



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 August 8, 2019

**SUBJECT:** Classified Conditional Use Permit No. 3546 and Variance No. 4018  
– First One-Year Time Extension

Grant the first one-year time extension to exercise Classified Conditional Use Permit No. 3546 and Variance No. 4018, which authorize a personal/recreational vehicle storage facility with an office and a caretaker's residence on a 2.28-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District, with a zero-foot rear-yard setback for a storage building.

**LOCATION:** The project site is located on the north side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168 and Lodge Road in the unincorporated community of Prather (SUP. DIST. 5) (APN 128-430-68).

**OWNER/  
APPLICANT:** Mark E. Myles

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Approve the first one-year Time Extension for Classified Conditional Use Permit No. 3546 and Variance No. 4018; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Board of Supervisors Minute Order/Planning Commission Resolution and Staff Report dated March 16, 2017
5. Applicant's correspondence requesting a first one-year Time Extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 7206 was adopted by the Fresno County Board of Supervisors in accordance with the California Environmental Quality Act (CEQA) with approval of Classified Conditional Use Permit (CUP) No. 3546 and Variance (VA) No. 4018 on May 16, 2017.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**PUBLIC NOTICE:**

Notices were sent to 58 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.

**PROCEDURAL CONSIDERATIONS:**

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the

control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the Conditional Use Permit.

### **BACKGROUND INFORMATION:**

On March 16, 2017, the Planning Commission considered the subject applications. After receiving staff's presentation and considering public testimony from the Applicant's representative, the Commission voted 7 to 1 (one vacancy) in favor of forwarding to the Board a recommendation to adopt the Mitigated Negative Declaration prepared for the requests and recommending approval of the proposed Conditional Use Permit and Variance subject to the Conditions of Approval and mandatory Project Notes listed in the Planning Commission Staff Report.

At the Planning Commission hearing, six individuals spoke in opposition to the project citing traffic and fire hazards, increased storm water runoff from the property, impact on the integrity of area watersheds, change in rural residential character of the area, and policies related to no new commercial development within two miles of existing commercial developments. Four letters were submitted in support of the proposal, citing that the project site is ideal for the use, and the proposed facility is needed in the area and will benefit the community and nearby businesses. Eight letters were submitted in opposition to the project, citing various reasons: the project will increase traffic hazards, does not meet the 50-foot setback from State Route 168, will contribute toward additional accidents in the vicinity, and that existing similar facilities are present in the area. Furthermore, the project site should be investigated for archeological resources, the proposed zero-foot setback will impact neighboring properties, and the project will set a precedent for future developments along the highway.

The County Board of Supervisors considered the project on May 16, 2017 and voted 5 to zero to approve the project, with a condition requiring an indemnification agreement. Classified Conditional Use Permit (CUP) No. 3546 became effective 15 days after May 16, 2019, as prescribed by law.

The Applicant filed the subject time extension request on May 15, 2019, within the time limit noted above. If this first time extension is granted approval, the Applicant will have until May 16, 2020 to achieve substantial development of the facility.

### **ANALYSIS/DISCUSSION:**

Classified Conditional Use Permit (CUP) No. 3546 and Variance (VA) No. 4018 were approved by the County Board of Supervisors on May 16, 2017, based on a determination that the required Findings could be made. A copy of the original Staff Report and the Board of Supervisor's Approval dated May 16, 2017 (Exhibit 4) is attached.

According to the Applicant's letter describing the Time Extension request (Exhibit 5), a Site Plan Review and site grading plan has been approved for the project, however, additional time is needed prior to pulling building permits for construction.

Approval of a time extension request for a Classified Conditional Use Permit/Variance is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the two-year time limit established by the Zoning Ordinance. The Planning Commission's jurisdiction in evaluating this request is limited to determining whether

the Applicant should be granted an additional year to exercise the Classified Conditional Use Permit/Variance as approved.

This Time Extension application was routed to all the agencies who reviewed the original project in 2016. None of those agencies identified any change in circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time. Based on the comments received from the Fresno County Fire Protection District, the project development shall comply with the California Code of Regulations, Title 14 Natural Resources 12720 Maintenance of Defensible Space Measures and the builder shall refer to the California Building Code Table 602 for fire wall requirements based off zero setback for exterior walls. The Applicant has been notified of these requirements.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Staff believes the first one-year Time Extension for Classified Conditional Use Permit No. 3546 and Variance No. 4018 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to May 16, 2020.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve the first one-year Time Extension for Classified Conditional Use Permit No. 3546 and Variance No. 4018; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

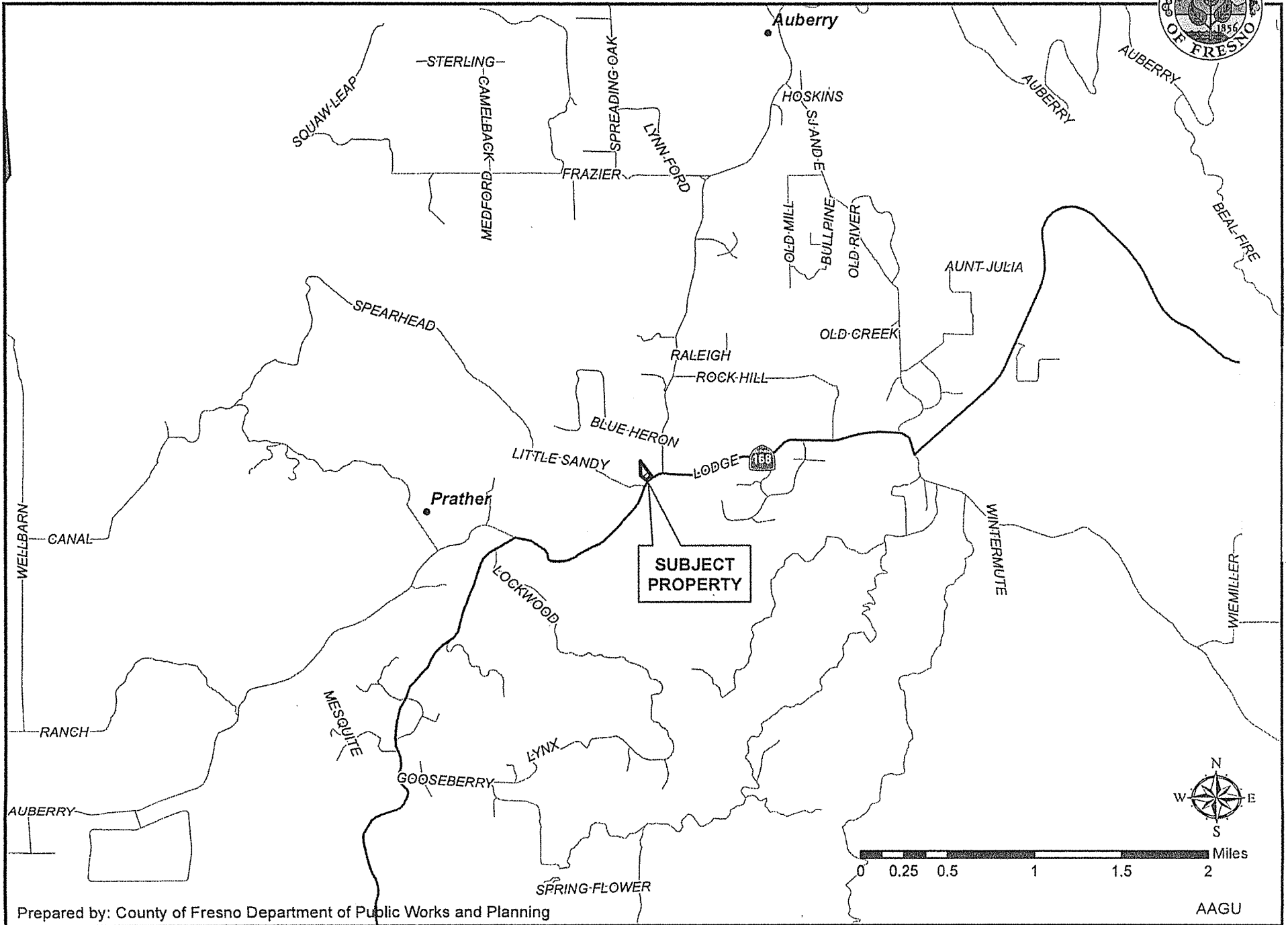
- Move to deny the first one-year Time Extension request for Classified Conditional Use Permit No. 3546 and Variance No. 4018 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**NOTES:**

**The following Notes reference mandatory requirements of Fresno County or other agencies, and are provided as information to the project Applicant:**

1. The project development shall comply with the California Code of Regulations, Title 14 Natural Resources 12720 Maintenance of Defensible Space Measures.
2. The builder shall refer to the California Building Code Table 602 for fire wall requirements based off zero setback for exterior walls.

# LOCATION MAP



**EXHIBIT 1**

# EXISTING ZONING MAP

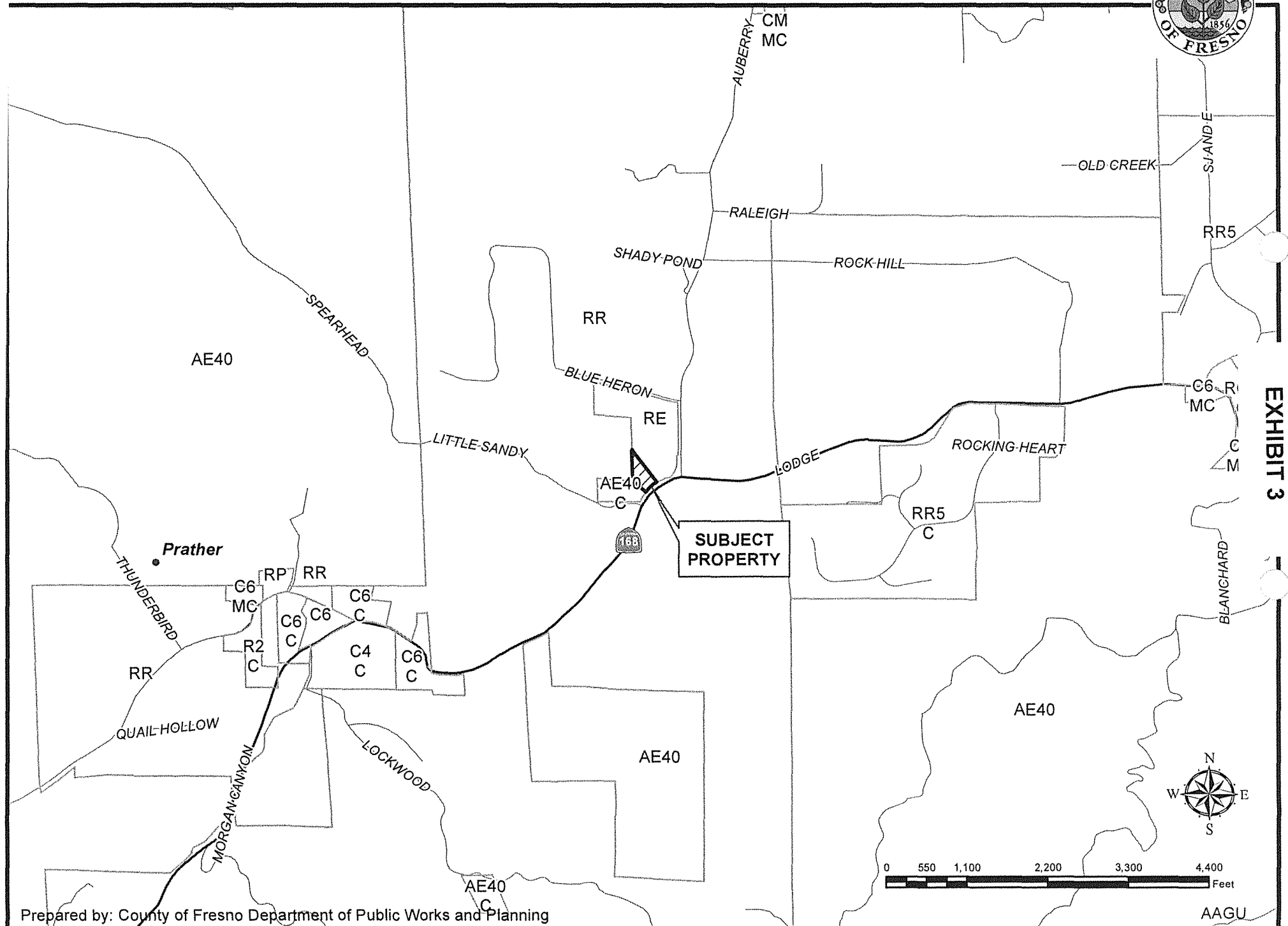
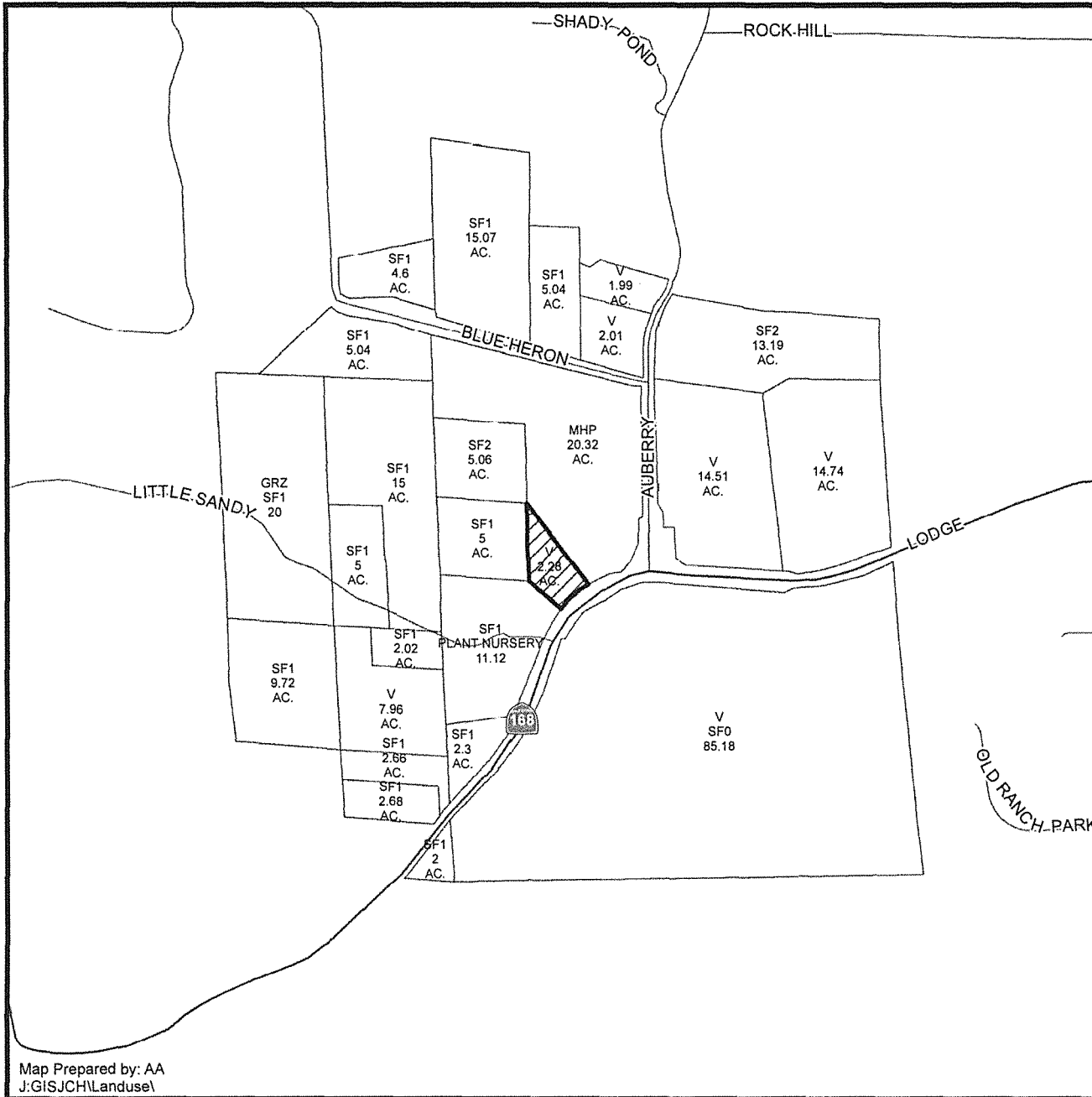


