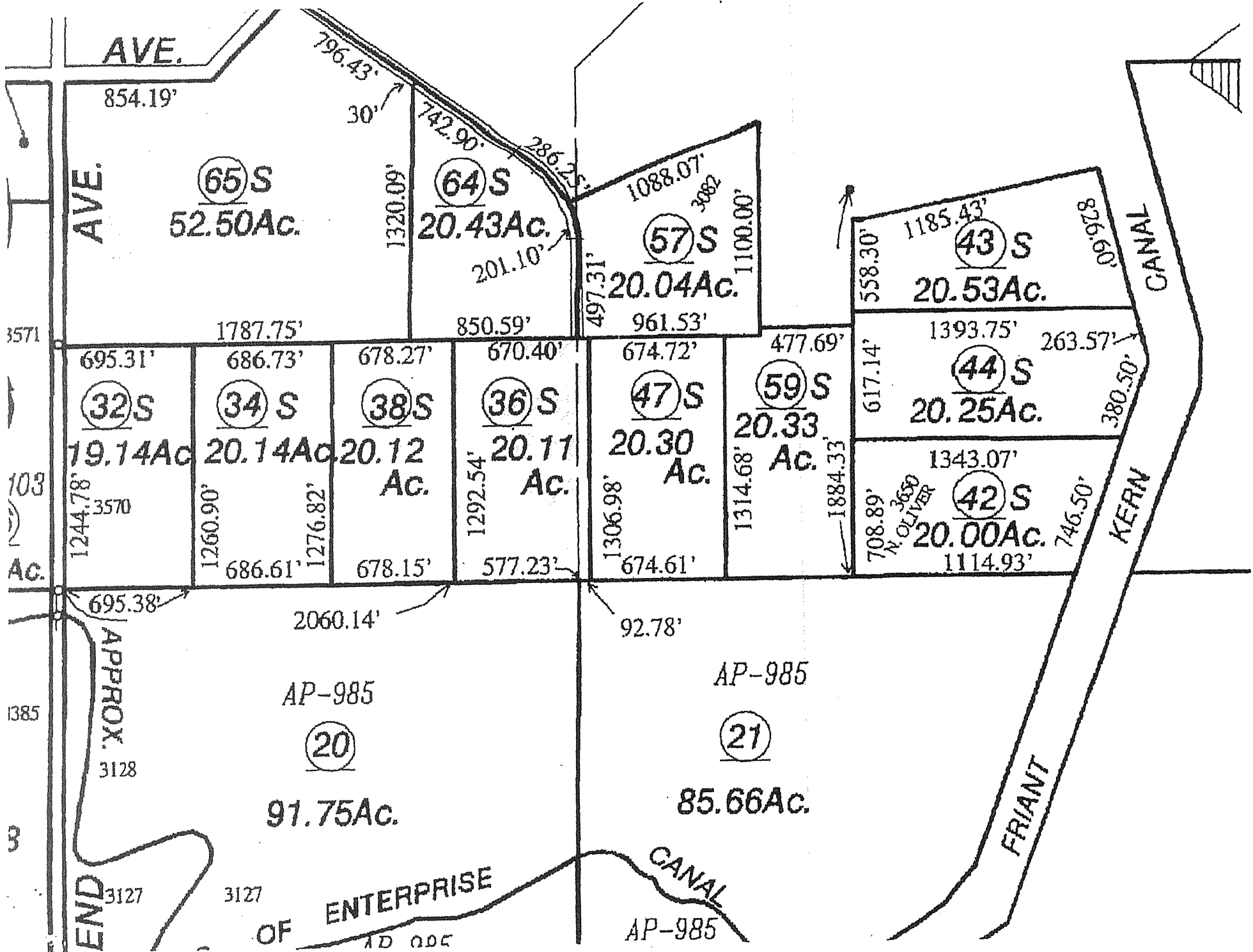
APPROVED SITE PLAN
 THIS SITE PLAN CONFORMS TO MINIMUM
 FRESNO COUNTY ZONING STANDARDS AND
 SETBACKS. ANY DEVIATION FROM THIS PLAN
 WILL REQUIRE SUBMISSION OF A NEW
 SITE PLAN FOR REVIEW AND APPROVAL.

BY: *[Signature]* DATE: 3-9-2017

THIS PLAN WAS REVIEWED BY
 WILDAN PLAN
 CHECK CONSULTANTS FOR
 FRESNO COUNTY. ANY
 AMENDMENTS/ADDENDAS TO THE
 PLANS ARE TO BE SUBMITTED
 DIRECTLY TO:
 WILDAN
 2014 TULARE STREET SUITE 515,
 FRESNO, CA 98721
 PHONE: (559) 443-5290
 FAX: (559) 485-8048

IC LINDS GENERAL
 CONTRACTORS
 COUNTY OF FRESNO, CA
 DEVELOPER AND TRULITE KOTKO
 IS LINDS WITH SOME OF THE
 THE GRADERS THAT BE INCORPORATED
 BY FAX 2020 FROM FRESNO, CALIFORNIA

APPI
 M09
 DEVELOPER
 Plans
 Copy
 Call
 Set
 Plan



AVE.

854.19'

796.43'
30'

742.90'

286.25'

AVE.

(65) S
52.50Ac.

(64) S
20.43Ac.

(57) S
20.04Ac.

(43) S
20.53Ac.

CANAL

3571

1787.75'

850.59'

961.53'

1393.75'

263.57'

(32) S
19.14Ac

(34) S
20.14Ac

(38) S
20.12
Ac.

(36) S
20.11
Ac.

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(59) S
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Ac.

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20.25Ac.

380.50'

103

Ac.

1244.78'
3570

1260.90'

686.61'

1276.82'

678.15'

1292.54'

577.23'

1306.98'

674.61'

1314.68'

1884.33'

708.89'
N. OLIVER
3650

(42) S
20.00Ac.
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746.50'

KERN

695.38'

2060.14'

92.78'

1385

AP-985

AP-985

(20)

(21)

91.75Ac.

85.66Ac.

3

END
3127

3127

OF ENTERPRISE
AD ODC

CANAL
AP-985

FRIANT

EXHIBIT "D"

County of Fresno
Dept. of Public Works and Planning
Director: Steven E. White

Mike and Maria Tillinghast
Wedgewood Group and ZGolf Food & Beverage

COBBLESTONE HILL WEDDINGS AND BANQUETS
OPERATIONAL STATEMENT

I. PROJECT DESCRIPTION

A. FULL EVENT FACILITY-WEDDINGS & BANQUETS

We, Mike and Maria Tillinghast will enter into a lease agreement with ZGolf Food & Beverage to utilize hill top surroundings of homes, Carport Lounge, Shop, Storage Buildings, Patios and all Surrounding Grounds for the purpose of a "FULL EVENT FACILITY" located at 16007 Griffith Ave. Sanger, Calif. 93657 for the business of conducting Weddings and Banquets.

II. OPERATIONAL STATEMENT-BUSINESS PLAN

A. INTENDED USE & NATURE OF BUSINESS

The premise will be that outside Caterers will supply all food and beverage. Average gatherings shall include peoples numbering "on average" 120 guest. Events will occur throughout the year and averaging approx. seven events per Month. These are outdoor/indoor events occurring within the rear yard of Main Residential House, "Redhawk Gables" and Surrounding Grounds. It is located on a 20 Acre AE Agriculture parcel with Main residence located to the rear of said property approx. 700 ft. South of Griffith Ave (main road). It shall be understood that these events will be lighted into the evenings, accompany entertainment and or music, and catered. Two- way traffic is provided and will be enforced with adequate lighting and designated parking. The large Patio Carport will be modified and named, "The Hitchin' Post", will accompany 300 guests with adequate protection from the elements, will include options to expand for overflow of guests utilizing tents and or existing patios of Main House and Pool Patio and events not to exceed 450 persons. It is noted that this site is elevated and set back from surrounding residences to minimize our "sphere of influence" and related impacts- see Doc's. Primary drive, (Griffith Ave.), is paved and continues up into Main House- "Redhawk Gables". This drive will be utilized by staff, special guests, and emergency use only. The entire 20 acre parcel is fully fenced and gated on perimeter. Redhawk Gables and Red Barn residences are occupied with internal fencing for protection and seclusion. There exists ample storage facilities to conceal and store all equipment and supplies associated with running the operations of Cobblestone Hill Weddings and Banquets.

There exists a 40 cubic yard bin utilized for all trash deemed non-recyclable to be in operation at all times and an on-site recyclable container to accompany and satisfy all waste management conservation means. Each residence is equipped with separate electrical meters, septic systems, irrigation systems, and propane LPG tanks. It is noted that a 50 amp back-up generator is to remain on property at all times during any scheduled event. It is understood that property owners Mike and Maria Tillinghast, shall maintain their physical presence within the confines of Second residence "Red Barn" and will not occupy Main Residence at any time throughout the agreed lease period with GolfZ Food & Beverage. It is understood that the said owners will maintain all grounds, upkeep, and continue to watch and operate their personal Construction Business from Red Barn residence and oversee and monitor the operations of GolfZ. This is to ensure that the safety of guests, neighbors, local government agencies including Fire & Police are met continuously for compliance and adequate accessibility. It is noted that there exist "full access" from all directions of all buildings to provide open and free access in case of any emergency. These lanes (roads) will be open at all times and clearly marked. The residence is located on AE Agriculture Land and not subject to subdividing. This will insure all setbacks and impacts to adjoining neighbors will be maintained and enforced. Mutual respect for noise considerations among impacted neighbors within the "sphere of influence" shall be monitored to meet a reasonable decibel volume not to exceed 80 (aDb) during events. Handicap parking is provided with wheelchair accessibility to our Hitchin 'Post Dinning Area with adjoining restrooms (portable and or Permanente), ADA equipped, and approved. Additional unisex restrooms (3ea.) are available on-site within Main residence.

B. OPERATIONAL HOURS

It is understood that Cobblestone Weddings and Banquets shall be in operation (year-Round) with the majority of scheduled events occurring in good weather seasons, outdoors, and on weekends. Expected Yearly events will number approx. (80) and hours of operation shall vary depending on season, fluctuations in business, size and nature of schd. events, and improvements. It shall be understood that office hours will generally open at 8:00 am and close at 5:00 p.m. However, due to deliveries and unforeseen circumstances, the times of operations can change with or without notice. Actual Weddings and Banquets times will also vary and is subject to change. Generally, it is understood that we will enforce strict guidelines for events, applied to specific times for set up, ceremonies, closing, and clean up. These expanded times shall not exceed 12:00 p.m. into the evening and shall on average meet a reasonable event closure time between 10 - 11:00pm into the evening. "Term" for Weddings, Banquets and Events shall be understood to imply a ceremony of all invited peoples and a one-time occasion. Family gatherings, wedding parties, participants, loved ones, and related intimate functions and groupings shall be afforded to book "any time", day or night, and overnight if so desired providing the following conditions are met: Afterhours (12:00pm midnight to 6:00am) shall be restricted in noise to conversation "talking levels", lighting restricted to levels that provide for safe foot traffic use only, seventy peoples or less, and confined to Main House living, patios, and back yard quarters only.

C. VISITORS/GUESTS/EMPLOYEES - CONDITIONS & EXPECTATIONS

Customers, guests, employees and visitors shall respect and adhere to posted office hours and times. It should be expected that a few employees and or customers will visit on a daily basis. It is understood that Mike and Maria Tillinghast will act as caretakers of said premises and not employees of Cobblestone Weddings and Banquets, that they will continue to operate and run a small construction business (Mico Construction Inc.), and understood that their partnership with GolfZ is conditional and binding per their contractual lease agreement and related circumstances in partnership. Closed hours of operations shall include that employees be off premises, that buildings be locked and secure, and gates closed. Event schedules shall include employees and staff adequate in numbers to provide for the safety and enjoyment of all guests, personnel, and unexpected conditions including and not limiting to maintenance men, security men, coordinators, and servers. It is noted that the size and number of peoples will dictate the "hands on" staff required to meet the needs of the ceremony being provided and related community. Deliveries and service personnel shall be expected before, during and after events and generally within box vans or equivalent to transport food and supplies as needed. Wireless cameras and automated to I-phones with motion control and visuals shall be placed throughout premises including and not limiting to interior and exterior of buildings, structures, and grounds. Signs will be posted notifying guests and visitors of recordings.

D. SITE ACCESSIBILITY

Cobblestone Weddings and Banquets is unique in every way. We overlook the Sequoia Mountains elevated and secluded with open blue skies and hillside pastures. Our parcel is "God made" to capture a panoramic setting isolated from development and views that transcend time. The backdrop landscape of rolling 700 plus acres will encapsulate you with roaming herds of Cows, Herons, Pheasant, Coyotes, Squirrels, Rabbits, Red Tail Hawks, reflective canals and fish ponds, never ending summer breezes, and a sunset that leaves you speechless. We are just off the beaten path, two miles east of Academy and three miles north of Hwy 180. We have access to Griffith Ave. from (Belmont Ave. & Riverbend) and (Ashland Ave. & Riverbend). As you head East on Griffith Ave. (a paved road), you are welcomed by a gated landscaped entrance and sign-COBBLESTONE WEDDINGS AND BANQUETS. The paved entrance will take you up to a mid-point junction where you can travel left up to the Main House - "Redhawk Gables" offices, choose to continue up ward on the main paved drive to assigned parking at The Hitchin' Post /Second House Residence - "Red Barn", or veer right to the west gravel road that will take you to our storage facilities, VIP Parking, Waste Bin area and Delivery Drop off Zone. For all events, our guests will continue traveling on Griffith Ave. another 400 ft. where they will enter into a two-way traffic gravel road up to designated Parking areas that are just South of the Main House Redhawk Gables and within easy walking distance to our South yard entrance. All Parking Areas will be gravel based, maintained with occasional grading, lighted and clearly marked. For those who may need to leave early or simply find themselves driving past our parking lot, we provide two turn arounds to get you back on the main road for easy egress. In addition, we will provide Special VIP parking sites especially for that limo and wedding family attendees. All vehicles are expected to follow posted signs, directions, and speed. It is noted that all VIP Arena Parking shall be utilized first, followed by South East Side General Parking Site. Asphalt drive and Main House "Redhawk Gables" Garage Parking is exclusive to management and used per their discretion at all times.

E. SUPPLIES, MATERIALS, & EQUIPMENT

Every effort has been made to ensure the "views and beauty" of Cobblestone Weddings and Banquets remain unobstructed within every direction. Painful attention to detail has been made to provide ample storage of all supplies, materials and equipment. Expected items (Supplies) in use on a continuous basis include linens, table settings, restroom accessories, plates, silverware, replacement bulbs, bags, kitchen utensils, trays, bowls; cleaning items; office items, buckets, brooms and stationary. Expected (Equipment) items shall include boxes, shelving, tables, chairs, standalone heaters and coolers, trash bins, portable restrooms, carts, stereo and sound equip, furniture, lamps, trailers, photo props and carriage, tents, drapes, ropes, carpets, signs, tools, tractor, bins, and hardware. Expected Materials shall include perishable items such as all catered food, and nonperishable items that consist of hardware, building components of elect., plumbing, and mechanical, landscape items including trees, shrubs, and flowers, pots, hoses, and wedding fixtures. Storage facilities available that will house these items include oversized Pantry and large walk in Closets, 800 sq. ft. Garage and Mechanical room, Storage Bays Facility 3ea. 20x32, Office Spaces, Shop Yards to the west of property, Stall Bays 3ea., Utility Shed, and Red Barn Shop 1200 sq. ft. These enclosures are for the storage and safe protection of all stated Supplies, Materials, and Equipment. It is noted that optional 40 yard "enclosed bins" will be permitted to the far West side of property located to the South end of Metal Carport & Storage Bld. The entire grounds and facility is clean, groomed and maintained at all times. All yard service is weekly. Any Deliveries will be located to the South/West rear of property and out of plain sight. It is noted that Mike and Maria Tillinghast will occupy these area's more specifically (West of Main paved drive) with regards to their new living quarters, business demands, and animal's needs.

F. SOLID WASTE / DISPOSAL/ WATER SUPPLY

Each residence is equipped with individual septic systems. Both are to be used accordingly and to be maintained and monitored. In addition, all portable commodes to be serviced by private companies, (need based) and maintained to meet min. ADA standards for handicap and or unisex restrooms. Disposal of garbage waste will utilize on- site garbage bins and recycle bins. This service is currently provided by Granite Waste and will continue as primary source of waste disposal. Garbage waste will be bagged and disposed of promptly and accordingly. Water supply is serviced by two individual wells currently producing 50 gpm and 6 gpm respectively and will adequately supply the 50-60 gallons of required daily water consumption to meet the demands for cleaning, washing, commode and wash basin uses, and all drinking water supply. Information cards can be made available to customers indicating our site being located in a water shortage area and will be provided on a "ask basis" only should it be deemed necessary. Furthermore, on site bottled water will be made available upon request and or demand for a nominal fee.

G. ADVERTISING AND DISPLAY SIGNS

We will provide at gated entrance a rustic 3ft. x 6ft. sign that will be framed and elevated with an open trussed gable peak. Cobblestones will anchor posts with accent lighting directed towards lettering. The sign will provide a natural beauty and timber aesthetic design that will not over power gated entrance and be properly scaled. Traffic signs, parking signs, directional signs, and identification signs will be tasteful and appropriate in size, color, usefulness, and appeal. Lighting to accompany all traffic flow-vehicle and foot. All Buildings and structures are equipped with internal, external, and grade change lighting. It is noted that lighting will comprise of solar, hard wired, low voltage, motion, and photo cell lighting.

H. NOISE, MUSIC, AND ACTIVITIES

Careful considerations and restraint on noise and related sound impacts will be enforced at all times. Improvements and architectural details have been put in place and utilized to reduce and improve Sound Transmissions (STC) and minimize impact to surrounding areas. The internal fencing is engineered with heavy 2 inch x2 inch grape stakes spaced evenly apart and 4 inches oc. spacing. The open and closed method of pickets (decoupling) provide less vibration than a solid fenced wall, and the thicker grape stakes provide a dense and heavy mass. The 200 plus shade trees, large buildings, and patios provide buffers and insulators to absorb noise and vibrations. Music will be projected from rear yard of Redhawk Gables residence. It is noted that no music will be allowed outside of fenced rear yard and kept to decibel levels appropriate for functions and outdoor venues, and monitored during events to not exceed 80 (dBa) levels.

III. DEVELOPMENTAL & OPERATIONAL USES OF BUILDINGS, STRUCTURES, AND GROUNDS

1. OPERATIONAL USES OF BLDs., STRUCTURES, AND GROUNDS

The existing developed conditions and future considerations of all buildings, structures and grounds are and will be located 700ft. South of Griffith Ave. and situated to the southeast portion of the AE 20 acre parcel. The compound estate makes up approx. 5 acres of developed grounds, two related buildings, and multiple structures. The primary Main House Residence - "Redhawk Manor," is nested on approx. two acres with the rear yard events area comprising of approx. one acre and the Second Residence - "Red Barn" is sitting on a quarter acre with both being internally fenced and gated. REDHAWK MANOR- 5200 sq. living space, three and half baths, all exterior doors 36 inch exits, underground power, paved entrance into garage, kitchen equipped with commercial 8 burner stove, two dishwashers, three stoves, two farm house sinks, two refrigerators, compactor, wine cabinet, ice maker, bedrooms, 30x30 gathering room, study, three fireplaces, all eleven doors exit lead onto covered patios totaling 1000 sq. ft. outdoor bathroom, and 800 sq. ft. garage.

A. HERRON POINT- 20ft. x 40ft. built in pool with 3000 sq. of concrete complete with a Free Stand Covered Patio 1000 sq. ft. with outdoor kitchen, barbecue, sink, fridge, island, burner, and mister system.

B. HITCHIN' POST LOUNGE - 1300 sq. freestanding cover with a 2000 sq. ft. extension currently in progress. Completed Dinning area will yield 3300 sq. ft., fans, carriage lighting, electric ceiling mount heaters, 8 x 16 utility shed and perimeter fencing to be included in rear yard as part of Redhawk Gables. Included will be a arbor entrance, handicap parking and landing area, portable ADA equipped restrooms (his / hers), and enclosed trash disposal area.

- C. STORAGE BAY FACILITY-3200 sq. structure with enclosed stalls, enclosed 20 x32 (bays 1,2,3,) with roll ups, tack room with sink, washer and dryer hook ups, full bathroom and large covered patio 16 x104 on South end.
- D. VIP ARENA PARKING – 104 sq. x 70 Sq. ft. preferred parking area. This parking site will allow for 24 vehicles and 16 additional stalls to in designated surrounding areas.
- E. VIP CORRAL PARKING –40sq.ft. x 30 sq. ft. providing for four vehicle parking stalls exclusive to management and Wedding bridal couple.
- F. GENERAL PARKING AREA – 120 ft. X 120 ft. general parking area will provide 64 parking stalls and is located in close walking distance to south entrance.
- G. METAL CARPORT AND STORAGE – 30sq.ft. x 40sq.ft. This area is to provide for equipment storage and holding area.
- H. BLACKTOP AREA PARKING – This large area will provide 10 parking stalls for management, caterers, and to be used per their discretion.
- I. LAWN AND BACKGROUND VIEWS – All grass areas are to provide photo opportunities at any time for the enjoyment of bridal party and all related guests. These areas include front & rear of Redhawk Gables and Red Barn residences as well as all designated areas of buildings and structures.
- J. RED BARN- This Building will be occupied by Mike and Maria Tillinghast. It shall be “optionable” to utilize this facility and Shop for equipment, materials, and supplies as well as provide for the use and enjoyment of Cobblestone Weddings and Banquets as desired. This is at the sole discretion of Mike and Maria Tillinghast and shall be reflected in lease agreement as such including any and all future changes to this agreement and related uses.
- 2. DEVELOPMENTAL USES OF BUILDINGS, STRUCTURES AND GROUNDS – The operations of Cobblestone Weddings and Banquets will utilize all existing dwellings, land, buildings, structures, and grounds as outlined and within the guidelines set forth in our CUP proposal and acceptance. It is noted that as the success of our enterprise becomes established, phases for “Developmental Improvement” will be necessary, identified in four phases for development, be conditional to the CUP submitted proposal and approval, and grant the “right to act” when such time it becomes deemed necessary to make said “Developmental Improvements” for owners Mike and Maria Tillinghast, GolfZ Weddings and Banquets, and or Wedgewood Group. It is noted that phases may in-fact be deemed not necessary at all and is at the sole discretion of said parties.
- A. PHASE I - Complete patio extension to The Hitchin’ Post Lounge as permitted. Provide grindings and leveling to East entrance drive and South General Parking Lot. Provide Main Entrance sign, traffic signs, identification signs, parking signs and directional signs. Install solar lights and misc. light fixtures to ensure adequate lighting for foot traffic and parking areas. Prepare area for portable restrooms and relocate landscaping. Complete and install Fire Marshall compliance recommendations and comply with all mandatory Police and Safety measures as outlined in CUP requirements. Complete any and all unforeseen modifications necessary to begin operations.
- B. PHASE II– Install commercial kitchen within Red Barn shop area or Redhawk Gables Garage to provide “on-site” meal prep, cook, and serve. It shall include hood, stove, sinks, counters, shelving, refrigeration and freezers and wash basin areas. It shall comply with all Fire, Health, and Fresno Co. Building Dept.

- C. PHASE III – Expand The Hitchin’ Post Lounge to the East Courtyard area and relocate Handicap parking accordingly. This improvement would provide for additional seating, dining and recreational settings. A covered Patio extension would be optional and expansion would include an overall size of 60ft. x 75ft. This new area would incorporate with outdoor rear yard of Redhawk Gables and front yard of Red Barn. Flooring could be comprised of concrete, lawn, landscaped, and blacktop. Additional fencing would continue east to west to enclose space for safety, privacy and seclusion. No additional impact would exist within sphere of influence and no additional impact exist to Cobblestone Weddings and Banquet.
- D. PHASE IV - Complete removal of portable restrooms and replace with two Permanente ADA compliant restrooms. This improvement would be located adjacent to The Hitchin’ Post Lounge.
- E. OPERATIONAL USES INTENT AND UNDERSTANDINGS – This business plan for operations and intended uses is to be construed and understood to be used “as a guide” to navigate, modify, and execute and not as an “all inclusive” business plan for operations. This guide for operations is to serve as a measure to carry out and administer to the needs, safety, and enjoyment of our guests, patrons, neighbors, and community established with the said principles, conformity, and compliance set forth in our CUP submittal and approval thereof. Any minor deviations to approved CUP must aid and improve conditions and not alter, modify, or violate any intended purpose granted by the CUP.

