



County of Fresno

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

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project title:**
Initial Study Application No. 7721 and Director Review and Approval Application No. 4602
2. **Lead agency name and address:**
County of Fresno, Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721
3. **Contact person and phone number:**
Thomas Kobayashi, Planner
(559) 600-4224
4. **Project location:**
The project site is located on the west side of Rusty Spur Lan, approximately 710 feet south of its intersection with Millerton Road, and is approximately three miles east of the unincorporated community of Friant (10925 Rusty Spur Lane, Clovis, CA) (SUP. DIST.: 5) (APN 138-061-49).
5. **Project sponsor's name and address:**
Charles Maxwell
10925 Rusty Spur Lane
Clovis, CA 93619
6. **General Plan designation:**
Specific Plan Reserve in the Sierra-North Regional Plan
7. **Zoning:**
AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.
8. **Description of project:**
Amend DRA 4112 and DRA 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days, and allow up to thirty (30) event days out of the 72 proposed events days to operate during evening hours from 4:00 PM to 10:00 PM.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**
The subject parcel is located in a rural area. Surrounding parcels are identified as being utilized as cattle grazing land, residential land, or vacant land.
10. **Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)**
Department of Public Health, Environmental Health Division
Department of Public Works and Planning
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that**

includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Per Assembly Bill 52 (AB52), participating California Native American Tribes were notified of the subject application and given the opportunity to enter consultation with the County for the project. No participating Native American Tribe expressed concerns that would indicate that the subject application could potentially impact tribal cultural resources.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

DEVELOPMENT SERVICES DIVISION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

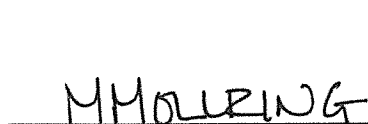
PERFORMED BY:



Thomas Kobayashi, Planner

Date: 2/6/20

REVIEWED BY:



Marianne Mollring, Senior Planner

Date: 2-6-20

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**
(Initial Study Application No. 7721 and
Director Review and Approval
Application No. 4602)

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

I. AESTHETICS

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

- 2 a) Have a substantial adverse effect on a scenic vista?
- 2 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 3 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL AND FORESTRY RESOURCES

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

Would the project:

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

III. AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES

Would the project:

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

V. CULTURAL RESOURCES

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 3 c) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

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

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 2 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 2 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 1 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1 i) Result in substantial erosion or siltation on- or off-site;
 - 1 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - 1 iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - 1 iv) Impede or redirect flood flows?
- 1 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

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

XII. MINERAL RESOURCES

Would the project:

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

XIII. NOISE

Would the project result in:

- 3 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 3 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

XIX. UTILITIES AND SERVICE SYSTEMS

XV. PUBLIC SERVICES

Would the project:

- 1 a) Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

Would the project:

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

XVI. RECREATION

Would the project:

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

XX. WILDFIRE

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

- 2 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 2 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 2 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 2 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XVII. TRANSPORTATION

Would the project:

- 2 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 3 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 3 a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- 3 i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 3 ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

Documents Referenced:

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

- Fresno County General Plan, Policy Document and Final EIR
- Fresno County Zoning Ordinance
- Important Farmland 2016 Map, State Department of Conservation
- Fresno County Fire Hazard Severity in LRA 2007 Map, State Department of Forestry and Fire Protection

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Charles Maxwell
- APPLICATION NOS.: Initial Study Application No. 7721 and Director Review and Approval Application No. 4602
- DESCRIPTION: Amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and change operational time limits to allow 30 of the event days to operate during the evening hours from 4:00 PM to 10:00 PM.
- LOCATION: The project site is located on the west side of Rusty Spur Lane approximately 690 feet south of its nearest intersection with Millerton Road, and is approximately 6.35 miles east from the unincorporated community of Friant (APN: 138-061-49).

I. AESTHETICS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is already improved with a commercial horse arena and is proposing an increase of event days and change in operational hours to allow events to operate in

evening/nighttime hours. Based on the existing nature of the horse arena, adverse effects on scenic vistas and resources are less than significant. According to Figure OS-2, Millerton Road between Auberry Road and Morgan Canyon Road is not an identified Scenic Road. The project site is accessible from Rusty Spur Lane, a private road off Millerton Road. Public views of the site from Millerton Road is buffered by existing vegetation and is built approximately 852 feet west of Rusty Spur Lane. Based on the existing nature of the operation, its distance from Rusty Spur Lane and Millerton Road, and vegetative buffering between Millerton Road and the project site, impacts will be less than significant.

- D. 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:

With the proposal of events operating in the evening/nighttime hours, light sources will be utilized to illuminate events. A Mitigation Measure will be implemented to address light and glare issues that could arise with the operation of night events.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

According to the California Department of Conservation, 2016 Fresno County Important Farmland Map, the project site is designated as Grazing Land. The project site is already improved with a commercial horse arena. The project does not convert Prime

Farmland, Unique Farmland, or Farmland of Statewide Importance and does not conflict with existing zoning for agricultural use as a Director Review and Approval application for the subject property has already been approved. The subject parcel is not restricted by a Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not zoned for forest land, timberland or timberland zoned Timberland Production and will result in the loss of forest land or conversion of forest land to non-forest use. As the project is proposing to alter operational characteristics of an existing commercial horse arena, no conversion of land is proposed.

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

FINDING: NO IMPACT:

The project entails a change in the operational characteristics of an existing operation to allow more event days and to allow events to operate during evening hours. No expansion or new building are proposed with the subject application. Based on the project proposal, the project will not result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. 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
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District has reviewed the subject application and did not express any concerns to indicate that the proposed modification will have a significant impact on air quality. The project will still be subject to Conditions of Approval and Project Notes that were implemented with the previously approved Director Review and Approval applications. Specifically, a Condition of Approval associated with the project directly address dust impacts from the project in that a dust palliative be applied to active parking, circulation areas, and the riding arena to minimize creation of dust by vehicles and animals. With the project adhering to previous Conditions of Approval and Project Notes, the project will have a less than significant impact and will not result in a cumulatively considerable net increase of any criteria pollutant.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

According to the California Natural Diversity Database (CNDDDB), the subject parcel is located near reported occurrences of the Western Pond Turtle, which is not a federal or state listed species. The project proposal only requests to modify operational aspects of an existing horse arena. No improvements are proposed with this application and will utilize existing structures and improvements for the operation. As there are no listed federal and state species reported on or near the project site, the existing operation, and no expansion of existing improvements, therefore, there will be no impact on special status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory, there is an identified wetland that goes through the subject parcel. The National Wetlands Inventory classifies the identified wetland as a Riverine System, Intermittent Subsystem, Streambed Class, and Seasonally Flooded Water Regime. A private driveway used to access the single-family residence and parking areas of the existing horse arena currently intersects with the identified wetland. There are no identified riparian habitats or other sensitive natural

community identified on or near the project site. Although, there is an identified wetland, the private driveway has been in use for an existing residence and horse arena. Therefore, the increase in event days will not have a substantial adverse effect on the identified wetland.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject property has already been improved with a single-family residence, accessory structures, and a commercial horse arena. No new development is proposed with the application and is only requesting modification to operational characteristics. The potential for additional event days are not expected to interfere substantially with the movement of any native resident and will not interfere with established migratory wildlife corridors or impede the use of a native wildlife nursery site. The project will not conflict with any local policies or ordinances protecting biological resources and will not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plan. The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife have reviewed the subject application and did not express concerns the project would conflict with any policies, ordinances or plans.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is located within an area designated to be moderately sensitive for archeological resources. The commercial horse arena has already been developed as per the previously approved Director Review and Approval (DRA) application with no

additional construction being proposed with the subject amendment. A Mitigation Measure will be implemented to address any development related to the previously approved DRA in the event that cultural resources are unearthed during ground disturbing activities.

* **Mitigation Measure(s)**

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

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal will increase the number of operating days from 24 days as approved by Director Review and Approval Application No. 4465 (DRA 4465) to 72 days. Additionally, the project proposes that up to 30 event days will be held during evening hours. Both the increase in operational days and the addition of evening hours will increase the amount of energy being consumed to operate the commercial horse arena. Although an increase of energy consumption will occur, a commercial horse arena is not an energy intensive use with most energy consumption being used for site lighting and sound amplification, which will be in use during operational hours. Any future development that has been already approved via the previously approved DRA applications will be built to current state and local energy efficiency codes. Therefore, based on the existing use and the proposed operational modification, the project will have a less than significant impact on the environment in terms of energy consumption and will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Based on the Earthquake Zone Application administered by the California Department of Conservation and per Figure 9-2 and 9-3 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not located on or near an identified earthquake fault.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the FCGPBR, the project site is not located in an area identified as being a probabilistic seismic hazard. As the project site is not located in the identified seismic hazard area, the site is not likely to be subject to strong seismic shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the subject parcel is not located on or near land identified as being a landslide hazard.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The commercial horse arena is an existing facility. The current project proposal does not include expansion of the facility and only requests a modification of operational days and operational times. The project proposal will not result in substantial soil erosion or loss of topsoil as the proposal will only modify operational characteristics and does not include additional development.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the subject parcel. The project is requesting modification to operational days and hours and does not propose any type of construction that could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, the subject property is not located on or near identified expansive soil hazard areas.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, the commercial horse arena is improved with a fully accessible ADA compliant restroom building. No new facilities utilizing the existing septic system is proposed with this application. An increase of operational days and modification to operational times may increase the usage of the existing septic system. No reviewing Agencies or Departments expressed concerns regarding soil capability for supporting the septic system. As such, the increase of usage from the provision of additional operational days is believed to have a less than significant impact as the existing septic system has been approved and no concerns were brought from reviewing Agencies and Departments.

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

FINDING: NO IMPACT:

No unique paleontological or unique geologic feature has been identified on the subject parcel or being affected by the project proposal.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No construction is proposed with the subject application, therefore no construction greenhouse gas (GHG) emissions are expected. With the addition of more operational days, an increase of customer and visitor traffic is expected. Operational greenhouse gas emissions are considered minimal with the majority of GHG emissions occurring from vehicular traffic coming to an event and leaving after the event ends. The increase in operational days will not generate a significant amount of greenhouse gas emissions that would have an impact on the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

Per the Applicant, the originally approved commercial horse arena does not transport, use, or dispose of hazardous materials. The project proposal requests modification to the number of allowed operational days and hours of operation to allow some events to occur during evening hours. The proposal does not include the handling or disposal of hazardous materials or waste, therefore the project will not create a significant hazard to the public or the environment.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within a one-quarter mile of an existing or proposed school. The approved commercial horse arena does not emit hazardous emissions or handle hazardous materials or waste. The project proposal will not modify operational aspects that would cause hazardous materials or waste to be handled on the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to a NEPA Assist Report created for the project site, there are no listed hazardous materials sites located within a half-mile radius of the project site.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport.

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

FINDING: NO IMPACT:

The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Reviewing Agencies and Departments did not express concern to indicate that the project would impair an adopted emergency response plan or emergency evacuation plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is subject to State Responsibility Area (SRA) fire requirements. According to the 2007 Fire Hazard Severity Zone Map, the project site is located in a moderate fire hazard severity zone. Although located in a moderate fire hazard severity zone, the approved commercial horse arena has already been subject to applicable fire protection standards during initial development of the site. The subject proposal does not increase capacity of a single event, but will increase the amount of event days that can occur at the project site. With fire protection standards already in place, the project proposal will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division of the Department of Public Works and Planning were both notified of the

subject application. Neither reviewing Agency expressed concerns that the commercial horse arena would violate water quality standards or waste discharge requirements resulting from the proposal to increase operational days and modify operational times.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's operational statement, water for the existing commercial horse arena is supplied by an onsite well with a 5,000-gallon potable water storage tank installed to further support water availability for the operation. An increase in operational days will result in an increase in total water usage, with the Applicant stating that the facility uses approximately 2,000 gallons of water per event day. The State Water Resources Control Board and the County Water and Natural Resources Division did not express concerns that the increase in event days will significantly impact groundwater supplies or interfere with groundwater recharge. Therefore, the increase in event days will increase water usage, but will not have a significant impact on water supplies for the area.

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

FINDING: NO IMPACT:

No development is proposed with the subject application. The project proposes to modify certain operational characteristics which include increasing the amount of event days and allowing a certain amount of event days to occur during evening hours. The project will not alter existing drainage patterns, will not result in substantial erosion or siltation, will not increase the rate or amount of surface runoff, and will not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

According to FEMA FIRM Panel C1055H, the northeast corner of the subject parcel is subject to flooding from the 100-year storm. Although the northeast corner is subject to flooding from the 100-year storm, the commercial horse arena is located outside identified flood hazard areas. Per Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not subject to dam failure flood inundation areas. Additionally, the project site is not located near any body of water that would be subject to tsunami or seiche risks. The project proposal will not increase the risk of release of pollutants due to project inundation as the horse arena is located outside of identified flood zone areas.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The State Water Resources Control Board (SWRCB) and the County Water and Natural Resources Division did not express concerns that the project proposal of increasing operational days and allowing a limited amount of evening events will conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project proposal will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Specific Plan Reserve in the Sierra-North Regional Plan. The subject parcel is not subject to a Williamson Act Contract.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:

Criteria "a" of General Plan Policy PF-C.17 states that a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in

question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.