EXHIBIT 3

EXHIBIT 2



VA 4018

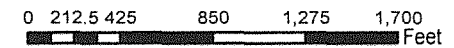
# EXISTING LAND USE MAP



LEGEND	
GRZ - GRAZING	
MHP - MOBILE HOME PARK	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

Map Prepared by: AA  
J:GISJCH\Landuse\

EXHIBIT 4

EXHIBIT 3



**County of Fresno**  
**Board of Supervisors**  
**Minute Order**

Hall of Records, Room 301  
2281 Tulare Street  
Fresno, California  
93721-2198  
Telephone: (559) 600-3529  
Toll Free: 1-800-742-1011  
[www.co.fresno.ca.us](http://www.co.fresno.ca.us)

**May 16, 2017**

---

**Present:** 5 - Supervisor Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Chairman Brian Pacheco, and Vice Chairman Sal Quintero

Agenda No. 16.

Public Works & Planning

File ID: 17-0416

**Re:** Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7206; and determine that required Findings specified in Fresno County Zoning Ordinance Section 873-F and Section 877-A can be made and approve Classified Conditional Use Permit Application No. 3546 to allow a personal/recreational vehicle storage facility with office and a caretaker's residence, and Variance Application No. 4018 to allow a zero-foot rear-yard setback for a storage building, project site is within AE-20 Zone District located on north side of State Route 168 approximately 470 feet west of intersection of SR 168/Lodge Road in unincorporated community of Prather

**CONDUCTED HEARING. RECEIVED PUBLIC TESTIMONY. CLOSED HEARING. A MOTION WAS MADE BY SUPERVISOR MAGSIG, SECONDED BY VICE CHAIRMAN QUINTERO, TO APPROVE THE RECOMMENDED ACTION, SUBJECT TO AN ADDITIONAL CONDITION THAT THE APPLICANT SHALL ENTER INTO AN AGREEMENT INDEMNIFYING THE COUNTY FOR ALL LEGAL COSTS ASSOCIATED WITH ITS ADOPTION OF THE MITIGATED NEGATIVE DECLARATION, AND THE APPROVAL OF THE CLASSIFIED CONDITIONAL USE PERMIT NO. 3546 AND VARIANCE APPLICATION NO. 4018. THE MOTION CARRIED BY THE FOLLOWING VOTE:**

**Ayes:** 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero





## EXHIBIT 1

# County of Fresno

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

ATTENTION: FOR FINAL ACTION OR  
MODIFICATION TO OR ADDITION OF  
CONDITIONS, SEE FINAL BOARD OF  
SUPERVISORS' ACTION SUMMARY  
MINUTES.

DATE: March 16, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12634 – INITIAL STUDY APPLICATION NO. 7206,  
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3546 AND  
VARIANCE APPLICATION NO. 4018

APPLICANT: Mark Myles

OWNER: Mark Myles

REQUEST: Allow a personal/recreational vehicle storage facility  
with office and a caretaker's residence on a 2.28-  
acre parcel in the RR (Rural Residential, two-acre  
minimum parcel size) Zone District. The request  
also includes a zero-foot rear-yard setback for a  
storage building.

LOCATION: The project site is located on the north side of State  
Route (SR) 168 (Auberry Road) approximately 470  
feet west of the intersection of SR 168/Lodge Road  
in the unincorporated community of Prather (SUP.  
DIST. 5) (APN 128-430-68).

### PLANNING COMMISSION ACTION:

At its hearing of March 16, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Woolf and seconded by Commissioner Borba to deny Classified Conditional Use Permit No. 3546 and Variance Application No. 4018 on the basis that Finding 3 could not be made due to concerns raised by the opposition, including, but not limited to, General Plan policy restrictions on new commercial developments within two miles of existing commercial uses; use of the subject residentially-zoned property for commercial uses, additional storm water runoff generated by the proposal, and potential impacts on scenic viewsheds.

RESOLUTION NO. 12634

This motion failed on the following vote:

VOTING:      Yes:            Commissioners Woolf and Borba  
                 No:            Commissioners Abrahamian, Chatha, Eubanks, Hill, Lawson and  
   Mendes  
                 Absent:        None  
                 Abstain:        None

A second motion was made by Commissioner Mendes and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit and its associated Variance to waive building setback requirements and approve Classified Conditional Use Permit No. 3546 and Variance No. 4018 and direct the Secretary to prepare a Resolution recommending approval of the subject applications to the Board of Supervisors subject to the Mitigation Measures and Conditions of Approval listed in Exhibit B.

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Mendes, Chatha, Abrahamian, Borba, Eubanks,  
   Hill and Lawson  
                 No:            Commissioner Woolf  
                 Absent:        None  
                 Abstain:        None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services Division

Attachments

EXHIBIT "A"

Initial Study Application No. 7206  
Classified Conditional Use Permit Application No. 3546  
Variance Application No. 4018

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 16, 2017 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The project is an allowed use in the Rural Residential (RR) Zone District; the project site has been zoned Rural Residential (RR) for the past 40 years.
  - The project will consume less water, produce low volumes of sewage and generate less noise than prior approvals; additionally, the proposed on-site landscaping will improve the view of the site from State Route 168 (Auberry Road).
  - A 30-foot-wide recorded access easement exists between the subject property and the adjacent nursery site and extends to the north to serve two residences.
  - The project site has been used by the nursery for overflow parking, which is no longer allowed.
  - The proposed 10,000-gallon on-site water storage tank will be used for fire suppression.
  - Per the Institute of Transportation (ITE) Trip Generation Manual, the project will generate approximately three peak-hour PM trips versus the plant nursery use, which generates 15.2 peak-hour PM trips.
  - The project will generate traffic five times less than a 2009-approved (but not constructed) 12,000 square-foot professional office/retail use proposed for the property; more recently, a 8,000 square-foot Dollar General building was also considered.
  - The site distance and traffic speed analysis by the California Department of Transportation (Caltrans) indicates no adverse traffic impacts to State Route 168 (Auberry Road).
  - Per Caltrans, reported accidents in the vicinity of the proposal are unrelated to the site distance or traffic speed.

RESOLUTION NO. 12634

- We have dedicated the southerly eight (8) feet of the property to Caltrans for the future widening of SR 168.
- We are unable to maintain a 20-foot rear yard setback for the project.
- The wall for the proposed eight-foot, four inch-tall storage building along the north property line will be one-hour fire rated; the wall footing will set back six inches from the property line to avoid encroachment into 30-foot-wide access easement.

Others:

No other individuals presented information in support of the application. However, a staff member from the California Department of Transportation presented information in regard to traffic, indicating that based on the latest traffic counts for State Route 168 (Auberry Road), no acceleration or deceleration lane is warranted for the project.

Six individuals presented information in opposition to the application, indicating:

- The project will compromise the integrity of the area watersheds, increase traffic flow and accidents on State Route 168 (Auberry Road), promote leap-frog development, and change the rural residential character of the area.
- The County has previously determined that no new commercial development should be allowed within two miles of Prather, Auberry and Tollhouse.
- Increase in groundwater runoff due to site improvements will impact the neighborhood.
- The project will add additional storage facilities to the area that are unnecessary.
- The proposed zero-foot setback will create a fire hazard and reduce mobility of vehicles delivering products to neighboring businesses.
- The project will increase traffic hazards due to relatively large-sized vehicles visiting the site.
- A solid wall around the property will impact the scenic nature of the Wildflower Trail.

RESOLUTION NO. 12634

Correspondence: Four letters were presented to the Planning Commission in support of the application, indicating that the project site is ideal for the use, the proposed facility is needed in the area, and will benefit the community and businesses.

Eight letters were presented to the Planning Commission in opposition to the application, indicating that the project will increase traffic hazards on State Route (SR) 168, does not meet the 50-foot setback from SR 168, will contribute towards additional accidents in the vicinity of the proposal, and that there are existing, similar facilities in the area. Furthermore, the project site should be investigated for archeological resources, the proposed zero-foot setback will impact neighboring properties, and will set a precedent for future developments along SR 168.

## EXHIBIT B

### Mitigation Monitoring and Reporting Program Initial Study Application No. 7206/Conditional Use Permit Application No. 3546/Variance Application No. 4018 (Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
*2.	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.				
2.	Prior to the issuance of building permits, the Applicant shall irrevocably offer dedication of eight (8) feet of right-of-way to the California Department of Transportation to accommodate 55 feet from the centerline of State Route 168 (Auberry Road).				
3.	Drought-tolerant landscaping shall be planted and maintained within the 50-foot setback area along the southern property line of the subject parcel parallel to the proposed parking lot, caretaker's residence and office in order to enhance the appearance of the property. A landscaping and irrigation plan, designed by a Landscape Architect, licensed landscaping contractor, or other licensed/certified professional, shall be submitted to the Department of Public Works and Planning, Development Services Division for review and approval at the time the mandatory Site Plan Review is submitted. Said landscaping shall be no less than ten feet in width, shall be maintained in a healthy condition and shall consist of evergreen trees and shrubs of adequate size and density to provide reasonable visual screening and buffer of the commercial facility from State Route 168 (Auberry Road). If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). The balance of the 50-foot setback area between the roadway and the landscaped area shall be maintained as an area of natural open space to provide for transition between the development and the roadway.				

4.	Prior to the issuance of building permits, the Applicant/owners shall submit an updated engineered sewage disposal system design to this Department for review and approval. The report shall take into account the location of existing water wells on the parcel and adjacent parcels, and proposed septic system to serve the proposed project. All structures on the parcel shall be considered in the analysis. Primary and reserve sewage disposal areas shall be included in the analysis and on the site plan.
5.	Prior to the issuance of building permits, the Applicant shall complete a well yield test for review and approval by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.
6.	All structures on the property shall be painted in a neutral and/or earth-tone color; a color palette and building elevations shall be submitted at the time of Site Plan Review.
7.	All on-site parking and circulation area shall be concrete or asphalt concrete paved in order to meet handicap accessibility requirements.

\*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.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for all proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	A Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, right-of-way, landscaping, signage and lighting.
4.	Prior to occupancy, a solid masonry wall 5 to 6 feet in height shall be constructed along the north property line excepting a 30-foot-wide access easement and the storage building (Unit F) approved by VA No. 4018.
5.	Per Site Plan Review Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the project site.</li> <li>• The gate(s) that provide(s) initial access to the site shall be set back a minimum of 20 feet (or the length of the longest vehicle to initially enter the site, whichever is greater) from the edge of the ultimate right-of-way.</li> <li>• Should landscape area(s) total 500 square feet or more, Landscaping plans shall be designed by a Landscape Architect, or licensed landscaping contractor. Irrigation systems shall be designed by a certified irrigation designer, or other licensed or certified professional in a related field in accordance with Fresno County Standards.</li> <li>• All proposed signs on the property shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul>

Notes	
6.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties.</li> <li>• A Grading Permit or Voucher shall be required for the proposed development.</li> <li>• Any additional runoff generated by the proposed development shall be retained on site per County Standards.</li> <li>• The subject parcel is located within the SRA (State Responsibility Area) boundary. Any future development shall be in accordance with the applicable SRA Fire Safe regulations as they apply to driveway construction and access.</li> </ul>
7.	<p>Per the California Department of Transportation (Caltrans), an encroachment permit shall be required for all proposed activities for placement of encroachments within, under, or over the State highway right-of-way.</p>
8.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project may also be subject to joining the Community Facilities District (CFD).</p>





# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 March 16, 2017

**SUBJECT:** Initial Study Application No. 7206, Classified Conditional Use Permit Application No. 3546, Variance Application No. 4018

Allow a personal/recreational vehicle storage facility with office and a caretaker's residence on a 2.28-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The request also includes a zero-foot rear-yard setback for a storage building.

**LOCATION:** The project site is located on the north side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (SUP. DIST. 5) (APN 128-430-68).

**OWNER/  
APPLICANT:** Mark Myles

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7206; and
- Recommend that the Board of Supervisors approve Conditional Use Permit (CUP) No. 3546 with recommended Findings and Conditions to permit a personal/recreational vehicle storage facility with office and a caretaker's residence; and
- Recommend that the Board of Supervisors approve Variance (VA) No. 4018 to permit a zero-foot rear-yard setback for a storage building; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action and forwarding the recommendation for approval to the Board of Supervisors.