REPRESENTATIVE INFORMATION FOR DISCRETIONARY LAND USE APPLICATION

Mike and Maria Tillinghast, Property Owners

16007 Griffith Ave. Sanger, Calif. 93657

(559) 243-6404 (559) 875-5100 Blackhawk0076@aol.com

John Zaruka, CEO and Bill Zaruka Pres. ZGolf Food & Beverage

billz@wedgewood.com

Roman Cota, The Wedgewood- Managing Partner

(559) 696-0421 fresnogm@wedgewoodbanquet.com

EXHIBIT "E"

County of Fresno
Dept. of Public Works and Planning
Director: Steven E. White

INITIAL STUDY APPLICATION

1. Mike and Maria Tillinghast
16007 Griffith Ave. Sanger, Calif. 93657
Mike (559) 243-6404 / (559) 875-5100
Maria (559) 355-9872
2. Same
3. Rep: John Zaruka CEO ZGolf Food and Beverage Services, LLC
4. We, Mike and Maria Tillinghast will enter into a lease agreement with Z Golf to utilize Main House and Grounds of property located at 16007 Griffith Ave. Sanger, Calif 93657 for the purpose of a "FULL EVENT FACILITY" for the business of conducting Weddings and Banquets.
5. Project Location would utilize the rear portion of existing Main House, Surrounding lawns, and Carport Area's encompassing approx. 1-2 acres of the 20-acre parcel.
6. 16007 Griffith Ave. Sanger, Calif. 93657
7. Sections 19 & 20, Township 13 South, Range 23 East, Mount Diablo Base and Meridian.
8. 20.11 Acres
9. Parcel no. 158-061-365
10. N/A
11. Water Control Board & SJVUAPCD (Air Pollution Control District)
12. No
13. N/A
14. Agriculture
15. Present Land Use: Open Range (pasture) and Homestead. Property consist of the following:
 - **Residence 5200 sq. ft.** with Patios 1000 sq. ft. & garage 800 sq. ft., individual Septic System, 50 GPM well, Power underground, paved entrance, Rear Yard one acre fenced, Pool 20 x 40, Freestanding Patio and Gazebo 1000 sq. ft. with outdoor Kitchen and outdoor bathroom.
 - **Second Residence 1600 sq. ft.** with Patios 600 sq. ft., Shop 1200 sq. ft., Rear Yard quarter acre fenced, gravel entrance, individual Septic system, Power underground.
 - **Freestanding Wood Carport Pavilion 28 x 60** with pavers, 8 x 16 Utility Shed Bld., perimeter fenced with lighting, outlets, hose bibs, and landscaping.
 - **Shop Building 104 x 32 Freestanding Structure** consisting of 16 x 104 Wood Covered Patio, 3ea. Enclosed Storage Bays measuring 20 x 32 with roll up doors, breezeway and 3ea. animal pens with sliding doors, full bathroom, full kitchen/Landry (tack rm. drywalled), and approx. 104ft x 65ft. arena fenced and graded, underground utilities, electrical lighting and receptacles, with landscaping.
 - **Metal Carport and storage 30 x40 Freestanding** consisting of 2ea. Side walls, electrical underground with lighting and receptacles, hose bids, gravel base roads and landscaping.

- **Grounds** consist of an electronic gated entrance, "paved" on main private road "Griffith Ave" and up into Main Residence including a second road access to east of property, fenced perimeter with 5ft non climb on 20 acres, multiple turn outs and ability to drive around structures without entering or exiting additional gates/openings, Underground utilities from Griffith Ave., structures and buildings rest to the rear of parcel approx. 700ft. south of Griffith Ave., lawn and landscaped surroundings buffer all buildings and structures encompassing approx. 1-3 acers. A second well provides approx. 6 GPM of back up supply, all lawn and shrubs are equipped with water saving heads and drip systems and are fully automated, garbage bin and recycles are located to rear and serviced by granite waste, fenced pastures to the South for livestock and pets, all main roads compacted with grindings and gravel base, lighting avail. to all buildings and surrounding grounds including built in sound speakers and volume controls, exterior structures and buildings either have cement fibered sidings and or stucco exteriors. Note: all grounds and surrounding areas are fully protected and shielded against any possible brush fire. All structures and buildings have guttering systems that feed into irrigation drainage (pastures) and river bed channels that carry into main irrigation road system. All upper areas of development are dry and free of water buildup, damming, and soil erosion conditions. It is noted that these "Grounds" areas are approx. 85ft. above road grade and not subject to a flood-prone area.

* See Site Plan, Ledgers, and Markings

16. Surrounding land uses are as follows:

- **NORTH-** There exists 20-acre Agriculture parcels lining Griffith Ave. (AE) with single family residences. Sphere of impact is related to just two parcels. Current uses by these parcels consist of cows on one parcel and horses on another. Areas are fenced and houses sit approx. 300 ft. No. of Griffith Ave +/-.
- **SOUTH-** There exist two large AE Agriculture Parcels (91 and 85 acres), no sphere of impact to residence situated on the parcel side (west), perimeters are fenced, current grazing of cows utilize both parcels.
- **EAST-** There exist a bare AE 20-acre Agriculture parcel followed by an additional AE 20 Acre Parcel and residence. This owner is a tile contractor and has a smaller second home also. He does occasionally receive deliveries. The bare parcel is used occasionally for grazing cows and all parcels have perimeter fencing.
- **WEST-** There exist three AE 20-acre Agriculture parcels. The closest parcel is currently occupied with mobile home and has a home in progress approaching seven years in the making. He is a General Contractor by trade. The following parcel to West is occupied by a Bee Keeper who has built two large metal buildings, does not live on premises, has trucks and activity at varying hours into the night for Bee transport, multiple piles of junk and debris, and utilizes mainly the rear (south) portion for his activities. All parcels are fenced. The last remaining AE 20-acre parcel has access from Riverbend and does not utilize the Griffith Ave Road. They are farmers and currently have oranges they manage to the South Side.

17. Our proposed Weddings and Banquets Project will not impact current land uses in the area's facing all directions. Cows, horses, Bees, vegetation, businesses and related services will and can be utilized indefinitely. Impact is confined to main road Griffith Ave. (which is minimal at best) and related and confined to those activities of main house residence location areas.
18. The Bee Keeper's generators and deliveries could impact us with some noise or tractor work of adjoining parcels. Loose or unmonitored perimeter fencing could allow animals to enter grounds (not likely).
19. One way and two way roads have access to main road Griffith Ave. This will insure adequate flow of traffic and allow for emergency access at all times. The existing turn outs or turn arounds provide for a safe property access in all directions and shall remain clear at all times. The Main road Griffith Ave. is paved and has adequate width entrance to allow two-way traffic.
 - A. No, however the second entrance to rear parking as noted in site plan shall be two-way traffic and accessible at all times.
 - B. Daily traffic
 1. Residence (one), area approx. 1-3 acres of 20-acre parcel, single family on premises-husband and wife.
 2. Maintenance or general upkeep is limited to one or two persons off and on throughout the week. Weekends will incur delivery trucks (couple) and several employees to carry out functions for Banquets and Weddings as per need based, times, and season. Patio Pavilion is approx. 2000 sq. ft. and will "house" most events.
 3. Average vehicles for an "average event" may encounter (50-60) cars designated to an assigned parking area, lighted and clearly marked. It is noted that Griffith Ave is entirely comprised of 11ea. parcels of which 8ea. are currently being occupied, traffic is minimally "in use" at any given time and a dead-end road. In other words, the only people generally using Griffith Ave. are current home owners of the active 8ea. parcels. Other traffic considerations and uses are large trucks and trailers used in deliveries in Bee transport, trash pick-ups and drop offs, mail and parcel deliveries (at entrance). The distance traveling from Riverbend and onto Griffith Ave. impacts just 3ea. parcels with single family homes before entering onto the premises of project site located at 16007 Griffith Ave. The "event parking" road shall be two-way traffic and is equipped with 2ea. turn arounds and an additional paved road "Main Entrance" designed for staff, special guest, and emergency use.
20. Noise from project is expected in rear main house Pavilion Patio area and surrounding grounds. They will include conversations from populated event peoples and sounds from DJ (most cases) and or live band. Noises are generally confined within said area and purposefully fenced with an open grape stake pattern to defuse and minimize noise impacts and amplification. The projection of noise is buffered and absorbed by large home, landscaping, fixtures and is positioned to impact large open pastures of land that are South facing parcels of 85 & 91 acre sections with minimal impact. Parking areas are located to the same far South facing sections of land where vehicle noise will be isolated and minimal.
21. Noise impacts from surrounding areas shall include occasional running generators, truck or delivery activity, and is considered to an extremely minimal noise impact to our project.

22. The events themselves will have almost zero impact to the quality of air and related pollution impacts. The activity of vehicles entering and exiting premises can affect the air pollutants; careful considerations will be made to maintain slow speeds on gravel areas, adequate grindings and road base material to minimize dust. It is noted that these instances are no more impactful than the generated tractor work for pasture mowing, grading and related field work within the AE Agriculture Land Use areas.
23. Main water sources are two private deep water wells producing 50 gallons and 6 gallons respectively. The average depth is 400 + ft. and has excellent recovery. It is understood that this area is representative of a water shortage area. However, parcels to the North has wells averaging 15-20 gpm, parcel to the east has well producing 40 gpm, wells to the West are producing 25gpm and 40 gpm respectively. Our wells have produced a Water Yield Test per Fresno Co. requirements (main house built), maintains all landscaped grounds year-round, and has been monitored over the drought years to determine average lost recovery on top end. It is noted that the water table has dropped minimally (approx. 15ft) within all the last 4-5 draught years and actual water use consumption is very minimal six months of the year.
24. Anticipated volume of water to be used (gallons per day) for project is 50 gallons +/- . Event commode uses will generate the majority of water consumption. However, during non-event days' water use would range would be 10 gallons +/- per day.
25. Liquid waste disposal is directed by two individual septic systems and tanks with leach lines being located in large lawn areas in front.
26. The volume of liquid waste in gallons per day would be slightly more than the expected water use of project events. It is estimated to be about 60 gallons +/- per day and a range of 12 gallons per day on non-event days.
27. Most anticipated Liquid waste type would be that which is disposed in commode usage. Other expected waste types would result from sink rinsing and cleaning.
28. There is no (zero) expected or anticipated hazardous wastes. It is noted that some cleaning supplies, paint, fuel, ect. if not stored properly can pose a hazardous risk. All precaution to address proper procedures for all product uses, storage, and disposal to meet all safety compliance issues with local codes and Fire Marshall inspections.
29. There is no (zero) expected volume of anticipated hazardous wastes.
30. There is no (zero) expected disposal of hazardous wastes.
31. Anticipated types of solid wastes will be paper and plastic products including food wastes form event functions. Average daily types of solid waste are that which is expected of a typical family residence.
32. Anticipated volume of solid waste is a half cubic yard of waste per day on average. Daily use is minimal. Weekend events and functions will generate said volume of solids on average.
33. It is estimated that more than half (50%) of solid waste will be recycled
34. Methods for waste disposal include a 40 yard bin for non- recycle waste and a 6-yd. bin for recycled wastes. Service is weekly.
35. Fresno Co. is the Fire Protection District for our area.
36. No.
37. No.
38. No.

To the best of my knowledge, the forgoing information is true.

Signature

Date



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Mike and Maria Tillinghast

APPLICATION NOS.: Initial Study Application No. 7280 and Unclassified
Conditional Use Permit Application No. 3573

DESCRIPTION: Allow a high-intensity park on a 20-acre parcel in the AE-20
(Exclusive Agricultural, 20-acre minimum parcel size) Zone
District

LOCATION: The parcel is located on south side of East Griffith way,
approximately 2,070 feet east of its intersection with North
Riverbend Avenue, approximately 5.2 miles north of the
nearest city limits of the city of Sanger (Sup. Dist. 5) (APN
158-061-36s)

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: NO IMPACT:

The subject parcel is not located in an area designated as a scenic vista, nor is it located near a State Scenic Highway. Figure OS-1 of the Fresno County General Plan (FCGP) shows that the parcel is proximate to the Friant-Kern conceptual recreational trail; however, the parcel does not front on any street with such a designation. Development on the parcel includes two residences, a freestanding shade structure, storage facility, carport and storage area, and new restroom facility. The number and design of these improvements is roughly comparable to typical residential uses in this area and on other 20-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. A stated goal of the applicant is to retain the existing view provided by the parcel's elevated location. Therefore the development will not impact any existing view, vista, or scenic resource.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is new lighting described as part of this application. Outdoor lights have the potential to impact neighboring properties by increasing glare or light pollution in an area. Therefore, the applicant will be required to direct all outdoor lighting at a downward angle to shine away from neighboring properties and the public road.

* **Mitigation Measure**

1. *Prior to the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is on land designated by the 2014 Fresno County Important Farmlands map as “grazing land”. Lands with this designation are suitable for grazing, but do not exhibit qualities or adequate irrigation for use as prime farmland. The property is not restricted by a Williamson Act Contract. Parcels along Griffith Avenue are generally residential in nature and have not been developed for agricultural uses.

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The two large parcels directly south of the subject parcel are restricted by a Williamson Act Contract; however, approval of this application will not result in the conversion of this farmland because these parcels are used primarily for grazing and contribute to the panoramic setting advertised for the proposed facility by the applicant. Further, the

majority project site is set back approximately 320 feet from the shared property line between the subject parcel and the nearest parcel restricted by a Williamson Act Contract. There is some parking proposed up to the shared property line, but the use of an area for a parking lot is not the type of use that conflicts with adjacent agricultural activities.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed this application and determined that the baseline emissions for construction and operation of this project would be less than two tons NO_x per year and two tons PM₁₀ per year and that mitigation would not be required to bring this project to a less than significant impact on criteria pollutants.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The nearest sensitive receptor to this project is the single-family residence located to the west. The house is located approximately 160 feet west of the nearest property line. However, emissions from this project are anticipated to be minimal and review by the Air District did not identify the possibility that substantial pollutant concentrations would be released. High intensity parks are not a type of use that typically produces objectionable odors.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel has been improved with a residential area, which includes paved drives and landscaped lawn areas. The California Natural Diversity Database (CNDDB)

does not indicate that any special status species have observed on or near this site. An Official Species List provided by the U.S. Fish and Wildlife Service identified the following endangered species as having the potential to be present at the project site: Fresno Kangaroo Rat, San Joaquin Kit Fox, Blunt-nosed Leopard Lizard, and the Conservancy Fairy Shrimp. The following threatened species were identified as having the potential to be present at the site: Yellow-billed Cuckoo, Giant Garter Snake, CA Red-legged Frog, CA Tiger Salamander, Delta Smelt and Vernal Pool Fairy Shrimp.

The lack of riparian habitat precludes the possibility of impacting the Fairy Shrimp, Delta Smelt, Red-legged Frog and the Fairy Shrimps. Approximately 5.5 acres of this 20-acre parcel have been developed with buildings, pavement, or landscaped (mowed) lawns. The remaining 15 acres are vacant and do not provide habitat for special status species. The limited amount of groundwork and development will limit impacts on other species which have the possibility of traversing the project site during construction. Typical operations (gatherings and parties) will not impact special-status species on this parcel.

- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The U.S. Department of Fish and Wildlife's wetlands mapper does not show any riparian or wetlands near the subject parcel. The closest body of water is a tributary known as Mud Creek No. 144 and is approximately 1,000 feet north of the subject parcel. The distance precludes the possibility that this project will have an adverse impact on that wetland. No impacts to migratory corridors are anticipated.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: NO IMPACT:

This project is not subject to a Habitat Conservation Plan, Natural Community Conversation Plan, or other approved local, regional, or state conservation plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

Under the provisions of Assembly Bill 52 (AB 52), this project was routed to the following Native American Tribal Governments with a request to consult: Table Mountain Rancheria, Picayune Rancheria of the Chukchansi Indians, and the Dumna Wo Wah. Table Mountain and Dumna Wo Wah requested consultation. Chief Robert Pennell of Table Mountain later indicated a lack of concern due to the extent of the existing development and limited proposed ground disturbance. Staff met with a representative from the Dumna Wo Wah several times to request information regarding existing cultural resources at this site. No tribe identified any unique resources. Review of the California Historical Resources Information System and a Sacred Lands File search did not identify any resources.

- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As this site has not been surveyed for cultural resources, it cannot be known with certainty that there are no such resources beneath the surface. Therefore, mitigation will be incorporated to require that work will stop if a resource is uncovered during the course of construction. Further, the applicant will be required to provide notice to those tribes who requested consultation of the opportunity to be present during ground-disturbing activities to observe and assist in recognizing such resources.

* **Mitigation Measures**

- 1) * *Forty-eight (48) hours prior to any site excavation or grading activities, the applicant shall notify all Tribes that participated in consultation of the opportunity*

to have a certified Native American Monitor present during all ground-disturbing activities. The notification shall be by email to Robert Ledger at ledgerrobert@ymail.com and by email to Robert Pennell at rpennell@tmr.org. The tribal monitors shall be independently insured in order to enter the construction zone.

- 2) ** 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, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
1. Rupture of a known earthquake?
 2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located in an Alquist-Priolo Earthquake Fault Zone; however, it is located near the Clovis Fault, a pre-Quaternary fault (older than 1.6 million years) for which there is no historical evidence of recent age activity. While this fault is considered to be “potentially active”, the fault does not pass through the project site and there are no historical records of the fault’s activity. Therefore, impacts from the fault, including rupture and seismic shaking are considered to be minimal. The subject parcel is not in an area of landslide hazard according to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR). Similarly figure 9-5 (FCGPBR) indicates that the site is within the 0-20% area for the Probabilistic Seismic Hazards, which is the lowest risk.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site will be required to retain all run-off on site, per County Standards. Per Figure 9-6 (FCGPBR), the subject parcel is not in an area at risk of subsidence.

- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an area known to have soils which show expansive qualities (Figure 7-1, FCGPBR). The Natural Resource Conservation Service's Soil Mapper indicates seven separate types of soil on the subject parcel. The topography of the subject parcel is such that there is a rise of approximately 50 feet between the edge of the road and the project site; the highest point is near the middle of the parcel, where there is an incline of approximately 25 feet over a distance of approximately 165 feet. The project site is located at the top of that hill. The majority of the clay soil is located below that incline. Soils at the project site (on the hill) consist of Redding gravelly loam, which does not have a high shrink-swell potential. Therefore, since the entirety of the project site is not located on expansive soils, the risk as a result of this project is less than significant.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Improperly design and/or installation and maintenance of onsite wastewater treatment systems can adversely impact groundwater quality. A sewage feasibility analysis was performed by David Charles Annis and approved by the County of Fresno Department of Public Health, Environmental Health Division.

The feasibility analysis considered the maximum numbers of guests at the site without food prep or a bar; however, the applicant's operational statement indicates that a later phase of development will include a food prep area. A mitigation measure requiring that the system be studied again for its capacity prior to installation of the food prep area will be included. With the installation of this approved septic system, impacts to groundwater quality will be less than significant.

* **Mitigation Measure**

- 1) **The onsite wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the David Charles Annis report dated August 10, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure*

adequacy of the onsite wastewater treatment systems' adequacy to serve the proposed changes.

- 2) **Prior to operation of Phase II, a revised sewage feasibility analysis shall be approved by the Fresno County Department of Public Health, Environmental Health Division. If necessary, the new system shall be installed prior to the operation of events where food is prepared on site.*

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Following construction, the project will not generate greenhouse gas emissions. Review of this application by the Air District indicated that this project, with adherence to specific conditions required by the Air District, would be in compliance with their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases. The required conditions include a requirement to maintain records of construction start and end dates and a report to the district to provide those records at each project phase. These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. Adherence to the Air District's regulations will ensure less than significant impacts on the release of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The operation of this site as a high-intensity park has the potential to use common hazardous materials in quantities typically comparable to residential uses. There will be no routine transport, use, or disposal of hazardous material. Use of the parcel will be focused on wedding ceremonies and receptions, which do not increase the risk of release of hazardous materials.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

The subject parcel is not located within one quarter-mile of a school.

- D. Would the project be located on a hazardous materials site; or
- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located on or within one mile of any Hazardous Waste Site (Resource Conservation and Recovery Act), Toxic Release Site (Toxic Release Inventory), Superfund Site (National Priorities List), RADInfo Site (Radiation Information Database), or Toxic Substances Control Act Site (per U.S. Environmental Protection Agency's NEPAssist). Review of Google Earth imagery (August 7, 2017) does not indicate the presence of a private airstrip and the site is not located within 2 miles of a public airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

Review of this project by the Fresno County Fire Protection Department did not identify any risk of loss, injury, or death involving wildland fires. Areas designated to be at a high risk from wildland fires begin east of the Friant-Kern canal, approximately one half-mile east of the project site.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is the potential for an improperly installed septic system to cause adverse impacts to groundwater quality. Mitigation measures have been placed on this project

which require the applicant to install the onsite sewage waste treatment system that was approved by the County of Fresno Public Health Division.

* **Mitigation Measure**

See Section VI.F.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of well logs from this parcel indicate that there is sufficient water from the existing well and back-up well to support the use on this property. The State Water Resources Control Board intends to permit this event center as a transient noncommunity public water system. The applicant will be required to adhere to all Water Board rules and regulations.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

There are no sources of water which run through this property. The majority of structures involved in this operation were constructed prior to submittal of this use application and existing regulations relating to the disposition of stormwater run-off will ensure that there is no off-site flooding or degradation of water quality. There are no community storm drainage systems in this area of the County and therefore the applicant will be required to retain the run-off onsite.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

There is no housing proposed with this application and it is not located in an area of flood hazard as defined by the Federal Emergency Management Agency (FEMA), Map Panel No. 1620 of 3525. Figure 9-8 (FCGPBR) indicates that the project site is not in a location at risk of inundation by Dam Failure. The site's distant location the Pacific Ocean precludes the risk of tsunami and it is not located in an area of steep slopes.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community; or
- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or
- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project site is enclosed by the property lines of the subject parcel and will not physically divide an established community. The use of this parcel as a high-intensity park is permitted in Fresno County through approval of an Unclassified Conditional Use Permit. Outside of said permit, the project is able to meet all other development standards of the County without the need to process a variance.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

According to Figure 7-7 (FCGPBR), the project site is not in an area designated for mineral recovery.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

An acoustical analysis was prepared by WJVA Acoustics, Inc., dated August 11, 2017. Testing was done with a sound system similar to those allowed at events which was set up at the patio in the rear of the residence, where the receptions will be held.

Measurements were taken at three locations: the southern part of the eastern property line, the southern part of the western property line, and south of the northern property line (centered). In all three locations, sound from the speakers was shown to be within Fresno County noise standards. The conclusion of the study was based primarily on the location of the speakers near the southeastern portion of the parcel, where the existing residences provide some sound dampening. Therefore, the applicant will be required to place the speakers in a manner consistent with how they were tested during this study.

* **Mitigation Measure**

1. *During all events which include amplified sound generation, the speakers shall be placed approximately 45 feet southwest of the pool within the rear yard of the Main Residential House (Herron Point). The speakers shall be oriented facing toward the east.*

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?

FINDING: NO IMPACT:

This project will be limited to the operation of up to seven events per month and no more than 100 events per year, during weekends. When not in use, the improvements will not cause an increase in ambient noise levels in the vicinity.

- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in Part A. of this section, improper use of speakers for amplified speech and music could cause temporary increases to ambient noise levels during events. With compliance to the Mitigation Measure noted above, these noise levels will be within Fresno County Noise Standards.

* **Mitigation Measure**

1. *See Section XII.A*

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or

- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of a private or public airstrip.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The operation of a high-intensity park is not the type of project which is known or expected to induce population growth. The entirety of the project site is within the boundaries of the 20-acre parcel and no housing or persons will be displaced.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

Review of this application did not indicate the need for increased Fire or Police protection. It will not require improved parks, schools, or other public facilities because visitors to the event center are not expected to leave the project site until the conclusion of the event.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

This application will not increase the use of neighborhood parks or other recreational facilities. Guests and attendees at events held at this site will typically drive directly to the site, remain for the entire event, then drive back to their homes without lingering to explore the area or make use of local recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project has the potential to impact traffic along East Griffith Way and back to Riverbend Avenue; however, with adherence to the Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division, said impacts will be less than significant.

* **Mitigation Measure**

- 1. *Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated July 26, 2017 including the supplemental report submitted to the County on November 20, 2017 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.*

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

This project meets all Fresno County Standards for maximum height and will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant will be required to adhere to the Traffic Management Plan prepared by JLB Traffic Engineering, which includes the requirement to install directional signs to ensure that traffic does not back up along Griffith Avenue.

* **Mitigation Measure**

1. See Section XVI.B

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: NO IMPACT:

The project will not connect to existing wastewater treatment facilities. Three septic systems (one serving each of the two residences and a third serving the restrooms proposed as part of this facility) provide adequate wastewater treatment. There are no storm water facilities in this area.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This property is served by two on-site wells and three on-site septic systems. Together, these provide an adequate water supply and wastewater treatment.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The property is currently served by Granite Waste for both garbage and recycling and the solid waste generation of the event center will not exceed their capacity.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history; or
- B. Does the project have impacts that are individually limited, but cumulatively considerable; or
- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Impacts to cultural resources may occur if cultural resources are uncovered during ground disturbance. The mitigation measure requiring that work be halted if such a find is uncovered and the measure requiring that the applicant provide interested Tribes with notice of ground disturbance will reduce that impact to less than significant.