Criteria “b” of General Plan Policy PF-C.17 states that a determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.

Criteria “c” of General Plan Policy PF-C.17 states that a determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.

In regard to Criteria “a”, “b”, and “c” of General Plan Policy PF-C.17, the project proposal was reviewed by the Fresno County Water and Natural Resources Division and the State Water Resources Control Board. No reviewing Department or Agency expressed concern that the proposed operational modification would negatively impact water supplies in the area. Reviewing Agencies and Departments did not require a hydrogeologic investigation to be conducted to verify adequate water supplies.

General Plan Policy PF-D.6 states that the County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.

In regard to General Plan Policy PF-D.6, the project does not propose additional development outside of what has already been approved in previous applications. Plans, permits, and inspections would be required for any on-site sewage disposal system and the sewage disposal system would be subject to Local Area Management Plan (LAMP) standards.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or

- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-7 of the FCGPBR, the subject property does not appear to be located on or near any identified mineral resource area. The subject proposal is to modify operational characteristics of an approved commercial horse arena to allow an increase in event days and to allow a limited amount of event days to occur during evening and night hours. No expansion of the facility will occur, therefore no loss of availability of a known mineral resource will occur.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The approved commercial horse arena utilizes outdoor sound amplification, which will be utilized more frequently as a result of the project proposal. Additionally, the previously approved horse arena was restricted to events being held during the daytime. The proposal will increase the amount of event days which will result in the more frequent use of the outdoor sound equipment. The proposal will also allow events to occur during evening hours. The Fresno County Noise Ordinance addresses two timeframes with established thresholds for noise levels. The timeframes are morning/afternoon hours and evening/night hours. The existing horse arena was approved to operate during morning/afternoon hours, and the current proposal will allow evening/nighttime events. The proposed evening/nighttime events will be subject to the evening/night noise thresholds which are stricter standards compared to the morning/afternoon thresholds. As outdoor sound amplification will be utilized for the proposed use in both morning/afternoon events and evening/night events, a mitigation measure will be implemented to address noise impacts in the event that the operation exceeds established noise thresholds. Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis to the Environmental Health Division for review and approval. Actions to reduce noise that may be identified in the acoustical analysis shall be implemented within 30-days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance. Adherence to this requirement will be included as a mitigation measure, and address potential noise-related impacts.

* **Mitigation Measure(s)**

1. *Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval. Mitigation measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.*

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located within two miles of a private airstrip or public airport.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The project proposal will not induce substantial unplanned population growth as the use has been existing and has not resulted in substantial population growth. The proposed project will not displace a substantial number of people or housing to necessitate the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) was notified of the proposed operational modification and did not express concern that the proposal would result in the need for new or altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No reviewing agencies or departments expressed concerns that the proposal would result in the need for new or altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood and regional parks. The project proposal does not expand the commercial horse arena outside of its existing footprint and will only modify operational aspects to increase the amount of event days that can be held on the site and allow a certain amount of event days to occur during evening/nighttime hours.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal will modify operational characteristics to allow an increase of event days. Per the Applicant's proposal event days will increase from 24 event days to 72 event days with different events having varying numbers of participants. In allowing the commercial horse arena to operate on more days, traffic trips will increase compared to when the use was first proposed. Based on the Operational Statement produced by the Applicant, the lowest average amount of estimated customers for events will be 20 customers and the highest average amount is 100 customers. The Road Maintenance and Operations Division and the Design Division reviewed the subject amendment to the existing DRA and did not express concern that the increase in operational days will conflict with a program, plan, ordinance, or policy addressing the circulation system, or would conflict with or be inconsistent with CEQA guidelines.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The increase in event days along with allowing certain events to operate during evening/nighttime hours does cause concern as existing road conditions are not ideal. Millerton Road is a rural County-maintained road, with Rusty Spur Lane as a private road that provides access to the subject parcel. After review of the project proposal, the Design Division and the Road Maintenance and Operations Division has provided comment on the application to address safer road conditions during event days. A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and can be used for smaller events. The requirement of a TMP will allow vehicular traffic access to safely enter and exit the project site.

* **Mitigation Measure(s)**

1. *A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and be used for smaller events.*

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern that the proposal will result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

No new development is proposed with the subject application. In the event that new development is proposed, a Mitigation Measure will be incorporated with the project to address Tribal Cultural Resources, if they are discovered during further development of the project site.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C., Mitigation Measure 1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The subject proposal does not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The proposal is to modify operational characteristics of an existing commercial horse arena to allow more operational event days and allow some events to occur during evening/nighttime hours. The commercial horse arena is in operation and the proposed expansion in operational days will not cause an expansion in the mentioned utilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division did not express concern to indicate that the increase in event days will hinder water supplies for the existing operation. Per the Applicant's Operational Statement, a 5,000-gallon potable water storage tank had been installed for the arena to ensure sufficient water supplies for the use. The increase in operational days will no require additional mitigation outside of what has already been done to ensure sufficient water supplies are available for the existing use.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently improved with onsite wastewater treatment systems. A restroom building and associated septic system were permitted after approval of DRA 4112 that allowed the commercial horse arena. Reviewing Agencies and Departments did not express concerns that the increase in operational event days will require change to the existing onsite wastewater treatment systems.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No reviewing Agencies or Departments provided comments to indicate that the project proposal will generate solid waste in excess of State or local standards. The project will comply with Federal, State and local management and reduction statues and regulations related to solid waste.

XX. WILDFIRE

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection, the subject parcel is located within a State Responsibility Area (SRA) and is classified as a moderate fire hazard area. Per the Applicant an existing irrigation system provides water throughout the project site to reduce the potential of dust generation along with upkeeping landscaping. Additionally, a 5,000-gallon potable water storage tank is present to ensure water capacity for the arena. The project proposal will not substantially impact an adopted emergency response plan or emergency evacuation plan or telecommunications facility. The Fresno County Fire Protection District did not express concerns that the project would exacerbate wildfire risks and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No reviewing Agency or Department required the installation or maintenance of associated infrastructure that may exacerbate fire risk. Although the current application does not propose new development of the site outside of what has been previously approved, any new proposed development would be subject to the most current building and fire code, thereby reducing impacts. Reviewing Agencies and Departments did not express concern that a significant risk to project occupants and structures is present.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposes to modify operational characteristics of an existing commercial horse arena. The application does not propose expansion of the horse arena that would degrade the quality of the environment. The project will not substantially reduce the habitat of a fish or wildlife species or threaten to eliminate a plant or animal community. As no development is proposed with the application, no impacts to cultural resources are expected. Mitigation has been implemented for cultural resources in the event that development associated with previously approved DRA 4112 identifies cultural or tribal cultural resources during ground-disturbing activities.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section 1.D., Section V.A., B., and C., Section XIII.A., and B., Section XVI.C., and Section XVII.A.1 and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval Application No. 4602, 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, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land-Use Planning, Hydrology and Water Quality, Utilities and Service Systems, and Wildfire have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural

Resources, Noise, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with incorporated 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" Street, Fresno, California.

TK

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7721
Director Review and Approval Application No. 4602
(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 away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, videos, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Noise	Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval. Mitigation measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.	Applicant	Applicant/Department of Public Health, Environmental Health Division (EHD)	Ongoing
4.	Transportation	A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and be used for smaller events.	Applicant	Applicant/PW&P	Ongoing



E20201000049

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING

STEVEN E. WHITE, DIRECTOR

FILED

FEB 06 2020

TIME
1:32pm

By *Jessica Munoz* FRESNO COUNTY CLERK
DEPUTY

For County Clerk's Stamp

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the County of Fresno has prepared Initial Study Application (IS) No. 7721 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

INITIAL STUDY APPLICATION NO. 7721 and DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4602 filed by **CHARLES MAXWELL**, proposing to amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and change operational time limits to allow 30 of the event days to operate during the evening hours from 4:00 PM to 10:00 PM. The project site is located on the west side of Rusty Spur Lane approximately 680 feet south of its nearest intersection with Millerton Road, and is approximately 6.35 miles east from the unincorporated community of Friant (SUP. DIST. 5) (APN 138-061-49). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7721, and take action on Director Review and Approval Application No. 4602 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Mitigated Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS Application No. 7721 and the draft Mitigated Negative Declaration, and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

Public Comment Period

The County of Fresno will receive written comments on the Proposed Project and Mitigated Negative Declaration from February 7, 2020 to March 7, 2020.

Email written comments to TKobayashi@FresnoCountyCA.gov, or mail comments to:

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

IS Application No. 7721 and the draft Mitigated Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at www.co.fresno.ca.us/initialstudies. An electronic copy of the draft Mitigated Negative Declaration for the Proposed Project may be obtained from Thomas Kobayashi at the addresses above.

Public Hearing

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Mitigated Negative Declaration on March 12, 2020, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

For questions please call Thomas Kobayashi (559) 600-4224.

Published: February 7, 2020

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7721	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Charles Maxwell	Project Title: Director Review and Approval Application No. 4602		
Project Description: Amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and change operational time limits to allow 30 of the event days to operate during the evening hours from 4:00 PM to 10:00 PM.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Director Review and Approval Application No. 4602, 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, Mineral Resources, Population and Housing, Public Services, and Recreation. Potential impacts related to Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land-Use Planning, Hydrology and Water Quality, Utilities and Service Systems, and Wildfire have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with incorporated 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" 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 7, 2020		Review Date Deadline: Planning Commission – March 12, 2020	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services and Capital Projects
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study Application No. 7721 and Director Review and Approval No. 4602

Location: The subject parcel is located wet side of Rusty Spur Lane, approximately 710 feet south of its intersection with Millerton Road, and is approximately three miles east of the unincorporated community of Friant (Sup. Dist. 5) (APN 138-061-49).

Sponsor: Charles Maxwell

Description: Amend DRA 4112 and DRA 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized events from 24 event days to 72 event days, and change operational time limits to allow 30 event days out of the 72 proposed event days to operate during evening hours from 4:00 PM to 10:00 PM.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on March 12, 2020, and has made the following determination:

1. The project **will** **will not** have a significant effect on the environment.
2. An Environmental Impact Report (EIR) **was not** prepared for this project pursuant to the provisions of CEQA. / A Mitigated Negative Declaration **was** prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures **were** **were not** made a condition of approval for the project.
4. A statement of Overriding Consideration **was** **was not** adopted for this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

Thomas Kobayashi, Planner
(559) 600-4224 /EMAIL TKobayashi@FresnoCountyCA.gov

Date

G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4602\IS-CEQA\DRA 4602 NOD.docx

DRAFT



Inter Office Memo

DATE: February 6, 2020

TO: File

FROM: Thomas Kobayashi, Planner
Development Services and Capital Projects Division

SUBJECT: DRA 4602 CEQA Section 15162 Finding

Director Review and Approval Application No. 4602 (DRA 4602) was originally considered under CEQA Section 15162 as the subject DRA is an amendment to DRA 4112 which originally approved the commercial horse arena and considered the environmental impacts under Initial Study Application No. 6062. It was then determined after routing of the project, that the proposed amendment would require a subsequent environmental review under CEQA Section 15162(a)(1) as the proposal makes substantial changes to the operational characteristics of the approved use that were not considered under the original Initial Study Application No. 6062 and Mitigated Negative Declaration. The project proposes an increase from 24 event days to 72 event days and proposes 30 event days to occur during evening/nighttime hours. Both of these modifications were not considered under the original Initial Study, therefore a subsequent review occurred to address environmental impacts resulting from the proposal.

G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4602\ROUTING\DRA 4602 CEQA Memo for Sec 15162.docx



County of Fresno

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

DATE: October 15, 2019

TO: Development Services and Capital Projects, Attn: William M. Kettler, Division Manager
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner
Development Services and Capital Projects, Current Planning, Attn: Marianne Mollring, Senior Planner
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna
Development Services and Capital Projects, Building & Safety/Plan Check, Attn: Chuck Jonas
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes
Agricultural Commissioner, Attn: Melissa Cregan
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson, Biologist
CA Regional Water Quality Control Board, Attn: Dale Harvey
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & R4CEQA@wildlife.ca.gov
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo, Caitlin Juarez
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor
Sierra Resource Conservation District, Attn: Steve Haze, District Manager
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey/Cultural Resources Director
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources Department

FROM: Thomas Kobayashi, Planner
Development Services and Capital Projects Division

SUBJECT: Director Review and Approval Application No. 4602 and Environmental Review Application No. 7721

APPLICANT: Charles Maxwell

DUE DATE: October 30, 2019

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to amend DRA 4112 and DRA 4465 to allow operational modifications for an approved commercial horse arena authorized by DRA 4112 on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District (APN 138-061-49) (10925 Rusty Spur Lane, Clovis, CA).