**EXHIBITS:**

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Floor Plans/Elevations
7. Applicant's Operational Statement
8. Applicant's Statement of Variance Findings
9. Summary of Initial Study (IS) Application No. 7206
10. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

Criteria	Existing	Proposed
General Plan Designation	Foothill Rural Residential in the Sierra-North Regional Plan	No change
Zoning	RR (Rural Residential; two-acre minimum parcel size)	No change
Parcel Size	2.28 acres	No change
Project Site	Vacant	Allow a personal/recreational vehicle storage facility with an office and a caretaker residence on a 2.28-acre parcel in the RR Zone District.
Structural Improvements	None	Phase I: <ul style="list-style-type: none"> <li>• 1,500 square-foot caretaker's residence with 500 square-foot office, individual septic system, parking</li> <li>• 4,950 square-foot storage building (Unit-A)</li> <li>• 4,650 square-foot storage building (Unit-F) with a zero-foot rear-yard setback</li> </ul>

Criteria	Existing	Proposed
		Phase 2: <ul style="list-style-type: none"> <li>• 4,950 square-foot storage building (Unit-B)</li> </ul> Phase 3: <ul style="list-style-type: none"> <li>• 4,950 square-foot storage building (Unit-C)</li> </ul> Phase 4: <ul style="list-style-type: none"> <li>• 1,600 square-foot storage building (Unit-D)</li> <li>• 2,000 square-foot storage building (Unit-E)</li> </ul>
Nearest Residence	28 feet from the east property line	No change
Surrounding Development	Mobile home park, plant nursery, single-family residences	No change
Operational Features	N/A	<ul style="list-style-type: none"> <li>• Four-phase project</li> <li>• Storage units rented on month-to-month basis</li> <li>• Caretaker's residence and office used for business operation</li> </ul>
Employees	N/A	One on-site caretaker
Customers/Visitors	N/A	10 to 15 visitors per day
Traffic Trips	N/A	Up to 30 one-way vehicle trips (15 round trips) per day
Lighting	N/A	Outdoor lighting on building exteriors and parking lot
Hours of Operation	N/A	Customers: 6:00 a.m. to sunset  Office: 9 am to 5 pm Monday - Saturday

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has

determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 10, 2017.

**PUBLIC NOTICE:**

Notices were sent to 58 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.

**PROCEDURAL CONSIDERATIONS:**

Per Section 820.3.K of the Zoning Ordinance, a Classified Conditional Use Permit is required to allow a personal/recreational vehicle storage facility in the RR (Rural Residential, two-acre minimum parcel size) District subject to the provisions of Section 867 (Rural Commercial Center Development). The Zoning Ordinance was modified in 2016 to permit this use as a Rural Commercial Center.

A Conditional Use Permit for Rural Commercial Centers may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Board of Supervisors. Per Section 873.E.2 of the Fresno County Zoning Ordinance, the Planning Commission's action on Rural Commercial Centers is advisory to the Board. If recommended for approval, the land use item will be forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a Rural Commercial Center is final unless appealed to the Board.

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

Both Applications (CUP and VA) are being brought before the Commission for consideration, as they represent an interrelated request for a single project. However, the subject CUP Application and the concurrent VA Application shall be considered separately. Denial of the CUP will also deny the VA; the denial of the VA will not automatically deny the CUP but would require modifications to the project's Site Plan. The CUP may still be approved subject to meeting four Findings.

**BACKGROUND INFORMATION:**

The subject is a two-part proposal. First is to allow a personal/recreational vehicle storage facility with office and a caretaker residence; second is to allow a zero-foot rear-yard setback to accommodate the proposed storage building (Unit F, Exhibit 5). The proposal is subject to the approval of two discretionary land use applications.

The project site is designated Foothill Rural Residential in the Sierra-North Regional Plan. An Amendment to Text (AT) No. 372 was approved on July 12, 2016 which amended Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) to permit personal/recreational vehicle (RV) storage facilities for those properties located within the Sierra-North Regional Plan and located proximate to two major roadways as so classified in the Circulation Element of the Fresno County General Plan. The subject property meets the location requirements of AT No. 372.

The following analysis addresses each of the required Findings for Conditional Use Permit (CUP) No. 3546 and for Variance Application (VA) No. 4018:

**CONDITIONAL USE PERMIT APPLICATION NO. 3546**

**ANALYSIS/DISCUSSION:**

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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (Y/N)</b>
Setbacks	Per the Ordinance Section 840.5-E (Rural Commercial Center District)  Front: 35 feet Side: 20 feet Rear: 20 feet	Front (south): 50 feet Side (east): 47 feet Side (west): 24 feet Rear (north): Zero feet	Yes for the front- and side-yard setbacks; Approval of VA No. 4018 required to allow zero-foot rear-yard setback
Parking	Per the Ordinance Section 840.5 I.3 & 855-I.2.n, off-street parking requirements of RR Zone District shall apply: One parking space for every dwelling unit	<ul style="list-style-type: none"> <li>• Four parking spaces</li> <li>• Two parking spaces within garage for caretaker's residence</li> </ul>	Yes
Lot Coverage	Per the Ordinance Section 840.5-G, 30 percent of the total lot area	25.2 percent of the total lot area	Yes
Separation Between Buildings	No requirement	N/A	N/A
Wall Requirements	Per the Ordinance Section 840.5-H.2, a 5- to 6-foot-tall solid masonry wall shall be erected along the district boundary between a commercial and a residential district	A nine-foot-tall storage building (Unit F) along north property line to separate the proposed facility from the adjacent RR (Rural Residential)-zoned property	Yes, the storage building will be constructed in lieu of required solid masonry wall subject to approval of VA No. 4018 (See analysis under VA No. 4018)

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (Y/N)</b>
Septic Replacement Area	100 percent for the existing system	Individual sewage disposal system	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Building sewer/septic tank: 85 feet; disposal field: 103 feet	Yes

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Department of Public Works and Planning: The proposed improvements meet the setback requirements of the RCC (Rural Commercial Center) District. Completion of a Site Plan Review is required for the project.

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

**Analysis:**

Staff review of the Site Plan demonstrates that the proposed improvements exceed the minimum building setback requirements of the RCC (Rural Commercial Center) District for the front- and side-yard setback. The improvements will be set back approximately 50 feet from the south property line (35 feet required), 47 feet from the east property line (20 feet required), 24 feet from the south property line (20 feet required), and zero feet from the north property line (20 feet required). The proposed zero-foot rear-yard setback (20 feet required) is subject to the approval of Variance No. 4018.

In regard to off-street parking for the proposed personal/recreational vehicle storage facility, the Zoning Ordinance requires parking standards of the RR Zone District which is one parking space for every dwelling unit. The project provides for four parking spaces on the property and two parking spaces in the garage for caretaker's residence, which meets the requirement.

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None*

**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.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	State Route 168 (Auberry Road); good condition	No change
Direct Access to Public Road	Yes	State Route 168 (Auberry Road); good condition	No change
Road ADT		N/A	N/A
Road Classification		State Route 168	No change
Road Width		94 feet road right-of-way (Per Caltrans standard)	An additional eight (8) feet of right-of-way is required to accommodate 55 feet from centerline of State Route 168 (Auberry Road)
Road Surface		Paved	No change
Traffic Trips		N/A	20-30 daily one-way vehicle trips (10-15 round trips) by visitors
Traffic Impact Study (TIS) Prepared	No	N/A	No Traffic Impact Study required by the California Department of Transportation or Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		State Route 168 (Auberry Road); good condition	No change

**Reviewing Agency/Department Comments:**

California Department of Transportation (Caltrans): The site is planned for an ultimate road right-of-way of 110 feet (the existing right-of-way is 94 feet). An additional eight (8) feet of right-of-way shall be required to accommodate 55 feet from the centerline of the road. This requirement has been included as a Condition of Approval. An encroachment permit shall be required for all proposed activities for placement of encroachments within, under, or over the State Highway right-of-way. This requirement has been included as a Project Note.

Development Services Division of the Department of Public Works and Planning: The subject parcel is located within the SRA (State Responsibility Area) boundary. Any future development shall be in accordance with the applicable SRA Fire Safe regulations as they apply to driveway construction and access. This requirement has been included as a Project Note.

Design Division of the Fresno County Department of Public Works and Planning: No concerns.

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: No concerns.

**Analysis:**

The project site gains access from State Route 168 (Auberry Road). The California Department of Transportation reviewed the proposal and requires additional right-of-way to meet the ultimate right-of-way width for State Route 168. Included as a Condition of Approval, this requirement will be met at the time of Site Plan Review. Other requirements such as an encroachment permit for any work within the State right-of-way and access drive to the site meeting SRA standards have been included as Project Notes.

A 30-foot-wide private access easement starting at State Route 168 and running along the west and north property lines of the subject property provides access to the neighboring properties to the west and the north of the subject proposal. This easement carries limited traffic volume; dead ends at the fourth parcel to the north; and will not be obstructed by the improvements proposed by the subject proposal.

Based on the above information and adherence to the Conditions of Approval and Project Notes, staff believes that State Route 168 (Auberry Road) at the project site can accommodate the proposed use.

**Recommended Conditions of Approval:**

*See Recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

*Finding 3: That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
East	20.36 acres	Mobile Home Park	RE	28 feet
West	11.12 acres	Plant nursery with field growing area, greenhouse, single-family residence, barn, parking	AE-40 (c)	78 feet
South	85.18 acres	Single-Family Residence	RR	133 feet
North	5 acres	Single-Family Residence, greenhouses, retail shop	RR	30 feet

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: Prior to the issuance of building permits, the Applicant/owners shall submit an updated engineered sewage disposal system design to this Department for review and approval. The report shall take into account the location of existing water wells on the parcel and adjacent parcels, and proposed septic system to serve the proposed project. All structures on the



parcel shall be considered in the analysis. Primary and reserve sewage disposal areas shall be included in the analysis and on the site plan.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: A well yield test shall be required prior to issuance of building permits for the use.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: All on-site parking and circulation areas shall be concrete or asphalt concrete paved in order to meet handicap accessibility requirements.

The aforementioned requirements have been included as Conditions of Approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties. A Grading Permit or Voucher shall be required for the proposed development. Any additional runoff generated by the proposed development shall be retained on site per County Standards.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for the proposed development.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code, County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County, and the project shall annex to Community Facilities District (CFD) No. 2010-01.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the project site. The gate(s) that provide(s) initial access to the site shall be set back a minimum of 20 feet (or the length of the longest vehicle to initially enter the site, whichever is greater) from the edge of the ultimate right-of-way. Should landscape area(s) total 500 square feet or more, landscaping plans shall be designed by a Landscape Architect, or licensed landscaping contractor. Irrigation system shall be designed by a certified irrigation designer or other licensed or certified professional in a related field in accordance with Fresno County Standards. All proposed signs on the property shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

The aforementioned requirements have been included as Project Notes.

San Joaquin Valley Air Pollution Control District; California Regional Water Quality Control Board; State Water Resources Control Board, Office of Drinking Water; Table Mountain Rancheria; Fresno County Department of Agriculture; California Department of Fish or Wildlife; U.S. Fish and Wildlife Service: No concerns.

**Analysis:**

The project entails establishment of a personal/recreational vehicle storage facility with office and a caretaker residence on a 2.28-acre parcel. Related improvements include landscaping along property frontage, paved parking and circulation areas and paved access drive off of State Route 168 (Auberry Road).

The surrounding land uses include a single-family residence, greenhouses and a retail shop to the north; a plant nursery with field growing area, greenhouse, single-family residence, barn and parking to the west; a mobile home park to the east; and a single-family residence to the south across State Route 168 (Auberry Road). The proposed storage buildings and caretaker's residence will range from 9 feet to 20 feet in height so as not to exceed the 35-foot maximum building height allowed in the RCC District. The building height is compatible with other structures in the vicinity of the proposal. With low building height and new landscaping along the property frontage, the project will have less than significant visual impacts on the surrounding area.

An Initial Study prepared for the project identified potential impacts to aesthetics and cultural resources. Regarding aesthetic impacts, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. In regard to cultural resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings be evaluated by an archeologist.

Regarding potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, public services, and transportation/traffic, the project will: require a grading and drainage plan, grading permit/voucher and an engineered sewage disposal system; comply with applicable SRA Fire Safe Regulations as they apply to driveway construction and access; require a well yield test prior to issuance of building permits; obtain Fresno County Fire Protection District's approval prior to issuance of building permits and occupancy; and dedicate additional right-of-way for State Route 168 (Auberry Road). These requirements will be addressed through mandatory Site Plan Review prior to issuance of building permits.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

**Recommended Conditions of Approval:**

*See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-E.1 (Agriculture and Land Use): allows rural commercial centers by discretionary permit provided that they meet criteria a-h of the said Policy.</p>	<p>This Policy is met in that Amendment to Text (AT) No. 372 was approved on July 12, 2016 which amended Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) to permit a personal/recreational vehicle (RV) storage facility for properties meeting certain criteria such as the subject property. The project is consistent with this policy.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy OS-L.3.d (Open Space and Conservation): requires maintenance of a natural open space 200 feet in depth parallel to the right-of-way with the exception as identified in item 1-4 of the said Policy.	The irregular shape and configuration of the property precludes easily meeting a 200-foot setback to accommodate the proposed development without encroaching into the required setback. The setback is also impacted by additional right-of-way required for State Route 168 (Auberry Road). As such, the proposed 50-foot setback is consistent with the flexibility identified in General Plan Policy OS-L.3 and required by the Sierra-North Regional Plan. The project is consistent with this policy.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	The project will utilize an on-site water well. Per the Water/Geology/Natural Resources Section of Fresno County Department of Public Works and Planning, a well yield test is required prior to issuance of building permits for the use. The project is consistent with this policy.

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy LU-E.1 allows rural commercial centers by discretionary permit provided that they meet criteria a-h of the said Policy. Policy OS-L.3.d requires maintenance of a natural open space 200 feet in depth parallel to the right-of-way. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

**Analysis:**

The project is consistent with all the applicable General Plan policies as discussed above. In regard to consistency with Policy LU-E.1, modifications to Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) allow the proposed personal/recreational vehicle (RV) storage facility on the property through a discretionary land use approval. In regard to consistency with Policy OS-L.3.d, the proposed 50-foot setback is consistent with the flexibility identified in General Plan Policy OS-L.3. Staff notes that a prior development proposal for this site that was not constructed proposed a similar setback in November 4, 2009. In regard to consistency with Policy PF-C.17, a well yield test will be required prior to issuance of building permits for the use.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**VARIANCE APPLICATION NO. 4018**

**ANALYSIS/DISCUSSION**

Staff research indicates that no other setback-related Variance Applications were filed within one mile of the subject property.

*Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

*Finding 2: Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

**Reviewing Agencies/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: Per Ordinance Section 840.5-E (Rural Commercial Center District), a 20-foot rear-yard setback is required. A Variance is required to waive this requirement to allow a zero-foot rear-yard setback to accommodate the proposal.

**Analysis:**

In support of Finding 1, the Applicant states that the project site is a somewhat irregular trapezoid; construction of a storage building on the rear property line (cannot be seen by travelers on the public street) would essentially act identical in form and function as a wall that is allowed by the RR zoning; and the existing 30-foot-wide access easement along west and north property lines separates the project site from the adjacent land uses.

In support of Finding 2, the Applicant states that: 1) construction of a storage building on near (north) the property line will provide protection from potential annoyances to adjacent properties; 2) the height, location, and physical characteristics of the building are identical to a solid masonry wall; 3) total building height will be 2.5 feet more than the typical six-foot-high wall; and 4) granting of the Variance would not constitute a special privilege, as he has a right to build a wall on the property line.

The subject 2.28-acre parcel is located in a predominantly rural residential area (with some recreational, agricultural and commercial uses in proximity) and is surrounded by developed parcels in excess of five acres. Adjoining parcels to the north and west contain single-family residences with a plant nursery and related improvements, and the parcel to the east contains a mobile home park. The parcel to the south across State Route 168 contains a single-family residence.

Staff notes that the subject parcel is an irregular-shaped parcel different in size and shape from surrounding parcels. The parcel's east and west property lines are somewhat parallel to each other; however, the north and south property lines are not. The north property line runs at an

acute 60-degree angle. The shape of the parcel limits the optimum use of the land within the northerly most portion of the property. The Site Plan submitted by the Applicant (Exhibit 5), shows that perhaps the most logical use of the land is to arrange storage buildings (comprised of multiple individual units) along the rear (north) property line.

Staff notes that Section 840.5-H.2 of the RCC District requires a five- to six-foot-tall solid masonry wall on a zoning boundary between a commercial and a residential use. In this case, a masonry wall is required along the north property line to separate the proposed personal/recreational vehicle storage facility (commercial use) from the adjoining RR (Rural Residential)-Zoned property. The proposed storage building to be constructed along north property line within the rear-yard setback is approximately 4,650 square feet in size and approximately 8.5 feet in height. Staff concurs with the Applicant that although a wall could be built on the rear property line, construction of an 8.5-foot-tall, 15-foot-wide, and 310-foot-long storage building could also function much like a wall to protect and screen adjoining residential uses from on-site activities and vehicular light and glare.

Staff also notes that a 30-foot-wide private access easement that starts at State Route 168 and runs along the west and north property lines provides access to the neighboring properties. This easement acts as a buffer between the proposed storage building (Unit F, Exhibit 5) and adjoining properties and is required to remain unobstructed and unoccupied at all times.

A consideration in addressing Findings 1 and 2 is whether there are alternatives that would avoid the need for the Variance. In this case, an alternative would be to redesign the site for the proposed development so as not to have the storage building encroach into the rear-yard setback. It could be argued that redesign could eliminate the need for this Variance; however, this option would not be acceptable by the Applicant and has been the basis of filing this Variance Application based on the analysis provided above and in the Applicant's Findings (Exhibit 8).

Based on the above analysis, and considering the lack of alternatives available that would avoid the need for a Variance, staff believes Findings 1 and 2 can be made.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Findings 1 and 2 can be made.

*Finding 3: The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

**Reviewing Agencies/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division; Fresno County Fire Protection District: No comments.

**Analysis:**

In support of Finding 3, the Applicant states that the project will not be detrimental to surrounding properties in that construction of the proposed storage building on the rear (north) property line with a decorative exterior: is identical in nature to a block wall that would be allowed on the property line; will protect property from vandalism and burglary; will reduce noise levels to adjoining properties; and will be consistent with applicable fire and building codes.

The primary purpose of the setback standards is to protect the aesthetic character of the neighborhood by providing an offset of structures from the adjacent properties. Without these standards, extreme setback variations can occur between buildings on adjacent properties which can negatively affect the appearance along streets. Likewise, the primary purpose of wall is to protect and screen adjoining residential uses from various adverse effects commonly associated with commercial uses.

As previously discussed, the subject property is located in a predominantly rural residential area. Adjacent parcels are developed with a nursery, single-family residences and a mobile home park. Other parcels in the vicinity are developed with single-family residences. The area is surrounded by mostly flat terrain with scenic views of the Sierra Mountains to the east.

The proposed storage building is approximately 8.5 feet in height. The nine-foot-tall building compare to a six-foot-tall solid masonry wall required on the north property line would not present an imposing appearance to the surrounding properties. It is reasonably expected that the building will block vehicular headlights from shinning onto to adjacent properties and reduce noise level the same as a solid masonry wall would. The visual impact on the neighboring property would be reduced by the stucco building façade visible to the neighboring property with a decorative design and a 30-foot separation provided by the easement between the building and the neighboring property. This easement carries limited traffic volume, as it serves a limited number of parcels and dead ends to the north.

The Fresno County Fire Protection District reviewed the proposal and expressed no concerns in regard to allowing a zero-foot setback to the neighboring property. The District concurred with staff that the easement will provide essential separation between the properties needed for firefighting purposes.

Based on a lack of detrimental aesthetic impacts, limited building height and limited vehicular traffic on the dead end easement, and a lack of concerns expressed by the Fire Department, staff believes the proposed storage building with a zero-foot rear-yard setback will not create a negative impact on the neighborhood or be detrimental to the public safety. Finding 3 can be made.

**Recommended Conditions of Approval:**

See Conditions of Approval and Project Notes attached as Exhibit 1.

**Conclusion:**

Finding 3 can be made.

*Finding 4: The granting of such a Variance will not be contrary to the objectives of the General Plan.*

**Analysis:**

In support of Finding 4, the Applicant states that there are no General Plan policies that apply to the proposed Variance.

The subject property is designated Foot-Hill Rural Residential in the Sierra-North Regional Plan of Fresno County. The policies in the General Plan do not specifically address building setbacks. Therefore, approval of the Variance will not be in conflict with the Foothill Rural Residential Policies of the General Plan.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Finding 4 can be made.

**CONCLUSION:**

Staff believes the required findings for granting the Conditional Use Permit can be made based on the factors cited in the analysis. Staff also believes the required findings for granting the Variance can be made based on the factors cited in the analysis. Therefore, staff recommends adoption of the Mitigated Negative Declaration prepared for this project, and approval of Conditional Use Permit No. 3546 and Variance No. 4018, subject to the recommended conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative declaration prepared for Initial Study (IS) Application No. 7206; and
- Recommend that the Board of Supervisors determine the required Findings can be made and move to approve Conditional Use Permit No. 3546 to permit a personal/recreational vehicle storage facility with office and a caretaker's residence subject to Conditions and Project Notes attached as Exhibit 1; and
- Recommend that the Board of Supervisors determine that the required Findings can be made and move to approve Variance No. 4018 to permit a zero-foot rear-yard setback for a storage building subject to Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action and forward the above recommendation to the Board of Supervisors.

**Alternative Motion** (Denial Action)

- Move to determine the required Findings cannot be made (state basis for not making the Findings) and move to deny Conditional Use Permit No. 3546; and
- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4018; 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.

EA

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3546\SR\CUP 3546 VA4018 SR (revised).docx

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7206/Conditional Use Permit Application No. 3546/Variance Application No. 4018**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
*2.	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.				
2.	Prior to the issuance of building permits, the Applicant shall irrevocably offer dedication of eight (8) feet of right-of-way to the California Department of Transportation to accommodate 55 feet from the centerline of State Route 168 (Auberry Road).				
3.	Drought-tolerant landscaping shall be planted and maintained within the 50-foot setback area along the southern property line of the subject parcel parallel to the proposed parking lot, caretaker's residence and office in order to enhance the appearance of the property. A landscaping and irrigation plan, designed by a Landscape Architect, licensed landscaping contractor, or other licensed/certified professional, shall be submitted to the Department of Public Works and Planning, Development Services Division for review and approval at the time the mandatory Site Plan Review is submitted. Said landscaping shall be no less than ten feet in width, shall be maintained in a healthy condition and shall consist of evergreen trees and shrubs of adequate size and density to provide reasonable visual screening and buffer of the commercial facility from State Route 168 (Auberry Road). If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0). The balance of the 50-foot setback area between the roadway and the landscaped area shall be maintained as an area of natural open space to provide for transition between the development and the roadway.				



4.	Prior to the issuance of building permits, the Applicant/owners shall submit an updated engineered sewage disposal system design to this Department for review and approval. The report shall take into account the location of existing water wells on the parcel and adjacent parcels, and proposed septic system to serve the proposed project. All structures on the parcel shall be considered in the analysis. Primary and reserve sewage disposal areas shall be included in the analysis and on the site plan.
5.	Prior to the issuance of building permits, the Applicant shall complete a well yield test for review and approval by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.
6.	All structures on the property shall be painted in a neutral and/or earth-tone color; a color palette and building elevations shall be submitted at the time of Site Plan Review.
7.	All on-site parking and circulation area shall be concrete or asphalt concrete paved in order to meet handicap accessibility requirements.

\*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	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for all proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	A Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, right-of-way, landscaping, signage and lighting.
4.	Prior to occupancy, a solid masonry wall 5 to 6 feet in height shall be constructed along the north property line excepting a 30-foot-wide access easement and the storage building (Unit F) approved by VA No. 4018.
5.	Per Site Plan Review Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• An asphalt concrete driveway approach 24 to 35 feet in width shall be provided where the access road ties into the public road serving the project site.</li> <li>• The gate(s) that provide(s) initial access to the site shall be set back a minimum of 20 feet (or the length of the longest vehicle to initially enter the site, whichever is greater) from the edge of the ultimate right-of-way.</li> <li>• Should landscape area(s) total 500 square feet or more, Landscaping plans shall be designed by a Landscape Architect, or licensed landscaping contractor. Irrigation systems shall be designed by a certified irrigation designer, or other licensed or certified professional in a related field in accordance with Fresno County Standards.</li> <li>• All proposed signs on the property shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> </ul>

Notes

6.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"><li>• An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties.</li><li>• A Grading Permit or Voucher shall be required for the proposed development.</li><li>• Any additional runoff generated by the proposed development shall be retained on site per County Standards.</li><li>• The subject parcel is located within the SRA (State Responsibility Area) boundary. Any future development shall be in accordance with the applicable SRA Fire Safe regulations as they apply to driveway construction and access.</li></ul>
7.	<p>Per the California Department of Transportation (Caltrans), an encroachment permit shall be required for all proposed activities for placement of encroachments within, under, or over the State highway right-of-way.</p>
8.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project may also be subject to joining the Community Facilities District (CFD).</p>

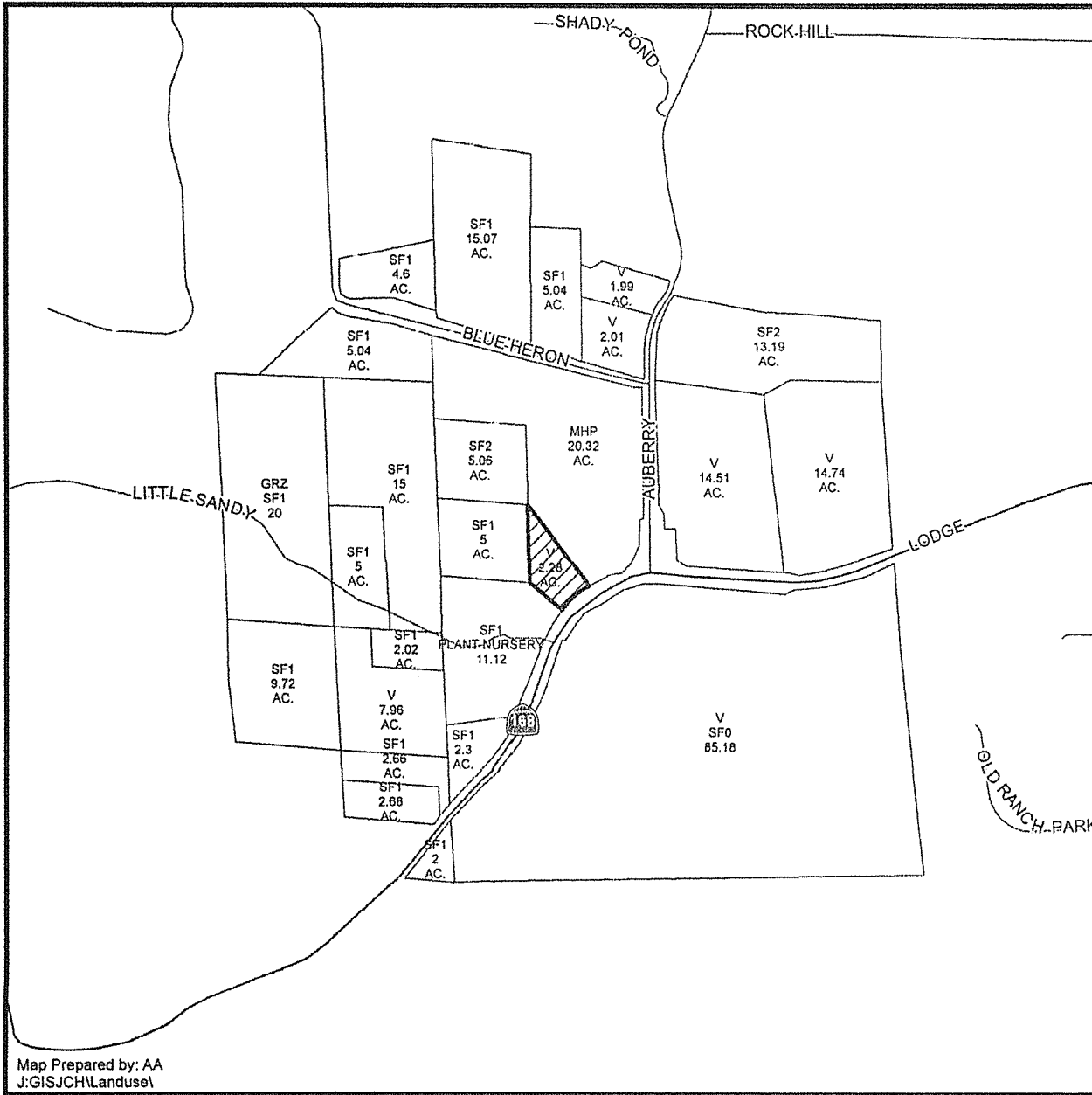
EA:  
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3500-3599\3546\SR\CUP3546 VA4018 MMRP (Ex 1).docx