Cumulative impacts to greenhouse gases are addressed through existing regulation and additional conditions will be placed on the Project to require compliance with the Air District's record-keeping requirements.

Impacts to human beings may be caused by excessive noise or improper use of the septic system. These concerns have been addressed with mitigation measures restricting the volume and velocity of sound generated during events and restricting the design of the septic system to one approved by the Fresno County Department of Public Health.

* **Mitigation Measures**

See Sections I.D, V.E, VI.F, and XVI.B.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3573, 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 Agricultural and Forestry Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Utilities and Services Systems have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Transportation/Traffic have been determined to be less than significant with adherence to the identified Mitigation Measures.

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 southeast corner of Tulare and "M" Street, Fresno, California.

CMM

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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 7280	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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): Chrissy Monfette Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Mike and Maria Tillinghast	Project Title: Unclassified Conditional Use Permit No. 3573		
Project Description: Allow a high-intensity park on a 20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District for weddings and banquets. Additional phases include the installation of a commercial kitchen, expansion of patio cover and event space.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3573, 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 Agricultural and Forestry Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation. Potential impacts related to Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Transportation/Traffic have been determined to be less than significant with adherence to the identified Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – February 5, 2018		Review Date Deadline: Planning Commission – March 15, 2018	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Chrissy Monfette Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Monfette, Christina

From: Twila Shelton <twilashelton@yahoo.com>
Sent: Monday, March 05, 2018 4:51 PM
To: Monfette, Christina
Subject: Rebuttal to Mitigated Negative Declaration - CUP #3573

Section XII - NOISE

C. "No impact is found for a permanent increase in ambient noise levels in the project vicinity." We disagree...

There will be noise other than what will be generated at the events. I am referring to the noise of the extra traffic during the week - people checking out the venue, coming back and showing relatives and friends, coming back again to plan out the event, and coming out again to finalize the plans. What about the photographers, florists, wedding planners and service vehicles driving back and forth on our road (from now on referred to as our easement)? The noise of the extra traffic on our easement will provide a permanent increase in ambient noise levels.

D. "Less than significant impact with mitigation found for temporary or periodic increase in ambient noise levels." We highly disagree!

How can anyone from the county office who has never lived out here come to this conclusion? There have been times when we have heard people talking as if they were on our property, and when we went outside to investigate, we either couldn't see anyone, or we saw the people in question a good distance away.

There's a house on the corner of Riverbend and Ashlan that periodically holds weddings and events. We've heard these events loud and clear, and this property is situated away from us much further than the CUP proposal site. Another house to the north of us (almost the same distance from us as the proposed site) held a wedding, and we heard the emcee and the music once again, loud and clear. This property is surrounded by trees - supposedly a buffer against noise. One other time we heard music from a location in the distance. We followed the music in our vehicle and found it on Zediker - about a mile away.

The only mitigation measure mentioned was the placement of the speakers. What about the amount of sound the speakers generate? No mention was made about adhering to a certain amount of decibels. I would think this would be more important than the placement of the speakers. Will the deejay be held accountable to keeping the music under a certain amount of decibels, or will it fall on us, the neighbors, to monitor this?

I've given you several examples of noise levels at various events and occasions in our area. We who live here know how sound carries in our neighborhood. To us, the periodic increase in ambient noise levels created by this CUP will not be a less than significant impact.- it will be significant.

XII TRANSPORTATION/TRAFFIC

B. What is this "applicable congestion management program"? Why would one have been implemented out here on our little country easement? Since we have never had the need to implement an applicable congestion management program, then of course, the project cannot conflict with it.

Is this the county's way of skirting the real issues? The real issues being: 1) the neighbors' access to their own private easement; 2) the congestion of and all of the headaches associated with congestion caused by hundreds of strangers on our easement, and 3) the frustration of not being able to walk down our own easement to get the mail at the end of the road or walk down to a neighbor's house safely because of the heavy traffic.

Your finding on this matter is "less than significant impact with mitigation incorporated". This is untrue. Our neighborhood will be significantly impacted by the hundreds of cars traveling our easement to the venue - significant to us who will have to deal with it, but apparently not significant to you who will be unaffected.

Also, are we to believe that a few directional signs will magically erase all of the traffic congestion? No amount of mitigation will take care of this problem, especially directional traffic signs.

E. Yes, the project would result in inadequate emergency access. Our easement is narrow. Two cars can fit, but it's a tight squeeze. Additionally, a ditch runs along the south side of our easement for several hundred feet. No cars can pull over on that side, so if an ambulance was to come for an emergency (especially while wedding attendees were going to the wedding), it would slow the ambulance down

considerably. Fire trucks would have even more difficulty making their way up our easement during heavy traffic times.

F. Though we have no "adopted plans, policies or programs regarding public transit, bicycles or pedestrian facilities", we see bicyclists on Riverbend, Zediker and Ashlan frequently. In fact, a bicycle race takes place every February, and Riverbend is a part of the route. With all of the traffic this project will generate, cyclists will be put in harm's way, especially on the two large hills on Riverbend.

On Griffith Ave., as mentioned before, several of us walk to the mailbox located at the corner of Griffith and Riverbend. We also drive our golf cart there, and our dog follows along. Our grandchildren sometimes walk to the mailbox with us and also walk the other direction to a neighbor's house at the other end of the easement. So, even though there are no adopted plans or policies, this does not negate the danger to pedestrians when large amounts of traffic descend upon our easement.

MAR 05 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

Attn; Chrissy Monfette - Concerning proposed CUP application # 3573
Mitigated negative declaration (IS) no.7280
Public written comment analysis & response period through March 7th, 2018

#1 aesthetics finding;septic system not adequate or engineered / designed for assumed usage
D) finding; substantial light / glare & significant ambient lighting increase

#11 zoning B) finding; conflicts with current zoning and existing covenants

#11 resources finding; well water not intended for proposed usage-non residential / ag

#111 air quality B&E) finding; substantial airborne dust pollution, allergy & asthma related
effects, increase from vehicle / traffic increase throughout neighboring areas ,VEHICLE EXHAUST

#IV biological resources A) finding; substantial negative impact to existing wildlife/HABITAT

#VI geology D) finding; rise underestimated E) septic insufficiently engineered for usage

#VIII hazards H) findings; potential risk of wildland fires

#IX water quality A) finding; potential contamination of subsurface water quality from septic

#IX groundwater B) finding;potential depletion from unintended over- usage

#XII noise A) finding; potential for excessive acoustical noise from audio systems
C&D) significant increase in ambient noise levels

#XIV public services 1&2) finding; potential for excessive & reoccurring need for police
services,fire and medical emergency vehicles to remote location

#XVI transportation / Traffic B-F) finding; significant negative impact on approaching roadways
and single lane (way) approach to proposed venue + PARKING AREA OVER ESTIMATED

#XVII utilities / service systems AEDG) findng inadequate wastewater system / water availability

#XVIII ABC) finding; substantial impact / adverse effects on humans and wildlife

Conclusion / Summary; significant negative effects on water quality, transportation / traffic,
ambient noise and light, public services, human beings, domestic animals,wildlife & environment

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Chrissy Monfrette
2220 Tulare St., Suite A
Fresno, Ca. 93721

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COUNTY OF FRESNO

MAR 07 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

March 6, 2018

VIA EMAIL

Mitigated Negative Declaration Letter Response

I am writing today to respond to the Mitigated Negative Declaration letter concerning the Cobblestone Wedding Venue Project, CUP 3573.

I will specifically address the areas of lighting and sound pollution, as well as some other areas. I have been a theatrical lighting and sound designer for over 35 years. I teach, and have taught, courses in lighting and sound design at Fresno State and Fresno City College. For over 20 years, I was the lighting and sound designer at Fresno State. I have worked as a lighting and sound designer at Roger Rocka's Music Hall, and The Second Space. I am a member of the Stage Hands Union IATSE, and I have created lighting and sound designs on over 250 theatrical productions. I have worked on countless rock concerts, and I have designed and installed lighting systems and sound systems for churches and theatres. I have a Master's Degree in Technical Theatre and Lighting Design.

I have organized my remarks as the MND is organized. The MND language is presented here in Italics. My comments are not Italicized.

I. AESTHETICS

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

Lighting is an area where I have decades of practical experience. Unfortunately, the MND does not address the effects of car headlights moving around on the hill in front of the venue, at the parking lots in the rear of the venue, or the cars heading northward on the proposed access road from the parking area. As it is now, car headlights moving in front of the Tillinghast residence currently flash in my windows and front door every time one of their visitors leaves at night. Imagine what will happen when there are over 200 cars leaving! Those headlights will be shining in the windows of the two houses located to the north of the project, the Crawford home and the my home, and in the house to the east, the Contreras home. If another home is built on the now vacant land to the east of the project, the lights will shine directly in their windows. 200 or more cars will be departing the venue each weekend night at or near the hour of midnight. This amount of cars will create a substantial amount of light pollution directly inside the nearby homes.

The neighborhood is inherently dark at night, as it is rural and has very low housing density. This is perfect for telescope viewing of stars and planets at night. This Project will make telescope use impossible, due to the light pollution generated by the cars and the buildings. The generation of light in this neighborhood also flies in the face of the Fresno County General Plan and the AE 20 zoning, which is an attempt to keep agricultural areas rural, and keep heavy industrial and commercial uses in the city.

Additionally, newly installed lighting at the Tillinghast residence is not hooded or directed in a specific direction away from other properties, as is required in the MND. The resultant light is already annoying.

The CUP should be denied because it is rendered unacceptable due to the regulations of the AE20 zoning designation and the County's own General Plan.

III. AIR QUALITY

D. Would the project expose sensitive receptors to substantial pollutant concentrations?

The MND does not address the fact that dust from the road base access road proposed for the east side of the project will create a substantial health concern for residents who are asthmatic. Griffith Avenue is also road base in the unpaved section leading to the proposed east access road. Roads built of road base and not surfaced with pavement are inherently extremely dusty, especially when the users are not cognizant of that fact, and drive at high speed. Patrons of the wedding venue will not have a care in the world as they zip along Griffith and onto the proposed access road, causing dust pollution to envelop my shop and home, and the other homes in the area. I am asthmatic, as is my father, who often visits and works in my shop. We are both very adversely affected by this type of dust. The existing dust problem is bad enough, but the addition of over 200 vehicles per event (400 trips per event) that will utilize this proposed access road and the Griffith Avenue easement, will create a huge health problem for me and my family. There are no dust mitigation measures in either the MND or the CUP Proposal.

The CUP should be denied based on the concern for the adverse effect it will have on the health of the neighboring residents.

XII. NOISE

D. Would the project cause a substantial temporary or periodic increase in ambient noise levels?

This is another area where I have decades of practical experience. The noise generated by vehicles accessing the site has not been addressed in either the CUP or the MND. Neither has the fact that the noise from the sound system and wedding guests will significantly increase the ambient noise in the area. Ambient noise levels in our area are currently very low. On a recent Saturday at 5:00 pm, I measured ambient noise at around 34dba, over a period of 20 minutes.

This included the sounds of birds singing, and the wind blowing. At one point during my testing, a flock of geese flew over, and the levels jumped to 48.4dba. If it were after 10pm, those geese would be violating the county's noise ordinance, which only allows for sounds under 40dba. The addition of 390 people, their vehicles, service vehicles, wedding music, and the voices from the event will, in fact, severely increase ambient noise levels, and will most certainly violate that noise standard.

Currently, from my front door, the Tillinghasts can be heard in their yard while talking to visitors, and that is without their voices being amplified by a sound system. Imagine what 390 wedding guests will sound like.

Every vehicle that drives up their hill can be heard by at least three residences. On the unpaved portion of Griffith, where the proposed access road will be located, I recently measured the sounds of several vehicles driving past. I was about five feet inside my fence line. A Cadillac generated a sound level of 66.9 dba to 67.9 dba, while passing by on the unpaved road at 15 miles per hour. This is minimally 26.9db above the Fresno County noise violation level for the hours from 10pm to 7am. A small diesel delivery truck passing by at 15 miles per hour was measured at a level of 83.3dba to 83.8dba. This is minimally a 43.8db violation of the Fresno County noise standard for the hours of 10pm to 7am. 200 or more vehicles leaving the venue after 10pm will create continuous temporary sound violations during the late night hours. This happens now, with only family and friends leaving the Tillinghast home. Imagine how it will be with 200 vehicles leaving late at night.

Additionally, according to the CUP, the sound system speakers are planned to be aimed eastward, toward a vacant property. What happens when someone buys that property and builds a house? Will the speakers then be moved to face in another direction? What happens when an event occurs in a different location on the property, as the CUP describes, and the speakers are relocated to that location? There was no testing done at that new location, or any other location, so there is no data to determine the noise levels at the new location.

The sound study itself is extremely faulty and misleading. Workers from the Tillinghast's construction company were involved in the direction and placement of the microphones used to gather the sound levels. This creates a conflict of interest. In the acoustic analysis, there was no mention of the microphone direction. Were they facing toward the speakers, away from the speakers, halfway between the two? Without knowing the direction the microphones were facing, it is impossible to tell their effectiveness in accurately recording the levels of sound produced by those speakers. Obviously, if a microphone is facing away from a sound source such as a speaker, the sound level of that speaker will be measured as less intense.

The arbitrary sound levels created by the DJ were also inadequate and misleading. To be of any use, the music levels should have been played over the sound of an audience, thereby creating an accurate sound picture. Weddings have guests. They make noise. The music must be louder than that noise to be heard. The DJ said the sound level was similar to that generated during a wedding. But this is false because there was no wedding guest noise. This is unacceptable and unscientific. Also left untold was the dba level of the music near the speakers during this simulation. Without providing that information, it is impossible to accurately assess the sound

level anywhere else. If we take the levels given in the analysis, and then reverse engineer them using the Inverse Square Law, the sound levels near the speakers were somewhere around 76dba. This is the sound level of a person excitedly talking, not the sound of music at a wedding. This number is far too low to be an accurate representation of wedding reception sound levels.

Ambient crowd noise at a wedding can be high, much higher than the overall ambient noise measured in the acoustic study. For example, the ambient noise level of normal conversation is around 65dba. A crowd at a wedding is going to be louder than that, because there are more people talking. They are in a celebratory mood, and ultimately could be shouting across the room. Add in some alcohol, which has been nearly ignored everywhere in the MND, and that sound level gets significantly higher. So, a level of 75-80 dba of rowdy wedding crowd noise would be more realistic. Therefore, the DJ's music must be played at a significantly higher level to overcome that higher ambient noise level. The actual sound level of music and audience noise at a wedding is often well above the 100db range, probably closer to 110 to 115db. If there is a live band and not a DJ (something else that has not been addressed by either the MND or the CUP application) that noise level can be guaranteed to be in the 120 to 125dba range. So again, using the Inverse Square Law, we can deduce that the sound levels at the furthest away fence lines could easily be in the 90dba range. At the MacNeill residence, it would be higher, and quite unbearable. This would be almost 50db higher than the allowed noise standard for the 10pm to 7am time period. These levels would generate massive violations of the Fresno County Noise Standard.

I have been to weddings where those levels were present, and one couldn't hear a person sitting next to them speaking.

By not giving us the actual dba level of the music at a location near the speakers during the analysis, and by not using the ambient sounds of an audience, the sound levels generated in this analysis are unreliable and arbitrary at best. They do not reflect real world wedding event sound levels, and render the acoustic analysis unusable. This CUP should be denied, especially given that there is no accurate acoustic analysis of the noise generated by DJ, bands, guests, or cars at the venue.

XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the area?

2. Police Protection

I am dismayed to discover that there is no mitigation required concerning safety, specifically regarding the sheriff's office. Has no one thought about the need for security for the inevitable fights and arguments that will break out, especially considering that alcohol will be served. Private security will not be adequate. The current response time for a sheriff in our neighborhood is over 40 minutes, and that is when shots have been fired. This venue will bring many people far out into the country. There will be fights. There will be drunken drivers. Who is supposed to

police that? The nearest Sheriff's office is at Fowler and Shields. So we are, essentially, on our own. This is unacceptable, and the Cup should be denied for this reason alone.

XVI. TRANSPORTATION/TRAFFIC

D. Would the project substantially increase traffic hazards due to design features, or result in inadequate emergency access?

The project allows 390 people at each event, so the real possibility is that 200 vehicles, or more, could use Griffith Avenue for access to each event. Then, those same 200 vehicles will egress the event, a total of 400 trips on the easement. If two events happen on one day, that is a total of 800 trips on the easement per day.

Not included in the Mitigated Negative Declaration is any mention of the fact that Griffith Avenue is an easement, not a county road. As such, it cannot be used for any use other than it was initially intended. The initial intent was residential property access and egress, and it was not intended for the use of operating a large commercial entertainment venue. The easement is, and has always been, maintained by the property owners, not the county. It is essentially private property, which allows residents access to their parcels, but remains the possession of each property owner over whose property it passes. The current construction of Griffith is not adequate for the amount of traffic expected by this CUP. It is not built to county road standards. The paved portion is only 18' 2" wide for its entirety. There is a portion that is still unpaved. Currently, when two vehicles meet going in opposite directions, great care must be taken to avoid collisions, due to the narrow road. If one vehicle is pulling a cattle trailer, or a tractor trailer (both of which are around 8'6" wide) the traffic lanes are too narrow. Each lane is only 9'1" wide. That leaves 3 ½" on either side of the trailer! That is not wide enough for a driver that is unaccustomed to driving near such vehicles, or one that is impaired by alcohol, to successfully negotiate the road.

The pavement was constructed for the very light usage of residents accessing their properties. The pavement is only two to three inches thick, and the road base below is two to three inches thick. This is adequate for the current light residential use, but the pavement will not hold up to the amount of traffic that is proposed in the CUP. There is no mention of any plans to regularly maintain the easement, which will be necessary due to the high traffic flow caused by the project. It is the responsibility of the residents to maintain the easement, in proportion to their usage of it. The Tillinghasts will use the easement in a proportion that is many times greater than the rest of the residents. Yet, there is mention of road maintenance.

There are drainage culverts in several areas that will provide potential danger for drivers that are inexperienced in traversing this easement, especially while driving under the influence of alcohol or drugs after attending an event at the venue. Some will inevitably end up in a culvert with their vehicle overturned. Is the property owner responsible for that?

Currently, many residents use Griffith for walking, running, bicycling, working on their property, gathering mail and packages left at the community mailbox, etc. Children and grandchildren often are found walking the road, enjoying the natural surroundings, in complete

safety. This reality is understood by all the residents, and we respect the rights of others to safely use the easement at their discretion. However, the addition of a possible 800 vehicle trips per day would make these uses nearly impossible, and unsafe. Property owners will be unable to use their own property for uses which have become commonplace, and were some of the main factors in purchasing our properties in the first place. Our rights will be subjugated to the greed of one neighbor.

There is no mention of liability for property damage caused by vehicle accidents that will inevitably occur due to the inebriation that is caused by events at the venue. Again, Griffith Avenue is an easement, not a public road, and is still the property of each property owner along the easement.

In the event of an emergency to another parcel, the easement could become impacted due to its narrow construction, the limited parking available at the venue, and the amount of vehicles coming and going. This could prevent emergency vehicles timely access to neighboring parcels, especially those further east on the Griffith easement.

Additionally, there is no provision in the CUP or MND for the collection of litter and trash that will inevitably be left at the roadside after each of these events.

If we look at the county roads leading to the venue, Riverbend Ave. is potentially extremely vulnerable to automotive collisions. As one approaches on Riverbend toward Griffith from the north, Riverbend curves to avoid Mud Creek, and then curves again to go over the hill. This area is very dangerous, and has been the scene of at least five collisions in the past few years. Cars try to split the difference on the curves, and they crash into each other, or the creek, or the fences.

On the south side of the hill, the same condition exists. Cars coming from Belmont curve immediately after crossing the canal, and then quickly curve back again to go over the hill. Again, cars have crashed into the canal, into the fences, and into horses and cattle. For an inebriated driver, or one unfamiliar with the locale, this presents a very real danger.

The easement issues alone should be enough to deny this CUP. The use of our easement by this company for commercial business is illegal.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

C. Does the project have environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly?

The project will drastically impact the quality of life of the immediate local residents. We all bought our property specifically because of the AE20 zoning, which forbids this type of operation. We all spent our hard earned money building homes in an area that is peaceful, quiet, dark at night, has little to no traffic, and is safe. My wife and I deliberately did not buy property next to Wild Water Adventure, Wolf Lakes, or any other commercial venue for these reasons. The surrounding environment will be drastically and permanently impacted by this project, by

way of increased light pollution, noise pollution, air pollution in the form of dust, resident's health concerns due to stress and pollution, sleep deprivation caused by wedding noise, car noise, and lights, vastly increased traffic, decreased property values, and general disturbance of a previously peaceful neighborhood.

This CUP must be denied for the reasons called out above, and the issues I raised in our last letter, which is also attached.

Thank You.

Dan Carrion
Anita Carrion
danca@csufresno.edu
559-875-2940 home
559-288-4387 cell

Carol A. MacNeill
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COUNTY OF FRESNO

MAR 07 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
CUP 3573

March 7, 2018

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Chrissy Monfette
2220 Tulare Street, Suite A
Fresno, CA 93721
cmonfette@co.fresno.ca.us

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

To Whom It May Concern:

This letter is in response to the County of Fresno "Notice of Intent to Adopt a Mitigated Negative Declaration" filed February 2, 2018.

I reside in the residence directly to the west of the proposed Cobblestone Hill wedding venue. Below are my responses to the negative declaration, working through the document as it is written.

I. Aesthetics - C. states that "The number and design of the improvements is roughly comparable to typical residential uses in this area" when in fact, the Tillinghasts' property is already more developed than all the neighboring properties. Adding more structures will increase the incompatibility of his property with the neighboring residences.

I. AESTHETICS - D. states that "There is no new lighting described as part of this application." This is an INCREDIBLE problem. If this CUP is approved, lights on Griffith Avenue will be necessary—the easement is narrow and it will be used by drivers who very likely could be impaired by alcohol or fatigue. The poor visibility along the easement would create a dangerous situation. For safety, lights should be installed on the road, thus creating light pollution which cannot be mitigated. Additionally, there will be a significant amount of light pollution generated by the large number of cars coming and going from the venue. Our property will be severely impacted, as a number of the parking spaces are on our property line. The headlights of every vehicle entering and exiting that parking area will shine directly into our

home that is a short distance from the property line. The east facing windows include our master suite and living room.

III. AIR QUALITY - D. The San Joaquin Valley Air Pollution Control District determined that the impact from emissions was less than significant. The air quality analysis, however, did not appear to take into account the massive amount of dust that would be created when party-goers reached the end of the paved easement and traveled up the dirt access road on the east side of the Tillinghast property. I know of at least one neighbor who has severe asthma, and this will create a terrible problem for him. I am not aware of any mention of dust control in the CUP application.

VI. GEOLOGY AND SOILS - E. The sewage feasibility analysis performed by David Charles Annis and proved by the County of Fresno Department of Public Health, Environmental Health Division was based on the operation of the venue 6-7 times PER YEAR, when in actuality the venue will operate 6-7 times PER MONTH. The actual usage is also grossly underestimated (especially the number of flushes per event). I fear that the system as designed will not in actuality be able to handle the load placed upon it when it hosts multiple events over a weekend, for example.

VIII. HAZARDS AND HAZARDOUS MATERIALS - H. The Fresno County Fire Protection Department did not identify any risk of loss, injury, or death involving wildland fires. Indeed, wildland fires are probably not a significant threat. The biggest threat is a carelessly tossed cigarette on the property line. We have already had a fire on our property when an employee of MICO Construction started a fire on the property line while welding. The fire spread quickly onto our property and was headed toward our home. It was mid-week, and normally no one would have been home, but thankfully and one of our sons was ill and stayed home from school. He was able to fight it with a garden hose until fire trucks arrived.

IX. HYDROLOGY AND WATER QUALITY - A. An undersized, overtaxed septic system will create a likelihood of negative impact on groundwater quality. Our well is on the east side of our property very near the Tillinghast property line.

IX. HYDROLOGY AND WATER QUALITY - B. The amount of water required for the venue to operate every three days would be significant. Our well is very near the Tillinghast property and I fear there could be a negative impact on our water supply.

XII. NOISE - A. The sound study submitted with the CUP application is flawed, severely understating the sound levels that DJs maintain at events, traffic noise, and even a great

number of conversations occurring simultaneously. The sound from these events will impact not only our immediate neighborhood, but neighbors in every direction for a mile or more. I say this from experience, having lived on our property for 14 years. Numerous outdoor weddings and parties have been held at neighbors' homes and sound travels a GREAT DISTANCE. Simply pointing the speakers toward the least number of neighboring homes will in NO WAY mitigate the impact of all the noise that will be generated at an event.