DRA No. 4112 was approved by the Board of Supervisors on September 27, 2011 and allowed the commercial horse arena. DRA 4465 was approved by the Board of Supervisors on April 25, 2017 to modify operational characteristics of the commercial horse arena to increase the number of authorized event days from 12 event days per year to 24 events per years. The current proposal (DRA Application No. 4602) seeks to modify the approved land use permits in order to increase the number of authorized events days per year from 24 event days to 72 events days per year. Additionally, the proposal requests a change in the operational time limits of the events to include 30 of the 72 event day to operate during the evening hours of 4:00 PM to 10:00 PM (Please see attached Operational Statement for specific times and events) (APN 138-061-49) (10925 Rusty Spur Lane, Clovis, CA).

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

A Mitigated Negative Declaration (MND) was considered and adopted by the decision-making body in accordance with CEQA when DRA No. 4112 was originally approved. The MND will be utilized for the current proposal unless reviewers identify additional issues pursuant to Section 15162 of CEQA. Section 15162 states that **no subsequent Environmental Impact Report or Negative Declaration shall be prepared unless the lead agency determines, on the basis of substantial evidence in 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 EIR or Negative Declaration 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 EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
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 EIR was certified as complete or the Negative Declaration was adopted, shows any of the follow:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR or Negative Declaration.

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

Please review the proposed project and respond to the attached questionnaire according to your specific area of expertise. A copy of the previously prepared and adopted MND is included with this request.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **October 30, 2019**. Any comments received after this date may not be used.

NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email TKobayashi@FresnoCountyCA.gov.

TK
G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRAW\4600-4699\4602\ROUTING\DRAW 4602 Routing Letter.doc

Activity Code (Internal Review): 2433

Enclosures



Fresno County Department of Public Works and Planning

Date Received: 10/4/19

DRA 4602
ER 7721
(Application No.)

MAILING ADDRESS:
Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class)/Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

AMEND DRA 4112 +
4465 PER AN
INCREASE IN EVENTS
DAYS + OPERATIONAL
HOURS

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: WEST side of RUSTY SPUR LANE CLOVIS
between MILLERTON ROAD and FERGUSON ROAD
Street address: 10925 RUSTY SPUR LANE CLOVIS

APN: 138-061-49 Parcel size: AL-40 Section(s)-Twp/Rg: S - T S/R E

ADDITIONAL APN(s):

I, CHARLES MAXWELL (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

CHARLES MAXWELL 10925 RUSTY SPUR LN CLOVIS 98619 299-0502
CHARLES MAXWELL 10925 RUSTY SPUR LN CLOVIS 93619 299-0502
DIRK ROESCHEL 923 VAN NESS #200 FRESNO CA 93744 445-0574

CONTACT EMAIL:

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: DRA 4602 (Amend DRA) Fee: \$ 1,530.00
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: ER 7721 Fee: \$ 299.00
Ag Department Review: Fee: \$ 25.00
Health Department Review: Fee: \$ 432.00
Received By: Thomas H. Invoice No.: 123493 TOTAL: \$2,046.00

UTILITIES AVAILABLE:

WATER: Yes No
Agency:
SEWER: Yes No
Agency:

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E
APN # - - -
APN # - - -
APN # - - -
APN # - - -

Related Application(s):
Zone District: AL-40
Parcel Size: 40.05 acres

over.....



County of Fresno

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

PRE-APPLICATION REVIEW DISCLOSURE/DISCLAIMER

Completion of a Pre-Application Review is no longer a mandatory step necessary in order to submit a land use or mapping application to the Fresno County, Department of Public Works and Planning, Development Services Division for processing. The purpose of the Pre-Application Review is to allow the customer and staff to exchange information and confirm the necessary application process, required fees, and submittal material prior to the customer paying the actual application fees. Specifically, during the Pre-Application Review process, staff researches and provides the following information:

- If the proposed use is allowed based on the zoning of the subject parcel; the type(s) of application(s) required to permit the proposal to be processed.
- If the subject site is a legal parcel (Note: If the parcel is not legally created, no land use/mapping application can be processed until the legality issue is resolved).
- The anticipated level of environmental review.
- If the project site is under the Williamson Act Contract and if the proposed use is permitted under the Contract.
- If the site is located within a special district and if special considerations may be applicable to the project.
- Required application forms, filing fees, and filing requirements/materials.

While the Pre-Application Review is an option for any prospective application, in those cases where an applicant opts not to file for completion of a Pre-Application Review; the information research noted above that typically results from the Pre-Application Review process may not be realized until after the application fees have been accepted and the project has been routed for comment. This being the case, unexpected issues may arise that could impact the processing timeline and cost of the application and/or impact the determination as to whether the application can even continue to be processed as originally submitted. *Please note that if the application cannot be processed as submitted, the processing fees expended thus far will not be refunded.*

By opting out of the Pre-Application Review process, I hereby acknowledge the potential for additional application processing delays and costs.

CHARLES MAXWELL
PRINT NAME

PRINT NAME

[Signature]
SIGNATURE

SIGNATURE
DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION

10-4-19
DATE

DATE

RECEIVED
COUNTY OF FRESNO
OCT 04 2019

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RECEIVED
COUNTY OF FRESNO

OCT 04 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

County of Fresno

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

INITIAL STUDY APPLICATION

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY

IS No. ER 7721

Project No(s): DRA 4602

Application Rec'd.: _____

GENERAL INFORMATION

- Property Owner: CHARLES MAXWELL Phone/Fax: 299-0502
Mailing Address: 10925 RUSTY SPUR LANE LOUIS CA 93618
Street City State/Zip
- Applicant: CHARLES MAXWELL Phone/Fax: 299-0502
Mailing Address: 10925 RUSTY SPUR LANE LOUIS CA 299-0502
Street City State/Zip
- Representative: BIRK ZOESEHEL Phone/Fax: 445-0374
Mailing Address: 923 VAN NESS AVE # 200 FRESNO CA 93721
Street City State/Zip
- Proposed Project: AMEND DRA # 4112 & # 4465 AND INITIAL STUDY # 6062 FOR INCREASE IN APPROVED OPERATIONAL DAYS OF ARENA EVENTS
- Project Location: 10925 RUSTY SPUR LANE LOUIS
- Project Address: 10925 RUSTY SPUR LANE LOUIS
- Section/Township/Range: 1 1 8. Parcel Size: 40 ACRE
- Assessor's Parcel No. 138-061-49 OVER.....

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

11. What other agencies will you need to get permits or authorization from: NONE

<input type="checkbox"/> LAFCo (annexation or extension of services)	<input type="checkbox"/> SJVUAPCD (Air Pollution Control District)
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Division of Aeronautics	<input type="checkbox"/> Department of Energy
<input type="checkbox"/> Water Quality Control Board	<input type="checkbox"/> Airport Land Use Commission
<input type="checkbox"/> Other _____	

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

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

13. Existing Zone District: AL-40

14. Existing General Plan Land Use Designation: AL-40

ENVIRONMENTAL INFORMATION

15. Present land use: RANGE LAND RESIDENCE HORSE ARENA
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

HORSE ARENA, BATHROOM PERMIT 12-00069
ANNOUNCER STAND PERMIT 17-0256

Describe the major vegetative cover: NATIVE GRASS

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

Is property in a flood-prone area? Describe:

~~NO~~ YES (A-K) EXTREME NORTHERN PORTION OF
PARCEL - (NO PARCEL IMPACTED BY FLOOD PRONE
AREA DRA #4465)

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

North: RANGE LANDS - VACANT

South: AL-40 SFR UNDER CONSTRUCTION

East: AL-40 SFR

West: RANGE LANDS

17. What land use(s) in the area may be impacted by your Project?: NONE

FISH/GAME FOUND NO ADVERSE IMPACTS RE:

DDA #4/12 & I.S NO 6062

18. What land use(s) in the area may impact your project?: NONE

19. Transportation:

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?
 Yes / No

B. Daily traffic generation:

I. Residential - Number of Units _____
Lot Size _____
Single Family _____
Apartments _____

II. Commercial - Number of Employees _____
Number of Salesmen _____
Number of Delivery Trucks _____
Total Square Footage of Building _____

III. Describe and quantify other traffic generation activities: _____

SEE ATTACHED OPERATIONAL STATEMENT

20. Describe any source(s) of noise from your project that may affect the surrounding area: _____

PUBLIC ADDRESS SYSTEM FOR ARENA, SOUND STUDY
SUBMITTED WITH DDA # 4465

21. Describe any source(s) of noise in the area that may affect your project: NONE

22. Describe the probable source(s) of air pollution from your project: NONE DDA # 4/12

DDA # 4465 AIR BOARD HAD NO COMMENT

23. Proposed source of water:

() private well

() community system³--name: _____ OVER.....

24. Anticipated volume of water to be used (gallons per day)²: 2000 GALLONS PER EVENT
25. Proposed method of liquid waste disposal:
 septic system/individual
 community system³-name _____
26. Estimated volume of liquid waste (gallons per day)²: SEE OPERATIONAL STATEMENT
27. Anticipated type(s) of liquid waste: VERY LITTLE ANIMAL WASTE
HUMAN WASTE IN RESTROOM
28. Anticipated type(s) of hazardous wastes²: N/A
29. Anticipated volume of hazardous wastes²: N/A
30. Proposed method of hazardous waste disposal²: N/A
31. Anticipated type(s) of solid waste: PAPER PLATES, NAPKINS ETC.
32. Anticipated amount of solid waste (tons or cubic yards per day): LESS THAN 1 CYD/DAY
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): PER COUNTY STANDARDS
34. Proposed method of solid waste disposal: PRIVATE HAULER
35. Fire protection district(s) serving this area: CDF - SEE PREVIOUS DRA CDF
36. Has a previous application been processed on this site? If so, list title and date:
COMMENTS
DRA # 4412 9-27-2011 DRA # 4465 4-25-2017
SPR No 7814 & FS No 6062
37. Do you have any underground storage tanks (except septic tanks)? Yes _____ No
38. If yes, are they currently in use? Yes _____ No

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

C. A. X. W. E. U.
 SIGNATURE

10-4-19
 DATE

¹Refer to Development Services and Capital Projects Conference Checklist

²For assistance, contact Environmental Health System, (559) 600-3357

³For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

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

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2019: \$3,271.00 for an EIR; \$2,354.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

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

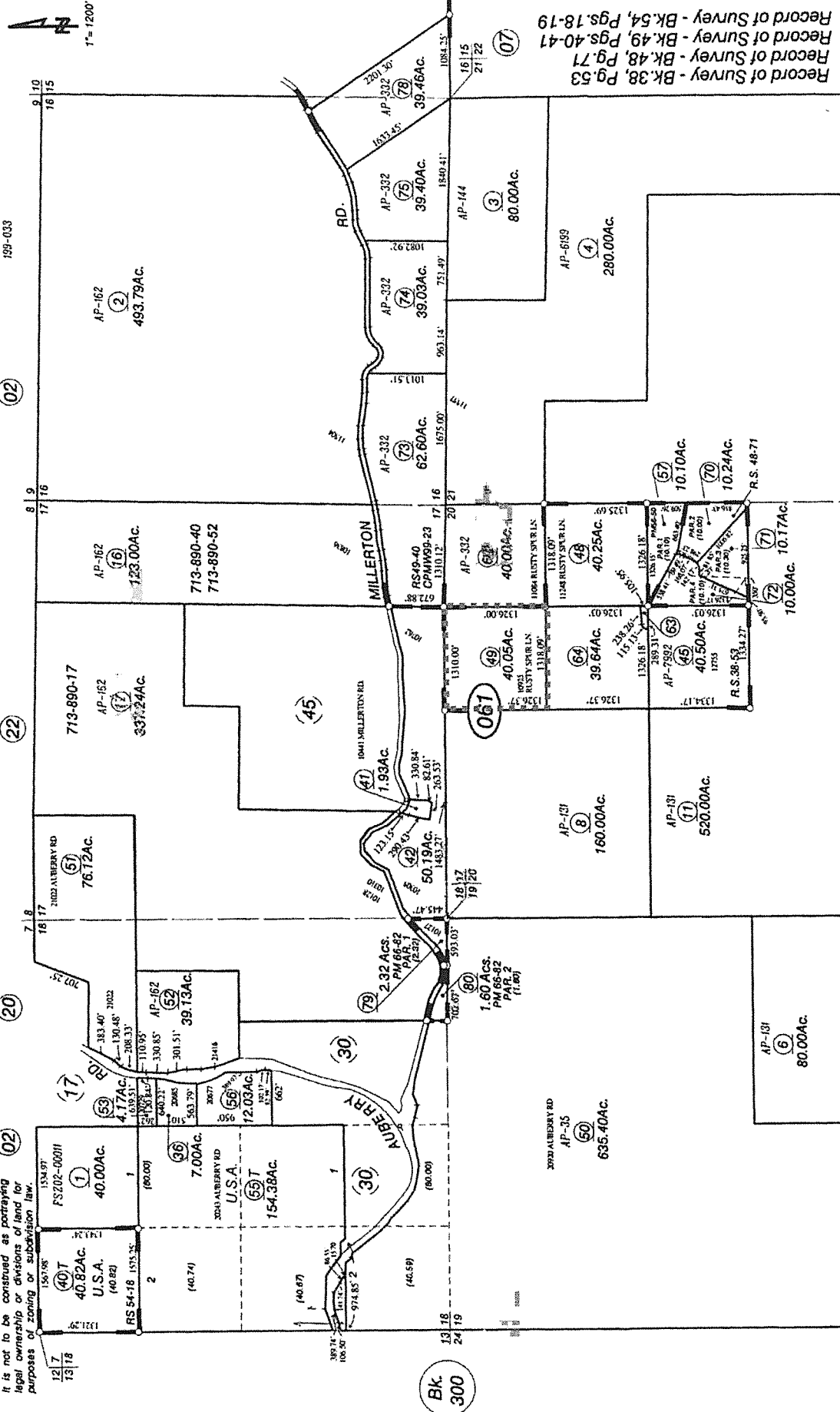
A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more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

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

J. C. MAXWELL
Applicant's Signature

10-4-19
Date

NOTE... This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.