VA 4018

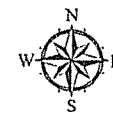
# EXISTING LAND USE MAP



LEGEND	
GRZ - GRAZING	
MHP - MOBILE HOME PARK	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

### LEGEND:

-  Subject Property
-  Ag Contract Land

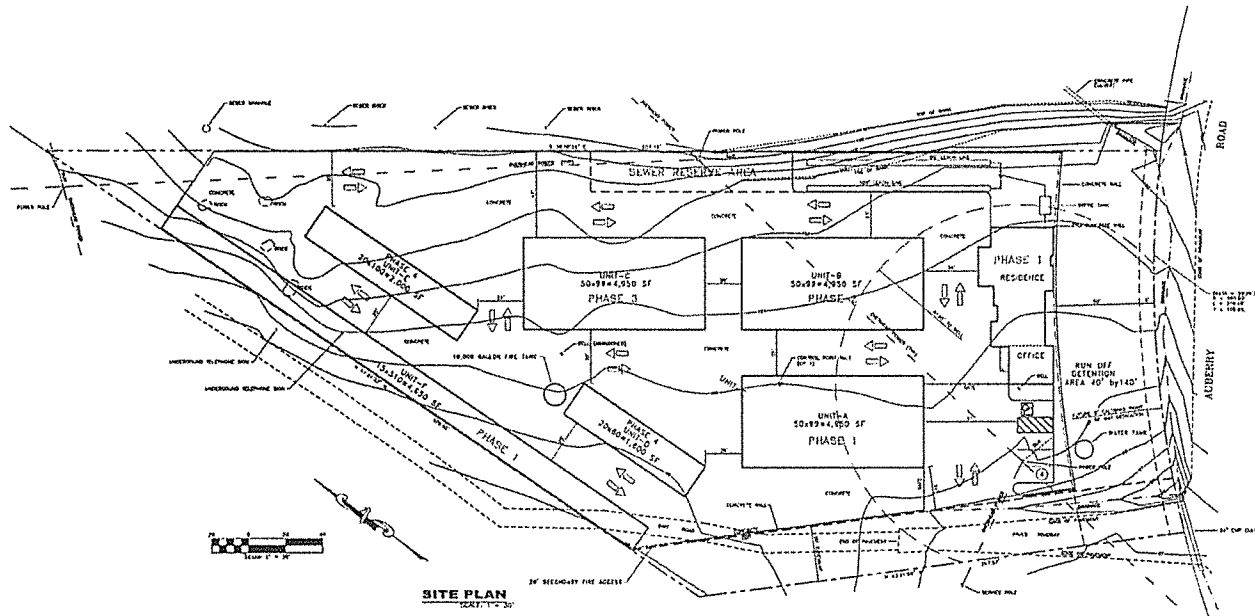


0 212.5 425 850 1,275 1,700 Feet

Department of Public Works and Planning  
Development Services Division

Map Prepared by: AA  
J.GISJCH\Landuse1

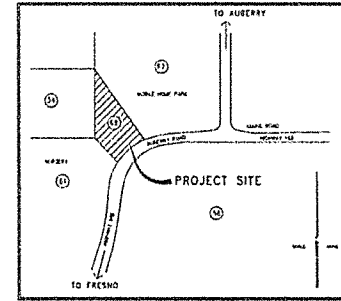
EXHIBIT 4



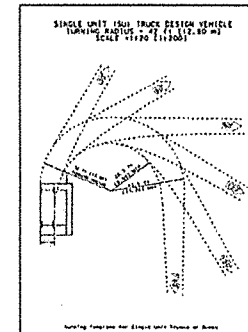
**SITE PLAN**  
SCALE: 1" = 20'

**PARKING SPACE COUNT**

ESTIMATED PARKING SPACES: 21  
 PAS: 100' SINGLE - 1  
 FOR VAN ACCESSIBLE SPACES - 1



**VICINITY MAP**  
SCALE: NONE



**TRUCK TURN - TEMPLATE**  
SCALE: NONE

DATE: JANUARY 23, 2017		SCALE: AS NOTED	
SITE PLAN COUNTY OF FRESNO		DRAWN BY: S. HARRISON	
LYLE BREWER ENGINEERING		CHECKED:	
SELF STORAGE FACILITY		DATE:	
PRATHER, CALIFORNIA		SCALE:	
A.P.N. 128-430-68		SHEET:	
SITE PLAN		OF 1	
ADDRESS: 30455 AUBERRY ROAD		1 OF 115	



**VALENTINE JANEV  
ARCHITECT, INC.**  
 A.S. B. HOLD. MATHS. MATHS. M.A.  
 ARCHITECTURE  
 PLANNING  
 CONSTRUCTION MANAGEMENT  
 1025 HUNTS DR.  
 TAMPA, FL 33604  
 Phone: (704) 233-0067

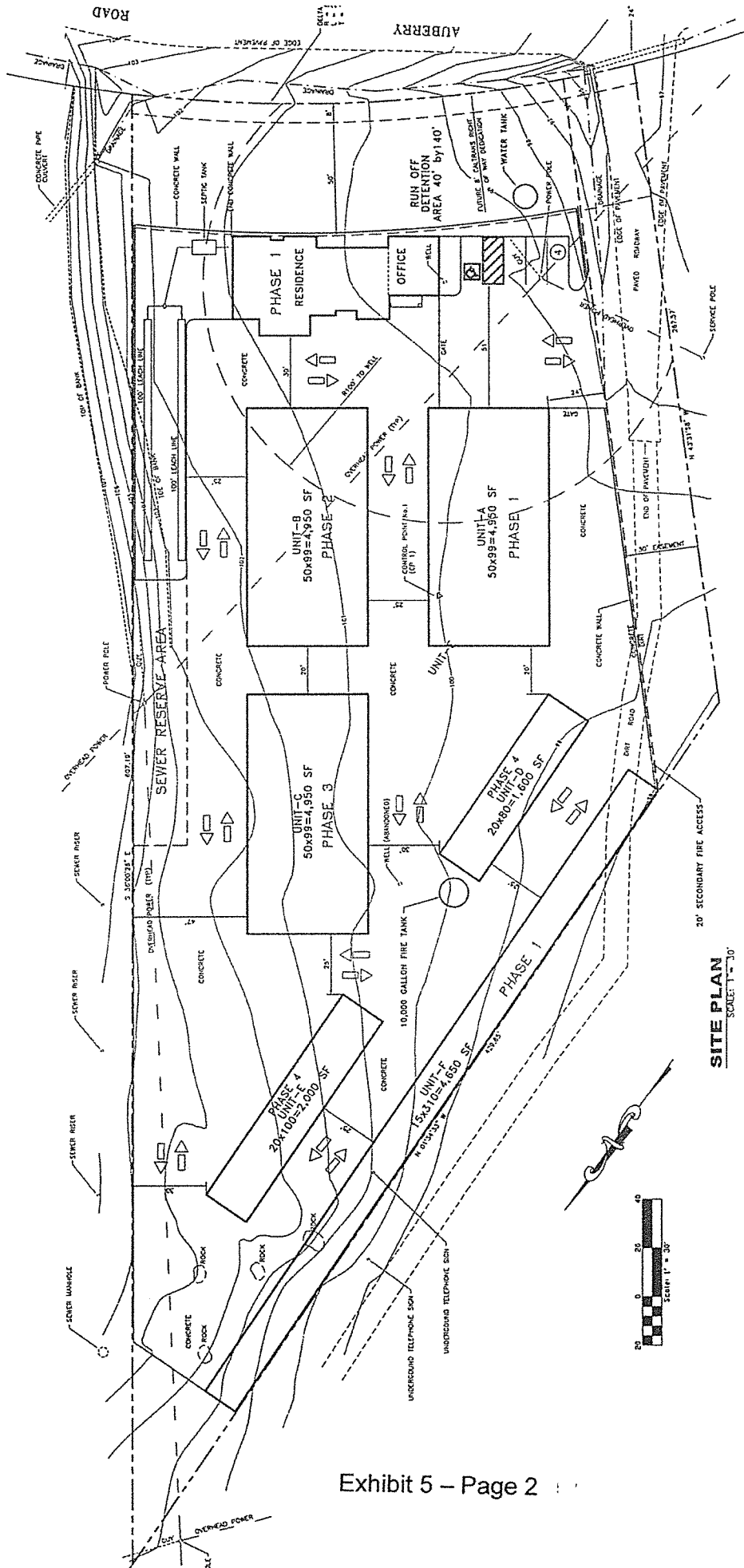
**PRATHER SELF  
STORAGE FACILITY**  
 AUBERRY ROAD  
 FRESNO COUNTY, CA

**OWNER:**  
MARK MYLES

**EXHIBIT 5**

VEHICLE TURNING MOVEMENTS & VOLUMES			
PHASE	MOVEMENT	ESTIMATED VOLUME	
		PER HOUR	PER DAY

A-3



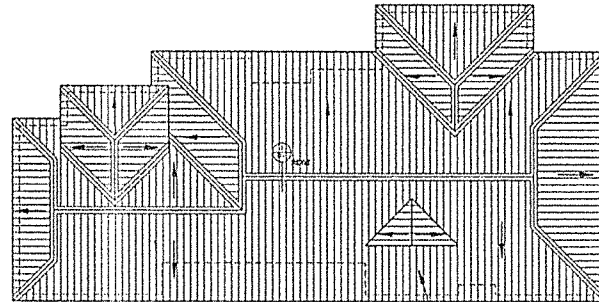
**SITE PLAN**  
SCALE: 1" = 30'





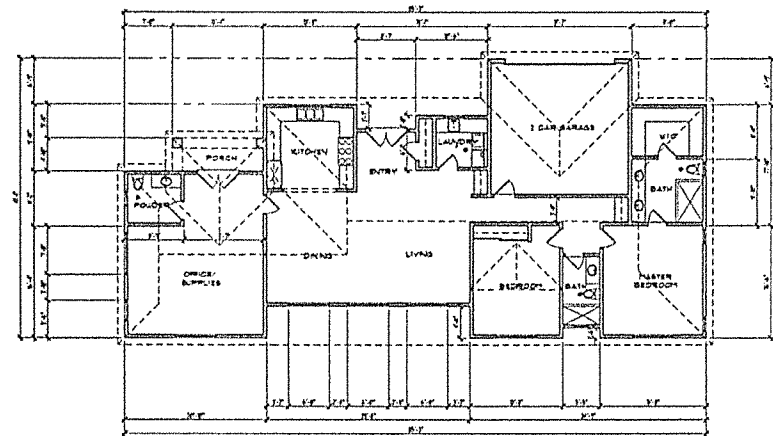






① ROOF PLAN - BUILDING 1

1/8" = 1'-0"



① FLOOR PLAN - BUILDING 1

1/8" = 1'-0"



**VALENTINE JANEV  
ARCHITECT, INC.**

34,8 8th St., Suite 100, Modesto, CA 95201

ARCHITECTURE  
PLANNING  
CONSTRUCTION MANAGEMENT

Phone: 209.533.1111

PROJECT:  
**PRATHER SELF  
STORAGE FACILITY**  
ALBERTY ROAD  
FRESNO COUNTY, CA

OWNER:  
MARK MYLES

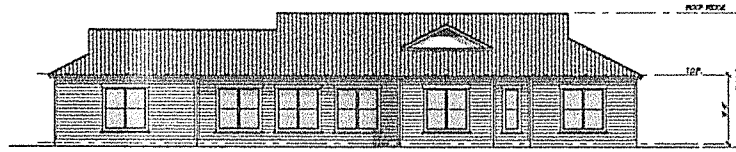
SHEET TITLE:  
**FLOOR PLAN  
BLDG. 1**

This plan was prepared and issued as a set of drawings and specifications for the construction of the project shown hereon. It is to be used in conjunction with the contract documents and the architect's contract with the owner. The architect is not responsible for the accuracy of the information provided by the owner or for the construction of the project. The architect's liability is limited to the design and construction of the project. The architect is not responsible for the construction of the project.

SYMBOLS AND NOTATION

SYMBOLS AND NOTATION	SYMBOLS AND NOTATION
WALLS	DOOR
WINDOWS	W.C.
CEILING	W.C.
FLOOR	
ROOF	
STAIRS	
TRUCKS	
DATE	
SCALE	
BY	
DATE	

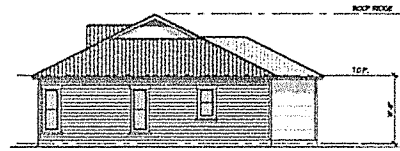
A-4



④ REAR ELEVATION 1/8" = 1'-0"



② LEFT SIDE ELEVATION 1/8" = 1'-0"



③ RIGHT SIDE ELEVATION 1/8" = 1'-0"



① FRONT ELEVATION 1/8" = 1'-0"



VALENTINE JANEV  
ARCHITECT, INC.

P.L.L.C. 9080 WALNUT, MENLO PARK, CA

ARCHITECTURE  
PLANNING  
CONSTRUCTION MANAGEMENT  
11811 Sande Drive,  
Folsom, CA 95630

Phone 916.223.9601

PROJECT:  
PRATHER SELF  
STORAGE FACILITY  
AUBREY ROAD  
FRESNO COUNTY, CA

DESIGNER:  
MARK MYLES

SHEET TITLE:  
BLDG. 1  
ELEVATIONS

This drawing shall not be used for construction or other purposes without the written consent of the architect. The architect shall not be responsible for the accuracy of the information provided by the client. The architect shall not be responsible for the accuracy of the information provided by the client. The architect shall not be responsible for the accuracy of the information provided by the client.

ISSUE TRACKING SHEET BY AND FOR:

PROJECT/CLIENT: PROJECT/CLIENT:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:

DATE/REV: DATE/REV: DATE/REV: DATE/REV:  
A-5

# EXHIBIT 7

Mark E. Myles  
P O Box 235, Prather, CA 93651  
(805) 526-2382

## Storage Facility CUP

September 5, 2016

### Operational Statement

CUP 3546

RECEIVED  
COUNTY OF FRESNO

SEP 12 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

#### Site Data

APN 128-430-68

Size 2.28 acres

Location- North side of SR 168 (Auberry Rd) approximately 's 470 ft. west of thee intersection of SR168 and Lodge road

#### 1. Nature of Operation.

What we are proposing is a Personal/Recreational Vehicle (RV) Storage Facilities with an office and on-site caretaker's residence.