XII. NOISE - D. The sound study took place when significant earthwork was occurring at our residence, so the ambient noise levels were unusually high due to the use of machinery at that time. There is no doubt that the project will cause a substantial temporary or periodical increase in ambient noise levels in the project vicinity. This will be true any time an event occurs...which, coincidentally, will be at the time that most people in the neighborhood are home. A high percentage of us work during the regular work week. Our "off time" will be during the venue's prime operating time, thereby destroying our ability to enjoy our quiet country surroundings.

XIV. PUBLIC SERVICES - A.1. and 2. There is no doubt, with a full bar on site, that people will be careless with cigarettes and that there is real potential for altercations to occur. It is unrealistic to believe that there will not be increased need for fire and police services.

XV. RECREATION FINDING states that "Guests and attendees at events held at this site will typically drive directly to the site, remain for the entire event, then drive back to their homes without lingering to explore the area..." Every single resident of our community knows that is not what will happen. When a neighborhood is exposed to over 3,000 people per month, the fundamental character of that neighborhood is changed forever. Not everyone who attends the event is going to be an upstanding citizen, and we will all be forced to "batten down the hatches" and increase the security measures on our properties exponentially. Since there will be no additional police protection, who will deal with the extra issues that arise as a result of the increase in exposure to people who will return with ill intent?

XVI. TRANSPORTATION/TRAFFIC A and B. There is going to be a significant impact on the traffic patterns for miles from the venue. First, Griffith Avenue is an EASEMENT that is not constructed to the full width required for even a narrow county road. One section of the easement has no shoulder and a big ditch, which event-goers at some point will most assuredly end up in. (When this happens, will they walk back to Cobblestone Hill for help, or go to the nearest neighbor?) Secondly, both Riverbend and Ashlan Avenues are narrow, with little or no shoulder in many areas and many driveways entering the road that have limited visibility. Having 200-250 cars traversing an unfamiliar road with these challenges creates a hazardous

situation for the residences along the road. Additionally, this is a very popular area for bicyclists. One has to assume that since there is no public transit or taxi service readily available, and no long-term parking at the venue, guests and attendees will exercise poor judgement regarding their ability to drive home after visiting the on-site bar. This creates an incredibly dangerous situation on the roads. Finally, there are two very steep hills on Riverbend with very limited visibility, and the one just at the end of Griffith has a curve with a narrow bridge right at the bottom. I personally have seen two cars who did not make the curve and ended up in the canal...and that was in daylight hours, most likely not involving a driver impaired by alcohol consumption. I have MAJOR CONCERNS about the safety of the current residents of Riverbend Avenue between Ashlan and Belmont and Ashlan Avenue between Academy and Riverbend. Additionally, I fear that there could be fatalities involving bicyclists on those stretches of roadway.

Your CONCLUSION/SUMMARY states "Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Transportation/Traffic have been determined to be less than significant with adherence to the identified Mitigation Measures." Although I do not agree with that finding, for a moment let's assume that it is correct, that it would be fine with the mitigations in place. The flaw with this is that it assumes the best case scenario in every situation, and we all know that almost always, things do not tend to follow best case scenarios. People ignore problems and push the envelope. Looking at it through that lens, I believe that there will be significant negative impact in nearly every area of this study if this project is approved. ***This proposed project is not suitable for this location.*** I respectfully request that this CUP be denied.

With this letter, I am also attaching the letter that I sent on September 28, 2017 opposing the application, for the record.

Sincerely,

Carol A. MacNeill
cmacneill@guarantee.com
559-618-7872



Inter Office Memo

DATE: **March 15, 2018**

TO: Members of the Planning Commission and other Reviewers

FROM: Chrissy Monfette, Development Services and Capital Projects *CM*

SUBJECT: Referenced Attachments

Over the course of this application, members of the public submitted multiple copies of certain letters. The letter referenced by this response to the Initial Study has been included as part of Exhibit 7: Public Comment.

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COUNTY OF FRESNO

MAR 07 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3573

Doug MacNeill
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559-908-2328

March 7, 2018

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Chrissy Monfette
2220 Tulare Street, Suite A
Fresno, CA 93721
cmonfette@co.fresno.ca.us

Re: Cobblestone Hill Weddings and Banquets, CUP Number: 3573

To Whom It May Concern:

This letter is in response to the County of Fresno "Notice of Intent to Adopt a Mitigated Negative Declaration" filed February 2, 2018.

I. AESTHETICS

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

Yes. The headlights of cars parking along my fence-line will be aimed right at my house and the areas where we spend private time in the evenings. The distance is only 128' to the house and less to outdoor areas where we spend time at night.

THE LIGHT, DUST AND NOISE WILL BE RIGHT ON MY FENCE-LINE!

The weakest headlights illuminate objects over 350' away. Some headlights are so bright they illuminate up to 2000'. So, even cars with the weakest headlights will illuminate our house and the areas around us as bright as day. The cars with modern headlights or high-intensity lights will be blinding!

Even the light that is reflected from objects when a car is not pointed directly at us will have enough glare to cause a significant adverse effect.

People who don't live in a rural setting might not understand this, but the way it is now, we can see light shining through our windows onto the opposite wall from cars that are probably 2000' away. Since there is no competing light, even "faint" lights are bright. When you are outside, your eyes adjust to the darkness and the glare affects the way

We enjoy watching meteor showers and can easily see the Milky Way Galaxy on most nights. The glare from lighting at the events will probably take that away from us. I have many books on astronomy and plan to buy a telescope in a few years. This is a hobby I plan to take up in a few years. The frequent glare and blinding light will be a great disturbance and disappointment.

We have sacrificed SO much to create a life out here. It will be very heart-breaking to see it all become polluted by the loud, bright parties of strangers next door.

I am not satisfied with the study's findings. The time the parties are supposed to end does not dictate the time the noise and light will cease. If the party ends at 12:00, there will be activity in the parking areas near my house and on the road until much later.

WILL THE COUNTY LISTEN TO THIS? We are afraid this CUP is in the bag for the corporation that wants to profit from our pleasant and quiet community.

Note: Mike Tillinghast installed some lamp posts on his property a few years ago (pre 2013), and they have never been turned on. In the last few weeks, they have been turned on. I think he wants to be able to say they existed before this CUP application, but they have never been used, so we consider them new lights related to the application. They are along the road that leads to the parking areas. He will probably install more lights even closer to our property when the parking lots are put into use.

III. AIR QUALITY

- E. Would the project create objectionable odors affecting a substantial number of people?

The smell of smoke from cigarettes and other tobacco/smoking products will be a problem. Again, the parking areas near my property line will attract groups of people who want a smoking break. If you've been to these types of events, you will see this is a real issue.

There will also be a dust issue caused by cars driving from the end of the paved section of Griffith Ave. to the parking lots. The pavement on Griffith does not

reach all the way to the access road on the Tillinghast property and the access road is not going to be paved. The parking areas are dirt and gravel that will have heavy dust.

VI. GEOLOGY AND SOILS

In Section "E" it says a feasibility analysis considered the maximum numbers of guests at the site without food prep or a bar. THERE IS A FULL BAR PLANNED FOR THE SITE.

I know that the soils here are not good for percolating and I doubt the septic system is going to be able to handle 450+ flushes per event (on top of the other water used), especially if there is more than one event per day.

VIII. HAZARDS AND HAZARDOUS MATERIALS

In Section "H" says that areas designated to be at a high risk from wildland fires begin east of the Friant-Kern canal, approximately one half-mile east of the project site.

However, the grass on this side of the canal is also flammable. There is a danger of wildfire here too, especially with parking areas so close to the property lines. There have been fires started in these same areas in recent years. I will be showing an aerial of a fire started on that property at the public hearing.

X. LAND USE AND PLANNING

The finding in Section "C" says the use of this parcel as a high-intensity park is permitted in Fresno County through approval of an Unclassified CUP. This seems like a loop-hole or technicality to circumvent the Fresno County General Plan. I think this is completely inconsistent, especially since there is no access to it from a county road!

Until this came up, I had never heard of a "high intensity park". The term was probably originally created in another section of the General Plan, under a zoning that allows parks, and somehow bridged it into the AE zoning by using the term "unclassified". I would guess that the parks the General Plan is referring to are parks that the public has access to. I think this type of park, run by a corporation for profit is probably not what was originally intended. I hope that the County staff and the Boards of Commissioners and Supervisors, who know more about zoning than I do, will be honest, and not allow tricky politics to pollute our wonderful community with noise, light and traffic problems on our private road.

This use is not listed in Section 816 of the General Plan, even in 816.3 "Uses Permitted Subject to Conditional Use Permit". I can tell this use is inconsistent

based on 816.3, subsection "K". It allows the sale of beer (subject to CUP) as long as it is consumed off the premises and the sales are secondary to the sale of other Ag related goods. The proposed use is a commercial venture with the sale of beer to be consumed on the premises. None of the activities are related to Ag.

How can the County approve this when the County does not even have its own County road frontage to the property? The County should only be able to approve things like this for a parcel that it, the County, has provided a public right of way for. Instead, the County should defer to the residents and let the residents decide if it is good for the community, since access is crossing their private property!

XII. NOISE

The noise that will come from parking area has not been accounted for. The events will end at midnight, but the noise from the parking lot will continue longer. My son is a professional photographer and videographer and has been to hundreds of weddings. He has told us about how people spend time in the parking lot, smoking and talking loud. Some of them have hot cars like Ford Mustangs and rev them up and do dumb stuff in the parking lot and on the road leaving the venue. He and his assistant have wondered how many people have been killed on the way home from weddings they have photographed, because they see people get into cars completely drunk and drive off. There is going to be trouble in the parking lots and there will be noise that exceeds the County's standard. The activity will be taking place right on my property line, and **the sound level must not exceed the County's standard at my property line**. The Applicant thinks the sound level should be measured at my house, and he is free to use the space on my property as a buffer for HIS NOISE. There was no effort to account for this noise, so the WJV sound study is not adequate or complete. The study should not be accepted by the County for this reason and for other reasons that are just as glaring that I will cover below. I believe the County was not doing a good job when they accepted this study.

The sound study measured 650 feet to my house, but it is really only about 480 feet. But as stated above, the measurement should be to the property line (about 345') since the venue is not free to use my property as their buffer! And as also stated above, there will be noise generated right at my property line that will exceed the standard.

The ambient noise level given by WJVA is inaccurate and measured incorrectly. First, the level was taken on a day that I was using a backhoe and tractor all day (I have photos to prove this). Second, the level should have been taken at night, when the disturbance will be the most irritating and **the ambient level is nearly silent**.

Third, the Applicant's employee should not have been involved in taking the readings (I know this because of a conversation with someone involved). I know the applicant and he is not afraid to push the limits and I believe he "cherry picked" the readings. In other words, the sample was a 15 minute sample. They probably measured the sound levels for an hour or two and then picked the 15 minutes that suited them the most. I think the time period included the sound of Tillinghast's utility vehicle driving up to check the readings. The study should have been done without the involvement of any of Tillinghast's employees. I think everything was slanted in their favor. If you look at Google Earth for that period of time, you will see the extent of earthwork that was being done when they "chose" to measure the ambient level. I know this was done intentionally.

The study was definitely done to show the best-case-scenario. I think it was actually fraudulently done. They probably didn't pass the first time, so they pointed the speakers to the east and turned it down some and tried again. They probably did take a reading of decibels at the source, but had to take the level down, so Mike told them just to say it was at a level that was about what it would be at an event. THIS IS UNETHICAL! The County should have seen through this and not accepted the study! They are not trying to protect the residents here in this AE district. I don't know what motivation the County has to accept a slanted study like this, but everyone I know that read the study noticed many problems with the study, and the County staff should have questioned it also. I believe they are partially responsible for allowing this to stand. I was surprised when I heard it was signed off without question.

WJVA said it was probably an airplane that caused the high ambient sound level. The commercial planes that fly over are very quiet, but the fighter jets are loud enough to skew the ambient level. Well, since the time period is only 15 minutes, don't you think a responsible sound analysis would make a note that a 2 fighter jets flew over in formation? I think the points that were not in their favor were intentionally left vague. Also, fighter jets don't usually fly over in the evenings, when the study should have been conducted.

The study was done in secret and Mike had complete control of every variable, and he was highly motivated to have the results in his favor. Having worked with him I do not doubt that things were done in a way that would slant the results in his favor.

There is nothing in the report to account for the noise 450 guests and 50 staff will make. Whatever sound they make (talking loud because they are in a large crowd, and then yelling because other people are talking loud too), the amplified sound will

have to be much louder. This study is completely inadequate. I can't believe it was accepted! It is almost like lying.

The study tells us how powerful the sound system was that was used, but the sound level at the source was conveniently left out. This is a very flagrant omission! If there is a license required to perform this type of testing and writing these reports, this one should be revoked. I know the County would not accept a set of plans for construction that were incomplete, yet this was signed and approved. The report should have said what the source sound level was and what the sound level is at an actual event (measured, not estimated, by an impartial technician), with a crowd of 450 people. We can't just TRUST that the sound level WAS at the right level. The study should have been thrown out on this point alone!

WJVA covered themselves legally by putting in disclaimers at the end that said the sound level will probably go over this level under other circumstances. Well, why weren't those circumstances simulated? It is because they wanted it to pass. This is the best-case-scenario, but an unbiased test should have been for the worst-case-scenario. A test that wants to find out what would happen in a real-world case would have been different. The residents in this community will have to live with the real-world-cases during the 100 nicest weekends every year.

During the test, the speakers were facing east and the mitigation measure the County wrote was that they must face east during an event. I'm sorry, but I have to say that this is ridiculous and naïve. The venue should have enough space and buffer to any neighboring property to face the speakers any direction without worrying about exceeding the level, but this venue is not positioned on property where this works. In case you don't know, the people at the parties will not follow the rules. My son has been to hundreds of weddings and he knows this beyond any doubt. This is a big event for every couple and they don't want to be short-changed. They will point the speakers any way they want. Also, by writing this, I am not agreeing with the study that everything will be fine if the speakers are pointed east. This point is just ridiculous and doesn't even belong in a professional report, or purported by a public agency. If someone sets the speakers up in the wrong spot or in the wrong direction, who is going to report it? It would be up to one of the residents to take care of it. We will constantly have to police these events.

I don't know where it said this in the Mitigated Negative Declaration, but I'll respond to it here. The venue is limited to 100 events per year, an average of 7 per month. Well that is 8.33 events per month. This statement alone makes me understand they don't plan on limiting the events. The math is intentionally flawed, like everything else in the report. Who is going to make sure they don't book more

events than they should? What is the penalty? If after the 100th event has been booked, and the phone rings with another customer wants to give them \$10,000 to use the property, are they going to tell them, "Oh, I'm sorry, we just booked the 100th event and we can't take your money"? I don't think so. IT WILL BE UP TO THE RESIDENTS TO COUNT THE EVENTS! If they go over, they will laugh to themselves and still get the money. Those of us who live out here will hate that noise over there and will have to just suffer under it. We will continue to pay our property taxes to the County and feel completely betrayed by it because they did not look out for our interests, even when the evidence was plain to see, and we told them over and over again before it was approved.

Another point on the number of events per year is that the average number of 8.33 means that there will be few events during the months with poor weather and more during the months with nice weather. That means there might be 0 events one month and 14 events in April. The months that we want to enjoy our time outside, will be the time they schedule the most events.

The conclusion of the report states that if the DJ turns the system up, or if they don't set it up just like it was in the test (location/direction), the sound level will be higher. THAT MEANS THE SOUND LEVELS WILL BE HIGHER. After 10 years of events, they won't even remember the original setup. There will be different DJs and each DJ wants to please their customers, and won't follow the rules, even if they are told about the rules, which I think will be forgotten in the first year.

Please, if you are a commissioner or on County staff, please check this again and see that this is a bias report! It was done with involvement from Mike Tillinghast, and I know how he works. When it didn't pass the first time, things were changed until it finally passed. It is not right to allow this report to stand unquestioned! Please!

We have live here a long time, and have heard weddings, graduation parties and other celebrations in the distance. Some of them are loud enough to hinder sleeping at night. Those were a little over 2000 feet away. The ones we will be exposed to 100 times per year (if you believe it will be limited) will be 345' away.

Then after the party (345' away) dies down after midnight, the after party, with dust, loud cars and shouting in the parking lot will start (100' away)!

Sound travels very well out here. We can hear people talking a long ways away. This area is not the right place for this high-intensity park.

Under the "Parking Lot Vehicle Movements" the report says it is approximately 260 feet from the closest existing residential land use, resulting in vehicle movement noise levels of 45-50 dB. The distance is really 128' to the house, but that is not the

distance that matters! They want to argue that they can use my property as their buffer space! They have to keep the sound level below the standard at my property line, which is 0' (zero feet) from their parking area that will by their own admission (which I think is low) of 60-65 dB at 50', so that will be 75-80 dB at 0'.

The Noise Mitigation section in the report again is using my property for their sound buffer. The property should be of adequate size and shape to support the proposed use (CUP requirement #4), and the property requires parking along the property line, near a once quiet house. A parcel of adequate size and shape would have space for its own buffer for noise, dust, smoke, etc. This CUP must be denied on this point alone.

XIV. PUBLIC SERVICES

I don't know how our fire and police services are structured, but I do know the response time is the Sherriff's Department is long. This venue will add more to their duties. The residents will not be able to enforce the law or violations of the CUP, so we will be forced to call the authorities when a problem occurs. I know that if this passes, I will be calling for every violation that I notice, because I don't want to have to deal with all of the problems day after day. It will be a new crowd every time and if you ask them to do something in a more polite way, they may agree, but the next group will need to be asked to do the same thing. Do not want to have to monitor a group that by the nature of the environment they are in (drinking and partying) will be pushing the limits on everything.

My son who is a professional photographer/videographer gets regular e-mail from brides apologizing for the disrespect he and his team were shown during the party. It is the nature of the business. It will have to be managed and I don't believe it will be kept to the promised level without outside influence.

XVI. TRANSPORTATION/TRAFFIC

B. The Mitigated Negative Declaration states the impacts to traffic will be less than significant if they adhere to the Traffic Management Plan by JLB Traffic Engineering, Inc.

Traffic and Access Section of Plan

The plan proposes installing a 3'x 6' double sided sign with an arrow pointing toward the project on Riverbend, outside the ROW. I'm assuming the sign will have graphics that advertise the venue's location and it will be in the private easement. I don't personally want to have that sign there, and I don't think the venue has the right to place it there. His deed describes the easement he has for

access and utilities, but doesn't give him the right to advertise his business there. Other residents will have to see the sign every time they come or go and it will be an unwelcome reminder of how our neighborhood's purpose was damaged.

The plan also says directional signs will also be placed along the access road just outside the road ROW (directing guests to parking). This is incorrect because there is no right of way. There is a ROW for public roads, but this is a private road with no public right of way. Assuming the plan means "easement" instead of "ROW", that means the signs would be placed on private property outside the easement. If the applicant has no right to place a sign in the easement, he certainly doesn't have the right to place it outside the easement on private property.

I don't think guests will really arrive an hour or two before the start times, and that the traffic might increase during peak periods. I also believe it will be more of a stream of traffic instead of the plan for sporadic traffic.

I don't think the guests will all be gone by 12:00am. I think the party will wind down by 12:00, but the guests will leave slowly and cause disruptions until 12:30 or even 1:00am. Who will enforce this?

Parking Section of Plan

The plan states that up to 115 vehicles can park on-site according to the plan. If you divide 450 guests by the 2.5 passengers per car, you get 180 cars per event. If the parking only accommodates 115 cars, where are the other cars parking. The plan states that 180+10 are needed (190), but only states the 115 spaces are there. I don't think there is enough space for the parking demand. The plan was not drawn to scale and in the end, the venue will be short on the number of stalls needed.

Also, the lots are going to be dirt or gravel without lines. The guests will park loosely, even if a parking attendant tells every driver where to park. The maximum number of cars will not match the plan. There is not a large area there and not enough room for the overflow parking, especially if there ends up being 2 guests per car, or even 1.5. The plan is inadequate. The extra parking needed will be forced to the area along my property line or on Griffith Ave.

The plan calls for traffic signs to be put out on Griffith. I do not want this kind of activity taking place on the road. I want that road to be used for the benefit of the residents here. I don't want commotion and activity that is not related to the proper use of this land. I do not believe the applicant has the right to carry out the sign activity on a regular basis.

The plan states that parking signs will be posted along the "frontage road". The applicant does not have the right to place those signs along Griffith Ave. The County can not authorize the applicant to place them there. This is a private easement and the terms were established when it was granted.

The parcels were all in the AE District when easement was granted, and that is the intent of the grantors and the limit of the right of use. The venue will have to acquire a separate easement for the proposed CUP use from the owners of the property he wishes to have customers cross to gain access to his commercial use. The easement was created for agricultural use, residences being a defined use in that district.

Road maintenance

The road will require maintenance very soon if the CUP is approved. There is no provision for this in any of the plans.

Road improvements needed

The paved section of roadway does not extend to the access road onto the CUP property.

People will explore the neighborhood before or after the event, or they will miss the turn somehow. There will be a dust issue along the access road on the east side of the venue property. Eventually someone will live on the parcel to the east and the clean air on that parcel must be preserved for the future resident. Just because no one lives there now does not mean the venue has the right to impact that property with dust, light and noise.

Sincerely,

Douglas W. MacNeill

RECEIVED
COUNTY OF FRESNO

MAR 07 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3573

Via Email

Will MacNeill, PE
923 Rosebrook Drive
Clovis, CA 93612
wmacneill@csicv.com
559.891.0274

March 7, 2017

County of Fresno Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Chrissy Monfette
2220 Tulare St., Suite A
Fresno, Ca. 93721

**Re: Mitigated Negative Declaration, Cobblestone Hill Weddings and Banquets, CUP
Number: 3573**

Dear Ms. Monfette,

I am a registered Professional Engineer in the State of California (License M38176). I hold a Bachelor of Science degree from CSU Fresno, as well as a Master of Science degree from Oregon State University, both granted in Mechanical Engineering.

Since 2011, I have practiced engineering traffic accident reconstruction and analysis, and have acted as both a consultant and a designated expert for litigation. I have consulted on essentially all facets of accident reconstruction, including, but not limited to:

- Collision severity and potential for injury
- Road condition and surface factors
- Roadway design factors
- Road surface coefficient of friction testing
- Road surface contamination by soil and agricultural chemicals
- Visibility and collision avoidability
- Roadway illumination
- Traffic signal timing and phasing
- Recovery and analysis of crash data stored in Event Data Recorders
- Perception and reaction
- Human factors including distracted and impaired driving

Find attached my current CV as Exhibit A.

With my background, as summarized above and in my CV, outside of several more general comments, my response to the Mitigated Negative Declaration will be extremely focused on the second required finding for approval of a Conditional Use Permit Application which states the following:

That the streets and highways serving the parcel are of adequate width and pavement to support the traffic generated by the proposed use

As you are aware, Griffith Way lies on a private easement which is owned by the individual landowners, I will not be discussing in any depth the issue raised that commercial use of the easement as proposed in the CUP constitutes an unreasonable surcharge and is forbidden as a matter of law. I will however, make brief remarks regarding the conditions that exist on the easement that renders it insufficient to serve as an access point to a high intensity commercial venue.

A. Roads, visibility, and potential for vehicular collisions

For the sake of clarity, this section will include a brief written summary of the problems with the roadway that were not addressed the Mitigated Negative Declaration along with a series of photographs to more effectively display those issues.

1.) Griffith at Riverbend: blind curve and blind crest

When leaving Griffith at the intersection with Riverbend, the driver is presented with limited visibility in both the north and south directions. To the north, a curve in the road and native riparian vegetation limit visibility to approximately 110 feet (or 1.3 seconds with traffic traveling at the speed limit of 55mph), while to the south a hill limits visibility to a slightly more generous 600 feet, or 7.5 seconds.





The three photographs illustrate the intersection of Griffith and Riverbend and the blind curve to the north. Note that there is a car visible through the branches of a dormant ash tree that grows in the bank of Mud Creek. From the end of March through November, that same tree has a very full canopy, due to the ample water available to it during the growing season.

I estimate that a majority of vehicles will follow the southbound route on Riverbend serving the freeways. In the first aerial photo, it is evident that the pattern left by the resident's vehicle tires is slightly thicker curving towards the south. Persons visiting this location would come in higher numbers from the southern approach, which serves highways 41, 99, and 180.

To make a turn to the south to proceed to the Highway 180 freeway, a driver must cross the northbound lane to enter the southbound lane. Should the driver of the vehicle leaving Griffith pull onto the street with a southbound vehicle approaching the curve, neither the driver leaving Griffith nor the driver of the vehicle traveling on Riverbend can avoid an accident in 110 feet at any speed greater than approximately 35 mph. If the driver leaving the event is impaired, the danger is compounded for both parties.