Record of Survey - Bk. 38, Pg. 53
Record of Survey - Bk. 48, Pg. 71
Record of Survey - Bk. 49, Pgs. 40-41
Record of Survey - Bk. 54, Pgs. 18-19

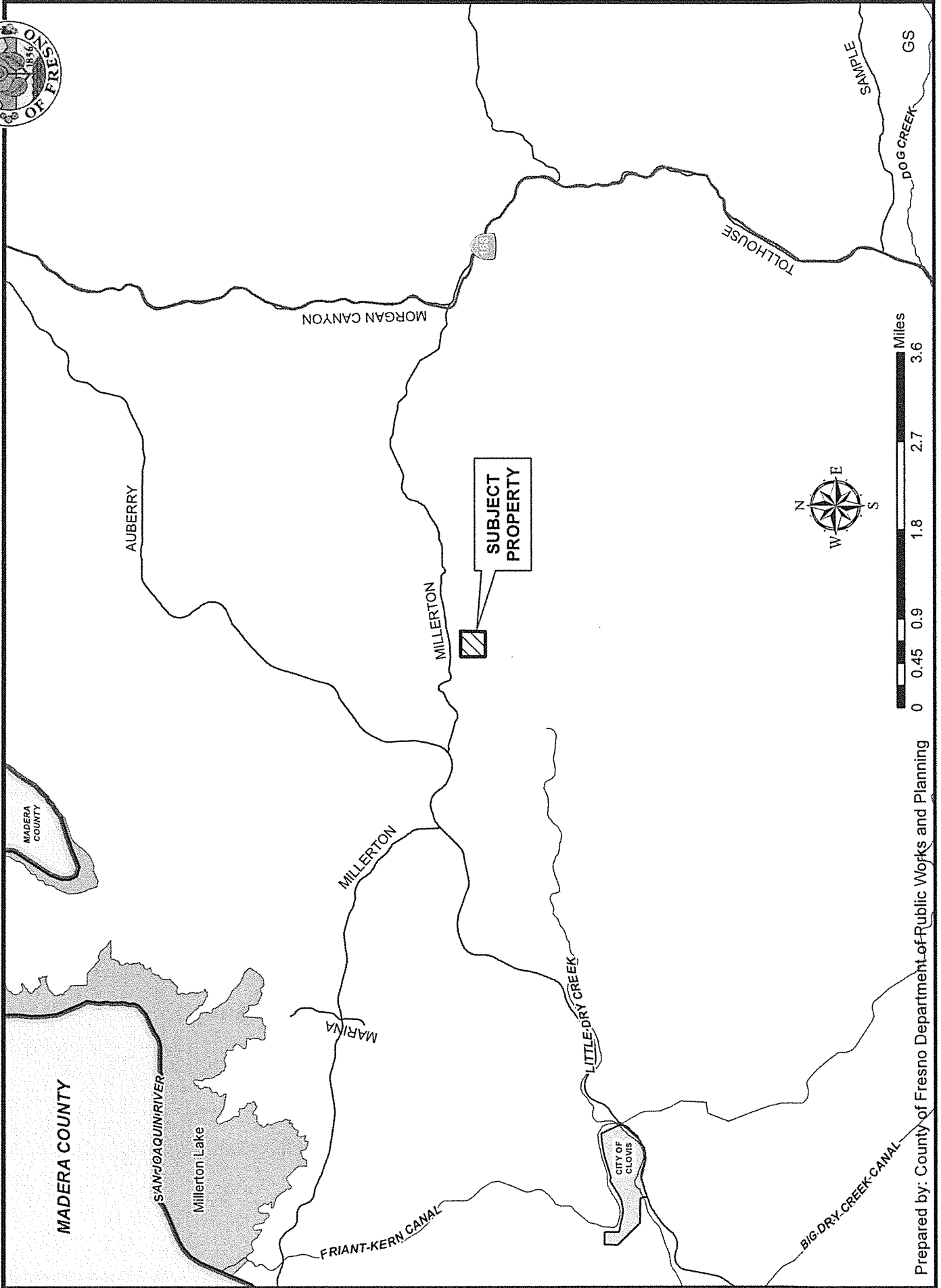
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Agricultural Preserve
Parcel Map 7638, Bk. 56, Pgs. 50-51
Parcel Map 7932, Bk. 66, Pgs. 82-84
Certificate of Parcel Map Waiver No. 99-23, Doc.# 216172, 09-15-05

LOCATION MAP



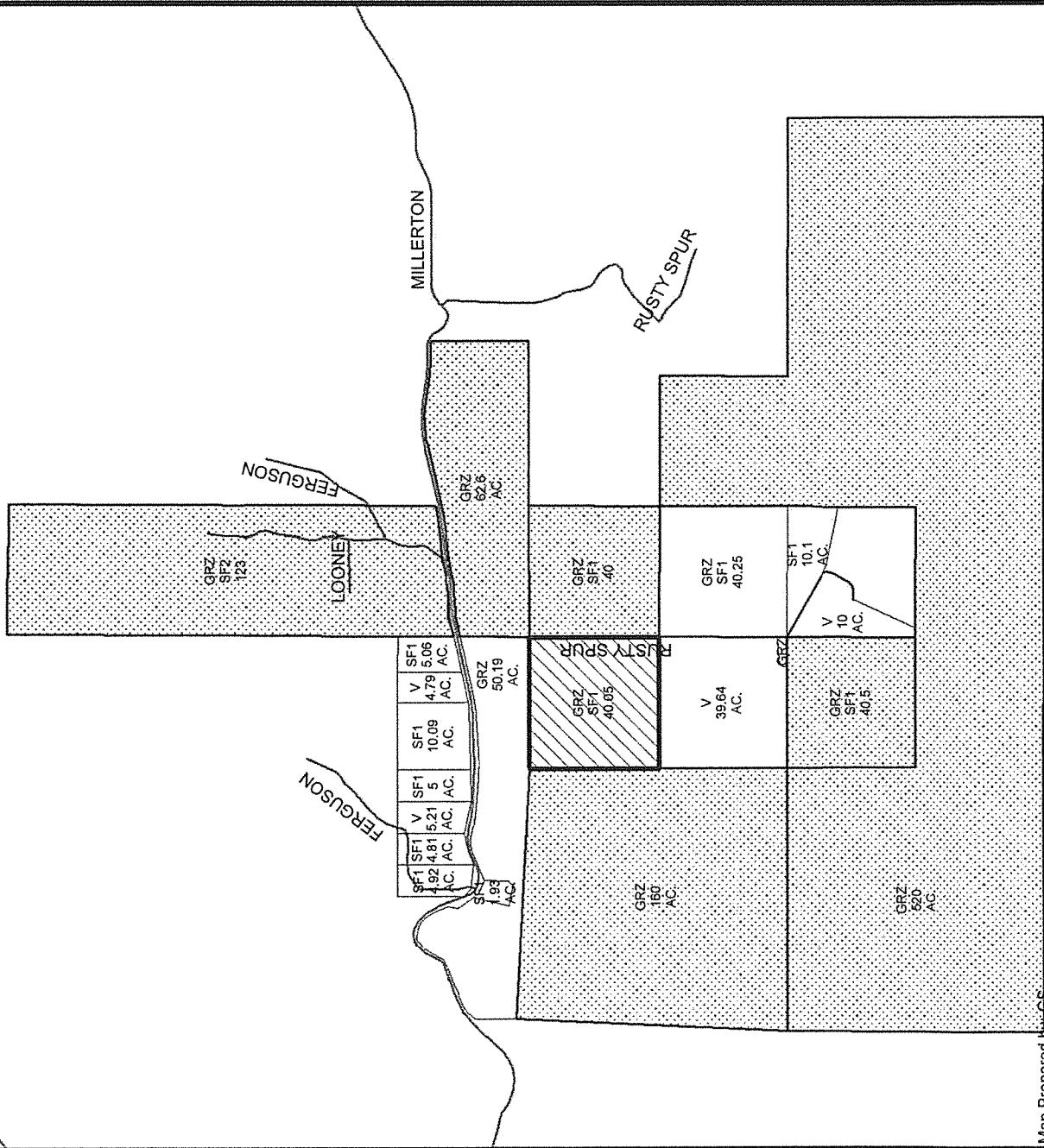
DRA 4602





EXISTING LAND USE MAP

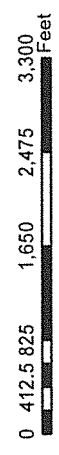
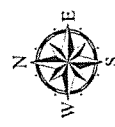
DRA 4602



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

LEGEND:

	Subject Property
	Ag Contract Land

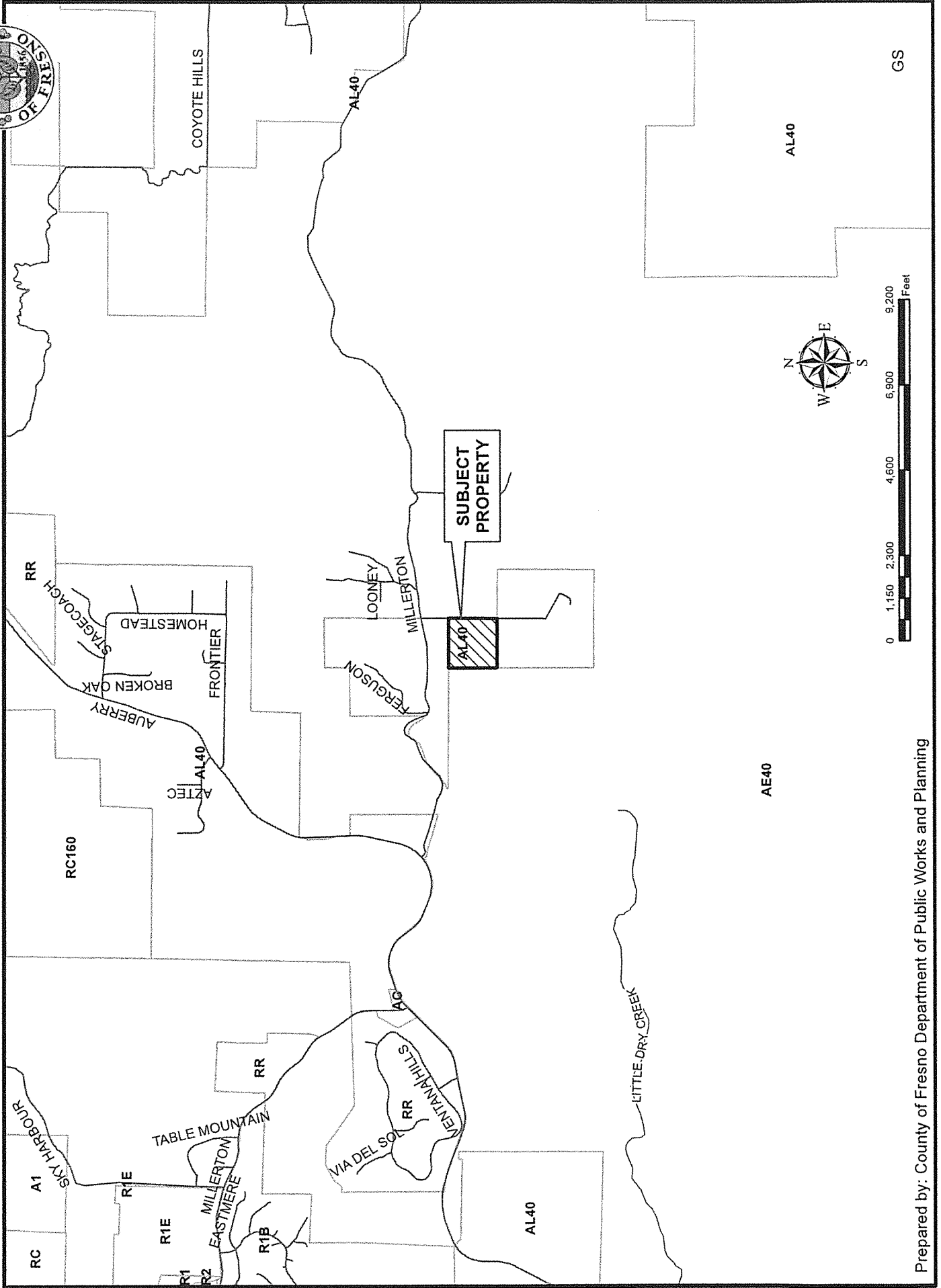


Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
G:\4360Devs&Pin\GIS\Maps\Landuse\