#### 2. Operational Time Limits

The nature of Recreational Vehicle (RV) Storage Facilities is typically the office is open from 9:00 am to 5:pm Monday - Saturday.

Existing customers typically have access to their belongings from sun up (6:00am) to sunset (Varies) via a gate code.

#### 3. Number of Customers or visitors

The number of visitors or trips per day would be 10 to 15 per day.

#### 4. Number of Employees

One on-site caretaker.

#### 5. Service and delivery vehicles

None

**6. Access to the site**

The access to the center will be along Auberry Road (State Hwy 168) with a standard 30' driveway. The driveway will be shared with a nursery to the left side of the center. The driveway and all the parking spaces will be an asphalt surface.

**7. Number of parking spaces for employees & customers**

There are 4 customer parking spaces proposed 3 regular and 1 handicap. Employee/caretaker to park personal vehicle in garage.

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

Yes, typical packaging boxes and similar packaging supplies will be sold on-site.

**9. What equipment is used**

None

**10. What supplies or material are used and how are they stored**

None

**11. Does the use cause an unsightly appearance**

No. Please see the attached project site plan and elevations. The site will be nicely landscaped complementary to the project design.

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

None other than typical waste from the caretaker's residence. Cardboard paper and other packaging materials may also be generated by the proposed use

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

This project has an approved onsite well. This type of use basically uses no water except for the on-site caretaker and occasional customer restroom. Water usage based on the county standard for the Mountain & Foothill Community is 100 gallons per day per person. Using an occupancy of 2.5 persons X 100 gal. per day would have consume 250 gallons of water per day.

Drought tolerant landscaping will be used at the facility. It is assumed total water consumption including landscape irrigation and domestic use is approximately 500 gallons per day.

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

There will be and sign place out front of the project with the name on it.

The size and location will be determined with the designed landscaping.

**15. Will existing buildings be used or will new buildings be constructed?**

A new office/caretaker's residence will consist of a single story 500 sf office with an attached 1500 sf caretaker's residence. The building is designed to look like a historic train depot. The construction will be slab on grade with wood framing.

The proposed personal storage units to be either metal buildings or wood framed with elevations to match the theme of the office/caretaker's residence. The units to be built in phases as unit are filled.

The boats and RV's to be stored on a minimum of 3" crushed rock or an all-weather asphalt or concrete surface.

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

All buildings except for the caretaker's residence will be used to store personal property rented on a month-to-month basis.

**17. Will any outdoor lighting or a sound amplification system be used?**

Outdoor lighting will be standard parking lot light's that are hooded with florescent bulbs. No sound amplification system will be used.

**18. Landscaping or fencing proposed?**

Landscaping will be limited to the 40 feet frontage and will designed with artificial turf, rocks, native trees, and other low maintenance landscaping features.

Fencing will be a combination of concrete and wrought iron to secure the self storage area.

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

No

**20. Identify all owners, Officers or Board Members for each application submitted.**

Mr. Mark E. Myles  
PO Box 235  
Prather CA, 93651  
(805) 526-2382

# EXHIBIT 8

## VARIANCE APPLICATION FINDINGS

Mr. Mark Myles  
December 27, 2016  
Revised March 6, 2017

**Applicant/Owner:**

Mr. Mark Myles  
PO Box 235  
Prather, CA 93651

**Representative:**

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721  
559-445-0374

**Site Data**

APN 128-430-68

Size 2.28 acres

Location- North side of SR 168 (Auberry Rd) approximately 's 470 ft. west of the intersection of SR168 and Lodge Road.

**Existing General Plan Land Use Designation:**

Rural Residential (R-R)

**Site Zoning**

Rural Residential (R-R)

**Request:**

Grant a Variance to allow a zero-foot rear yard setback where a 20-foot setback is required. The actual setback will be 6" to allow for footings to be built on the applicant's property without encroachment onto adjacent properties.

VA 4018

RECEIVED  
COUNTY OF FRESNO

MAR 06 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**Background:**

The applicant intends to construct a personal goods mini storage facility on the subject site. Please see the attached notated aerial. The Rural Residential zone in which the subject site is located requires a 20-foot rear yard setback.

A 30-ft. wide recorded permanent ingress/egress easement exists along the 267 ft. long south property line on the applicant's south property line. Said recorded easement then transitions at the same 30 ft. width onto the Intermountain Nursery property and provides a permanent physical separation from the subject site and the Intermountain Nursery property and uses immediately to the south and east *effectively* creating a 30 ft. setback.

The applicant proposes to construct the proposed storage facility with the exterior wall of the storage units of a decorative nature to provide substantial buffers from the activities that could occur with the proposed use and provide greater protection to the storage units. Please see the attached illustration. Said rear storage wall is estimated to be 8 1/2 ft. tall from the base to the top of the roof at the property line.

As proposed, construction of the proposed storage buildings would reduce potential noise and light impacts and provide an aesthetically pleasing wall treatment. It is noted that nothing in the zoning ordinance prohibits the project applicant from constructing a wall on the rear property line. It is also noted that the design and construction option proposed by the applicant is used in various localities due to its obvious advantages of protecting the storage use from impacts and reducing the potential for the storage use to impact adjacent properties.

The applicant has consulted with appropriate fire and building safety officials and will construct the exterior of the proposed storage units in accordance with all building and safety requirements.

Please see the attached aerial photograph of the proposed site and surrounding properties and the attached photograph of a storage unit placed on the property line and its estimated height. The wall of the proposed storage unit will be very similar in height and materials as depicted on the photograph.

The proposed wall would provide additional protection from adverse impacts to the storage facility such as vandalism and burglary as the site rear property line is not visible from the public street.

Adjacent structures on the parcel immediately to the south of the subject site appear to be located on or near the property line.

**Finding 1:**

*Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special*



***circumstances applicable to the property, including its size, shape, topography, location or surroundings?***

The subject site is a somewhat irregular trapezoid. Although it is zoned Rural Residential it is adjacent to a commercial nursery to the south and a mobile home park on the north. The rear property line where the Variance is proposed is over 300 ft. from the public street and cannot be seen from travelers on the public street nor seen from the mobile home residents.

The applicant desires to construct storage units back wall approximately 6 in. from the rear property line essentially performing as a wall in form and function.

The property's irregular shape and proximity to the commercial and residential use supports the applicant's intent to provide a supplemental protection to adjacent properties that is also aesthetically pleasing. The proposed wall would provide additional protection from adverse impacts to the storage facility such as vandalism and burglary as the site rear property line is not visible from the public street.

Adjacent structures on the commercial nursery parcel immediately to the south of the subject site appear to be located on or very near the shared property line between the nursery and the applicant's rear property line where the storage units would be located.

It should be noted a 30-ft. wide recorded ingress/egress easement exists that provides a permanent physical separation from the subject site and the commercial nursery property immediately to the south and provides ingress/egress rights to the public roadway. Therefore, an atypical setback of 30 ft. exists to provide visual, operational and fire protection/building code separation. The rear yard setback of the Rural Residential zone is 20 ft. therefore, *functionally* a 30 ft. setback remains.

Other opportunities exist for construction of a wall or other improvements on the subject rear property line. Per Section 820.5. E. 3. c. (3) *if* the storage unit building was considered an accessory building, it could be constructed on the property line if it was located a minimum of 100 ft. from the front property line. Also, per Section 820.5. H. 2. c. fences or walls over 6' in height may be allowed to enclose tennis courts or other game areas shall be permitted in the rear yard subject to a Directors Review & Approval.

**Finding 2:**

***Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?***

The applicant desires to provide additional protection from potential annoyances to adjacent properties by constructing the proposed storage units on the north and property line. Granting of the proposed Variance would not constitute a special privilege in that the applicant has a right to construct a wall on the subject property line. Essentially, the proposed Variance would allow a wall of approximately 2 ½ ft. taller than a typical wall that could be built *by right*.

Variances granted for security purposes have allowed walls higher than 7 ft. Generally, site grading or topographic features could allow for a wall to be functionally of the height proposed.

The limited height, location, density and other physical characteristics are almost identical to a solid masonry wall that is commonly constructed on property lines. As proposed, the back side of the storage units will act as a wall but have a more attractive design than a wall. Further, the 30-ft. wide recorded ingress/egress easement exists that provides a permanent physical separation from the subject site and the site immediately to the south and allows access to and from the public roadway. Said atypical 30 ft. easement provides visual, operational and fire protection/building code separation unlike other properties where a wall or similar structure is built on a property line. As mentioned above, the rear yard setback of the Rural Residential zone is 20 ft. therefore, *functionally* a 30 ft. setback remains.

As mentioned above, various circumstances would allow a wall of the proposed height or greater. For these reasons, the proposed Variance does not constitute a special privilege inconsistent with the limitations of other properties.

**Finding 3:**

***If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?***

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. For the reasons stated previously, the proposed construction of storage units on the rear property line (6 in. off set) with a decorative exterior is identical in nature to a block wall that could be allowed *by right*. In addition, constructing the facility as proposed will substantially reduce noise levels as parking would not be allowed adjacent to the property line.

The location of the proposed facilities will not adversely affect circulation or site distance in or out of the proposed use. As noted above, a 30-ft. wide recorded ingress/egress easement exists that provides a permanent physical separation from the subject site and the site immediately to the south and provides access to the public roadway.

The proposed wall would provide additional protection from adverse impacts to the storage facility such as vandalism and burglary as the site rear property line is not visible from the public street. The proposed design will incorporate a *train depot* theme and will be tastefully landscaped. Note the attractive nature of the proposed use compared to other such facilities in the area.

Adjacent structures on the parcel immediately to the south of the subject site appear to be located on or near the property line.

The applicant has consulted with fire and building and safety officials and acknowledges the necessity to construct the units consistent with applicable fire and building and safety requirements.

The applicant has consulted with Caltrans and has made all necessary dedications of *right-of-way* for future roadway purposes. The proposed Variance will have no effect on sight distance on or out of the subject site. Project conditions will assure lighting, drainage and maintenance occur in an appropriate manner.

The applicant is aware of no information that would suggest that the proposed Variance would adversely affect adjacent properties. In fact, the proposed Variance should act as a very effective noise, light and dust buffer to activities that occur on the subject site.