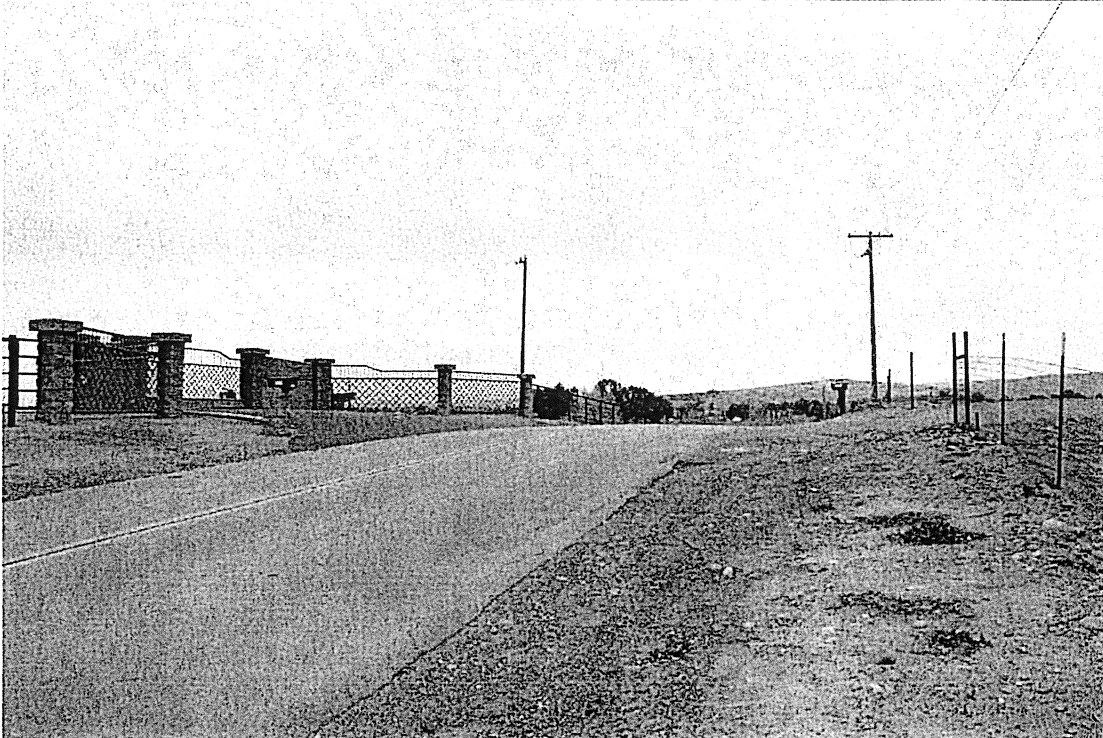
I have casually witnessed the aftermath of approximately 5 crashes at this intersection, one involving a livestock and the balance involving two vehicles or involving a vehicle

and poles, signs and ditches. This intersection also is prone to flooding over the top of both Riverbend and Griffith during rainy winters.

2.) Riverbend at crest of hill: blind driveways

Should the driver navigate the first intersection, they are presented with a set of driveways from which visibility is restricted. These are shown in the next three photographs.



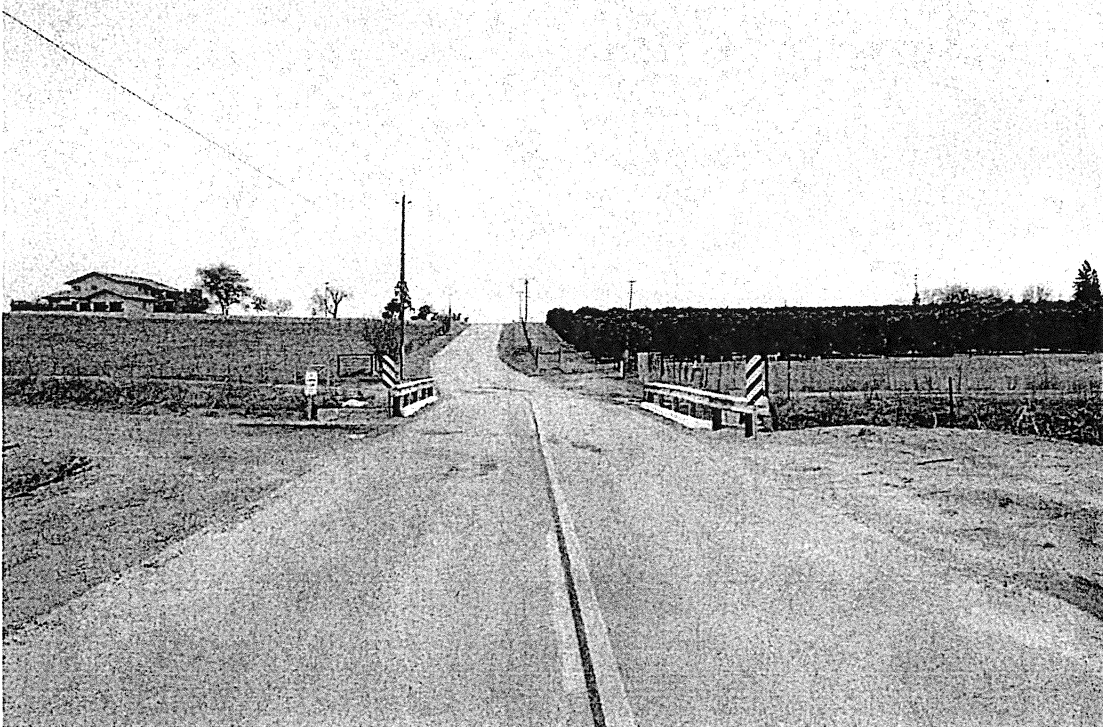


3.) Riverbend at the Enterprise Canal: Significant Road Constriction

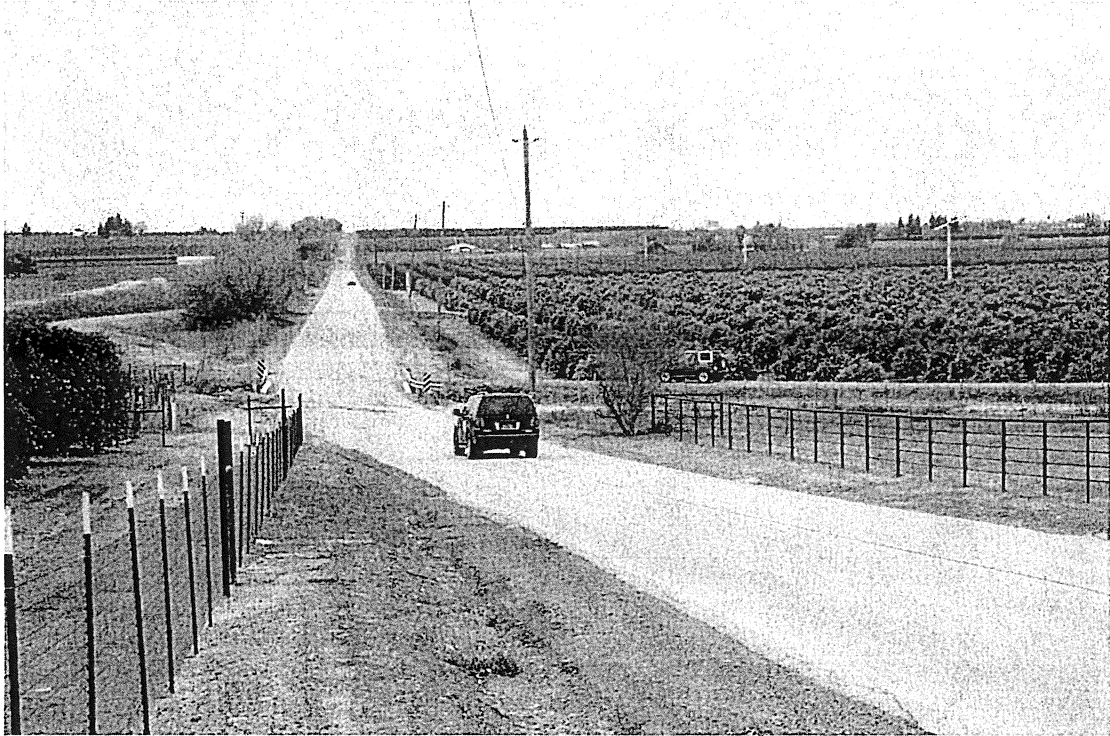
Approximately 600 feet to the south of the crest of the hill, the road narrows from a pavement width of 23.5 feet to a pavement width of 20 feet at the same time as it travels through an S-curve on either side of a short, straight bridge. This constriction leaves only slightly over 9 feet per paved lane as the road crosses the Enterprise canal. Should a southbound vehicle meet a northbound car on the bridge at 55 mph, it is a harrowing experience, even in two small sedans. There is no buffer of a shoulder to give the drivers any space to avoid a collision should one of the drivers go left of the centerline. With an increase in peak traffic volume, this situation will become very common.

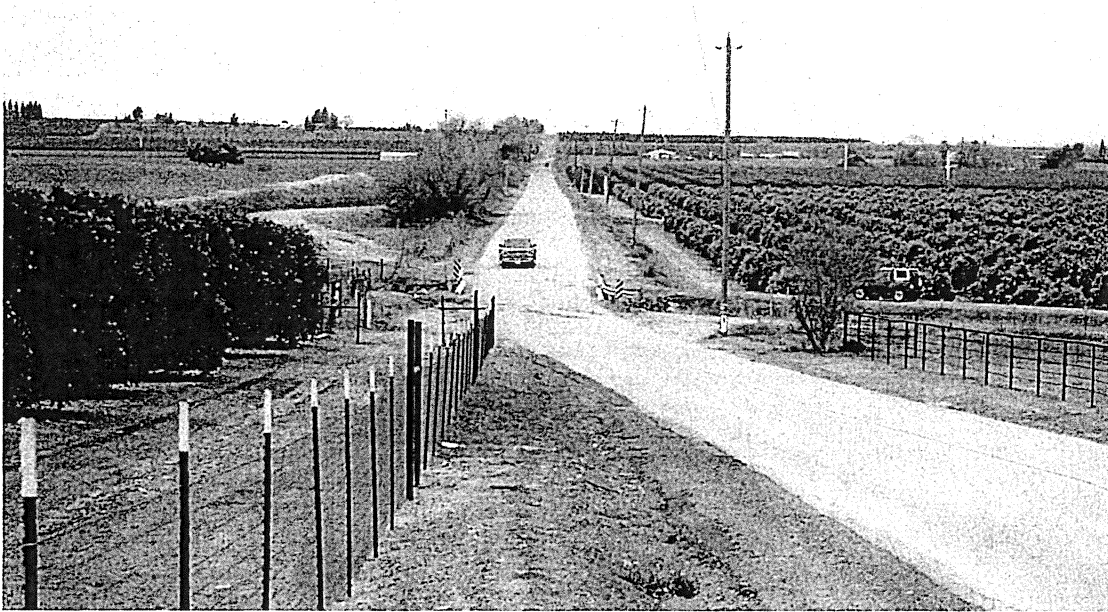
In the following photographs, the narrowing and curving of the roadway is clearly visible.

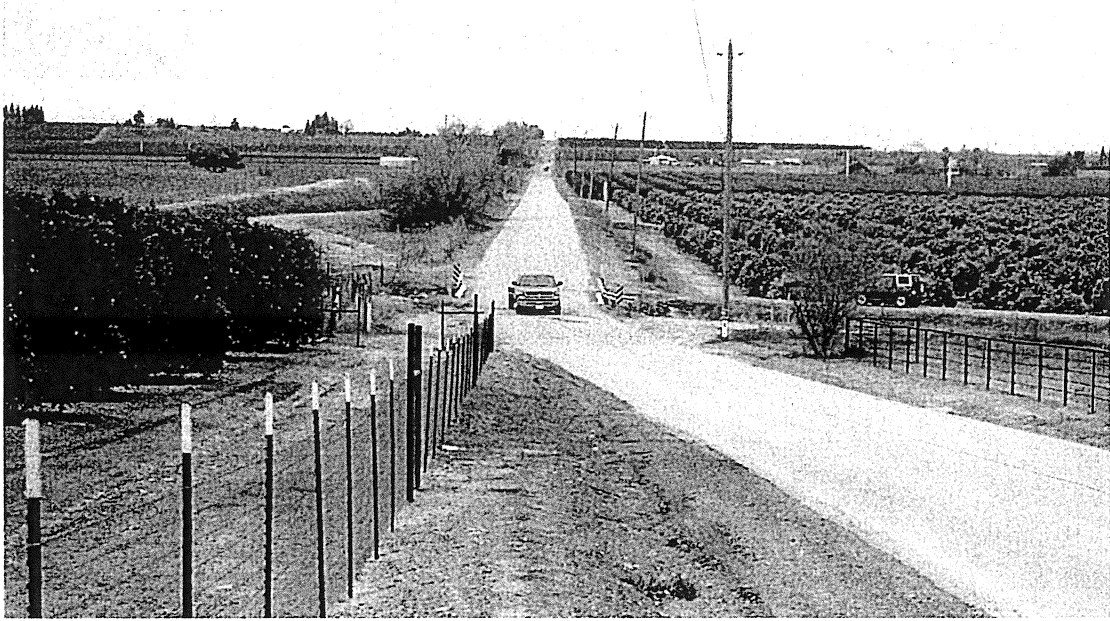


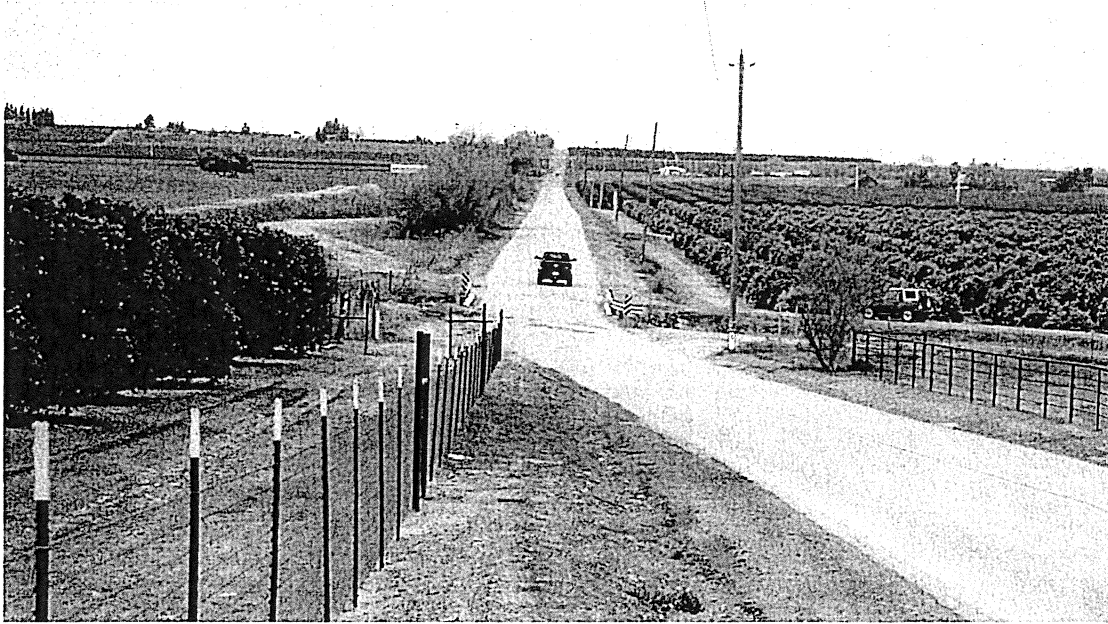


With the narrow road and difficult, quick curves, the path chosen by drivers through this section generally looks something like this:







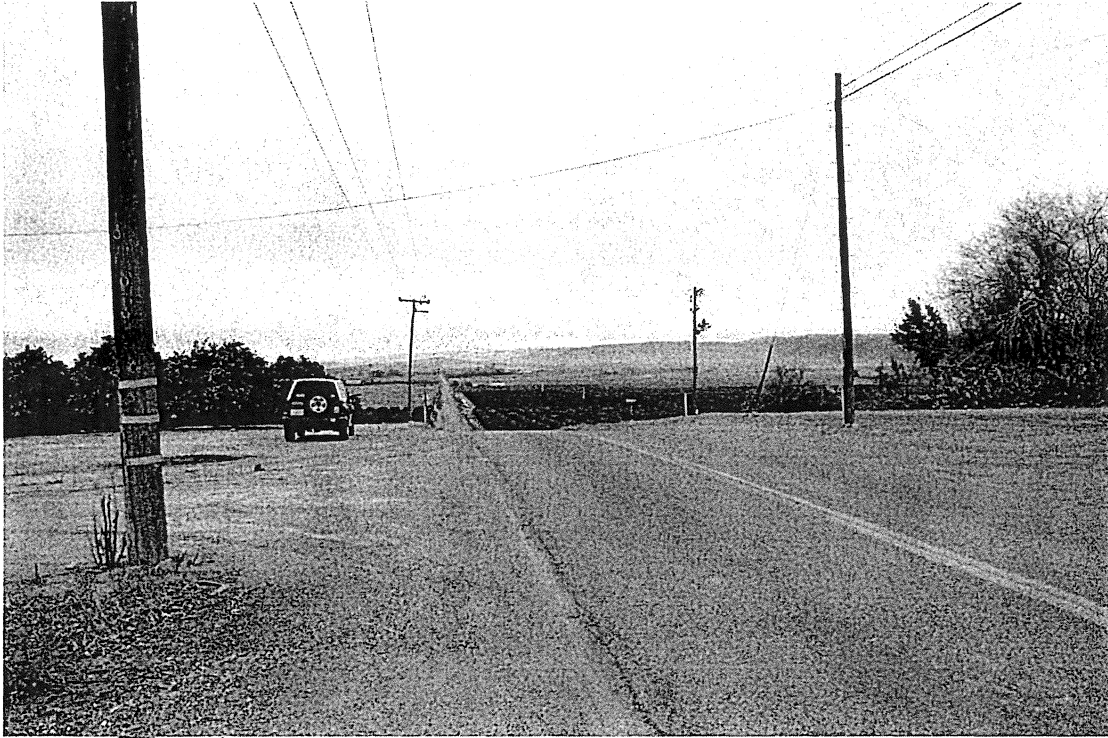


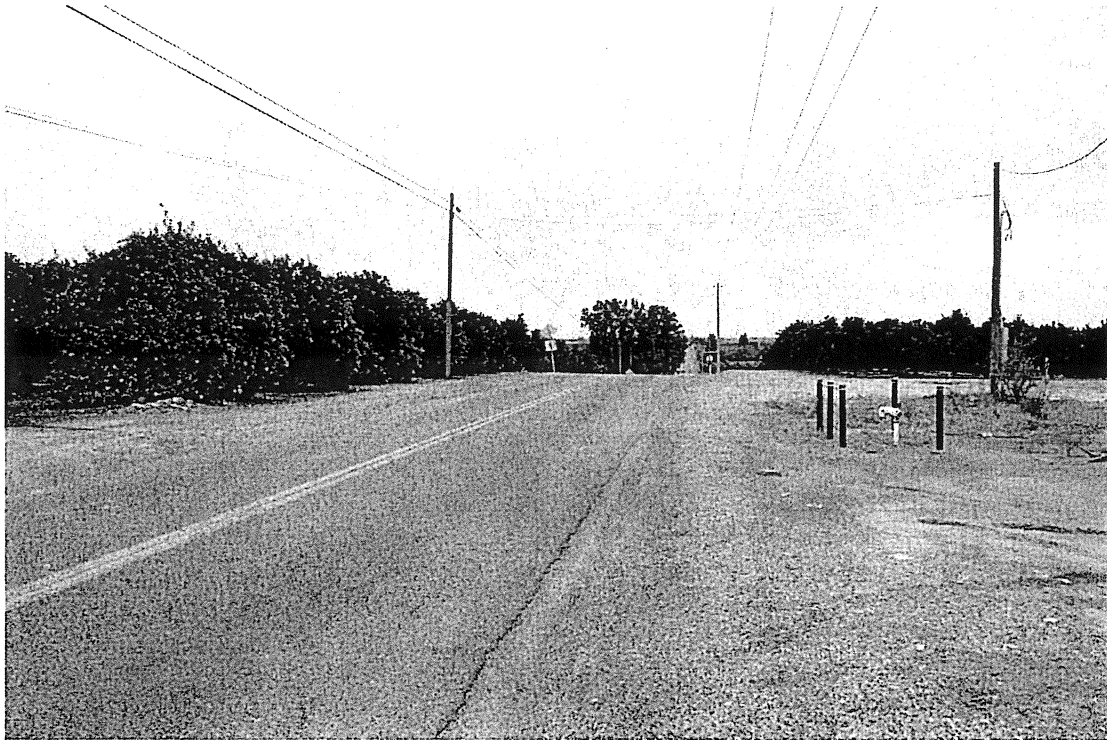
These photos were taken over a 10 minute span at approximately 9:30am on March 7th, 2018. During my observation on scene, approximately 80-90% of drivers chose a similar path, even with vehicles in the other lane of travel (see above photo with the blue and white pickup passing each other, and the previous photo of the blue pickup left of center).

4.) Riverbend at McKinley: Blind Intersection

Approximately 1.5 miles to the south, Riverbend crests another blind hill and crosses the Enterprise Canal twice near the intersection with McKinley Ave. This hill has two narrow bridges, two blind driveways and a blind intersection at McKinley. The following photographs show these features.





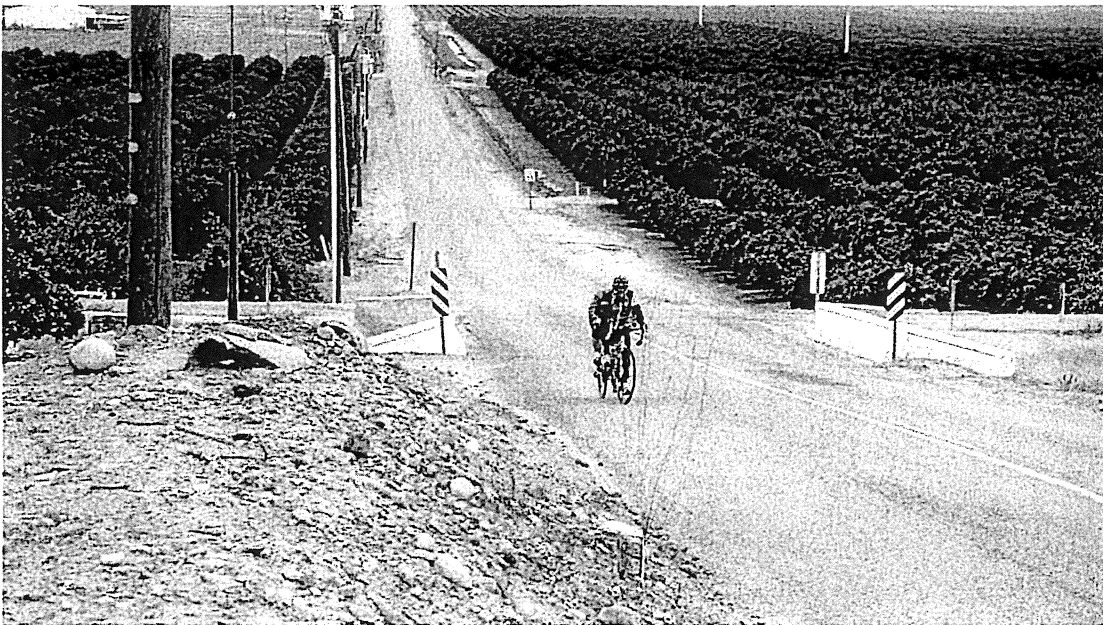


Vehicle debris from previous accidents:



I witnessed a head-on collision while travelling southbound at 5am one morning in June of 2015 on this hill – the truck in front of me drifted left of center and impacted a flatbed pickup travelling northbound. Some of the debris is likely from that very accident.