DRA 4602
STR 17-11/22

EXISTING ZONING MAP

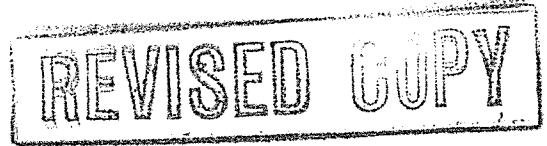


MAXWELL RUSTY SPUR ARENA

**OPERATIONAL STATEMENT
for a Revision to Directors Review and Approval No. 4465 & No. 4112
October 4, 2019**

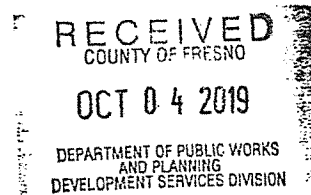
PROPERTY OWNERS

Charlie & Tammy Maxwell
10925 Rusty Spur Lane
Clovis, CA 93619



PROJECT APPLICANTS

Rusty Spur Arena, Inc. a California Nonprofit Corporation
c/o Charlie & Tammy Maxwell
10925 Rusty Spur Lane
Clovis, CA 93619
(559) 299-0502
charliemaxwell@ymail.com



REPRESENTATIVE

Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., No. 200
Fresno, CA 93721
(559) 445-0374
E-Mail: dirk@dplds.com

John Kinsey
Wanger Jones Helsley PC
265 River Park Circle, Suite 310
Fresno, CA 93720
(559) 233-4800

PROJECT LOCATION

10925 Rusty Spur Lane, Clovis
APN 138-061-49

PROJECT DESCRIPTION

Amend Directors Review & Approval (DRA) No. 4112 and Initial Study No. 6062 which allows operational commercial horse arena on a 40.05 +/- acre parcel in the AL-40 Zone District.

1. BACKGROUND

The applicants have owned the subject site since 1992. Subsequent to their acquisition, Applicants have made improvements to the site for his personal use and enjoyment of equestrian activities.

On September 27, 2011 Fresno County Board of Supervisors approved DRA No. 4112 for a limited number of commercial equestrian events. Initial Study No. 6062 with Site Plan Review No. 7814 was subsequently approved which established further project details and improvement requirements.

On April 25, 2017 Fresno County Board of Supervisors approved DRA no. 4465 for an increase in the number off commercial event days, with the modification of events allowed year-round.

This request seeks additional event days and a limited change in hours for specific events.

Proposed Event List

# of Days Requested	Event	Hours	Average # of Attendees
10	Roping	16:30 - 22:00 Fridays 07:30 – 18:00 Saturdays or Sundays	50
10	Sorting	07:30 - 18:00 Any Day	50
3	Three day roping event 1X per year	16:30 – 22:00 07:30 – 18:00 Any Three Days	60
6	Gymkhana	07:30 – 18:00 Saturday or Sunday	60
10	Trail Course *5 of 10 days exclusively for Law Enforcement	07:30 – 18:00 Any day	60
3	3-day Trail Once Every Other Year	16:30 – 22:00 Friday 07:30 – 18:00 Saturday and Sunday	60 *Exclusively for Law Enforcement
8	Riding Clinics	07:30 – 18:00 Any Day	20
20	Barrel racing	16:30 – 22:00 Any Day	20
1	Dance	17:00 – 22:00	100
1	Charity Fundraiser	17:00 – 22:00	100

The Applicants propose modifications to the previously approved DRA's No. 4112 & 4465 and Initial Study No. 6062 which are:

2. Operational Time Limits

There shall be no more than 72 days of planned public events per calendar year. Operational hours for daytime events are from 07:30 to 18:00. Operational hours for evening events are from 16:00 to 22:00. Venue increase is from current 24 events days to a maximum of 72 days. 30 days of the events occur in the evening hours. 28 event days have restricted a restricted number of attendees. (refer to the matrix for a typical yearly schedule)

3. Number of customers or visitors

There will be no change in visitor intensity from the previous approvals. The facility will host a maximum of 50 to 60 riders and 30 trailers for all events, with 28 event days limited in the number of participants

The applicant believes that the arena will attract tourists or participants from out of Fresno County that will rent rooms and spend other tourism related dollars on food and lodging. Some instances during a limited number of events, contestants will stay on the property in their trailers or motorhomes. These vehicles will leave immediately after the events end.

4. Number of employees

There will be no change from the previous approvals. There will be no employees, however with the youth events there would be people who will volunteer, including retired CDF employees.

5. Service and delivery vehicles

There will be no change from the previous approvals. No large service or delivery trucks will visit the site.

6. Access to the site

There will be no change from the previous approvals. The arena is located as the first residence off of Rusty Spur Lane, which connects to the public roadway of Millerton Road. Per Site Plan Review No. 7814, the access drive has been graded to conform to county standards.

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

There will be no change from the previous approvals. The arena is located on a forty-acre parcel with the arena being located in the extreme north/west portion of the parcel. Applicant is in compliance with parking regulations established by Site Plan Review No. 7814 and has applicants have planted native grass to mitigate dust. The design of the arena and surrounding parking area adjacent to the arena would be limited to sixty trailers. All parking stalls will be chalked or painted per county standards.

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

There will be no change from the previous approvals. This is primarily a youth activity and numerous groups have offered to sell food and drinks to support their youth activities and the activities of the arena. The applicant will not cook or produce food for any public event.

9. What equipment is used?

There will be no change from the previous approvals. The applicant's tractors and related equipment are used on the property.

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

There will be no change from the previous approvals. Event equipment is utilized in the arena on the day of the event and stored in a personal on site storage building.

11. Does the use cause an unsightly appearance?

There will be no change from the previous approvals. By design, the arena was placed in the extreme north/west corner of the property. The location is as far as possible removed from any other residences on Rusty Spur Lane. The neighbors to the north are separated from the arena by a vacant 80-acre parcel, a public roadway (Millerton Road) and a seasonal stream (Little Dry Creek).

Seventy Afghan Pines, five Bradford Pear, five Raywood Ash and eight Chinese Elm were planted in strategic locations to block views into the site, provide shade and block lighting emitted from the site.

Since the approval of DRA No. 4465, a total of 88 trees have been planted on the subject property, which are maintained on an existing irrigation system.

A solid masonry decorative block wall was installed along the north boundary of the arena in accordance with Site Plan Review No. 7814 that provides an additional noise and aesthetic barrier to surrounding properties. An earthen berm exists along the south and east boundaries of the arena which provides an additional noise barrier by deflecting event sound upwards.

The distance from the neighbor's home to the north to the center of the arena is approximately 1,266 feet or 422 yards. Odor and dust are both controlled by an existing arena watering system.

As previously approved, the arena is lighted per county standards with all lights hooded and directed to not annoy nearby property owners

During event days, an arena public announcing system will be utilized and controlled by the applicant to assure compliance with county noise standards. Further, the public announcement speakers are enclosed in a metal directional hood to force noise energy downward.

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

There will be no change from the previous approvals. Event days generate very little animal waste because the participant's animals are not eating. On event days the arena is disced at the end of the day disposing of any waste or urine into the arena surface.

A fully accessible ADA compliant restroom building was constructed in accordance with Site Plan Review No. 7814 in a location consistent with applicable regulations for such restroom facilities. Said restrooms have ADA compliant parking.

The subject site is served by Ponderosa Disposal that the contract region established by Fresno County for waste collection. The applicant complies with all public health, disposal and recycling requirements mandated by law. In addition, the applicant has installed approximately thirty, 50-gallon waste collection drums for the ease of attendees to dispose of small waste such as paper plates etc.

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

An irrigation system is used to water the arena to reduce dust. A 5,000 gallon potable water storage tank has been installed south of the arena approximately 145 feet above the arena floor. This water system will allow the arena to be watered completely with minimum effort to allow for maximum dust control. The facility uses approximately 2,000 gallons of water on event days. The water is provided from an on-site well which has sufficient capacity to allow for this usage and more.

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

There will be no change from the previous approvals. As indicated on the attached project site plan, all buildings exist and are operational consistent with county approvals. All such improvements and structures were constructed with building permits associated with Site Plan Review No. 7814.

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

There will be no change from the previous approvals. Only the existing barn will be used for storage of the event timing equipment. The applicant believes that the arena will attract tourists or participants from out of Fresno county that will rent rooms and spend other tourism related dollars on food and lodging. Some instances during a limited number of events, contestants will stay on the property in their trailers. These vehicles will leave immediately after the events end.

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

There will be no change from the previous approvals. A conjunctive lighting and sound pole system has been installed by the applicant that utilizes lighting and sound on the same pole. The lighting system is hooded and directed downwards to

avoid annoying nearby property owners. In addition, the applicant has calculated the height of the aforementioned poles to optimize lighting and reduce the potential for light to annoying adjacent properties. Lighting is only used as necessary, as the majority of events take place in daylight hours.

The sound amplification speakers are encased in a metal shield that directs sound downward to assure that nearby property owners are not annoyed by the arena. In addition, the applicant has established the height and location of the aforementioned poles to optimize the sound system's efficiency without annoying nearby property owners. Precision Engineering of Fresno for DRA No. 4465 submitted a noise study to Fresno County Development Services which placed the noise level of the arena below Fresno county noise standards.

18. Landscaping or fencing proposed?

There will be no change from the previous approvals. Sixty Afghan Pines, five Bradford Pears five Raywood Ash and eight Chinese elm were planted in strategic locations to block views into the site, provide shade and block lighting emitted from the site. 88 additional trees exist since the approval of DRA No. 4465. Said trees are on an existing irrigation system.

A series of fences and gates exist on the subject site to segregate private residence from the arena area. The arena fencing was specifically designed and constructed to restrict movement on and off the applicant's property so visitors or guests will not wander onto adjacent parcels.

Since Site Plan Review No. 7814, electric access gate controlling access to Rusty Spur Lane has been moved 760 feet south of Millerton Road and south of the applicant's driveway. This allows participants of the arena to enjoy over 2,600 feet of "stacking distance" upon entry to Rusty Spur Lane prior to having to park their vehicles.

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

A primary goal or propose of the project to "give back" to the community the same enjoyment that our children and numerous other foothill children enjoyed while growing up. Numerous families and community groups have approached the applicant with the idea of providing safe, clean, and fun activities for the children of this community, such as those involved in the American Legion youth equestrian training program. Handicapped children are especially welcomed and accommodated at the arena. Select riding clinics and trail events have been designed around the goals of having all participants be a winner and win prizes that will be donated from the Rusty Spur Arena and local merchants of the surrounding community.

The site is within an area zoned exclusively for agricultural use, with a 40-acre minimum lot size. For perspective, a 40-acre parcel contains 1,742,200 square feet, theoretically enough room for approximately 139, 12,500 sq. ft. lots zoned Single Family Residential R-1-B.

20. Identify all Owners

Charlie and his wife Tammy Maxwell are the property owners of the Rusty Spur Arena, Inc. a nonprofit corporation.

SUPPLEMENTAL INFORMATION

Agriculture Resources:

The proposed use is allowed with approval of a Directors Review and Approval. Since Directors Review & Approval (DRA) No. 4112 was approved, the site remains generally surrounded by rural residential uses on 40 acre parcels. Other than cattle, no agricultural product has been grown on the site for decades.

Air Quality:

The development will comply with all San Joaquin Unified Air Pollution Control District standards and pay applicable fees as required. Said District evaluated the previous entitlements and expressed no concerns.

Biological Resources:

All site improvements exist. The site is in a rural, agricultural area substantially disturbed by general equestrian and typical rural, weed and fire prevention activities that have occurred on the site for decades. California Department of Fish and Game evaluated the previous entitlements and expressed no concerns therefore no impacts were identified.