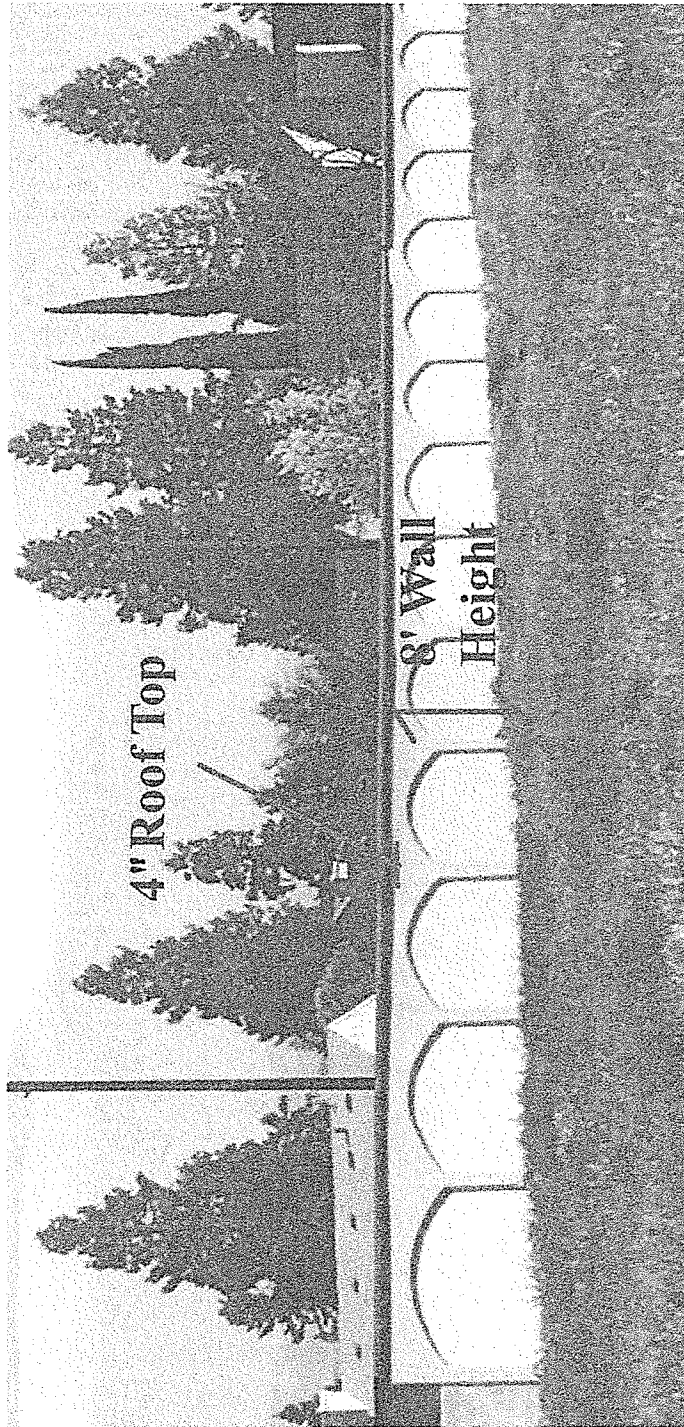
**Finding 4:**

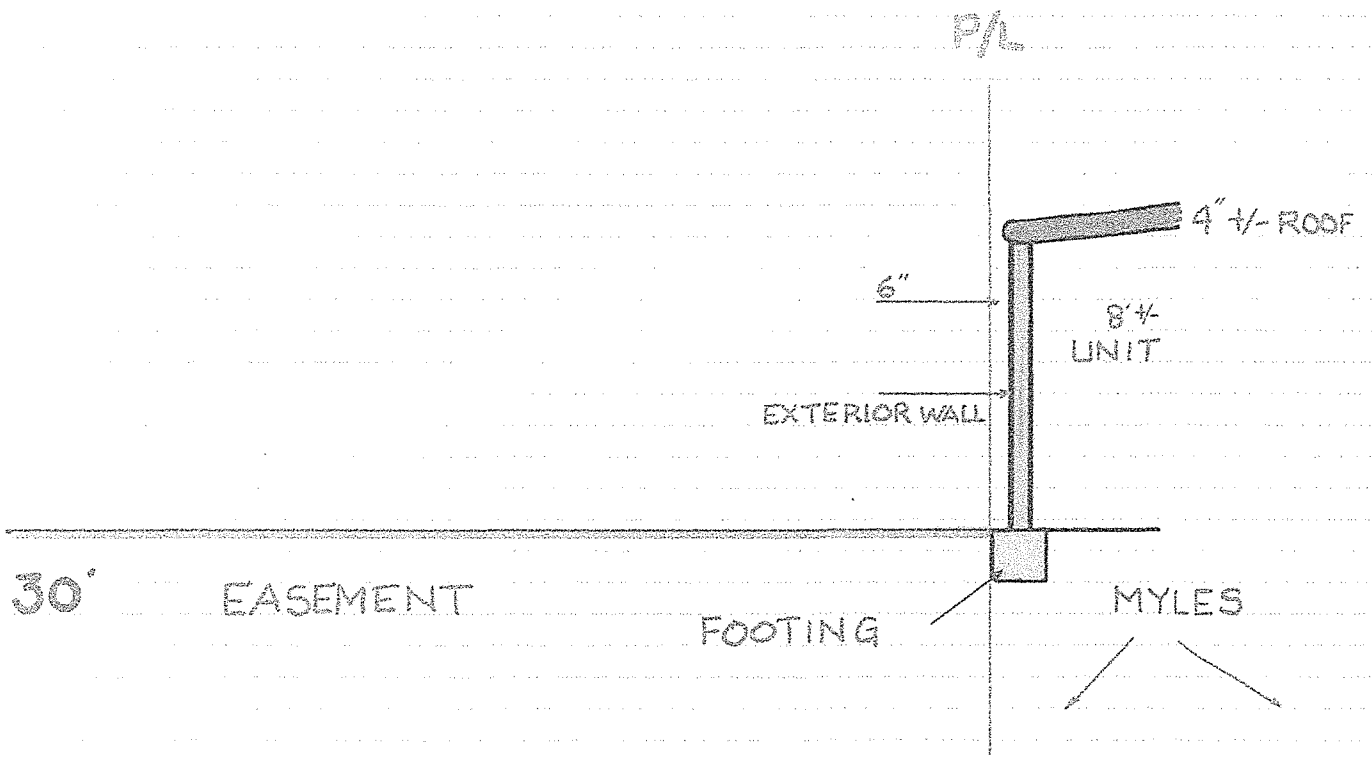
*If granted, would the requested variance conflict with established general and specific plans and policies of the county?*

No general plan policies apply to the proposed Variance. Approval of the proposed facility would assist in providing options for storage in the foothill area and indirectly reduce unsightly clutter often found on rural parcels in the area.

**Applicant Proposed Conditions**

- 1 All drainage shall be directed to and contained on the applicant's property.
- 2 All exterior lighting shall be attached to the buildings and shall be hooded and directed downward so to not annoy nearby property owners. No lighting fixtures shall be allowed on the rear or back side of any structure facing the project ingress/egress easement.
- 3 The exterior rear or back side of any structure shall be properly maintained free of graffiti. Any damage to said wall shall be repaired in a timely manner to assure it remains reasonably attractive and well maintained.





SECTION (WALL)

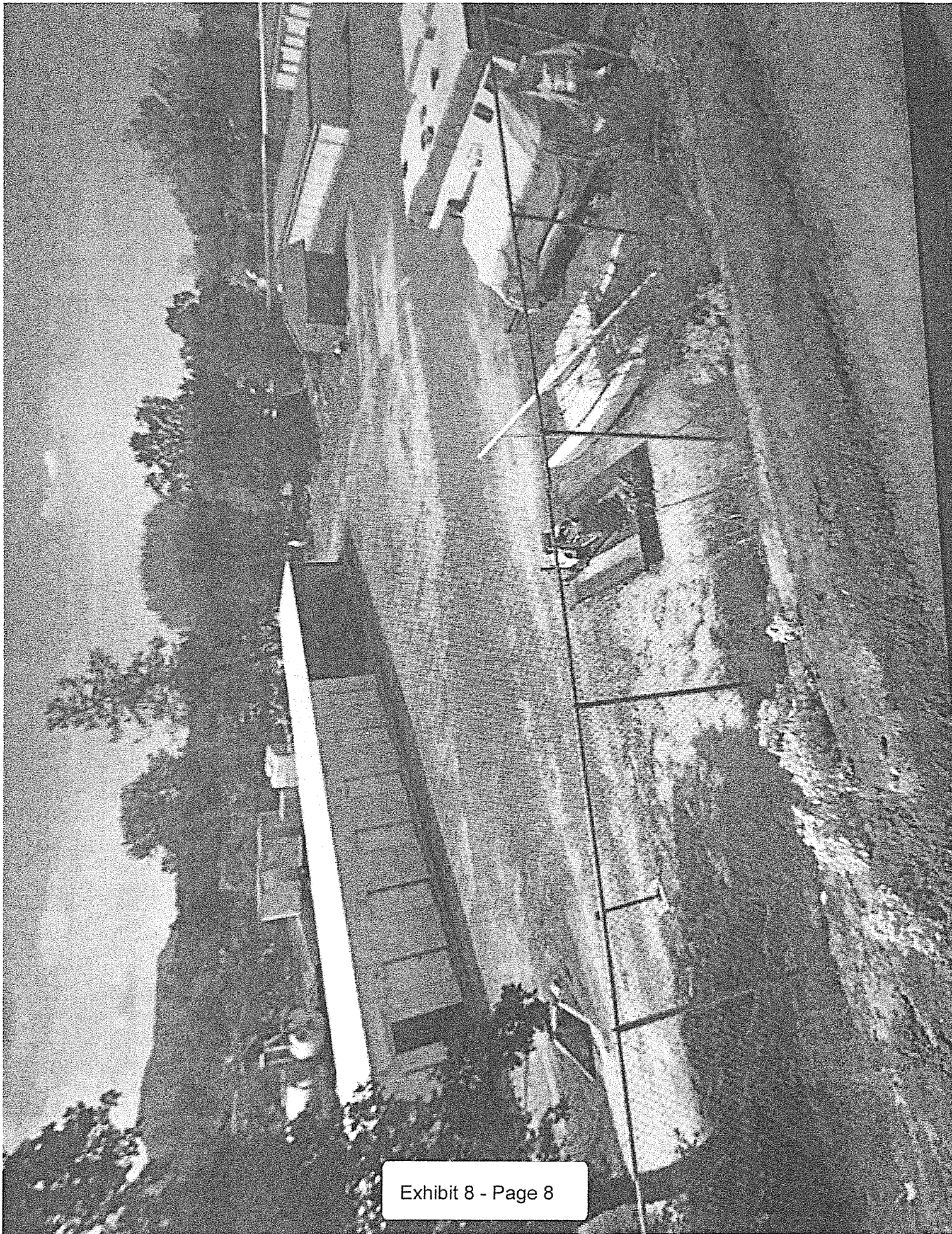


Exhibit 8 - Page 8

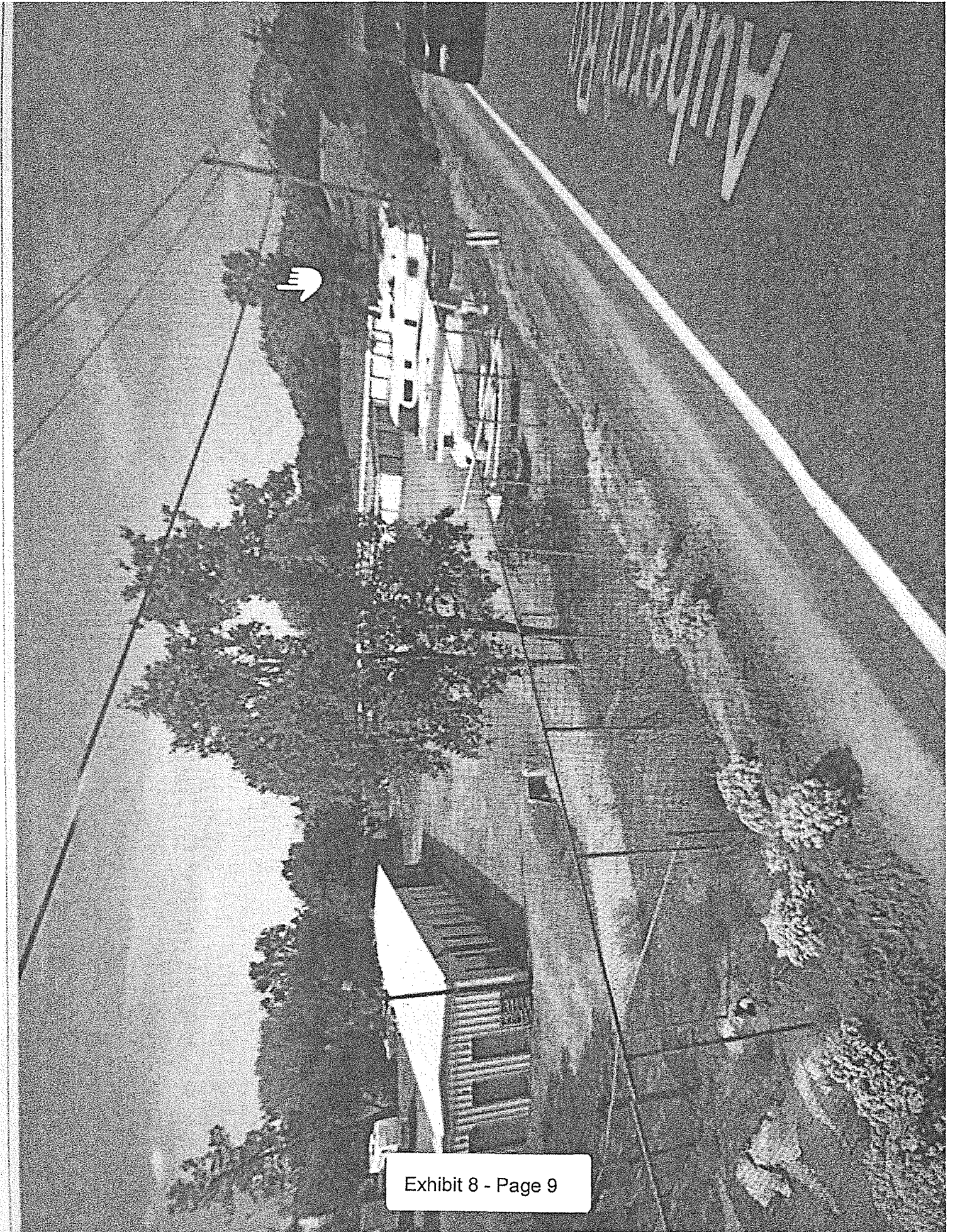
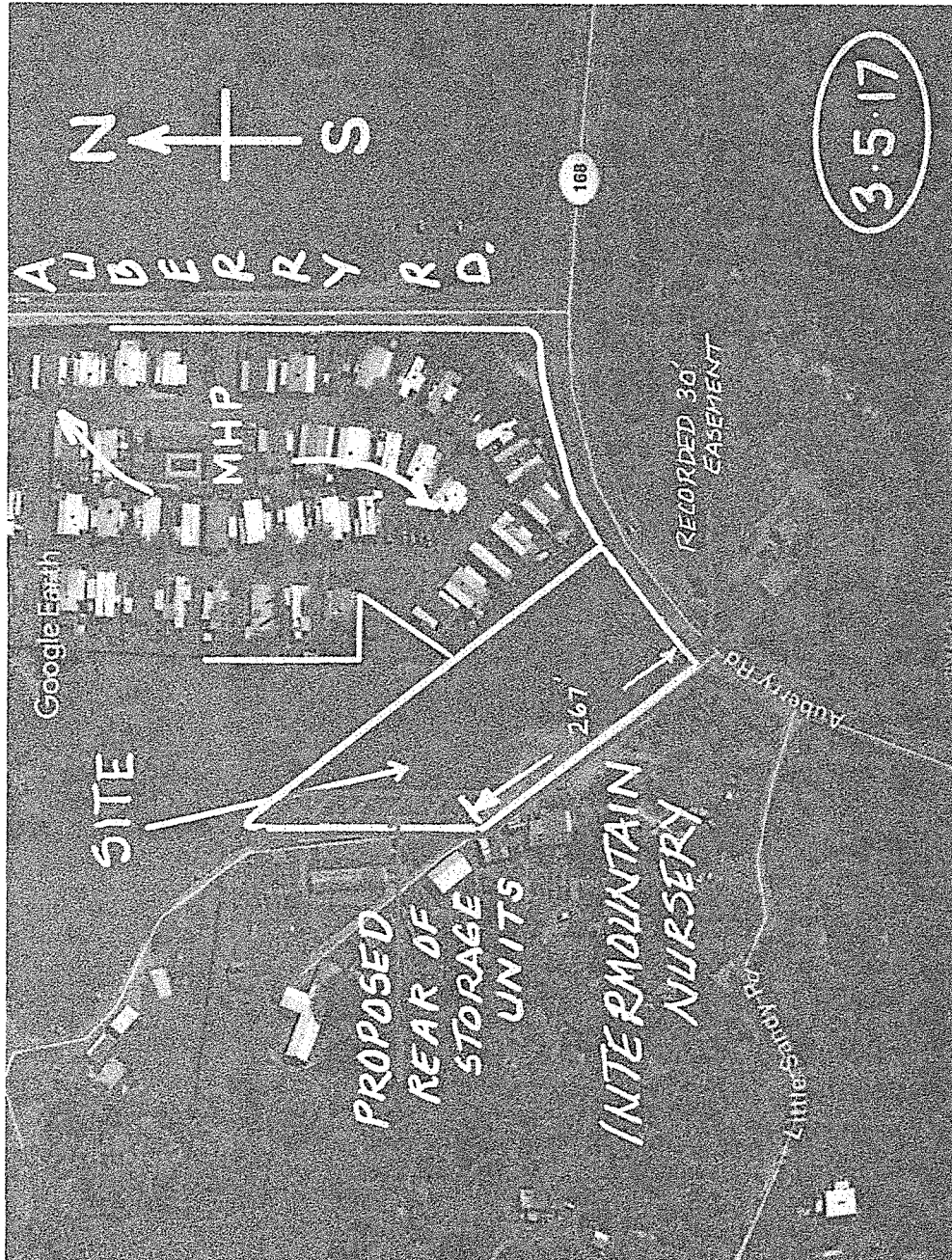


Exhibit 8 - Page 9







## EXHIBIT 9

# County of Fresno

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

### EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Mark Myles
- APPLICATION NOS.: Initial Study Application No. 7206, Classified Conditional Use Permit Application No. 3546, Variance Application No. 4018
- DESCRIPTION: Allow a personal/recreational vehicle storage facility with an office and a caretaker residence on a 2.28-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The request also includes a zero-foot rear yard setback for a storage building.
- LOCATION: The project site is located on the north side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (SUP. DIST. 5) (APN 128-430-68).

#### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista?

FINDING: NO IMPACT:

Surrounding uses include a mobile home park, nursery, single-family residential units and vacant lands. The area is surrounded by mostly flat terrain with scenic views of the Sierra Mountains to the east. The proposed development is located on the north side of Auberry Road and will not interfere with the view of the mountains for travelers along Auberry Road.

- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Auberry Road (State Route 168) is identified as a Scenic Roadway in the Fresno County General Plan (Open Space Element). Aesthetic impacts could occur from the sight of the proposed buildings and parking area. Therefore, as a Condition of Approval, staff is requiring the Applicant provide native, drought-tolerant, low-water landscaping within the 50-foot setback from the roadway. This landscaping provision would include evergreen trees and shrubs for a depth of 10 feet provided and

maintained along the southern property line abutting State Route 168 (Auberry Road). Said landscaping will help reduce the project's visual impact on highway traffic.

Under General Plan Policy OS-L.3, development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the project dimensions preclude such setback. In this case, the parcel size and configuration prohibits reasonable application of the 200-foot setback. The subject property is limited in size (2.28 acres) and irregular in shape, and would be difficult to accommodate the proposed development without encroaching into the required 200-foot natural open space setback. The said setback will also be impacted by additional eight-foot right-of-way along State Route 168 (Auberry Road) as required by the California Department of Transportation. Therefore, the 50-foot setback being proposed not only meets Sierra-North Regional Plan policy but is also consistent with the flexibility identified in the General Plan Policy OS-L.3.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While the project area contains some scenic qualities, the project site does not contain any qualitative scenic resources. The site is unimproved, relatively flat in nature, and not located at a high point. Given the low building height (maximum 20 feet) for the proposed development and additional landscaping as identified in Section I.B, the project will have less than significant impact on the existing visual quality of its surroundings.

- 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:

The project will include installation of outdoor lighting on the buildings and in the parking area. To minimize any light and glare impacts resulting from this proposal, a mitigation measure would require that all lighting shall be hooded and directed as to not shine toward adjacent property and public streets.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.*

## 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; or
- 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 project site is not located on prime farmland or forest land. The site is designated as Rural Residential Land on the 2014 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Conservation Contract. Furthermore, the proposal does not conflict with the site's zoning designation of Rural Residential and General Plan designation of Foothill Rural Residential in the Sierra-North Regional Plan.

### 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; or
- 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; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposal and expressed no concerns with the project. The project will have no impact on air quality.

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

FINDING: NO IMPACT:

The project will not create objectionable odors to affect people on or around the proposed facility. As such, no impacts were identified by the San Joaquin Valley Air Pollution Control District.

#### 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; or
- 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 subject property is currently vacant with no trees or vegetation. Also, it does not contain riparian features or wetlands or waters under the jurisdiction of United States.

The project was routed to the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for review and comments. No concerns were expressed by either agency.

- 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:

The project will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted habitat conservation plan. No comments were received from the California Department of Fish or Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS).

#### 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 of 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; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located in an area of high archeological sensitivity and was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comments. No concerns were expressed by SSJVIC. Given the archeological sensitivity of the area to cultural resources, a mitigation measure has been included in the project approval requiring that in case of an archeological find during ground disturbance, all work shall be halted until the proper authorities have been notified for further action.

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

- 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:

The project was routed to the Table Mountain Rancheria (TMR), Tribal Government Office per AB (Assembly Bill) 52. No consultation was requested by the TMR. With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074.

## 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; or
  2. Strong seismic ground shaking; or
  3. Seismic-related ground failure, including liquefaction; or

4. Landslides?

FINDING: NO IMPACT:

The project site does not contain any active earthquake faults. The project area is designated as Seismic Design Category C in the California Geological Survey and the project construction will be subject to the Seismic Zone 3 Standards. The project will not expose people or structures to seismic or landslide hazards.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed development will result in compaction and over covering of soil due to the construction of buildings (storage building, caretaker residence/office) and parking and circulation areas. Changes in topography and erosion could also result from grading for the project.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) an Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties; 2) a Grading Permit or Voucher shall be required for any grading proposed with this application; and 3) any additional runoff generated by the proposed development shall be retained on site per County Standards. Included as Project Notes, these requirements will be addressed through Site Plan Review recommended as a Condition of Approval.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

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

FINDING: NO IMPACT:

The development of the project would implement all applicable requirements of the most recent California Building Standards Code and as such would not expose persons to hazards associated with seismic design of buildings and shrinking and swelling of expansive soils.

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:

The project will require construction of an on-site sewage disposal system for the caretaker residence/office under permits and inspections from the Building and Safety Section of the Department of Public Works and Planning.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and stated that prior to the issuance of building permits, the Applicant/Owners shall submit an updated engineered sewage disposal system design to this Department for review and approval. The report shall take into account the location of existing water wells on the parcel and adjacent parcels, and proposed septic system to serve the proposed project. All structures on the parcel shall be considered in the analysis, and primary and reserve sewage disposal areas shall be included in the analysis and on the site plan. This requirement will be included as a Condition of Approval.

## 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: NO IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the project and expresses no concerns related to Greenhouse Gas Emissions.

## 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; or
- 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 project does not involve transport, use, or disposal of hazardous materials, and is not located within one quarter-mile of a school. The nearest school, Foothill Elementary School, is approximately 1.3 miles west of the subject proposal.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- 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 within an Airport Land Use Plan area, two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Tophan Ranch Auberry Airport, is approximately 3.5 miles north of the site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. The project will not conflict with an emergency response or evacuation plan.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project is located within the SRA (State Responsibility Area) boundary. The proposed development will be subject to applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.

The subject proposal also includes a zero-foot side yard setback for storage the proposed buildings.

The Fresno County Fire Protection District reviewed the proposal, and given a 30-foot wide access easement that runs along north and west property lines providing buffer between the buildings and the improvements on the adjacent property, expressed no concerns with the request for a zero-foot side yard setback.

## 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:



See discussion above in Section VI. E. Geology and Soils regarding waste discharge requirements for the project.

The project will utilize an on-site domestic water well and was routed to the State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW) for comments on water quality requirements for the proposal. According to SWRCB – DDW, the proposed facility will not meet the definition of a public water system, with only 2 EE and 10 to 15 daily visitors estimated and therefore, they expressed no concerns with the project.

The Regional Water Quality Control Board also reviewed the proposal and identified no impact on groundwater quality.

- 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 SIGNIFICATION IMPACT:

According to the Applicant's Operational Statement, the proposed facility will use an estimated 250 gallons of water per day. Water will be provided from an existing on-site well.

The subject property is located in a water-short area within Fresno County. Per the comments provided by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a well yield test shall be required prior to issuance of building permits for the use. Included as a Condition of Approval, this requirement will be addressed through subsequent mandatory Site Plan Review.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the U.S.G.S. Quad map, there are no existing natural drainage channels adjacent to or running through the subject property.

As noted above in Section VI. B. Geology and Soils, any additional runoff generated by the proposed development will be retained on site per County Standards. an

Engineered Grading and Drainage Plan will be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties, and a Grading Permit or Voucher may be required for any grading proposed with this application.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

The proposed caretaker residence will not be located within a 100-year floodplain.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to Federal Emergency Management Agency (FEMA) FIRM Panel 0675 H, the parcel is not subject to flooding from the one-percent-chance rain.

- 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:

The project is not prone to a seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure. No such hazards are present in the vicinity of the project.

## X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest unincorporated community of Prather is approximately 3,838 feet west of the project site.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project site is designated for Foothill Rural Residential in the Sierra-North Regional Plan. An Amendment to Text (AT) No. 372 was approved on July 12, 2016 which amended Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) to permit personal/recreational vehicle (RV) storage facilities for those properties located within the Sierra-North Regional Plan located proximate to two major roadways as so classified in the Circulation Element of the Fresno County General Plan. The subject property is one of those properties authorized for a personal/recreational vehicle (RV) storage facility by AT 372.

Policy LU-E.1 of the General Plan allows rural commercial centers by discretionary approval provided that they meet certain criteria a – h of the said policy. This Policy is met based on the approval of AT 372 as described above. The project also meets General Plan Policy OS-L.3, which requires that development on scenic highways adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the project dimensions preclude such setback. In this case, the parcel size and configuration prohibits a 200-foot setback to accommodate the proposed development without encroaching into the required setback. Therefore, the 50-foot setback being proposed is consistent with the flexibility identified in General Plan Policy OS-L.3 as well as required by the Sierra-North Regional Plan.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

## 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:

The project site is not located in an identified mineral resource area as identified in Policy OS-C.2 of the General Plan.

## 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; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels; or

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns related to noise. Noise impacts associated with construction are expected to be short-term. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided that noise-generating construction activity should be limited to the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

- 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 near an airport. The nearest airport, Tophan Ranch Auberry Airport, is approximately 3.5 miles north of the site.

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?

FINDING: NO IMPACT:

The proposed caretaker residence will not significantly increase population growth in the area.

- 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 project will not displace housing or necessitate the construction of housing elsewhere.

#### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project as reviewed by the Fresno County Fire Protection District (CalFire) will require compliance with the California Code of Regulations Title 24 – Fire Code, and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The project may also be subject to joining the Community Facilities District (CFD) before plans are submitted to the Fresno County Fire Protection District. Included as Project Notes, these requirements will be addressed through Site Plan Review recommended as a Condition of Approval.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on police services, schools, parks or other public facilities.

#### 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:

The project would not result in the need for new or expanded 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:

According to the Applicant's Operational Statement, the project is expected to generate approximately 20 to 30 one-way visitor trips (20 to 30 round trips) per day.

The project site fronts State Route 168 (Auberry Road). According to the California Department of Transportation (Caltrans) the site is planned for an ultimate road right-of-way of 110 feet (the existing right-of-way is 94 feet). Caltrans requires an irrevocable offer of dedication of right-of-way of eight (8) feet to accommodate 55 feet from the dedicate centerline of the road. This requirement will be included as a Condition of Approval.

The Design Division of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns regarding traffic impact on county roadways.

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

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

D. Would the project substantially increase traffic hazards due to design features; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site currently gains access from Auberry Road (State Route 168) via an existing paved driveway.

The California Department of Transportation (Caltrans) reviewed the project and requires an encroachment permit for all proposed activities for placement of encroachments within, under or over the State highway right-of-way. This requirement will be included as a Project Note.

No concerns regarding traffic hazards were expressed by the Design or Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Fire Protection District's review of the project did not identify any concerns regarding inadequate emergency access. The District will further analyze emergency access requirements for the project prior to issuance of building permits by the County.

- 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: NO IMPACT:

The project will not conflict with any adopted transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

See discussion in Section VI.E. Geology and Soils.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. A. Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICATION IMPACT:

See discussion in Section IX.E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- 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: NO IMPACT:**

The small amounts of solid waste from the caretaker's residence/office will be sent to the landfill through regular trash collection service. The solid waste generated by the proposal will not impact local landfill.

**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?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

No impacts on biological resources were identified in the project analysis. Impacts on cultural resources have been reduced to a less than significant level with the Mitigation Measure discussed above in Section V. A. B. C. D.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will adhere to permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, and the California Code of Regulations Fire Code. The only cumulatively considerable impacts identified in the analysis were Aesthetics and Cultural Resources. Those impacts have been reduced to a less than significant level with the Mitigation Measures discussed above in Section I. D. and Section V. A. B. C. D.

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

**FINDING: NO IMPACT:**

No substantial adverse impacts on human beings were identified in the analysis.

**CONCLUSION/SUMMARY**

Based upon the Initial Study (IS No. 7206) prepared for Classified Conditional Use Permit Application No. 3546, 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, air quality, biological resources, greenhouse gas emissions, mineral resources, noise, population and housing, and recreation.



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

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EJ:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3546\IS-CEQA\CUP3546 IS wu.docx

## EXHIBIT 10

File original and one copy with:  <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below For County Clerk Only.    <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 7206	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
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): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Mark Myles		Project Title: Classified Conditional Use Permit Application No. 3546, Variance Application No. 4018		
Project Description:  Allow a personal/recreational vehicle storage facility with office and a caretaker residence on a 2.28-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District. The request also includes a zero-foot side yard setback for storage buildings. The project site is located on the north side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (SUP. DIST. 5) (APN 128-430-68).				
Justification for Mitigated Negative Declaration:  Based upon the Initial Study (IS 7206) prepared for Classified Conditional Use Permit Application No. 3546, Variance Application No. 4018, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, mineral resources, noise, population and housing, and recreation.  Potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics and cultural resources have been determined to be less than significant with the identified mitigation measures.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING:  The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – February 10 , 2017			Review Date Deadline: Planning Commission – March 16, 2017	
Date: February 8, 2017	Type or Print Name: Chris Motta, Principal Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

### LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

Mark E. Myles  
P.O. Box 235, Prather, CA 93651  
(805) 526-2382

May 15, 2019

The County of Fresno  
2220 Tulare Street  
Fresno, CA 93721

RE; CUP 3546 Time Extension

To whom it my concern,

Please use this letter as my formal request for a Time Extension for the above  
Conditional Use Permit 3546

The reason for the request is that. Just time.

The Applicant has Submitted for Site plan Review on January 10, 2019  
(SPR 8128) for a sum of \$ 8,070.00

Site Plan Review was approved on March 8, 2019

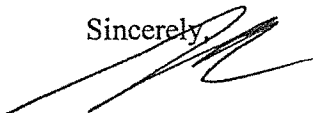
On January 31, 2019 Applicant submitted a Site Grading plan.

Currently Applicant has a Grading/Site Development Permit.  
\$ 2,768.00

Applicant ready to start grading.

Thank you for your consideration in this request.

Sincerely,



Mark E. Myles