Riverbend is frequently used by cyclists, many whom belong to the Fresno Cycling Club. I met their former president when they stopped to rest momentarily after cycling on up this hill the day these photos were taken:



5.) Griffith: Surface change immediately before a turn

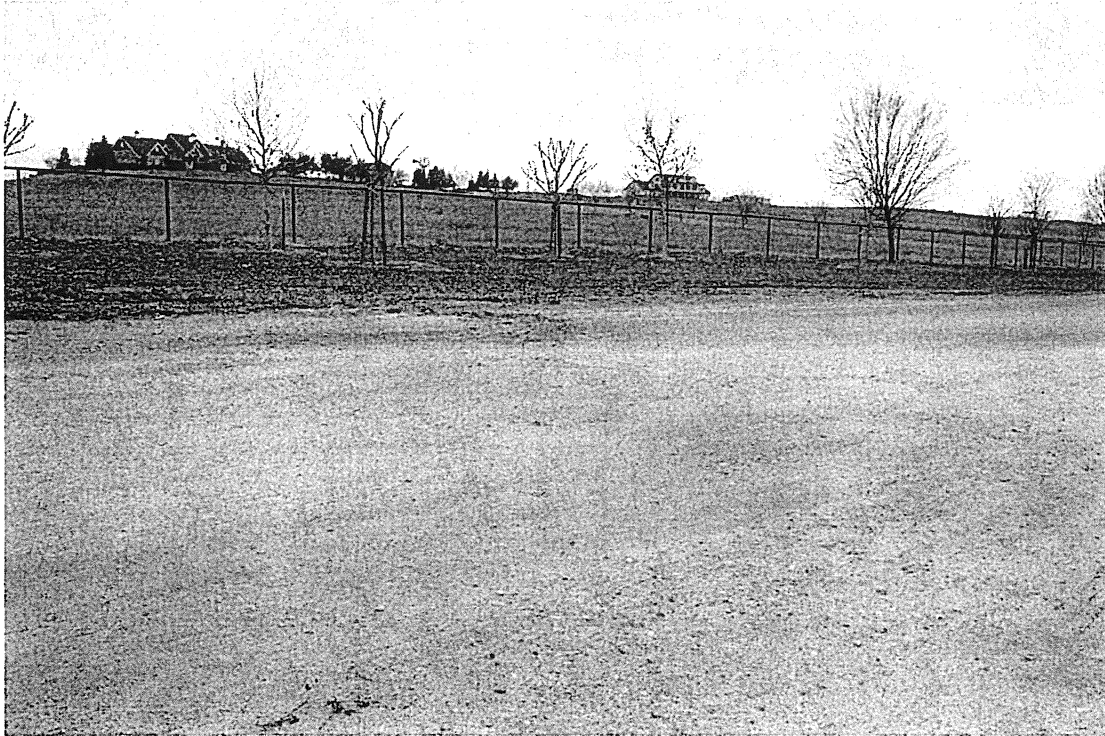
Although Griffith is located on a private easement owned by the individual landowners, I want to address the following concerns regardless of commercial use of the easement as proposed in the CUP being forbidden as a matter of law.

Griffith is a lightly constructed, narrow roadway with no lane markings. It does not provide adequate width for vehicles to safely pass at the speed an unfamiliar driver would travel. Immediately before the proposed entrance to the venue, the surface abruptly changes from asphalt to dirt. A driver braking at a moderate to moderately heavy rate, (which is reasonable to expect a portion of drivers traveling 55mph and approaching the turn to brake do) and reaching the point of surface change having safely slowed to approximately 35mph, will find the reduction of surface coefficient causes a skid to be initiated when the pressure to the brake pedal is held constant. This was confirmed by testing the braking behavior of an SUV equipped with full tread depth all terrain tires.

The skid would be likely at lesser braking intensity in a vehicle with relatively worn all season touring tires.

The following photos show the location of the surface change as well as the deterioration of the roadway caused by 3 years of light residential use.





B. Conclusions, Roads, visibility, and potential for vehicular collisions:

The average driver is unfamiliar and inexperienced in traversing narrow, non-lit, two lane roadways. In addition the average driver is completely unfamiliar with this roadway and the danger posed, especially with higher traffic volume and a large number of impaired drivers.

Approval of this project will certainly cause a significant increase in the number of drivers who are unable to safely travel the remote and narrow roadways surrounding the proposed venue, whether due to one or a combination of inattention, lack of experience, or impairment by drugs and/or alcohol.

Approval of this application in conjunction with the absence of public transportation, taxis, or Uber/Lyft, along with the lack of lodging and overnight vehicle parking on the venue grounds encourages, if not essentially requires, impaired guests who did not plan ahead to drive home.

C. Increased burden to emergency services

There is no buffer between the proposed high intensity commercial venue and the western property line. Furthermore, a majority of the parking areas proposed lie along

the western property line. Any fires that are caused by guests in the dirt parking areas (from a variety of ignition sources including but not limited to cigarettes, engines without spark arrestors, wedding sparklers, etc) will either initiate on or quickly spread westward onto the MacNeill property due to there being a buffer zone of exactly zero feet. Having sources of ignition and the potential for fires late at night when residents are asleep (or attempting to sleep in spite of the high levels of noise and light pollution) intensifies the threat.

The parking lot is 110 feet from the nearest structure on the MacNeill Property, or approximately 10 feet longer farther than you'd have to throw a buzzer beating full-court basketball shot. The closest fire station, however, is 6 miles and approximately 8-10 minutes away.

The following photographs clearly indicate the proximity of the parking lot to the property line:





The second photo was taken facing east from the property line. Notice the basketball hoop placed next to the house for scale – again, imagine that full court shot.

There will be a similar increase in burden to law enforcement responding problems that will be created with the addition of a commercial event center with hundreds of guests and alcohol service. Response time and distance travelled by deputies responding to calls in this remote location is not insignificant.

D. Proposed parking lies within Zone of Protection

A significant portion of the planned parking lies closer than 100 feet to a domestic water well. One well is located on the subject property in the center of the proposed parking area and the other is located on the MacNeill property 42 feet east of the proposed parking lot. Figure C1 shows the location of the wells, with the top diagram showing a distance of 125 feet between the wells, and the bottom showing a photo of the well on the subject property taken from the western property line.



Figure C1: Location of Wells

Figure C2 is an excerpt of Page 13 from “A Guide for Private Domestic Well Owners” published in March of 2015 by The California State Water Resources Control Board Groundwater Ambient Monitoring and Assessment (GAMA) Program.

WATER QUALITY PROTECTION

Preventing groundwater contamination is the best way to keep your well water clean. Groundwater typically moves slowly, so any contamination can take decades to naturally flush clean. The layer of ground between the surface and groundwater will provide some protection, but is not a perfect filter. The farther away possible contamination activities are from your well, the more soil is available to filter out contaminants if an accidental spill or release occurs. Local health agencies may have legally-mandated setbacks. The US EPA

recommends that private well owners establish a “zone of protection” around their well. This zone should be considered off-limits for storing, mixing, spraying, spilling, burying, or dumping anything that might contaminate your water supply. Check with your local agencies to see if there are any specific ordinances requiring setbacks for animal enclosures, septic systems, and other types of facilities. The State of California does not regulate the location of private domestic wells.

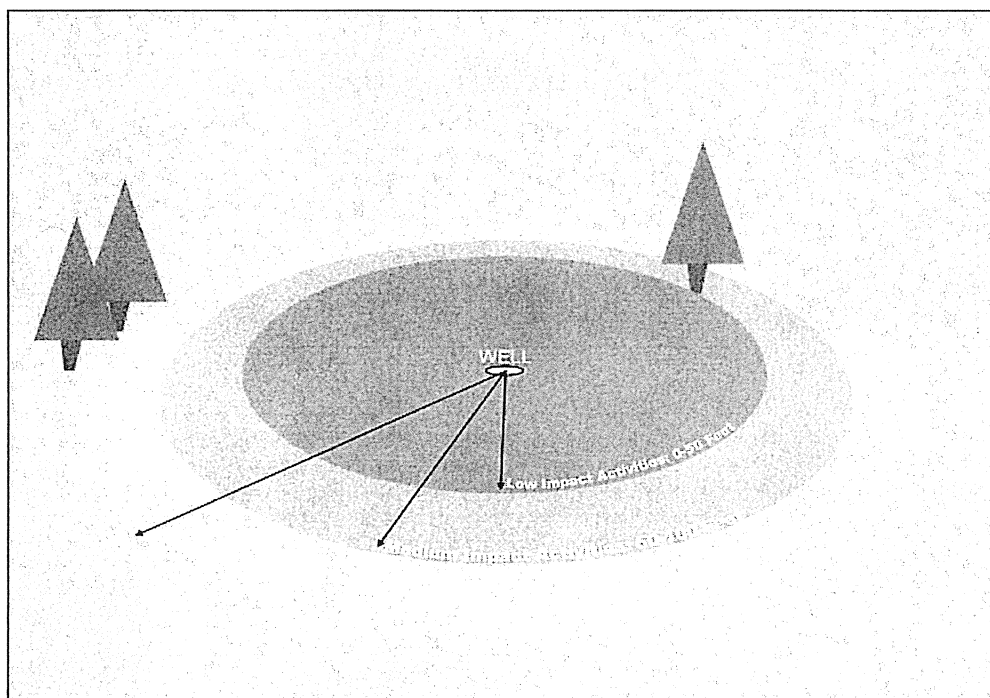


Figure 6. A suggested zone of protection around a well. (Source: EPA)

LOW IMPACT ACTIVITIES

- Recreation area
- House
- Outdoor furniture and play areas

MEDIUM IMPACT ACTIVITIES

- Garage
- Boat
- City sewer lines

HIGH IMPACT ACTIVITIES

- Chemical storage
- Animal enclosures
- Manure/compost piles
- Machine/auto repair
- Septic system

Figure C2: Zone of Protection

For the two wells, on the subject property and on the MacNeill property, the placement of the proposed parking lot covers 100% and 24.1%, respectively, of the circular zone of protection with a radius of 100 feet for medium/high impact activities. The above was not addressed in Part IX. Hydrology and Water Quality of the Mitigated Negative Declaration.

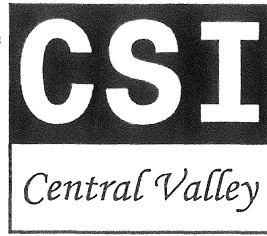
In addition to the above concerns, I am attaching for the record my original letter sent in opposition to the project on September 29, 2017 as Exhibit B. That letter covered a greater breadth of impacts, most of which were not addressed by the negative declaration.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'W MacNeill', with a long horizontal line extending to the right.

William MacNeill, PE
Mechanical Engineer
wmacneill@csicv.com
559.891.0274



Engineering & Accident Reconstruction

Curriculum Vitae
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FORENSIC SPECIALIZATION

Automobile Accident Reconstruction	Material Integrity/Failure Analysis
Automotive Safety Systems	3D Simulation
Automotive Inspections	Code Compliance
Aerial photography and mapping	Slip/Trip and Fall
Machine Guarding/Industrial Safety	

EDUCATION

MS Mechanical Engineering, June 2015
Oregon State University
Cumulative GPA: 3.60

BS Mechanical Engineering, May 2011
California State University, Fresno
Cumulative GPA: 3.91

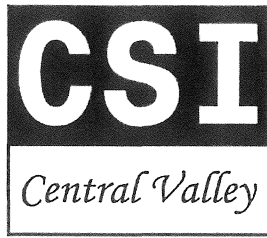
EXPERIENCE

CSI CENTRAL VALLEY – September 2011 – Present

Engineering Consultant – Conducting vehicular accident reconstruction, mechanical and structural failure analysis, along with product liability and slip/trip and fall investigations. Involved in many aspects of Forensic Engineering and reconstruction including the collection and analysis of field data, analysis and production of final written reports.

Clarity Engineering Group – September 2011 – Present

Mechanical Engineer – Lead Engineer for new product development, including Design for Manufacture and Assembly (DFMA), Electromechanical design, solid modeling, stress analysis and rapid prototyping. Extensive expertise in additive manufacturing.



Engineering & Accident Reconstruction

OREGON STATE UNIVERSITY – July 2015 – January 2016

Faculty Research Assistant – Conducted research on the effects of varying process parameters during photonic sintering, focusing on optimizing sintering processes for use of polymer substrates and analyzing the effect of sintering process heat generation on substrate integrity and material properties.

OREGON STATE UNIVERSITY – July 2014 – June 2015

Graduate Research Assistant – Designed and prototyped a novel, automated metal additive manufacturing process. Research focused on photonic sintering of metal and semiconducting nanoparticles with applications in additive manufacturing. Research was published in Nature Scientific Reports.

OREGON STATE UNIVERSITY – September 2013 – June 2014

Graduate Teaching Assistant – Courses: Fluid Mechanics, Thermodynamics

BAKER HUGHES, INC – Vernal, UT – July 2011 – September 2011

Associate Engineer – Provided on-site engineering services to major oil companies.

CALIFORNIA STATE UNIVERSITY, FRESNO – 2011

Instructional Student Assistant – Assisted in teaching a machine design lab with an emphasis on solid modeling, Dynamic analysis and mechanical failure analysis. Course also covered stress and failure theory.

MICO CONSTRUCTION – 2005 – 2010

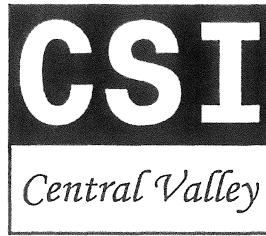
Managerial Assistant – Drafted site plans and reviewed building plans for submission to local building departments. Procured permits for a variety of construction projects and ensured they were built in compliance with local building codes.

CERTIFICATIONS

Registered Mechanical Engineer, License # 38176

CDR Data Analyst

CDR Tech Level II



Engineering & Accident Reconstruction

PUBLICATIONS

MacNeill, W. *et al.* On the self-damping nature of densification in photonic sintering of nanoparticles. *Sci. Rep.* **5**, 14845; doi: 10.1038/srep14845 (2015).
<https://www.nature.com/articles/srep14845>

PRESENTATIONS

MacNeill, W. (2017, March). Photonic Sintering: Understanding this Low Temperature Alternative. Presented at AeroDef Manufacturing, Fort Worth, TX

MEMBERSHIPS

ASTM – Committee Membership: E58 (Forensic Engineering), F42 (Additive Manufacturing Technology), D37 (Cannabis)

COURSES/SEMINARS

Crash Data Retrieval Data Analyst, “CDR Data Analyst Certification Course”, May 2017, Poway, CA.

Crash Data Retrieval Technician II, “CDR Technician I & II Certification Course”, May 2012, Hesperia, CA.



Inter Office Memo

DATE: **March 15, 2018**

TO: Members of the Planning Commission and other Reviewers

FROM: Chrissy Monfette, Development Services and Capital Projects *CMW*

SUBJECT: Referenced Attachments

Over the course of this application, members of the public submitted multiple copies of certain letters. The letter referenced by this response to the Initial Study has been included as part of Exhibit 7: Public Comment.

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March 7, 2018

VIA UNITED STATES MAIL AND EMAIL (CMONFETTE@CO.FRESNO.CA.US)

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Chrissy Monfette
2220 Tulare Street, Suite A
Fresno, CA 93721

**Re: Initial Study Application No. 7280; Unclassified
Conditional Use Permit Application No. 3573**

Dear Ms. Monfette:

My law firm represents many of the residents who live near the property located at 16007 Griffith Avenue, Sanger, California 93657 ("Subject Property"), including Dan Carrion and Doug MacNeill. On my clients' behalf, I am writing in response to the proposed Mitigated Negative Declaration ("MND") for Initial Study Application No. 7280 and Unclassified Conditional Use Permit Application No. 3573 for the event center entitled "Cobblestone Hill Weddings and Banquets" (the "Project").

My clients and their families will be directly and severely impacted by the Project, which contemplates the development of an event center that, according to the operational statement, will feature *100 events per year* that will be attended by as many as 450 guests (not including employees and vendors), and that can last until midnight or later. In short, the Project will fundamentally alter the quiet and bucolic rural character of the area; choke Griffith Avenue – a shared private roadway over which the Subject Property has an easement – with traffic; and subject my clients to noise, glare, and other impacts that are simply incompatible with the affected rural, agriculturally-zoned properties. This is simply the wrong location for this high-intensity project.

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In addition, the approval of the Project would be unlawful. The operational statement and technical appendices reveal numerous potentially significant environmental effects, such that the Project cannot be approved without the County first certifying an environmental impact report under the California Environmental Quality Act, Pub. Resources Code, § 21000, *et seq.* (“CEQA”). In addition, the Project is not permitted under the County’s zoning code, and is inconsistent with the County’s General Plan. The Project is unlawful because the expanded use of the Subject Property as contemplated under the Project would contravene California law regarding easements. Specifically, by drastically expanding the nature and extent of the uses of the Subject Property, the applicant would create an unreasonable surcharge on the easements over which the Subject Property relies for access.

The Project should not only be denied on its merits, but also because the approval of the Project would violate state law. My clients respectfully request that the County deny the Project.

A. Approval of the Unclassified Conditional Use Permit Would Be Inconsistent with the Fresno County Zoning Ordinance

1. The Project Would Constitute a Commercial Use that is Expressly Prohibited in Agricultural Exclusive Districts

The Conditional Use Permit Application proposes to permit a “high intensity park” or “event center” on an “AE-20” zoned parcel of land in Fresno County pursuant to Fresno County Ordinance sections 853, subsection B-12, and 855-N, subsection 21.¹ “AE-20” indicates the lot is an Agricultural Exclusive 20 acre lot subject to Fresno County Zoning Ordinance section 816. Adopted with the purpose of preserving agricultural resources of Fresno County, the Ordinance mandates all “AE” zoned parcels “be an exclusive district for agriculture and for those uses which are necessary and integral part of the agricultural operation.” (Fresno County Zoning Ordinance, § 816.) “AE” districts “are intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well being of the agricultural district.” (*Id.*) To further that end, only certain uses are permitted or may be permitted subject to director approval under section 872 or a conditional use permit under section 873. (Fresno County Code, §§ 816.1, 816.2, 816.3.) All manufacturing, services, and commercial uses not specifically permitted in an “AE” district are *expressly prohibited*. (Fresno County Ordinance Code, § 816.4, emphasis added.)

¹ The Pre-Application Review dated December 9, 2016 noted the ordinance sections “853 B-12” and “855-N.24” as applicable to this application; however, Section 855-N.24 regulates Rest Homes, which are not being proposed in this project. Assuming the reviewer intended to refer to the Ordinance section regarding High-Intensity Parks, which serves as the basis for permitting this project, the correct citation to section 855-N.21 has been included in this letter.

Through the approval of the proposed Project, the applicant seeks to use property within the “AE” district as an “event center” or “high-intensity park.” Such land uses, however, are not listed as permitted uses subject to any approval under section 816. While there are several kinds of uses that may be permitted, a commercial event center was not contemplated as a permissible use necessary and integral to the operation of the Agricultural Exclusive district. Given the broad, express prohibition of unspecified commercial uses in “AE” districts, the proposed Project cannot lawfully be approved.

2. The Proposed Project is not a “Park” that may Apply for the Unclassified Conditional Use Permit

The applicant may assert the Project is a “park,” such that it may be approved under Section 803.13 of the Fresno County Code. To qualify as a “park,” however, a project must have “defined limits,” be “generally open in nature,” and “maintained for ornamentation, recreation, and conservation.” (Fresno County Code, § 803.13.) The Fresno County General Plan recognizes four recreation zones to categorize parks based on the services the parks offer to the community: Zone 1 for recreation facilities that receive intensive “day-use” such as playgrounds, zoos, and pools; Zone 2 for recreation areas with “natural attractions for picnicking, camping, and a “natural” environment”; Zone 3 for exceptional recreation, such as a national forest or park; and Zone 4 for trips of 10 nights or longer. (The 2000 Fresno County General Plan – Background Report, pg. 6-5.)

While the application classified the proposed project as a “high-intensity park,” the proposed project fails to meet the definition of a “park” under the Fresno County Ordinance or General Plan. Despite the view of the mountains, the Proposed Project does not provide for recreation activities such as hiking or camping or other goals and the grounds are not being preserved for conservation of a natural resource. The Subject Property is not open in nature; rather, it contains several structures, including two residences (one of which will continue to be occupied by the applicants). It is not “maintained for ornamentation, recreation, and conservation,” but rather for specific commercial uses. It is likewise not a “day use” attraction, such as a playground, zoo, or public pool.

Indeed, the applicants’ filings admit the purpose of the project is “for the *business* of conducting weddings and banquets,” not to maintain the land for ornamentation, recreation, or conservation. (Operational Statement, Sec. I, Subsec. A; Initial Study Application, Sec. 4.) The Operation Statement admits the purpose of any included open space is for the purpose of ZGolf Food & Beverage to run a commercial business, which includes “the hill top surroundings of homes, Carport Lounge, Shop, Storage Buildings, Patios, and all Surrounding Grounds for the purpose of a “FULL EVENT FACILITY.” (Operational Statement, Sec. I, Subsec. A, emphasis in original.)

In short, neither the Subject Property nor the Project qualify as a “park.” This is an “event center” – as explained in the operational statement. The Project is inconsistent with the Zoning Code, and must be denied.

B. The MND Fails to Disclose Important Information Needed to Evaluate the Environmental Effects of the Project

Project Description. CEQA requires that the project description must include reasonably foreseeable future activities that are consequences of the project. (See *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.*, 47 Cal. 3d.) The MND here, however, fails to provide a description of the Project sufficient to identify and evaluate its potential environmental effects. Such information is necessary to evaluate whether the Project would have significant environmental impacts.

These omissions hinder environmental review (and result in an invalid environmental document) for two important reasons. First, CEQA requires that the description of the project be accurate and consistent throughout the environmental document. (See, e.g., *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 195; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 738; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730; *Santiago Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 830; *Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 45; *Dusek v. Anaheim Redevelopment Agency* (1986) 173 Cal.App.3d 1029, 1040.) As explained in *County of Inyo*:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against the environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (*i.e.*, the "no project" alternative) and weigh other alternatives in the balance.

(*County of Inyo, supra*, 71 Cal.App.3d at 192-93.)

Second, the failure to adequately describe a project, or provide sufficient detail, results in the improper piecemealing or segmentation of environmental review. Here, by omitting important details about the Project, the IS/MND does just that. In *Santiago Water Dist.*, for example, the court held the environmental review for a mining operation inadequate because the project description omitted mention of the construction of water delivery facilities that were an integral part of the project. "Because of this omission, some important ramifications of the proposed project remained hidden from view at the time the project was being discussed and approved. This frustrates one of the core goals of CEQA." (*Santiago Water Dist., supra*, 118 Cal.App.3d at 830.)

Here, the MND fails to provide a stable project description, and fails to adequately describe the project in the following ways:

- The various documents are wholly inconsistent as to how many events will occur as a result of the Project's approval. Some of the documents suggest the applicant will host 100 events per year. Other documents, including the

operational statement, contemplate 6-7 events per month (72-84 events/year). Yet other documents contemplate 6-7 events per year, including the septic analysis, which artificially minimize the impacts of the project.

- There is no consistent estimate across the documents as to how many people will attend each event, or the maximum number of attendees. While some of the materials provided by the applicants suggest the Project will attract approximately 300 attendees for each event, others suggest there could be as many as 450 attendees, plus employees and vendors.
- The MND fails to describe the local well water providing water to the surrounding community to know how and whether the increased wastewater generated by the site will impact the water table over time.

C. An Environmental Impact Report is Required for the Proposed Project

1. Substantial Evidence Supports a Fair Argument that the Project Will Have Significant Effects On the Environment and, As Such, the County Must Prepare an EIR

The Project is not appropriate for this neighborhood or Griffith Avenue, and should therefore be denied on the merits. But even if the County were to consider the Project, the Initial Study/Mitigated Negative Declaration (“MND”) is not the appropriate vehicle to evaluate the Project’s potential environmental effects under CEQA. Rather, an Environmental Impact Report (EIR) is required, as there is substantial evidence supporting a fair argument that there are significant impacts from the Project, and those impacts could be cumulatively considerable.

Prior to considering any “project” under CEQA, a lead agency must first determine whether to prepare a Negative Declaration, a Mitigated Negative Declaration, or an EIR for the project. (CEQA Guidelines, § 15063.) The lead agency makes this determination based on what is called the “fair argument” standard. (CEQA Guidelines, § 15064(f)(1).) As explained by the Supreme Court:

[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.

(No Oil, Inc. v. City of Los Angeles (1975) 13 Cal.3d 68, 75.)

The Supreme Court has explained that even in “close and doubtful cases,” an EIR should *always* be prepared to ensure “the Legislature’s objective of ensuring that environmental

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protection serve as the guiding criterion in agency decisions.” (*Id.* at 84; see also Pub. Resources Code, § 21101, subd. (d).) Many courts have stated that the “EIR is the heart of CEQA. The report . . . may be viewed as an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return.” (*Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 438 [quoting *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810] [emphasis added].)

The CEQA Guidelines set forth the “fair argument” test used to evaluate whether an EIR is required:

If the lead agency finds there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR. Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency *shall prepare an EIR* even though it may also be presented with other substantial evidence that the project will not have a significant effect.

(CEQA Guidelines, § 15064(f)(1); see also Pub. Resources Code, § 21080, subd. (d) [internal citations omitted].)

Moreover, an agency’s failure to gather or analyze information on a project’s impacts can expand the scope of the fair argument standard necessitating the preparation of an EIR. (See, e.g., *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 [“CEQA places the burden of environmental investigation on government rather than the public,” and a lead agency “should not be allowed to hide behind its own failure to gather data.”].)

Accordingly, if any commenting party makes a fair argument that the Proposed Project’s environmental impacts “may have a significant effect on the environment,” the County *must* prepare an EIR, even if other substantial evidence supports the argument that adverse environmental effects will *not* occur. (CEQA Guidelines, § 15064(g)(1); see also *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316 [“[i]f there is substantial evidence of such an impact, contrary evidence is not adequate to support a decision to dispense with an EIR.”].)

Here, substantial evidence supports a fair argument that an EIR is necessary:

Noise. As an initial matter, the Acoustic Study concedes the Project would result in unmitigated noise at the boundary line in the amount of 40.7 dB after 10pm. (See Acoustic Study at 6.) Because this level of noise is higher than what is allowed under the Fresno County Code, engaging in such a use would be unlawful, and would thus result in a significant impact. (See CEQA Guidelines, Appendix G, Subd. XI(a) [“NOISE – Would the project result in . . . generation of noise levels in excess of standards established in the local . . . noise ordinance”].)

Second, the evidence shows the projected noise level of the DJ equipment is severely understated. For example, Site 2 is approximately 325 feet away from the point source

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(i.e., DJ equipment). Using the same methods and calculations employed by the applicant's consultant, this means a person standing 6 feet away from the point source (i.e., the DJ's speakers), would only be experiencing noise levels of 75.37 dB,² which is roughly the same as a "toilet flushing." (Ex. "B.")³ Plainly, a person standing six feet away from a typical DJ speaker is subject to greater noise levels than a person flushing a toilet. As such, the noise levels stated in the Acoustic Study are based on wholly unrealistic sound levels that are not reflective of a typical wedding DJ performing outside.

Moreover, a DJ operating outside is more akin to a school dance or a boom box, which typically creates noise at levels of approximately 100 dB. If a DJ operates equipment at 100 dB, the noise levels at the MacNeill's property line (approximately 375 feet away) would be approximately 48.52 dB, which doubles the amount of sound produced at 40 dB permitted under the County Code (as noise levels double every 10 dB). (See Fresno County Code § 8.40; Ex. C.) Further, using these more realistic noise levels, the noise levels at the MacNeill residence itself (approximately 525 feet away from the point source) would be approximately 45.6 dB, which is over 50% louder than permitted under the County Code. (Fresno County Code, § 8.40.) This is also a potentially significant effect. (See CEQA Guidelines, Appendix G, Subd. XI(a).)

The Acoustic Study also finds there would be no significant impact associated with cars passing through the parking lot and parking. This conclusion is not supported by the Acoustic Study's own analysis or the facts. Specifically, the Acoustic Study concedes "[i]t is typical for a passing care in a parking lot to produce a maximum noise level of 60 to 65 dB at a distance of 50 feet" (Acoustic Study at 6.) Such volumes would be far above the noise levels contemplated under Section 8.40 of the Zoning Code, which limit noise at the property line to 40 dB after 10pm (and 45 dB before 10pm). (Fresno County Code, § 8.40.) The Acoustic Study, however, finds such noise would not be significant based on the following assumption:

For this project, the closest proposed vehicle movement area would be located approximately 260 feet from the closest existing residential land use, resulting in vehicle movement noise levels of approximately 45-50 dB at the closest residential land use.

(Acoustic Study at 6.) This conclusion is erroneous for several reasons.

² As explained in the Acoustic Study, sound decreases by approximately 6 dB from the point source every time the distance from the point source doubles. (Acoustic Study at 5 [explaining that "standard attenuation of noise with increasing distance from a point noise source" equals "approximately 6 dB/doubling of distance) . . .".]) This general rule of thumb can also be expressed through the equation: $L_p(R2) = L_p(R1) - 20 * \log_{10}(R2/R1)$, in which $L_p(R1)$ equals sound pressure level at one location, such as the point source, and $R1$ equals the distance of that location from the point source. $R2$, in turn, equals the distance from the point source to the new location, while $L_p(R2)$ equals sound pressure level at the second location. (See <http://www.wkegroup.com/tools-room/inverse-square-law-sound-calculator/>.)

³ The same calculations would result in approximately 90 dB at the point source.

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First, the Acoustic Study itself reveals a potentially significant impact because noise levels at the distances assumed would equal 45-50 dB, which is greater than the 40 dB permitted under the Code.⁴ (Fresno County Code, § 8.40; see also CEQA Guidelines, Appendix G, Subd. XI(a).)

Second, the closest residential land use is *not* 260 feet away from the parking lot. Rather, the western portion of the parking lot is immediately adjacent to the MacNeill residential property. As such, the correct distance should be one or zero. As a result, and assuming the Acoustic Study is correct that vehicles in a parking lot create noise at “60 to 65 dB at a distance of 50 feet,” (Acoustic Study at 6), using the formula above, the Project would create noise levels equaling 88.98 dB and 93.98 dB at the property line, many times higher than the 40 dB permitted under Section 8.40.

Third, the noise levels stated in the Fresno County Code are not based on the location of an adjacent residence, but rather the boundary of the property creating the noise. Because the proposed parking stalls are located on the border of the MacNeill property, the encroaching noise (equaling “60 to 65 dB at a distance of 50 feet” from the vehicle, according to the Acoustic Study, would encroach upon the MacNeill property at levels higher than lawfully permitted. (*Cf.* Acoustic Study at 6 [“60 to 65 dB at a distance of 50 feet” from the vehicle] *with* Fresno County Code § 8.40 [highest lawful noise at the property boundary equals 40 dB].)

Moreover, even if the sound levels tested would not result in a significant impact – which my clients dispute – there is no requirement that the operators of the Project maintain sound levels at the levels noted in the technical study, or other mitigation to ensure amplified music will not result in a significant impact.

The MND also concludes the Project would have no impact compared ambient noise because events will be “limited” to 100 events per year and would not be used during the middle of the week. This is flawed for several reasons. For the purposes of determining compliance, the “ambient noise level” is the noise level associated for a given location at a specified time of the day or night. (Fresno County Code, section 8.40.020(B).) The Acoustic Study measured the ambient noise levels of the Proposed Project mid-morning on Wednesday, August 9, 2017, even though the Operations Plan submitted by the applicants indicates the proposed events will occur on weekends and during the evenings. (Acoustic Study, pg. 3.) Noise levels during a summer work day are likely to be higher when businesses are operating and children are out of school than noise levels during the evenings and weekends when the proposed events would be held. The proposed Project’s impact on the ambient noise would likely be understated using the Acoustic Study as a baseline.

⁴ The applicant may argue the 45-50 dB levels experienced are not cumulative; however, such an argument would be erroneous, as the 450 event attendees would be arriving at staggered times throughout the event.

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Further, the MND also lacks any information or analysis of the sources of ambient noise as a result of the proposed project and how the impact of the noise is otherwise mitigated. For instance, although the Acoustic Study acknowledges vehicular traffic on Griffith Avenue is one of the primary noise sources contributing to the areas ambient noise, the Report did not evaluate how the increased traffic along Griffith Avenue of up to 450 guests at a time would increase the ambient noise. Lacking the ambient noise levels as measured on a weekend or during the evenings, there is a fair argument that the increased traffic, large crowds, music, catering staff, and equipment will lead to a permanent increase in ambient noise levels in the surrounding properties. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 [“CEQA places the burden of environmental investigation on government rather than the public,” and a lead agency “should not be allowed to hide behind its own failure to gather data.”].)

In addition, the MND lacks any information or analysis as to why the events will not lead to a substantial permanent increase in ambient noise levels simply because the events are held on weekends and not on week days. A permanent increase in ambient noise levels every weekend until the business permanently closes still permanently increases ambient noise levels in perpetuity, even if the days are not consistent. (See, e.g., *Sundstrom, supra*, 202 Cal.App.3d at 311.)

The noise analysis in the MND is also deficient because it only discusses noise associated with DJs. The noise analysis does not discuss noise generated by the up to 450 attendees. Nor does the noise analysis discuss noise associated with live bands, which oftentimes accompany large events such as fundraisers and weddings, and typically generate sound levels totaling approximately 110 dB. (See Exhibit “B.”)

Finally, the MND fails to provide any information about how the operation of the business for the Project would contribute to ambient noise levels. Presumably, trucks, equipment, wedding supplies and staging materials will be transported in and out of the neighborhood on a regular, if not daily, basis to serve the seven events per month and 100 events per year.

In short, substantial evidence of a fair argument exists that the Project would have significant acoustic impacts, and that the Project would result in events that exceed the noise levels contemplated under Section 8.40 of the Fresno County Code. (See CEQA Guidelines, Appendix G, Subd. XI(a).) As a result, to the extent the County considers the Project for approval, and EIR should be prepared.

Traffic. The Project would also have significant environmental impacts as to traffic and traffic safety, as explained in the accompanying expert report prepared by Daniel T. Smith, Jr. P.E. (See Exhibit “A.”) First, Griffith Way is a small, privately-owned rural road that is used for residential and agricultural purposes. The Traffic Management Plan that accompanied the MND did not calculate the number of vehicle trips traversing Griffith Way each day; as such, Mr. Smith in his expert opinion estimated 64 roundtrip vehicle trips daily. In contrast, Mr. Smith estimates that the Project would generate as many as 500 roundtrip vehicle

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trips daily, including (i) 225 trips for attendees based on 450 guests⁵ and (ii) another 25 trips for staff and vendors. In short, this would represent an increase in daily trips more than *six times higher* than existing conditions. As explained by Mr. Smith, this massive “increase in traffic in relation to existing conditions would have a significant impact on existing environmental conditions.” (*Id.* at 6.)

The evidence also shows there would significant potential impacts to public safety and emergency access as a result of the Project. First, as explained in Mr. Smith’s report, the TMP included an overly optimistic and unsupported calculation of parking needed to accommodate guests, staff, and vendors for large events. In addition, even the modified site plan prepared for the Project only shows 169 parking stalls, far less than the number of parking stalls contemplated under the TMP’s analysis (190 stalls), and significantly fewer than the number required under the more realistic analysis performed by Mr. Smith (250 stalls).

This is a critical issue for traffic safety, and would result in a potentially significant environmental impact. As explained by Mr. Smith, “if parking at the Project site is insufficient, attendees at the event will be forced to use off-street parking along Griffith Way. Griffith Way, however, is only 20 feet in width and not designed to accommodate off-street parking.” (*Id.* at 5.) Parking along Griffith Way could cause congestion by blocking portions of the roadway, and make it difficult for emergency vehicles to access the property and Griffith Way generally, “which is itself a potentially significant impact on the environment under Appendix G of the CEQA Guidelines.” (*Id.*)

There are also significant safety issues associated with bringing large amounts of urban traffic onto a private, rural roadway designed solely to accommodate limited residential and agricultural uses. This is particularly true given that the events will end after it is dark outside (*i.e.*, 10pm-midnight), and typical events would usually involve festive gatherings such as weddings that would be accompanied by the consumption of alcohol. (See *id.* at 3.) Based on these and other issues, Mr. Smith concludes that “the Project would result in potentially significant environmental effects by substantially increasing hazards due to design features and incompatible uses.” (*Id.*)

Moreover, County staff does not appear to have verified whether the Project site can accommodate the number of parking stalls depicted on the revised site plan. Specifically, even if the 169 stalls depicted in the site plan were sufficient, Mr. Smith has explained that “the parking stalls on the revised site plan do not appear to have been drawn to scale.” (*Id.* at 6.) Of course, if “the amount of parking available is inaccurate, this would further exacerbate the significant impacts described above.” As a result, Mr. Smith has determined that “County staff should (1) independently confirm the amount of parking depicted on the revised site plan is physically possible, (2) determine whether the parking stalls depicted in the revised site plan conform to the standards in the County Code, and (3) ensure sufficient parking exists to

⁵ This figures conservatively estimates 2.0 attendees per vehicle based on the low end of a Colorado Department of Transportation Study.

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accommodate *all* attendees, vendors, and staff to ensure there will be no parking on Griffith Way.” (*Id.*)

Additionally, there is no discussion in the TMP regarding traffic safety on Riverbend Avenue, even though the Riverbend/Griffith intersection is at the bottom of a hill where vehicles traveling northbound and southbound on Riverbend will be visually screened from Griffith Way and accelerating downhill. Because of the significant increase in traffic volumes created by the Project, the TMP and the MND should be revised to address this issue directly.

Further, while the TMP recommends *some* mitigation measures to that involve roadway improvements on Griffith Way or the adjacent property, including striping and signage, the MND did not address whether that mitigation is legally feasible. Specifically, Griffith Way is not a public road; rather, it is a private facility not owned by either the County or the applicant. As a result, the MND is deficient because it does not analyze the potential infeasibility and unenforceability of the two Mitigation Measures designed to purportedly lessen Impacts XVI(B) and XVI(F). (See Pub. Res. Code, § 21081.6, subd. (b); CEQA Guidelines, § 15126.4; *Woodward Park Homeowners Ass'n v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.)

In addition, because the identified Mitigation Measures may not be feasible, substantial evidence reveals that potentially significant impacts would remain, requiring the preparation of an EIR.

Finally, the Mitigation Measure proposed for Impact XVI(B) is unlawful because it impermissibly defers mitigation by stating mitigation could be performed by complying with another, unidentified “Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.” (See MND at 14; *cf.* CEQA Guidelines, § 15126.4(a)(1)(B).)

Accordingly, because substantial evidence supports a fair argument that the Project would result in significant impacts to traffic, parking, and traffic safety, the County cannot approve the Project without preparing an EIR.

Aesthetics. The MND concludes the number and design of the improvements for the proposed project are “roughly comparable” to the other 20-acre parcels in the AE-20 Zone District. (MND at 1.) The MND, however, does not include an analysis of how the surrounding parcels of land are composed and whether the zoning restrictions on the surrounding properties would impact the existing visual character or quality of the site and surroundings. In fact, the AE-20 lots surrounding the proposed project are single-family residences restricted by zoning laws from further development to preserve agricultural land and resources. (Fresno County Code, section 816.5(C).) The MND did not analyze how the planned construction presented in Operational Statement would impact the Agricultural Exclusive district, including expanding the carport into the “Hitching Post” to host up to 450 guests and future additional “development improvements” such as a commercial kitchen, expanded extensions, and additional restrooms.

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The residents along Griffith Avenue came to the neighborhood for its quiet, agricultural, and rural qualities, and the high-volume, high-capacity events proposed in the MND and operational statement threaten to impact the residents in the surrounding neighborhood. This evidence constitutes substantial evidence that there is a fair argument that a significant environmental effect as to aesthetics could occur.

Lighting. The MND states that new lighting described in the application has the potential to impact neighboring properties by increasing glare or light pollution, but concludes the impact is less than significant if the lights are hooded and pointed away from shining on the adjacent properties. (See MND at 2.) It is unclear how the MND reaches this conclusion because the operational statement provides no information about how many lights, the kinds of lights, and where the lights would be used for the Proposed Projects. There is also no information or analysis to anticipate how lighting would be scaled for large events with up to 450 guests attending and how the applicants would mitigate the impact on the adjacent properties.

In addition, the MND provides no information about the light pollution impact of the increased traffic at the proposed project even though the western portion of the parking lot is immediately adjacent to the MacNeill residential property. In addition, light pollution will occur from guests departing the Property, which will shine directly at the windows of the Contreras residence, the Crawford residence, and the Carrion residence late in the evening.

For the same reasons, the Mitigation Measure identified for Impact I(D) is insufficient because it does not prevent glare from vehicles from shining toward adjacent properties.

To the extent the County seeks to approve this project, a light pollution expert would be necessary to analyze the impacts of the lighting of the event center and whether additional mitigation measures must be taken to preserve the local environment. The experts would be able to identify mitigation measures that would lessen or avoid the light pollution impacts associated with the greater traffic and nighttime events.

Wastewater Use. The septic system feasibility study is based on the incorrect assumption that events will occur at the Cobblestone Hill facility six to seven times *per year*, rather than six to seven times per month as petitioners represented in their application. (Septic System Feasibility Study at 1.) While the study calculates a 4,000 gallon septic tank is sufficient to manage 3,492 gallons of wastewater at the peak times when up to 450 people (plus employees and vendors) attend an event at Cobblestone Hill, there is no analysis of the actual impacts of the project based on the accurate number of events, and whether infrastructure exists to handle the generation of wastewater at the Subject Property, and how it could impact water quality for the surrounding residences. (*Id.* at 3.)

The study also does not disclose any information or analysis of how it reached the 50 gallon estimate and how the capacity of each septic system and whether the system could handle the consistent, high-volume use without contaminating the well water supplying the surrounding properties. Without providing this analysis, and conclusions based on an inaccurate

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number of events, the septic analysis is deficient under CEQA. (See, e.g., *Sundstrom, supra*, 202 Cal.App.3d at 311.)

In short, substantial evidence supports a fair argument that the proposed project will produce excessive amounts of wastewater and impact the environment.

Fugitive Dust and PM10. The proposed access road for the Project is currently unpaved. The same is true for nearly all of the parking areas. 450 roundtrip vehicle trips traversing on a dirt road 2-3 times per week has the potential to create significant amounts of fugitive dust, which is a nuisance, as well as a potentially significant health impact and potentially significant air quality impact (as dust is particulate matter (PM) suspended in the air). According to the Air Resources Board, fugitive dust can:

- Reduce visibility on roadways, creating traffic safety impacts, which is also a violation of Section 41701 of the Health & Safety Code.
- Cause significant health effects, including exacerbating asthma
- Reduces crop yields by depositing dust on foliage

Despite this, there is no discussion in the MND as to the generation of fugitive dust from parking and vehicle trips, or how the applicant intends to comply with SJVAPCD rules concerning fugitive dust associated with vehicles traversing the site (as opposed to construction impacts).

Further, when fugitive dust crosses a property line, the owner is subject to a violation of Section 41700 of the Health & Safety Code. Here, the parking lot and the access road are at the eastern, southern, and western edges of the property, all but assuring a violation of Section 41700.⁶

Public Services. Presently, the area between the Fresno and Clovis City limits and the Friant Kern Canal is served by one deputy sheriff, who is typically busy with service calls closer to the existing urban centers. This is of significant concern because the Project contemplates a high-intensity land use that brings 450 people to a remote rural area 3 times per week in settings where alcohol is typically being served.

Moreover, although the MND determines there would be “no impact,” this conclusion is not supported by substantial evidence because there is no indication the MND was routed to the Sheriff’s Department to determine whether the Project would have an impact on the Department.

Further, the MND’s determination of “no impact” contains several erroneous factual statements concerning the alleged lack of need for public services. The conclusion is

⁶ See also https://www.arb.ca.gov/pm/fugitivedust_large.pdf

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based solely on the notion that individuals will visit the facility, and then leave. However, the fact that the event center will bring numerous guests to the area will itself increase the potential for incidences of fire and police service calls.

Finally, there is no analysis of mention of the fact that the Tillinghast property itself was the subject of at least one brush fire, the odds of which will increase given the number of attendees that are projected to attend Project events (along with vehicles parked adjacent to dry brush).

The Project Will Result in Significant Land Use Impacts. CEQA requires agencies to evaluate whether a proposed development project will, among other things, conflict with any land use plan, policy, or regulation of an agency with jurisdiction over a project. A fair argument exists that the Project as proposed will result in several conflicts with both the County's General Plan and the Zoning Code.

- As explained in detail below, the Project is inconsistent with several policies and programs articulated in the County's General Plan.

- The Project is not permitted in the AE-20 zoning district.

- The Project cannot be permitted as a "park" under the County's Zoning Code.

- Section 816(E)(3)(a) of the Zoning Code requires that each lot have "a side yard on each side of not less than twenty (20) feet . . ." The Project does not conform with this subdivision because the western boundary of the property includes a parking lot that extends to the property line. In addition, the Project contemplates that the eastern boundary of the property would include a roadway for public ingress and egress, and not a 20-foot side Yard.

- Section 816(E)(4) also requires a 20-foot rear yard; however, that is not contemplated by the project. Rather, the Project includes a parking lot area that extends to the southern property line.

- The signage proposal provided by the applicant is incomplete, as it does not specify the text of the sign contemplated in Exhibit "A" of the Road Encroachment Application.

- The signs proposed in Exhibits "B"- "D" of the Road Encroachment Application do not comply with Section 816(K) of the Fresno County Code because they include text that is unauthorized under subdivisions (K)(1) and (K)(2).

- In addition, Section 860(E)(1)(a) of the Zoning Code provides that "Lot area and dimensions shall be adequate to provide for the development and provide safe and convenience access to the site without interfering with interchange traffic." As explained above, however, the design of the site will result in several safety issues, associated with, *inter alia*, the poor circulation pathways for vehicles. The Project is therefore inconsistent with this provision.

In short, as the Project is presently designed, substantial evidence supports a fair argument that the Project will cause significant environmental effects. As a result, the County cannot approve the IS/MND.

2. The MND Fails to Analyze the Project's Cumulative Impacts

CEQA “require[s] a finding that a project may have a ‘significant effect on the environment’ if . . . [t]he possible effects of a project are individually limited but cumulatively considerable.” (Pub. Res. Code, § 21083.) Accordingly, CEQA Guidelines section 15355 defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and . . . future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, § 15355.)

The MND fails to analyze the cumulative impacts of this Project with the anticipated expansion of a kitchen, bathroom, parking spaces, and event spaces anticipated to develop as the Project succeeds. The increased demand for water, waste water removal, traffic, and noise are readily identifiable in the application as side effects of the anticipated growth and expansion of the project. The cumulative impact of these uses on the surrounding property owners’ uses of well water, waste water removal, and traffic on the road has not been evaluated.

D. The Project Is Inconsistent With the Fresno County General Plan

State planning and zoning law requires that all land-use decisions of counties must be consistent with the county’s General Plan. (Govt. Code, § 65860, subd. (a); see also *Corona-Norco Unif. Sch. Dist. v. City of Corona* (1993) 17 Cal.App.4th 985, 994.) A “project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Corona-Norco, supra*, 17 Cal.App.4th at 994.) While perfect conformity may not be required, “a project *must* be compatible with the objectives and policies of the general plan.” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [emphasis added] [citing *Families Unafraid to Uphold Rural etc. County v. Board of Supers.* (1998) 62 Cal.App.4th 1332, 1336].) “A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear.” (*Endangered Habitats, supra*, 131 Cal.App.4th at 782 [citing *Families Unafraid, supra*, 62 Cal.App.4th at 1341-42].)

The Project is inconsistent with several goals and policies of the County’s General Plan:

- The General Plan’s Vision Statement states that the “General Plan is built on . . . ten major themes,” including “Agricultural Land Protection.” In this regard, the General Plan “seeks to protect . . . productive agricultural land as the county’s most valuable natural resource and the historical basis of its economy through directing new urban growth to cities and existing

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unincorporated communities and by limiting the encroachment of incompatible development upon agricultural areas.” (General Plan at 8.) Here, the Project would disrupt the rural, agricultural character of the surrounding properties by bringing in 450 people per event, and over 100 events per year. The Project essentially changes the property to an urban use, with potential impacts as to aesthetics, agricultural, hydrology, land use, lighting, noise, traffic, and utilities.

- The Vision Statement also states the General Plan “promotes compact growth by directing most new urban development to incorporated cities and existing urban communities that already have the infrastructure to accommodate such growth.” (General Plan at 9.) Instead of furthering this policy, the Project contemplates promoting an urban use in an exclusive agricultural area.

- The Vision Statement also states the General Plan “strives throughout all its elements to improve the attractiveness of the county to existing residents, new residents, and visitors through increased prosperity, attractive forms of new development, protection of open space and view corridors, promotion of cultural facilities and activities, efficient delivery of services, and expansion of recreational opportunities.” (General Plan at 10.) As explained above, the proposed Project would reduce the attractiveness of the County to the residents in the vicinity of the Project. Rather than promoting the rural residential life-style, the Project contemplates placing a high-intensity event center on the Project site that would dramatically change the character of the existing neighborhood.

- General Plan Policy ED-A.16 provides that the “County shall implement General Plan land use policies and programs to conserve agricultural land and to promote improved soil productivity.” Here, however, the Project would not promote agricultural uses, but would instead displace an agricultural property with an urban use – *i.e.*, a high-intensity event center.

- General Plan Policy LU-A.1 states that the “County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.” General Plan Policy LU-A.12 similarly provides that, in “adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.” Here, however, instead of directing urban uses away from properties zoned AE, the Project would promote such development, even though public facilities and infrastructure are inadequate to serve the Project.

- The proposed use is not a permitted use in form or substance listed in Table LU-3 of the General Plan.

- General Plan Policy LU-A.13 requires the “County [to] protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.” Here, the applicant has offered no buffers to shield the Project from the adjacent uses.

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- General Plan Policy PF-C.12 provides that the “County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.” Here, there is no evidence in the MND stating that the water demand may be. Nor is there any analysis to demonstrate the use of the Project site’s wells would not draw down the wells of the neighboring properties.

- General Plan Policy PF-C.19 states that the “County shall discourage the proliferation of small community water systems.” However, this Project contemplates the formation of such a system for a singular purpose, in contradiction of this policy.

- General Plan Policy PF-C.25 provides that the “County shall require that all new development within the County use water conservation technologies, methods, and practices as established by the County.” Although the Project represents a new development project subject to discretionary review, there is no discussion of “water conservation technologies, methods, and practices as established by the County” in the MND.

- General Plan Goal HS-G is “[t]o protect residential and other noise-sensitive uses from exposure to harmful or annoying noise levels” In this case, the Project would create a nuisance by approving an event center with a DJ for 100 events per year that would occur primarily in the evening. This is exactly the type of project Goal HS-G was designed to prevent.

- General Plan Policy HS-G.1 states that the “County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.” Here, no such design elements were incorporated into the Project.

- General Plan Policy HS-G.5 provides that “[w]here noise mitigation measures are required to achieve acceptable levels according to land use compatibility or the Noise Control Ordinance, the County shall place emphasis of such measures upon site planning and project design. These measures may include, but are not limited to, building orientation, setbacks, earthen berms, and building construction practices. The County shall consider the use of noise barriers, such as soundwalls, as a means of achieving the noise standards after other design-related noise mitigation measures have been evaluated or integrated into the project.” Here, no such requirements were imposed on the Project.

E. The Project Would Violate My Clients’ Easement Rights

On December 27, 2017, I submitted a letter to the applicants concerning my clients’ easement rights, as the Project seeks to dramatically increase the number – and nature – of trips traversing over my clients’ property under an existing easement. A copy of that letter is attached as Exhibit “D,” and incorporated into this letter. The applicants never responded to this letter, nor is there any discussion of this letter in the MND, the operational statement, or any of the other materials provided by the applicant. This omission is material, because the Project –

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which would create an unreasonable surcharge on the easement – cannot legally proceed without my clients’ consent.

Nor is there any consideration as to the fact that hundreds of vehicles per event would traverse over the easement, and burden the private roadway from a maintenance perspective. This is particularly troubling given that Section 845(b) of the Civil Code provides that the cost of such maintenance must be “shared proportionately to the use made of the easement by each owner.” (Civil Code, § 845.) In other words, the applicant is not only seeking to overburden the easement in a manner contrary to California law, but also seeking to avoid the applicant’s obligations to share roadway maintenance expenses consistent with the applicants’ use of the roadway under Section 845.

Despite these legitimate concerns, I have received no response to the letter. As a result, it does not appear the applicant has a valid defense to the issues raised in the letter.

F. Conclusion

For each of the foregoing reasons, the County should not adopt the Mitigated Negative Declaration for the Project, and should decline to approve Project. Although my clients believe the Project should fail on its own merits, the Project may not be approved unless the County prepares a full environmental impact report to fully evaluate the numerous potentially significant effects of the Project, and to fully mitigate each of those negative environmental effects.

Respectfully submitted,


John P. Kinsey

Enclosures

EXHIBIT "A"



SMITH ENGINEERING & MANAGEMENT

March 7, 2018

John P. Kinsey, Esq.
Wanger Jones Helsley PC
265 E. River Park Circle, Suite 310
Fresno, CA 93720

Subject: Cobblestone Hill Weddings & Banquets (CUP Appl. 3573)

Dear Mr. Kinsey:

At your request I have reviewed the record on the Conditional Use Permit Application for the proposed Cobblestone Hill Weddings & Banquets Project (the "Project"), including the Notice of Intent to Adopt a Mitigated Negative Declaration, the Operational Statement for the Project, the Proposed Traffic Management Plan, and other related documents. My review is in specific relation to the adequacy of the traffic and transportation analysis.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 49 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and reviewed numerous traffic, transportation and parking studies performed as elements of documents prepared under the California Environmental Quality Act ("CEQA"). My professional resume is attached.

Findings of my review are summarized below.

The CUP Application Traffic Study Inaccurately Describes the Character of the Road Providing Access to the Project.

The Applicant's estimates of Project traffic and parking requirements are documented in a letter dated July 26, 2017, to Mr. Tong Xiong of the County of Fresno Design Division by Mr. Jose Luis Benavides of JLB Traffic Engineering, Inc., entitled Traffic Management Plan In Support of the Cobblestone Hill Weddings and

Banquets CUP (the "TMP"). The TMP describes the Project as a "Full Event Facility" for use in private events such as weddings, banquets and other special events located at 16007 East Griffith Avenue.

The TMP offers the following description for the street serving the Project site: "Griffith Avenue is an unstriped local east-west street which extends easterly from Riverbend Avenue for approximately three-quarters of a mile." This is not an adequate description of the sole road providing direct access to the proposed Project site. Specifically, Griffith Way is a *private road* constructed in *easements across private properties*. In other words, the Project is inviting large pulses of public traffic into the neighborhood over other people's property.

Based on the Private, Rural Character of Griffith Way, and the Significant Expansion of Public Use, Particularly at Night, the Project Would Result in a Potentially Significant Impact on the Environment by Substantially Increasing Hazards Due to Design Features and Incompatible Uses

The Project seeks to bring up to 450 persons (and up to 190 two-way trips) to this private rural access road, approximately 100 times per year during the evening hours. Griffith Way, however, is plainly inadequate to serve this large volume of trips. Griffith Way is developed to the minimal standards necessary to provide private access to 16 estate homes or ranchettes located on a minimum of 20-acre lots, some of which remain in agricultural use. Griffith Way is paved 18 feet 2 inches wide; that is, approximately 9 feet per lane for two way traffic. In some places, there is only six inches between the pavement and the culverts. Griffith Way has open drainage, no curbs and gutters, features unimproved and uneven shoulders that may be impassible in inclement weather, no center or edge lines, little road signage, no posted speed limit, no street lighting and an unlikely prospect of any police traffic enforcement. There are no formal provisions for on-street parking. Its intersection with Riverbend Avenue, the only way in or out, is uncontrolled. In other words, Griffith Way is a quintessential private rural access road.¹

National Highway Traffic Safety Administration statistics show that in 2013, almost 54 percent of all fatal traffic crashes occurred on rural roads, despite the fact that only about 19 percent of the US population lived in rural areas. On a per mile driven basis, a person was 2.6 times more likely to be killed on a rural road than on an urban road (1.88 fatal crashes per 100 million miles driven on rural roads versus only .93 on urban roadways).² Fundamentally, rural roads are much less safe than urban roads. There are numerous reasons for this. Many rural roads or private

¹ Notably, if this roadway were a public road within the urban limits of the City of Sanger, it would have a minimum paved width of 36 feet.

² See *Traffic Safety Facts, Urban/Rural Comparison*, Department of Transportation, National Highway Traffic Safety Administration, DOT HS 812 181, July, 2015.

access rural roads do not come close to conforming to modern roadway geometric standards, have minimal signs and markings, have little or no street lighting, suffer from minimal maintenance and pose challenges unexpected by unfamiliar urban drivers. In addition, there are driver-psychology considerations. Long straightaways, such as Griffith Way, with minimal traffic and expectation of minimal enforcement, create the significant possibility that unfamiliar urban drivers would (i) travel at unsafe speeds without respect for speed limits (if posted), (ii) attempt unsafe passes of slow-moving vehicles, and (iii) be susceptible to other driving behaviors which render them less capable of responding to the challenges of the road when those challenges occur. This is enhanced at events and venues where alcohol consumption is common.

This is the character of the roadway onto which the Project proposes to attract large numbers of unfamiliar, mostly urban, drivers. Most events will conclude after dark; *i.e.*, between 10pm and midnight. Many others may start after dark. Most events, including weddings, are of a character such that it is that there will be alcoholic drink consumption. The issue here is not one of volumetric highway capacity. It is simply that the fundamental physical characteristics of a *private street, Griffith Way, that was constructed to provide local access to limited numbers of local residences or agricultural plots*, that affect safety and safety hazards are incompatible with a use attracting this type of and extent of traffic.

The County staff has shown no indication of taking into consideration the limitations and safety implications of the physical and geometric characteristics of this private road in their determination to make findings of a Conditional Use Permit. This is critical to avoid potentially significant impacts.

As a result, in my expert opinion, based on the existing private, rural character of Griffith Way, and the significant expansion of use of Griffith Way by the public during the evening hours, the evidence shows the Project would result in potentially significant environmental effects by substantially increasing hazards due to design features and incompatible uses.

The TMP Underestimates Traffic and Parking Requirements of the Project

The TMP opines that the maximum attendance at the facility would be 450 guests and the average attendance would be 120 guests. This appears to be a repetition of attendance numbers stated by the applicants rather than an independently researched attendance.

The Colorado Department of Transportation³ (CDOT) has conducted research on traffic and parking generation on wedding and banqueting venues such as the proposed Project. CDOT found that, because event organizers tend to select a venue with a capacity close to their expected attendance, the average attendance

³ See Mikeontraffic.com/estimating-trip-generation-distribution-weddings-venue/

will be about 75 percent of the site capacity (for instance, nobody rational would hire a hall sized to host up to 450 people to entertain just 100). The TMP, however, assumes that average attendance would be only 120 visitors, only 27 percent of capacity. As a result, the TMP understates likely traffic and parking needs.

In addition, the CDOT study of wedding and banqueting venue traffic and parking estimates that attendees arrive at such events at an average rate of between 2.0 to 2.5 occupants per vehicle. The TMP, however, estimates vehicle occupancy at the high end of the vehicle occupancy range reported in the CDOT analysis and hence the lowest possible volume of traffic and of parking needs. At capacity attendance, according to the TMP's assumptions, the Project would attract about 180 guest vehicles in the peak arrival and departure hours and require that same number of parking spaces and that catering trucks, management and staff will require another 10 spaces.

There are several issues with these conclusions. First, the revised site plan does not reveal the requisite number of parking stalls sufficient to accommodate 190 vehicles. Rather, the site plan appears to only show 169 spaces, leaving the site plan 21 spaces short of the TMP's estimated number of vehicles.

In addition, the 190 space estimate was based on a "best case" scenario of 2.5 occupants per vehicle, which is on the "high" side of the study prepared by CDOT. Using the conservative end of the vehicle occupancy range in the CDOT study, the parking demand at capacity attendance, *not* including caterer requirements, would be 225 parking stalls, making the proposed venue short of demand by 56 parking spaces or more.

In addition, the TMP understates the number of caterer vehicles and caterer staff vehicles needed on site during the event. The TMP assumes that there would be a maximum of 5 caterer employees working on the site for a maximum attendance event and a total of 10 spaces for catering trucks management and staff. Based on my experience in analyzing and reviewing similar venues, including venues in Fresno County, 5 staff members are woefully inadequate to serve drinks, serve food, serve table wine, desert, and clear for a group of 450 attendees. The number of caterer parking spaces required is easily double and perhaps triple the 10 estimated in the TMP. This figure also does not take into consideration other vendors who typically attend large events, such as weddings, including photographers, videographers, officiants, bands/DJs, and wedding coordinators/event planners.

As a result of the foregoing, a realistic estimate of actual peak parking demand would be 225 stalls for guests, plus another 25 for staff and vendors, for a total of 250, leaving the site plan approximately 81 stalls short.

So the total parking space deficit is likely to be still greater yet than the parking deficits noted above, increasing the potential for overflow parking blocking of emergency and local resident access.

This is of significant concern from a safety standpoint for Griffith Way. If parking at the Project site is insufficient, attendees at the event will be forced to use off-street parking along Griffith Way. Griffith Way, however, is only 18' 2" in width and not designed to accommodate off-street parking.

As a result, the use of Griffith Way for off-street parking has the high likelihood of causing congestion and delay along Griffith Way by blocking the roadway. And because Griffith Way is the only route in and out of the neighborhood, assurance of unobstructed access and egress is a paramount concern, particularly for emergency vehicles, agricultural vehicles, and existing residents. These dangerous conditions would be exacerbated during the winter months because rain could cause the clayey soils upon which the road was constructed to cause the vehicles parked along the side of the road to get stuck, requiring the assistance of a tractor or tow truck. Further, off-street parking would substantially increase the risk of interface between attendees and other vehicles, including agricultural vehicles.

As such, the lack of adequate parking – and the lack of any assurance or mitigation to assure no off-street parking would occur – has the potential to create potentially significant environmental effects by substantially increasing hazards due to design features and incompatible uses.

For the same reasons, the evidence shows the Project also has the potential to create inadequate emergency access, which is itself a potentially significant impact on the environment under Appendix G of the CEQA Guidelines.

The Large Number of Concentrated Guest Arrivals and Departures Will Interfere With Easement Interest-holders Expectation of Uninhibited Access and Egress to/from Griffith Way, and Cause an Increase in Traffic that is Substantial in Relation to Existing Traffic Load and Capacity of the Street System

The TMP had traffic counts performed on Riverbend Avenue, Ashlan Avenue and Shields Avenue. However, it failed to take any traffic counts on the road most impacted by the Project's traffic, Griffith Way. Had it done so, it would certainly have disclosed that in one hour of Project ingress traffic or one hour of Project egress traffic, the Project would in each of those single hours have generated many more trips on Griffith Way than the *entire daily trip total* for the existing uses on Griffith Way.

There are 10 existing homes with frontages on Griffith Way, but only 8 take their primary access from Griffith. At a rate of 9.52 daily trips per dwelling unit, (see

Institute of Transportation Engineers, *Trip Generation, 9th Edition*), these 8 homes would be expected to generate only 76 one-way vehicle trips daily. At event capacity, and assuming a conservative vehicle occupancy figure as estimated in the CDOT study, and accounting for staff and vendors, the proposed Project has the potential to generate 250 round-trip vehicle trips 3-4 days per week, which equates to **500** one-way daily trips, half of which would occur between peak periods (*i.e.*, 4-6pm), and the other half of which would occur late in the evening (*i.e.* 10pm-midnight). In other words, on event days (*i.e.*, most Fridays, Saturdays, and Sundays), the Project would result in total daily trips that are **more than six times higher** than the current number of trips (*i.e.*, an increase from 76 daily trips to 500).

Even for an average sized event (assuming the CDOT study data that average event size is 75 percent of capacity and the same vehicle occupancy as above), the Project would generate 150 one-way attendee vehicle trips plus approximately 20 staff and vendor trips, for a total of 340 trips in an ingress/egress cycle – which is **more than four times higher** than the current number of trips (*i.e.*, an increase from 76 daily trips to 340).

This change in traffic is a complete and obvious change in the character of the street, and would cause an increase in traffic that is substantial in relation to existing traffic load and capacity of the existing street system. This increase in traffic in relation to existing conditions would have a significant impact on existing environmental conditions.

County Staff Should Verify the Site Can Accommodate the Amount of Parking Depicted on the Revised Site Plan

As explained above, the revised site plan submitted by the applicant appears to show 169 parking stalls, which would be insufficient to accommodate the number of attendees, staff, and vendors that would be anticipated to attend large events at the Project.

But even if 169 parking stalls were sufficient, the parking stalls on the revised site plan do not appear to have been drawn to scale. Specifically, a review of the revised site plan suggests that, to accommodate the number of stalls drawn on the document, the stalls would only be exceptionally narrow in width (likely less than 8 feet), and lack the depth to accommodate most vehicles. If the amount of parking available is inaccurate, this would further exacerbate the significant impacts described above. As a result, County staff should (1) independently confirm the amount of parking depicted on the revised site plan is physically possible, (2) determine whether the parking stalls depicted in the revised site plan conform to the standards in the County Code, and (3) ensure sufficient parking exists to accommodate **all** attendees, vendors, and staff to ensure there will be no parking on Griffith Way.

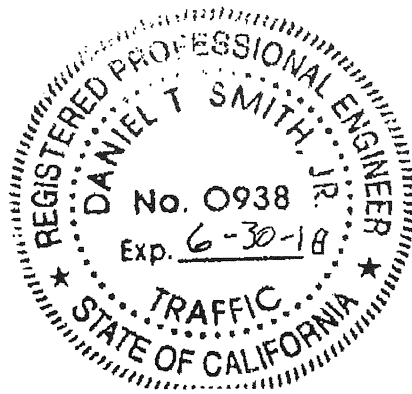
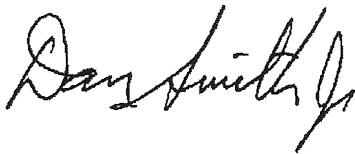
Mr. John Kinsey
March 3, 2018
Page 7

Conclusion

Given the foregoing, it is my opinion, based on the evidence, that the Project has the potential to create significant environmental effects relating to traffic, parking, safety and emergency service impacts that have not been fully analyzed or mitigated. In this circumstance, the subject Project cannot be approved under a mitigated negative declaration.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

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March 3, 2018
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Attachment 1

Resume of Daniel T. Smith Jr., P.E.



SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
DeLew, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues, traffic accidents involving highway design or traffic engineering factors, land use and development matters involving access and transportation impacts, parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 103 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-50N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office-commercial space, \$500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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3111 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Mr. John Kinsey
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Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

EXHIBIT "B"

Noise Level Chart

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels.

dB(A)	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
...			
194	sound waves become shock waves		

Most noise levels are given in **dB(A)**, which are decibels adjusted to reflect the ear's response to different frequencies of sound. Sudden, brief impulse sounds, like many of those shown at 120 dB or greater, are often given in dB (no adjustment).

Noise Chart

Specifics about the measurement of a particular sound source can be found in the [Noise Navigator@ Sound Level Database, E-A-R 88-34/HP](#), by Elliott H Berger, Rick Neitzel, and Cynthia A Kladden, E•A•RCAL Laboratory, 3M Occupational Health & Environmental Safety Division, an extensive compilation of data on noise level measurements, including many of the values appearing on this chart.

See also:

[Explanation of the Decibel Scale](#)
[Chart of Safe Noise Exposure Limits](#)

Jump to:

[FAQ: Noise & Noise Pollution](#)

[Safe Noise Exposure Chart](#)

[Safe iPod Use](#)

[Hearing Protection for Kids](#)

[Quotes about Noise & Silence](#)

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```
<a href="http://www.noisehelp.com/noise-level-chart.html">Noise Level Chart: dB Levels of Common Sounds</a>
```

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EXHIBIT "C"

Inverse Square Law

A doubling of the distance from a noise source will reduce the sound pressure level with 6 decibel

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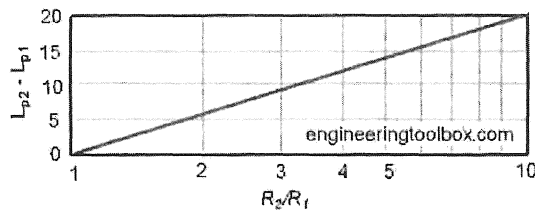
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In a free field - a doubling of the distance from a noise source reduces the sound pressure level with 6 decibel.

This - the Inverse Square Law - can be expressed in a diagram like



$$\begin{aligned}
 dL &= L_{p2} - L_{p1} \\
 &= 10 \log (R_2 / R_1)^2 \\
 &= 20 \log (R_2 / R_1) \quad (1)
 \end{aligned}$$

where

dL = difference in sound pressure level (dB)

L_{p1} = sound pressure level at location 1 (dB)

L_{p2} = sound pressure level at location 2 (dB)

R₁ = distance from source to location 1 (ft, m)

R₂ = distance from source to location 2 (ft, m)

A "free field" is defined as a flat surface without obstructions.

Example - Rifle Shot and Sound Pressure at Distance

If the sound pressure from a rifle shot is measured to 134 dB at 1.25 feet - the reduction in sound pressure level at distance 80 feet can be calculated as

$$\begin{aligned}
 dL &= 20 \log ((80 \text{ ft}) / (1.25 \text{ ft})) \\
 &= 36 \text{ dB}
 \end{aligned}$$

The sound pressure level at distance 80 ft can be calculated as

$$\begin{aligned}
 L_{p2} &= (134 \text{ dB}) - (36 \text{ dB}) \\
 &= 98 \text{ dB}
 \end{aligned}$$

Distance (feet) (m)	Sound Pressure L _p (decibel)
1.25	134
2.5	128
5	122
10	116
20	110
40	104
80	98
160	92
320	86
640	78
1280	74
2560	68
5120	62

Inverse Square Law Calculator

Use the calculator below to calculate the sound pressure level at distance.

L_{p1} - sound pressure level at location 1 (dB)

R₁ - distance from source to location 1 (m, ft)

R₂ - distance from source to location 2 (m, ft)

Calculate!**Example - Noise from a Machine**

The noise from a machine in distance 1 m is measured to 110 dB. The noise reduction due to the inverse square law to a working area at distance 5 m can be calculated as

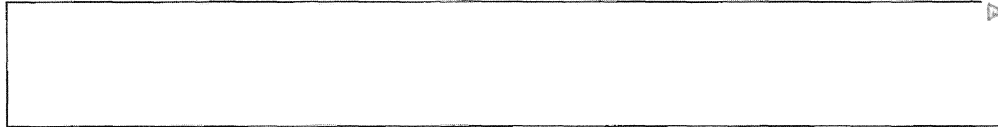
$$\begin{aligned} dL &= 20 \log ((5 \text{ m}) / (1 \text{ m})) \\ &= 14 \text{ dB} \end{aligned}$$

The sound pressure level in the working area can be calculated as

$$\begin{aligned} L_{p2} &= (110 \text{ dB}) - (14 \text{ dB}) \\ &= 96 \text{ dB} \end{aligned}$$

This noise level is only permitted for a limited amount of time and some action with partial barriers or enclosure of the machine should be done.

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**Related Topics**

- **Acoustics** - Room acoustics and acoustic properties - decibel A, B and C - Noise Rating (NR) curves, sound transmission, sound pressure, sound intensity and sound attenuation

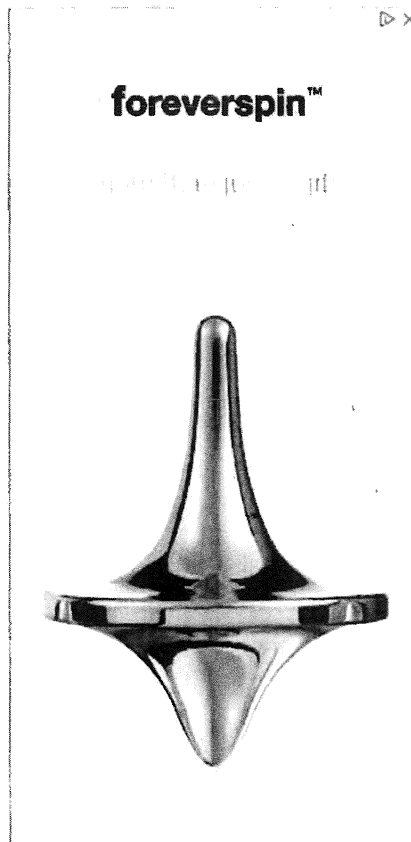
Related Documents

- **EPA Protective Noise Levels** - The noise level should not exceed certain values to protect public health and welfare
- **Abatement and Distance from Source** - The disruption of sound pressure waves and reduction of noise is called attenuation - Sound Pressure Level Calculator
- **Voice Level at Distance** - Required voice levels at distance
- **Sound Pressure** - Sound Pressure is the force of sound on a surface area perpendicular to the direction of sound
- **Machine Noise Level Reduction** - Reducing machines noise levels
- **Logarithms** - Rules of logarithms - \log_{10} and \log_e for numbers ranging 1 to 1000
- **Optical Distance Law** - Distance and geometric dilution of light

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- [en: inverse square law sound noise decibel](#)

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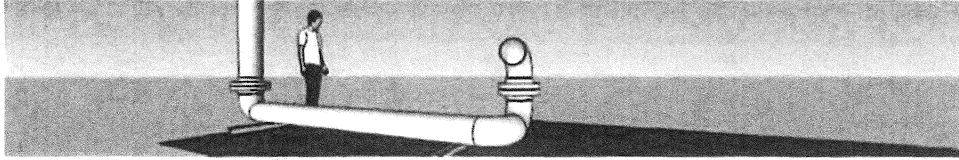
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Inverse Square Law Calculator Sound

Distance Calculator

Sound Attenuation Calculator

Sound Degradation over Distance

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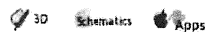
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Inverse Square Law

▶ AdChoices

Sound Wave

DB Sound

Unit Converter

Temperature

0.0

°C

°F

Convert!

Length

1.0

m

km

in

ft

yards

miles

naut miles

Convert!

Area

1.0

m²

km²

in²

ft²

miles²

acres

Convert!

Volume

1.0

m³

liters

in³

ft³

us gal

Convert!

Weight

1.0

kg_f

N

lb_f

Convert!

Velocity

1.0

m/s

km/h

ft/min

ft/s

mph

knots

Convert!

Pressure

1.0

Pa (N/m²)

bar

mm H₂O

Inverse Square Law

kg/cm²
psi
inches H₂O

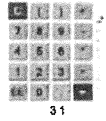
Convert!

Flow
1.0

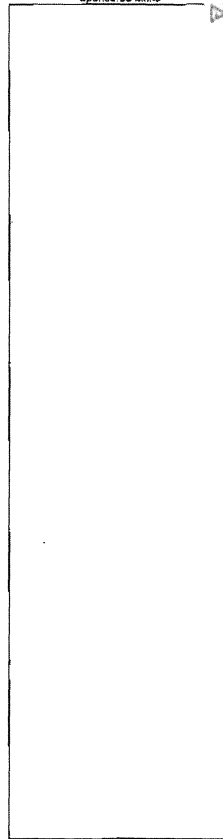
m³/s
m³/h
US gpm
cfm

Convert!

Scientific Online Calculator



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EXHIBIT "D"



Inter Office Memo

DATE: **March 15, 2018**

TO: Members of the Planning Commission and other Reviewers

FROM: Chrissy Monfette, Development Services and Capital Projects *CM*

SUBJECT: Referenced Attachments

Over the course of this application, members of the public submitted multiple copies of certain letters. The letter referenced by this response to the Initial Study has been included as part of Exhibit 7: Public Comment.