Cultural Resources:

All site improvements exist. General equestrian and typical rural, weed and fire prevention activities have occurred on the site for decades. Therefore, there will be no impacts to prehistoric or historic subsurface cultural resources that have not already occurred

Geology and Soils:

All site improvements exist. The project complies with all applicable building and development codes that have proven to be effective in addressing potential impacts to geology and soils. The site is not in an active seismic safety zone or an Alquist Priolo zone. All site improvements requiring a building permit comply with mandatory soils and geologic construction requirements.

Land Use and Planning:

As was previously determined, the proposed project is consistent with the site's adopted land use designation and zoning. The subject property remains designated Specific Plan Reserve area in the county adopted Sierra North Regional Plan. According to general plan policy LU.A-3, certain agriculturally related activities such as commercial horse arenas may be allowed by means of a discretionary use permit.

Other general plan policies were evaluated as part of the review and approval process for Directors Review & Approval (DRA) No. 4112. The county staff, planning commission and Board of Supervisors determined the project was consistent with the general plan.

As was the status when Directors Review & Approval (DRA) No. 4112 was approved, the subject property is not subject to an Agricultural Land Conservation Contract. Said site is not located with any clear zone or other protection surface of a public use or private use airport or within an identified airport noise contour. The site is not within a Mineral Resource Zone (MRZ) area.

None of the aforementioned information has changed since Directors Review & Approval (DRA) No. 4112 was approved.

Traffic:

Initial Study No. 6062 evaluated potential environmental impacts associated with the approval of Directors Review & Approval (DRA) No. 4112. As part of the environmental analysis associated with that project, Fresno County Traffic Engineering staff determined that a formal traffic study was not required per Fresno county standards due to the location, type and kind of traffic and low volume of Millerton Road traffic.

County staff visited the subject site and evaluated the curvilinear nature, bridges and road conditions that provide access to and from the site on Millerton Road. Traffic counts developed by Fresno County staff in 2011 indicate 600 daily trips east of Auberry Road on Millerton Road west of the subject site and 400 daily trips on Millerton Road east of the subject site. County staff evaluated the aforementioned roadway characteristics and project details and concluded that said traffic would not result in a significant increase in vehicle or traffic congestion nor exceed established levels of service standards.

County staff also evaluated site access and determined that site visibility in both directions met applicable standards. County staff also determined queuing of traffic coming into and out of the site met applicable standards. The applicant's operational statement identified that the project's existing residential entry gate would be maintained open at all times during events and that a queuing distance of over 2,600 feet was available from Rusty Spur Lane onto the applicant's property from Millerton Rd. Therefore, the potential for project traffic to back up on to Millerton Road was not reasonably probable.

The applicant has recently confirmed no traffic congestion or other arena related traffic problems have been reported to the California Highway Patrol, since approval of DRA # 4112. Further the applicant is not aware of any traffic related incidents associated with the arena or its events.

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FRESNO County Recorder
Paul Dictos, C.P.A.
DOC-
2013-0084509-00
Acct 1002-Chicago Title Ins Co ER
Friday, JUN 14, 2013 14:16:50
Ttl Pd \$61.00 Rcpt # 0003914968
APR/R1/1-15

Chicago Title
Recording Requested By:
Bank of the West, a
California state banking
Return To:
Bank of the West Post
Closing
13505 California St.
NE-BBP-LL-P
Omaha, NE 68154

Prepared By:
Kay L Jones
13505 California St
Omaha, NE 68154

#4 5042938-URF

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DEED OF TRUST

MIN 100104088014359176

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated June 08, 2013 together with all Riders to this document.

(B) "Borrower" is CHARLES MAXWELL and TAMARA MAXWELL, HUSBAND AND WIFE AS JOINT TENANTS

Borrower's address is 10925 RUSTY SPUR RD, Clovis, CA 93619

. Borrower is the trustor under this Security Instrument.

(C) "Lender" is Bank of the West, a California state banking corp.

Lender is a corporation
organized and existing under the laws of The State of California

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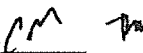
CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS

Form 3005 1/01

Wolters Kluwer Financial Services
VMP®-6A(CA) (0711)

Page 1 of 15

Initials:



Lender's address is 13505 California St, NE-BBP-LL-P, Omaha, NE 68154

(D) "Trustee" is First Santa Clara Corporation, A California Corp.

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated June 08, 2013

The Note states that Borrower owes Lender Three Hundred Fifty Thousand And Zero/100 Dollars (U.S. \$350,000.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than July 01, 2043

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|--|---|---|
| <input type="checkbox"/> Adjustable Rate Rider | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Second Home Rider |
| <input type="checkbox"/> Balloon Rider | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> 1-4 Family Rider |
| <input type="checkbox"/> VA Rider | <input type="checkbox"/> Biweekly Payment Rider | <input type="checkbox"/> Other(s) [specify] |

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

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CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS
VMP®-6A(CA) (07/11)

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Initials: 

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Form 3005 1/01

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of Fresno :

[Type of Recording Jurisdiction]

[Name of Recording Jurisdiction]

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

Parcel ID Number: 138-061-49
10925 RUSTY SPUR LN
Clovis
("Property Address"):

which currently has the address of
[Street]
[City], California 93619 [Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances

8801435917

CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS
VMP®-6A(CA) (07/11)

Page 3 of 15

Initials: *[Handwritten initials]*

8801435917
Form 3005 1/01

of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. Application of Payments or Proceeds. Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

3. Funds for Escrow Items. Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; (c) premiums for any and all insurance required by Lender under Section 5; and (d) Mortgage Insurance premiums, if any, or any sums payable by Borrower to Lender in lieu of the payment of Mortgage Insurance premiums in accordance with the provisions of Section 10. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be

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in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

4. Charges; Liens. Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the

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lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

5. Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee and Borrower further agrees to generally assign rights to insurance proceeds to the holder of the Note up to the amount of the outstanding loan balance. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee and Borrower further agrees to generally assign rights to insurance proceeds to the holder of the Note up to the amount of the outstanding loan balance.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with

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the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 22 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

6. Occupancy. Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

7. Preservation, Maintenance and Protection of the Property; Inspections. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. Borrower's Loan Application. Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument. If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable

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attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

10. Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the Mortgage Insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the Mortgage Insurance previously in effect, from an alternate mortgage insurer selected by Lender. If substantially equivalent Mortgage Insurance coverage is not available, Borrower shall continue to pay to Lender the amount of the separately designated payments that were due when the insurance coverage ceased to be in effect. Lender will accept, use and retain these payments as a non-refundable loss reserve in lieu of Mortgage Insurance. Such loss reserve shall be non-refundable, notwithstanding the fact that the Loan is ultimately paid in full, and Lender shall not be required to pay Borrower any interest or earnings on such loss reserve. Lender can no longer require loss reserve payments if Mortgage Insurance coverage (in the amount and for the period that Lender requires) provided by an insurer selected by Lender again becomes available, is obtained, and Lender requires separately designated payments toward the premiums for Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to maintain Mortgage Insurance in effect, or to provide a non-refundable loss reserve, until Lender's requirement for Mortgage Insurance ends in accordance with any written agreement between Borrower and Lender providing for such termination or until termination is required by Applicable Law. Nothing in this Section 10 affects Borrower's obligation to pay interest at the rate provided in the Note.

Mortgage Insurance reimburses Lender (or any entity that purchases the Note) for certain losses it may incur if Borrower does not repay the Loan as agreed. Borrower is not a party to the Mortgage Insurance.

Mortgage insurers evaluate their total risk on all such insurance in force from time to time, and may enter into agreements with other parties that share or modify their risk, or reduce losses. These agreements are on terms and conditions that are satisfactory to the mortgage insurer and the other party (or parties) to these agreements. These agreements may require the mortgage insurer to make payments using any source of funds that the mortgage insurer may have available (which may include funds obtained from Mortgage Insurance premiums).

As a result of these agreements, Lender, any purchaser of the Note, another insurer, any reinsurer, any other entity, or any affiliate of any of the foregoing, may receive (directly or indirectly) amounts that derive from (or might be characterized as) a portion of Borrower's payments for Mortgage Insurance, in exchange for sharing or modifying the mortgage insurer's risk, or reducing losses. If such agreement provides that an affiliate of Lender takes a share of the insurer's risk in exchange for a share of the premiums paid to the insurer, the arrangement is often termed "captive reinsurance." Further:

(a) Any such agreements will not affect the amounts that Borrower has agreed to pay for Mortgage Insurance, or any other terms of the Loan. Such agreements will not increase the amount Borrower will owe for Mortgage Insurance, and they will not entitle Borrower to any refund.

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(b) Any such agreements will not affect the rights Borrower has - if any - with respect to the Mortgage Insurance under the Homeowners Protection Act of 1998 or any other law. These rights may include the right to receive certain disclosures, to request and obtain cancellation of the Mortgage Insurance, to have the Mortgage Insurance terminated automatically, and/or to receive a refund of any Mortgage Insurance premiums that were unearned at the time of such cancellation or termination.

11. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 19, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

12. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender

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to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

13. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 20) and benefit the successors and assigns of Lender.

14. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

15. Notices. All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

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16. Governing Law; Severability; Rules of Construction. This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

17. Borrower's Copy. Borrower shall be given one copy of the Note and of this Security Instrument.

18. Transfer of the Property or a Beneficial Interest in Borrower. As used in this Section 18, "Interest in the Property" means any legal or beneficial interest in the Property, including, but not limited to, those beneficial interests transferred in a bond for deed, contract for deed, installment sales contract or escrow agreement, the intent of which is the transfer of title by Borrower at a future date to a purchaser.

If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

19. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

20. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA

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CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS
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requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 22 and the notice of acceleration given to Borrower pursuant to Section 18 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 20.

21. Hazardous Substances. As used in this Section 21: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

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CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS
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NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

22. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 18 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 22, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold. Trustee shall cause this notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall mail copies of the notice as prescribed by Applicable Law to Borrower and to the other persons prescribed by Applicable Law. Trustee shall give public notice of sale to the persons and in the manner prescribed by Applicable Law. After the time required by Applicable Law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

23. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Lender may charge such person or persons a reasonable fee for reconveying the Property, but only if the fee is paid to a third party (such as the Trustee) for services rendered and the charging of the fee is permitted under Applicable Law. If the fee charged does not exceed the fee set by Applicable Law, the fee is conclusively presumed to be reasonable.

24. Substitute Trustee. Lender, at its option, may from time to time appoint a successor trustee to any Trustee appointed hereunder by an instrument executed and acknowledged by Lender and recorded in the office of the Recorder of the county in which the Property is located. The instrument shall contain the name of the original Lender, Trustee and Borrower, the book and page where this Security Instrument is recorded and the name and address of the successor trustee. Without conveyance of the Property, the successor trustee shall succeed to all the title, powers and duties conferred upon the Trustee herein and by Applicable Law. This procedure for substitution of trustee shall govern to the exclusion of all other provisions for substitution.

25. Statement of Obligation Fee. Lender may collect a fee not to exceed the maximum amount permitted by Applicable Law for furnishing the statement of obligation as provided by Section 2943 of the Civil Code of California.

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The undersigned Borrower requests that a copy of any Notice of Default and any Notice of Sale under this Security Instrument be mailed to the Borrower at the address set forth above. A copy of any Notice of Default and any Notice of Sale will be sent only to the address contained in this recorded request. If the Borrower's address changes, a new request must be recorded.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

_____ *Charles Maxwell* (Seal)
CHARLES MAXWELL -Borrower

_____ *Tamara Maxwell* (Seal)
TAMARA MAXWELL -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

_____ (Seal) _____ (Seal)
-Borrower -Borrower

State of California
County of *Fresno*

On *6.8.13*

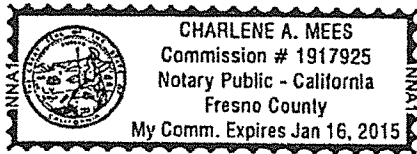
} ss.
before me, *Charlene A. Mees, Notary Public*
, personally appeared

CHARLES MAXWELL and TAMARA MAXWELL

, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in ~~his~~ ~~her~~ their authorized capacity(ies), and that by ~~his~~ ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Charlene A. Mees (Seal)



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CALIFORNIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH AMERS
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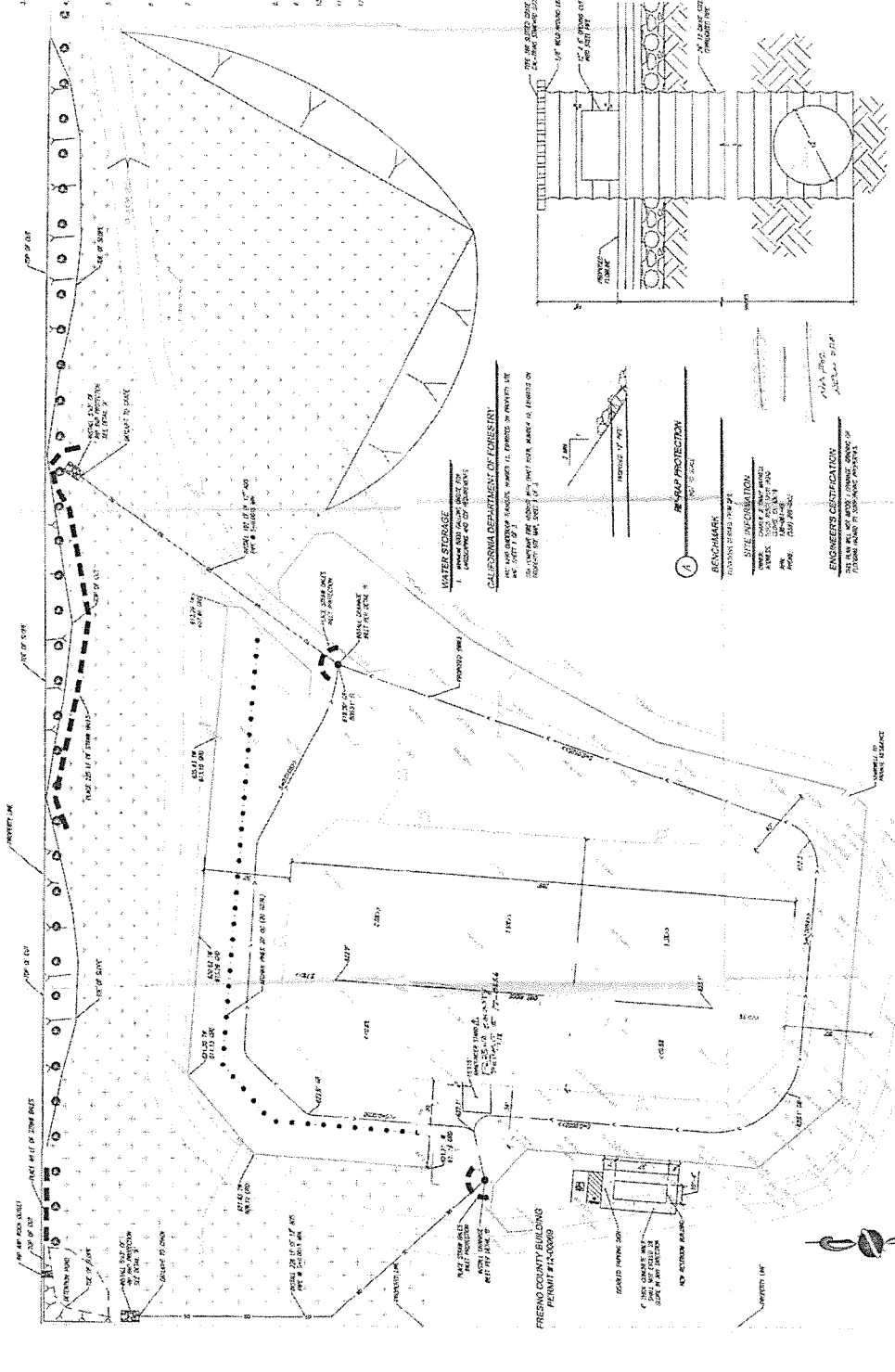
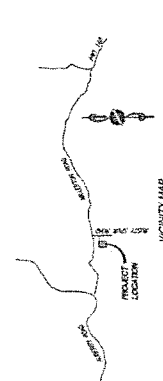
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FRESNO COUNTY DRA 4112 SHEET 1 OF 1 GRADING AS-BUILTS

- LANDSCAPE NOTES**
1. SEE PLAN FOR LANDSCAPE PLAN
 2. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE END OF THE CONTRACT PERIOD
 3. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE END OF THE CONTRACT PERIOD
 4. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE END OF THE CONTRACT PERIOD
 5. ALL PLANTINGS TO BE INSTALLED WITHIN 14 DAYS OF THE END OF THE CONTRACT PERIOD

- LEGEND**
- EXISTING GRADE
 - PROPOSED GRADE
 - EXISTING CURB
 - PROPOSED CURB
 - EXISTING DRIVE
 - PROPOSED DRIVE
 - EXISTING SIDEWALK
 - PROPOSED SIDEWALK
 - EXISTING PAVEMENT
 - PROPOSED PAVEMENT
 - EXISTING CONCRET
 - PROPOSED CONCRET
 - EXISTING ASPHALT
 - PROPOSED ASPHALT
 - EXISTING GRAVEL
 - PROPOSED GRAVEL
 - EXISTING SAND
 - PROPOSED SAND
 - EXISTING DIRT
 - PROPOSED DIRT



811
Know what's below.
Call before you dig.

RECEIVED
OCT 11 2009
CITY OF FRESNO
ENGINEERING DEPARTMENT

GRADING REQUIREMENTS:

1. THE NEW GRADING MUST BE DONE IN ACCORDANCE WITH THE APPROVED GRADING PLAN AND THE CITY OF FRESNO GRADING SPECIFICATIONS.
2. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.
3. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.
4. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.
5. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.
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9. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.
10. ALL GRADING MUST BE DONE IN ACCORDANCE WITH THE CITY OF FRESNO GRADING SPECIFICATIONS.



PROJECT TITLE	GRADING PLAN
DESIGNED BY	CHARLES & TAMMY MARVELL
CITY OF FRESNO	ENGINEERING DEPARTMENT
DATE	08-11-2009
PROJECT NO.	10925 ROYAL SPUR ROAD
PROJECT ADDRESS	CLONS, CA 93619
PROJECT PHONE	(559) 299-0502

DESIGNED BY	CHARLES & TAMMY MARVELL
CHECKED BY	AMC
DATE	08-11-09
SCALE	AS SHOWN
PROJECT NO.	10925 ROYAL SPUR ROAD
PROJECT ADDRESS	CLONS, CA 93619
PROJECT PHONE	(559) 299-0502

SHEET NUMBER	1 OF 1
PROJECT NUMBER	10-022
DATE	08-11-09
SCALE	AS SHOWN
PROJECT NO.	10925 ROYAL SPUR ROAD
PROJECT ADDRESS	CLONS, CA 93619
PROJECT PHONE	(559) 299-0502

TYPE 79 - CIP/IMP
DRAINAGE INLET (CAL TRANS STANDARD DISEA AND DISEC)



ENGINEER'S CERTIFICATION:
I, CHARLES MARVELL, LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44512, HEREBY CERTIFY THAT THE GRADING PLAN AND SPECIFICATIONS SUBMITTED TO THE CITY OF FRESNO FOR THE PROJECT AT 10925 ROYAL SPUR ROAD, CLONS, CALIFORNIA 93619, WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44512.

ENGINEER'S CERTIFICATION:
I, TAMMY MARVELL, LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44513, HEREBY CERTIFY THAT THE GRADING PLAN AND SPECIFICATIONS SUBMITTED TO THE CITY OF FRESNO FOR THE PROJECT AT 10925 ROYAL SPUR ROAD, CLONS, CALIFORNIA 93619, WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44513.

ENGINEER'S CERTIFICATION:
I, CHARLES MARVELL, LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44512, HEREBY CERTIFY THAT THE GRADING PLAN AND SPECIFICATIONS SUBMITTED TO THE CITY OF FRESNO FOR THE PROJECT AT 10925 ROYAL SPUR ROAD, CLONS, CALIFORNIA 93619, WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44512.

ENGINEER'S CERTIFICATION:
I, TAMMY MARVELL, LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44513, HEREBY CERTIFY THAT THE GRADING PLAN AND SPECIFICATIONS SUBMITTED TO THE CITY OF FRESNO FOR THE PROJECT AT 10925 ROYAL SPUR ROAD, CLONS, CALIFORNIA 93619, WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN CIVIL ENGINEERING, STATE OF CALIFORNIA, LICENSE NO. 44513.

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # E201110000266

Lead Agency: FRESNO CO DEPT OF PUBLIC WORKS & PLANNING Date: 09/30/2011

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201110000266

Project Title: INTIAL STUDY APPLICATION NO. 6062 DIRECTOR REVIEW AND APPROVAL APPLI

Project Applicant Name: FRESNO CO DEPT OF PUBLIC WORKS & PLANNING /CHRIS Phone Number: (559) 600-4227

Project Applicant Address: 2220 TULARE ST STE #A, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

NOTICE OF DETERMINATION	\$	2044.00
NEGATIVE DECLARATION	\$	0.00
ADMINISTRATION FEE	\$	50.00
Total Received	\$	2094.00

Signature and title of person receiving payment:

Blanca H. Avalos



FILED

SEP 30 2011

County of Fresno

FRESNO COUNTY CLERK
By Blanca H. Avila
DEPUTY

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

NOTICE OF DETERMINATION

E201110000266

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study Application No. 6062, Director Review and Approval Application No. 4112

Location: The project site is located on the west side of Rusty Spur Road (a private road), approximately 710 feet south of its intersection with Millerton Road. The site is approximately three miles east of the unincorporated community of Friant in Fresno County (10925 Rusty Spur Road) (SUP DIST.: 5) (APN No.: 138-061-49).

Description: Allow a commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on September 27, 2011, and has made the following determination:

- The project will will not have a significant effect on the environment.
- An Environmental Impact Report (EIR) was not prepared for this project pursuant to the provisions of CEQA. / A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation Measures were were not made a condition of approval for the project.
- A statement of Overriding Consideration was was not adopted for this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.


Chris Motta, Senior Planner
(559) 600-4227 / cmotta@co.fresno.ca.us

9/30/11
Date

G:\4360Devs&Plan\PROJSEC\PROJDOCS\DRAW\4100-4199\4112\DRAW4112_NOD.doc

DEVELOPMENT SERVICES DIVISION

FILED

SEP 30 2011

FRESNO COUNTY CLERK
By Blanca H. Ovalos
DEPUTY

CLK-2046.00 E04-73 R00-00

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721	Space Below For County Clerk Only.
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Agency File No: IS 6062	LOCAL AGENCY MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-
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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): Chris Motta Senior Planner	Area Code: 559	Telephone Number: 600-4227	Extension: N/A
--	--------------------------	--------------------------------------	--------------------------

Applicant (Name): Charlie Maxwell	Project Title: Director Review and Approval Application No. 4112
---	--

Project Description: **Allow a commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.**

Justification for Negative Declaration:

Initial Study Application No. 6062 indicates that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, agricultural resources, air quality, biological resources, cultural resources, mineral resources, population and housing, public services, and recreation.

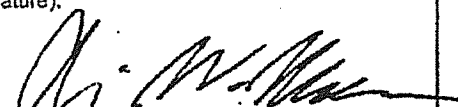
Potential impacts related to geology and soils, hazards and hazardous materials, land use and planning, and utilities and service systems have been determined to be less than significant. Potential impacts to hydrology and water quality, noise, and transportation and circulation have been determined to be less than significant with the identified mitigation measures.

The Initial Study is available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.

FINDING:

The proposed project will not have a significant impact on the environment with the incorporated Mitigation Measures.

Newspaper and Date of Publication: Fresno Business Journal – November 20, 2009	Review Date Deadline: Board of Supervisors – September 27, 2011
--	---

Date: September 30, 2011	Type or Print Signature: Chris Motta Senior Planner	Submitted by (Signature): Chris Motta Senior Planner 
------------------------------------	---	--

State 15083, 15085 County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

E201110000266

FRESNO COUNTY
CLERK'S OFFICE
VICTOR E. SALAZAR

2221 KERN STREET
FRESNO, CA 93721

Finalization 201108343
09/30/2011 11:05am
49 Blanca

Item Title	Count
1 EIRA EIR Administrative Fee	1

Document ID	Amount
DOC# E201110000326	50.00
Time Recorded 11:03 am	

2 EIRND EIR - Negative Declaration	1
--	---

Document ID	Amount
DOC# E2011100003272044	0.00
Time Recorded 11:04 am	

3 EIRND EIR - Negative Declaration	1
--	---

3 EIRA EIR Administrative Fee	1
----------------------------------	---

Document ID	Amount
DOC# E201110000328	0.00
Time Recorded 11:05 am	

Total	4188.00
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Payment Type	Amount
Check tendered # 1980	2094.00
No Fee	2094.00
Amount Due	0.00

Thank You
Please Retain This Receipt
For Your Records



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

ENVIRONMENTAL CHECKLIST FORM
Initial Study Application No. 6062
Director Review and Approval Application No. 4112

- 1. Project title:**
Initial Study Application No. 6062 and Director Review and Approval Application No. 4112

- 2. Lead agency name and address:**
*Fresno County Department of Public Works and Planning
Development Services – 6th Floor
2220 Tulare Street, Fresno, CA 93721-2104*

- 2. Contact person and phone number:**
Derek Chambers, Planner (559) 262-4321

- 3. Project location:**
The project is located on the west side of Rusty Spur Road, approximately 710 feet south of the intersection of Millerton Road and Rusty Spur Road, and is approximately three miles east of the unincorporated community of Friant (10925 Rusty Spur Road) (SUP. DIST.: 5) (APN: 138-061-49).

- 5. Project sponsor's name and address:**
*Charlie Maxwell
10925 Rusty Spur Road
Clovis, CA 93619*

- 6. General plan designation:**
Specific Plan Reserve in the County adopted Sierra-North Regional Plan

- 7. Zoning:**
AL-40 (Limited Agricultural, 40-acre minimum parcel size) District

- 8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**
Allow a commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.

- 9. Surrounding land uses and setting: Briefly describe the project's surroundings:**
The subject site is located in an area of grazing land intermixed with residential land uses. The closest neighboring residence is located approximately one quarter mile southeast of the project site and the closest public road is located approximately 710 feet to the north.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.


- | | |
|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

PERFORMED BY:


Derek Chambers, Planner

Date: 11/16/2009

REVIEWED BY:


Chris Motta, Senior Planner

Date: 11/16/2009

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

(Initial Study Application No. 6062 and Director Review and Approval Application No. 4112)

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

- | | |
|----------------------------------|---|
| 1 = No Impact | 3 = Less Than Significant Impact with Mitigation Incorporated |
| 2 = Less Than Significant Impact | 4 = Potentially Significant Impact |

I. AESTHETICS

Would the project:

- 1 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 1 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 1 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL RESOURCES

Would the project:

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III. AIR QUALITY

Would the project:

- 1 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 1 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 1 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- 1 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 1 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- 1 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 1 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 2 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 2 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) 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?

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards of waste discharge requirements?
- 3 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 2 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- 2 e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 1 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 2 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 1 j) Inundation by seiche, tsunami, or mudflow?

IX. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 2 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

X. MINERAL RESOURCES

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI. NOISE

Would the project:

- 3 a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 3 b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 3 c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 3 d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- 1 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?

XII. POPULATION AND HOUSING

Would the project:

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

XIII. PUBLIC SERVICES

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

XIII. PUBLIC SERVICES (CONTINUED)

- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XIV. RECREATION

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XV. TRANSPORTATION / TRAFFIC

Would the project:

- 2 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 2 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 3 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 2 f) Result in inadequate parking capacity?
- 1 g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 1 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 1 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 1 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 history or prehistory?
- 1 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 1 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Documents Referenced:

This Initial Study references the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services Division, 2220 Tulare Street, Fresno, California (corner of M & Tulare Streets).

- Fresno County General Plan, Policy Document and Final EIR
- Fresno County adopted Sierra-North Regional Plan
- Fresno County Zoning Ordinance

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Charlie Maxwell
- APPLICATION NOS:** Initial Study Application No. 6062 and Director Review and Approval Application No. 4112
- DESCRIPTION:** Allow a commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION:** The site is located on the west side of Rusty Spur Road, approximately 710 feet south of the intersection of Millerton Road and Rusty Spur Road, and is approximately three miles east of the unincorporated community of Friant (10925 Rusty Spur Road) (SUP. DIST.: 5) (APN No: 138-061-49).

I. AESTHETICS

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

FINDING: NO IMPACT:

This proposal entails allowing the utilization of an existing corral in a commercial capacity. No additional structures or improvements associated with the use are proposed. The subject property is located in an area of mixed agricultural and residential land uses and has been previously improved with a barn, residence, swimming pool, and the corral associated with the proposed use. These improvements are aesthetically compatible with the surrounding land uses due

DEVELOPMENT SERVICES DIVISION

to their residential and agricultural nature. Therefore, approval of this proposal will not degrade the visual character of the site or 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: NO IMPACT:

Existing outdoor lighting on the subject property is for personal use and is not proposed to be utilized in conjunction with the proposed commercial use. Additionally, the subject corral will only be utilized in a commercial capacity from April 1 through September 30th and associated events will cease at 5:00pm. Therefore the use of outdoor lighting in conjunction with this proposal is unnecessary.

II. AGRICULTURAL RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;**
- B. Would the project conflict with existing agricultural zoning or Williamson Act contracts; or**
- C. Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

FINDING: NO IMPACT:

The subject property is designated as Grazing Land on the Fresno County Important Farmland Map 2002. However, the subject property is not being utilized for agricultural purposes and is not subject to Williamson Act Contract.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**

- C. **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or**
- D. **Would the project expose sensitive receptors to substantial pollutant concentrations?**

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns.

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

FINDING: NO IMPACT:

This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division who expressed no odor-related concerns.

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?**
- 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 CDFG or USFWS?**
- 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?**
- 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?**
- E. **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- 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 subject 40.05-acre parcel has been previously improved with a single family residence and accessory structures thereto. Upon review of a Biological Survey prepared for this proposal by Live Oak Associates, Inc., the United States Fish and Wildlife Service did not express any concerns related to the project. This proposal was also referred to the California Department of Fish and Game, who also did not express any concerns. Therefore, no impacts were identified in regards to 1.) Any candidate, sensitive, or special-status species, 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Dept. of Fish and Game or U.S Fish and Wildlife Service, 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act, and 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?**
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

FINDING: NO IMPACT:

The project site is located within an area designated to be moderately sensitive for archeological resources. However, this proposal is limited in scope as the corral associated with the requested use is existing and no additional structures or improvements are proposed for this project. Additionally, the subject property has been previously disturbed with improvements including a barn, residence, and swimming pool.

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

- 1. Rupture of a known earthquake?**
- 2. Strong seismic ground shaking?**
- 3. Seismic-related ground failure, including liquefaction?**
- 4. Landslides?**

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Potential erosion impacts from this proposal will be minor in that permanent improvements will not cause significant changes in absorption rates, drainage patterns and the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the County Ordinance Code.

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

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

FINDING: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known 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 subject property is currently served by an existing on-site sewage disposal system. An additional on-site sewage disposal system shall be required for the proposed permanent restroom facility. This requirement will be included as a condition of approval. Additionally, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division who expressed no concerns in regard to soils.

VII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**
- B. Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**
- C. Would the project emit hazardous materials within one-quarter mile of a school?**

FINDING: NO IMPACT:

This proposal does not involve storage of hazardous materials and no hazardous materials impacts were identified in the project analysis. Additionally, there are no schools within one-quarter mile of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No hazardous materials sites were identified in the project analysis. Animal waste shall be handled in accordance with California Code of Regulations, Title 14, Chapter 3, Article 8,

Agricultural Solid Waste Management Standards. This requirement will be included as a project note.

- 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?**
- 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 within an airport land use plan or in the vicinity of a public or private airport or airstrip.

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted emergency response plan.

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

FINDING: NO IMPACT:

The project site is not located within a wildland area.

VIII. HYDROLOGY AND WATER QUALITY

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

FINDING: NO IMPACT:

This proposal was referred to the California Regional Water Quality Control Board who did not express any concerns.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would**

be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Water/Geology/and Natural Resources Section of the Department of Public Works and Planning, Development Services Division, the installation of a 2,500 gallon water storage tank is sufficient to ensure an adequate water supply for the proposed use. The requirement to install said water storage tank will be included as a mitigation measure. No other water related concerns were expressed by the Water/Geology/and Natural Resources Section.

*** Mitigation Measure**

1. *A 2,500 gallon water storage tank shall be provided in order to provide sufficient water supply for events.*

- 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?**
- 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?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, a U.S.G.S. Quad Map shows existing intermittent streams may be present within the subject property. Any development near a stream shall require clearance from the California Department of Fish and Game. This requirement has been included as a project note.

- E. Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal is limited in scope as the corral associated with this request is existing and any resultant ground disturbance activities will be minimal. However, any future construction and grading associated with this project will be required to comply with the Building and Grading Sections of the County Ordinance Code and permit requirements, thereby reducing potential impacts to a level of insignificance. These requirements will be included as project notes.

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

No additional water quality impacts were identified in the analysis.

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

FINDING: NO IMPACT

No additional housing is proposed with this project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1055 F, the northeast corner of the subject property is in Flood Zone A which is subject to the 100-year storm. Any work performed within designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This requirement will be included as a project note.

I. Would the project expose persons or structures to levee or dam failure?

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

FINDING: NO IMPACT:

No such impacts were identified in the analysis.

IX. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide an established community.

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:

Provisions for the operation of agriculturally-related activities and certain non-agricultural uses are provided for in the Fresno County Zoning Ordinance and General Plan. Such uses are therefore conditionally compatible with the agriculture land use designation. The proposed use is not in conflict with Policy LU-A.3 which states that the County may allow agriculturally-related and certain non-agricultural uses by discretionary use permit; Policy PF-C.17, County shall undertake a water supply evaluation prior to consideration of discretionary uses; or Policy PF-D.6, County shall verify the adequacy of a property for on-site sewage disposal systems.

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

FINDING: NO IMPACT:

This proposal will not conflict with any habitat conservation plan or natural community conservation plan. No such plans were identified in the analysis.

X. MINERAL RESOURCES

A. Would the project result in the loss of availability of a known mineral resource?

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:

No mineral resource impacts were identified in the analysis.

XI. NOISE

- A. Would the project result in exposure of people to severe noise levels?
- B. Would the project result in ground borne vibration?
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Outdoor sound amplification will be utilized with the proposed use. Therefore, upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division the applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis to the Environmental Health Division for review and approval. Actions to reduce noise that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance. Adherence to this requirement, which has been included as a mitigation measure, will reduce potential noise-related impacts to a level of insignificance.

* Mitigation Measure

1. *Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for*

review and approval. Mitigation measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?**
- 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 in the vicinity of an airport and is not impacted by airport noise.

XII. POPULATION AND HOUSING

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

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

XIII. PUBLIC SERVICES

- A. Would the project result in physical impacts associated with the provision of new public services in the following areas:**

- 1. Fire protection**

FINDING: NO IMPACT:

The preliminary review of this proposal by the Fresno County Fire Protection District (Cal Fire) did not identify any concerns with its approval.

2. **Police protection**
3. **Schools**
4. **Parks**
5. **Other public facilities?**

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the analysis.

XIV. RECREATION

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

FINDING: NO IMPACT:

No such impacts were identified in the analysis.

XV. TRANSPORTATION/CIRCULATION

- A. **Would the project result in increased vehicle or traffic congestion?**
- B. **Would the project exceed the established level of service standards?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed use entails the commercial utilization of an existing corral for up to 60 horses for 18 event days per year. However, increased traffic levels resultant of this project will not cause a significant impact as the proposal does not generate over 100 daily trips or 10 peak hour trips. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns regarding volume of traffic.

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

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Rusty Spur Road is a private road with gated access from Millerton Road, a County maintained road. In order to preclude queuing of vehicles on Millerton Road awaiting access to Rusty Spur Road, the applicant shall be required to open the gate providing access to Rusty Spur Road from Millerton Road during arrival times for the events associated with this proposal. This requirement will reduce potential traffic hazards to a level of insignificance.

*** Mitigation Measure**

1. *The gate providing access to Rusty Spur Road from Millerton Road shall remain open during arrival times on event days to preclude vehicle queuing on Millerton Road.*

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No emergency access issues were identified in the analysis.

F. Would the project result in inadequate parking capacity?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal is limited in scope to allowing the commercial utilization of an existing corral. Given the limited number of event days associated with this proposal, potential negative impacts to parking capacity will be less than significant.

G. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?

FINDING: NO IMPACT:

This proposal will not conflict with any adopted transportation plans.

XVI. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements?

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

FINDING: NO IMPACT:

See discussion under **Section VI.E Geology and Soils**

C. Would the project require construction of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under **Section VIII.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 under **Section VIII.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 under **Section VI.E Geology and Soils**

F. Would the project be served by a landfill with sufficient permitted capacity?

G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the analysis.

XVII. 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: NO IMPACT:

No such impacts on biological resources were identified in the analysis.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the analysis.

- 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 prepared for Director Review and Approval Application No. 4112, 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 aesthetics, agricultural resources, air quality, biological resources, cultural resources, mineral resources, population and housing, public services, and recreation.

Potential impacts related to geology and soils, hazards and hazardous materials, land use and planning, and utilities and service systems have been determined to be less than significant. Potential impacts to hydrology and water quality, noise, and transportation and circulation 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 southeast corner of Tulare and "M" Street, Fresno, California.

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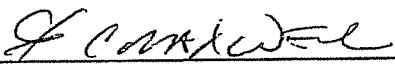
Mitigation Measures
Initial Study Application No. 6062
Director Review and Approval 4112
(Charlie Maxwell)

The following mitigation measures have been specifically applied to mitigate potential adverse environmental effects identified in the above environmental document. A change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. These mitigation measures must be included as project conditions and be identified with an asterisk (*) so they can be readily identified as mandatory mitigation measures for this project.

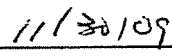
- *1. *A 2,500 gallon water storage tank shall be provided in order to provide sufficient water supply for events.*

- *2. *Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval. Mitigation measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.*

- *3. *The gate providing access to Rusty Spur Road from Millerton Road shall remain open during arrival times on event days to preclude vehicle queuing on Millerton Road.*



Charlie Maxwell



Date: