



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 January 28, 2021

**SUBJECT:** Director Review and Approval Application No. 4603 and Initial Study No. 7724

Allow the construction and operation of a private school facility comprised of a 31,147 square-foot main building and related improvements, on a 36.90-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the southeast corner of the intersection of North Academy Avenue and East Belmont Avenue approximately one- and three-quarter miles north of the nearest city limits of the City of Sanger (APN 314-150-28S) (SUP. DIST. 5.) (864 North Academy Avenue, Sanger, CA 93657).

**OWNER/  
APPLICANT:** Keith Gardner

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4603

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Deny Director Review and Approval Application No. 4603; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

### EXHIBITS:

1. Mitigation Monitoring and Reporting, Conditions of Approval. and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map

5. Site Plans
6. Floor Plan
7. Elevations
8. Operational Statement
9. Summary of Initial Study No. 7724
10. Draft Mitigated Negative Declaration
11. Public correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	36.90-acres	No change
Project Site	149,682 square-foot (3.43-acre) sports field surrounded by a 6-foot tall chain link fence. The balance of the property contains citrus orchards.	An additional, approximately 3.75-acres will be developed with the proposed 31,147 square-foot school building, and parking area. Also proposed is a 338 square-foot detached restroom structure located westerly adjacent to the sports field.
Structural Improvements	Existing 3,218 square-foot restaurant located on the northwest corner of subject parcel (approximately 1.60-acres).	Approximately 31,147 square-foot private school, and a 338 square-foot detached restroom facility
Nearest Residence	Approximately 45 feet east of the subject parcel boundary	No change
Surrounding Development	Orchards, vineyards, sparse residential development	No change
Operational Features	<u>Existing restaurant/agricultural commercial center (approved by CUP No. 2813, in 1997)</u>	<u>A private school facility with appurtenant structures, outdoor play areas, and sports field</u>

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Employees	6 Employees (CUP 2813 Operational Statement)	Approximately ten employees, including (four teachers and three academic administrators, and three playground administrators)
Customers	Average of 145 customers per day (CUP 2813 Operational Statement)	According to the Operational Statement: Approximately 40 students (ten per classroom x 4 classrooms) for the first 3-5 years of operation.
Traffic Trips	Academy Ave: 6,100 vehicles per day (includes northbound and southbound lanes)  Belmont Ave: 2,000 vehicles per day	The project is anticipated to add approximately 94 new daily traffic trips, including 12 new daily truck trips (accounting for pass by trip reductions discussed in Tables VII, VIII and IX of the Traffic Impact Analysis.
Lighting	Approximately 15 pole mounted light fixtures around perimeter of restaurant parking area and along the rear of the restaurant, westerly adjacent to the project site.	Building mounted light fixtures on school, pole mounted lights in the parking area, and around the sports field.
Hours of Operation	According to CUP 2813 Approved Operational Statement for the restaurant:  Sunday through Thursday 6:00 a.m. to 9:00 p.m. and 6:00 a.m. to 12:00 p.m. Friday and Saturday	School facility open from 7:30 a.m. to 6:00 p.m., Monday through Friday. Typical school attendance hours from 8:30 a.m. to 3:30 p.m.  Special events: 6:00 p.m. to 9:00 p.m.  Recreational area: 8:00 a.m. to 10:00 p.m., Monday through Friday.

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

**ENVIRONMENTAL ANALYSIS:**

An initial study was prepared for this application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 9.

**PUBLIC NOTICE:**

Notices were sent to 27 property owners within 1,320 feet of the subject parcel, exceeding the

minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Director Review and Approval may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872-C are made. As per Section 872.A, at the Directors discretion the proposed use may be referred directly to the Planning Commission for a public hearing and decision. If the proposed use is referred to the Commission, the noticing, hearing, and Board appeal procedures of Section 873, Conditional Use Permit shall be followed.

The decision of the Planning Commission on a Director Review and Approval Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The subject parcel originally consisted of Lot 3 and Lot 4 of the Alta Colony Subdivision recorded March 7, 1891. The parcel has historically been utilized for agriculture and appears to have been continuously farmed since 1937 according to available historical aerial imagery. More recently, in 1997 the County approved Classified Conditional Use Permit No. 2813 authorizing an agricultural commercia center consisting of a restaurant on a 1.60-acre portion of the northwest corner of the property, which is currently in operation. The restaurant is the only structure currently on the site. This application for a private school was filed on October 10, 2019. The current application proposes the construction and operation of a new private school facility with a gymnasium and basketball court, four classrooms, each with capacity for up to 24 students, (96 students total) and two additional multi-purpose classrooms, a commercial kitchen, administrative offices, staff lounge, staff and student restrooms, and a detached outdoor restroom facility.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (north): 83 feet Side (east): 171 feet Side (west): 20 feet Rear (south): 346 feet	Yes
Parking	Places of assembly: One (1) parking space for every forty (40) square feet of area within the main auditorium (gymnasium)	215 spaces (based upon the square footage of the court area) (including 8 ADA, of which 2 shall be van accessible)	Yes
Lot Coverage	No requirements	The addition of approximately 31,485 square feet of building area (includes school	N/A

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		and detached restroom building).	
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	N/A	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 100 feet; Disposal field: 100 feet; Seepage pit: 150 feet	375 feet 365 feet N/A	Yes

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

Fresno County Department of Public Health, Environmental Health Division: The applicant will install a new sewage disposal system under permit and inspection by the Department of Public Works and Planning Building and Safety Section.

Development Engineering Section of Public Works and Planning: FEMA FIRM Panel 2160H indicated the parcel is not subject to flooding from the 100-year storm, and there are no existing natural drainage channels adjacent or running through the parcel.

Site Plan Review section of Public Works and Planning: A total of 215 parking spaces are required, eight (8) of which shall be ADA spaces, including two (2) van accessible. Additional comments on required development standards are included as project notes.

**Analysis Finding 1:**

This application proposes the construction of a 31,147 square-foot private school with a 338 square-foot detached restroom facility on an approximately 3.5-acre portion of a -36.9acre parcel, which also contains an existing restaurant and approximately 24-acres of citrus orchards. The proposed school will be surrounded by a six (6) foot tall wrought iron fence. Based on staff review of the submitted site plan, the 36.9-acre site has adequate area to accommodate the proposed use.

In accordance with section 855.E.3.a of the Zoning Ordinance, buildings used as schools, when fronting on a street are required to have a front yard not less than that prescribed by the underlying Zone District, which in this case is AE-20 requiring a 35-foot front yard; are required to landscape the 35-foot deep front yard area. Additionally, because the front yard is required to be landscaped, therefore, off street parking must be provided elsewhere on the site. The current site plan only shows no landscape area along its Belmont Avenue frontage, only an approximately eight (8) foot wide-strip of land between the currently proposed parking area and

the right-of-way, which does not meet the aforementioned standard. Alternatively, the entire project could be shifted back to accommodate this landscaping requirement, or the first row of parking could be relocated to the side or rear yard area to allow for the 35-foot deep landscaped front yard. Compliance with this requirement will be verified during the Site Plan Review process, and has been included as a project note.

**Recommended Conditions of Approval Finding 1:**

*See recommended Conditions of Approval attached as Exhibit 1 - Mitigation Monitoring and Reporting Program (MMRP).*

**Conclusion Finding 1:**

Based on reviews and comments from commenting outside agencies and various County Staff the foregoing analysis indicates that the subject parcel is adequate in size and shape to accommodate the proposed use, therefore Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Academy Avenue: Good condition  Belmont Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Belmont Avenue  Academy Avenue	Belmont Avenue: School site access
Road ADT		Academy Avenue: 2,000  Belmont Avenue: 3,000	According to the conclusions of the Traffic Impact Analysis, the project will add 94 trips on County roads.
Road Classification		Belmont Avenue: 2 lane Collector  Academy Avenue: 4 lane divided Arterial	No change
Right-of-Way Width		Academy 106' Ultimate 106' Currently Belmont 80'-84' Ultimate 80' Currently	No change

		Existing Conditions	Proposed Operation
Road Width (Paved)		Belmont Avenue: 40.7 feet Academy Avenue: 30 feet	No change
Road Surface		Belmont Avenue: Asphaltic Concrete (AC)/ Excellent condition (89.2 out of 100 PCI) Academy Avenue: Asphaltic Concrete (AC)/ Good condition	No change
Traffic Trips		See road ADT above	Per the Traffic Impact Study
Traffic Impact Study (TIS) Prepared	Yes	See road conditions above	Per the Traffic Impact Study
Road Improvements Required		N/A	No requirements

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

Road Maintenance and Operations Division of Public Works and Planning: The project proposes an access driveway onto Belmont Avenue. The proposed drive approach should be limited to a maximum of 35 feet. Due to the Arterial classification, no new access from Academy Avenue will be approved with this application.

California Department of Transportation (Caltrans): Considering the description, location and scope of work of the Traffic Impact Analysis, Caltrans has no concerns with the project.

**Analysis Finding 2:**

The proposed facility will have frontage on and take access via one planned primary driveway for both ingress and egress from Belmont Avenue approximately 900 feet east of the intersection of Academy and Belmont. There is also a proposed emergency access gate approximately 300 feet west of the proposed primary access driveway. No other points of ingress and egress are proposed with this project.

According to the submitted operational statement the proposed school will operate between 7:00 a.m. and 5:00 p.m. on weekdays and will have four teachers and three administrators working on site. Starting after 5:00 p.m. on weekdays, the school will be open to students including on occasional weekends the facility, will be open for recreational activities until 10:00 p.m. Traffic will be generated by staff, student drop offs and pick-ups, and service and delivery vehicles.

General Plan Policy requires that the County strive to meet Level of Service (LOS) C in its design of rural roadways. Level of Service is a qualitative measurement of operational characteristics of traffic on a roadway or at the intersection of roadways, based on traffic volumes and facility type. Levels range from “A” to “F”, with “A” representing the highest Level of Service.

A Traffic Impact Analysis prepared for this project by JLB Traffic Engineering, Inc., dated October 30, 2020, preliminarily determined that at full buildout, the project was anticipated to generate a maximum of 191 daily traffic trips, 58 AM peak hour (7:00AM to 9:00AM) trips and 15 PM peak hour (4:00PM to 6:00PM) trips, and an estimated 12 total weekday truck trips consisting of solid waste pickups, delivery and other supply services. The maximum daily number of 191 trips is projected to be reduced by students being dropped off by parents on their way to work along the same route, these are termed “pass-by” trip reductions, and calculating the pass by trips, the Traffic Analysis concluded the project would only add approximately 94 net new traffic trips. The 94 net new trips is below the recommended threshold of 110 daily trips suggested by the State Office of Planning and Research (OPR) as an indicator that a project would have a less than significant impact on vehicle miles travelled (VMT). Vehicle Miles Travelled is the most current metric applied to project transportation impacts as mandated by State Senate Bill (SB) 743 and required to be evaluated by current CEQA guidelines.

The study concludes that with the proposed project, traffic conditions at all the studied intersections and studied road segments are projected to operate at an acceptable Level of Service during both peak periods up to the year 2035. No need for road improvements was expressed by reviewing agencies or departments and no traffic mitigation was recommended by the Traffic Impact Analysis and none has been included with the Conditions of Approval for this project.

**Recommended Conditions of Approval related to Finding 2:**

*None*

**Conclusion Finding 2:**

Based on the above information, and the conditions of North Academy Avenue and East Belmont Avenue, the streets adjacent to the subject parcel are adequate in width and pavement type to accommodate the additional traffic trips generated by the proposed use, therefore Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	*Nearest Residence:
North	226.19 acres	Orchard/Single-Family Residence	AE-20	Approximately 940 feet
South	17.02 acres	Field Crops/Single-Family Residential	AE-20	Approximately 550 feet
	2.0-acres	Single-Family Residential		Approximately 50 feet
East	19.39 acres	Orchard	AE-20	Approximately 60 feet
	1.5 acres	Single-Family Residential		
West	77.19 acres	Orchard/Single-Family	AE-20	Approximately 400 feet



Surrounding Parcels				
		Residential		

\*Distances are approximated from the subject property boundaries

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division:

There is a potential for the parcel involved to have soil contamination associated with the previous agricultural use of the property. Although there is no record of contamination associated with this parcel, this Department would recommend that a Phase One Site Assessment be performed prior to completion of the Initial Study. *Note: A Phase One Site Assessment was subsequently submitted to the County.*

Fresno County Agricultural Commissioner: The Commissioner is opposed to any school that is proposed to be constructed on agricultural lands and in agricultural areas. The Department opposes all projects that will negatively impact existing agricultural practices and impose any threat to the right to farm. The negative impacts of this project will have an adverse influence on adjacent Agricultural production. The proposed site is surrounded by production agriculture.

The mitigation measures proposed by the applicant (including filtration on HVAC) may help to protect the students and staff that would be visiting the proposed school site. However, dust, noise and chemical applications to adjacent agricultural crops will be ongoing.

Effective January 1, 2018, the California Department of Pesticide Regulation (CDPR) has adopted new rules that regulate the use of agricultural pesticides near schools and licensed child day-care facilities. Private schools are not affected by the regulation, however if they operate a licensed day care on the property then the regulation would be effective. There are several colleges and private institutions operating licensed day care facilities on their campuses who are affected.

The property is surrounded by existing vineyards and orchards. There is always the concern that normal agricultural practices may affect children, parents, visitors or employees at this site. Tractor activity will create dust, while vineyards and orchards will have scheduled pesticide treatments.

The Agricultural Commissioner’s office requested, that if the project is approved, the applicant should be required to record a covenant on the parcel acknowledging the Fresno County “Right to Farm” Ordinance.

**Analysis Finding 3:**

The Fresno County Agricultural Commissioner’s Office expressed concerns that the project would create an adverse impact upon the surrounding agricultural community by placing an incompatible use in proximity to ongoing agricultural operations. Additionally, the Agricultural Commissioner’s Office expressed concern that placing a facility where children would be present creates an unnecessary risk to those sensitive receptors, through the potential for exposure to airborne chemicals used in normal agricultural applications.

Although, there are regulatory requirements placed upon agricultural operators with regard to pesticide applications in the vicinity of public schools, there are no equivalent regulations with

regard to such applications in the vicinity of private schools. To address the potential for exposure to pesticide use in the vicinity and on the project site, the applicant proposed a Mitigation Measure requiring the installation and maintenance of appropriately rated air filters within the building to be inspected and replaced in accordance with the manufacturer's specification. Staff included the Mitigation Measure as part of the CEQA evaluation.

Academy Avenue and Belmont Avenue are both part of the Blossom Trail Route which is designated as a scenic drive as per the Fresno County General Plan Open Space and Conservation Element. Scenic Drives are defined as rural road traversing land with outstanding natural scenic qualities and connecting with scenic highways. General Plan Policy OS-L.3 requires that the County manage the use of land adjacent to scenic drives and scenic highways based on a number of principals listed in more detail in the table under Finding 4. The most relevant of these is the requirement that intensive development proposals provide for the maintenance of a 200-foot-wide open space area adjacent to the right-of-way. This requirement also allows for modification of the setback under certain conditions, such as when topographic or vegetative characteristics preclude such a setback or where topographic or vegetative characteristics provide screening of buildings and parking areas from the right-of-way.

In the vicinity of the subject parcel the vegetative characteristics consist predominately of productive agricultural lands including orchards, vineyards and row crops. The subject property currently contains approximately 24 acres of recently planted citrus trees which will partially screen the project from Academy Avenue to the west and along a portion of Belmont Avenue on the west side of the project site, once the citrus trees have reached full size. However, the approximately 500-foot wide segment of the project frontage adjacent to Belmont Avenue, would lack any visual screening of the project without the addition of landscaping. The provision of a 200-foot-deep "natural" open space is not practicable given that, open natural space in this area would be various native plants that would detract aesthetic of the Blossom trail and be less scenic than that of the prevailing agricultural plantings of orchards and vineyards. There is also a requirement for Schools and institution to have a 35- foot landscaped front yard that would provide the opportunity to ensure that the purpose of the Scenic Roadway designation to maintain aesthetically pleasing resources could be met. The site plan as submitted only showed eight feet of potential landscaping area. As this is a requirement not a recommendation or mitigation measure the requirement to increase the landscaping to thirty-five feet has been included as a regulatory comment. There is ample area on the 36.9-acre parcel to allow for the increased area for landscaping. Parking currently between the proposed building locations and Belmont Avenue could be relocated or the entire project shifted north. These design adjustments will be addressed in the required Site Plan Review Process.

### **Recommended Conditions of Approval related to Finding 3:**

*See Mitigation Measure Nos. 1-3 attached as Exhibit 1 - Mitigation Monitoring and Reporting Program (MMRP).*

### **Conclusion Finding 3:**

Based on the above information, staff believes that Finding 3 can be made. While the placement of a private school in a predominately agricultural area is inconsistent with agricultural uses, the project itself would not likely be detrimental to people and property or the public safety and general welfare in the vicinity or the character of the neighborhood. The majority of the subject parcel will remain in agricultural production, consistent with surrounding agricultural uses, and landscaping shall be provided to aid in screening the development from surrounding property and the roadway.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>Policy LU-A.1:</b> The County shall maintain agriculturally designated areas for agricultural use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available</p>	<p>Although the project site (subject property) will continue to be utilized for agriculture, in addition to the proposed private school facility. The proposed private school facility could be considered urban growth according to General Plan Policy PF-1.6, which suggests that schools have the potential to induce population growth in the surrounding community; accordingly, the proposal would be inconsistent with Policy LU-A.1.</p>
<p><b>Policy LU-A.3:</b> The County shall allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</li> <li>b. The use should not be sited on productive agricultural land if less productive land is available in the vicinity;</li> <li>c. The operation or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius;</li> <li>d. A probable workforce should be located nearby or be readily available;</li> <li>e. For proposed agricultural commercial center uses the following additional criteria apply:</li> </ul>	<ul style="list-style-type: none"> <li>(a.) For the proposed private school facility to be considered consistent with this policy, it must be demonstrated that it provides a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</li> <li>(b.) The project description/operational statement did not provide any information supporting the need for placing the private school in its proposed location or supporting the need for an additional school beyond those existing, to serve the surrounding community.</li> </ul> <p>Although the subject parcel is not restricted under Williamson Act contract, the underlying soil type qualifies the land as approximately equal parts Prime Farmland and</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>1. Commercial uses should be clustered in centers instead of single uses.</p> <p>2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community.</p> <p>3. New commercial uses should be located within or adjacent to existing centers.</p> <p>4. Sites should be located on a major road serving the surrounding area.</p> <p>5. Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences;</p> <p>f. For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and</p> <p>g. For proposed churches and schools, the evaluation under criteria LU-A.3.a, above, shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p> <p>h. When approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5.</p>	<p>Farmland of Statewide Importance. The proposed facility will remove approximately 7.30-acres +/- of agricultural land from production.</p> <p>(c.) Review by the North Kings GSA and the County Water and Natural Resources Division indicated that there would not be a detrimental impact on water resources.</p> <p>(d.) The Use's limited workforce can be provided from the surrounding communities.</p> <p>(e.) The proposed private school is not an agricultural commercial center</p> <p>(f.) N/A</p> <p>(g.) Sufficient data to determine the appropriateness of the size of the proposed private school, nor was information supporting the need for such a facility in the surrounding community provided by the applicant.</p> <p>(h.) N/A</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use,</p>	<p>This project proposal was evaluated by the Water and Natural Resources Division of the Fresno County Department of Public Works</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, 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 hydrogeological 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 hydrogeological investigation shall be required.</li> <li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeological investigation may be required. If the lands in question lie in an area of limited ground water, a hydrogeological 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.</li> <li>c. 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.</li> </ul>	<p>and Planning, and the North Kings Groundwater Sustainability Agency (GSA); the Water and Natural Resources Division did not express any concerns related to the availability of water to serve the proposed facility.</p>

Relevant Policies:	Consistency/Considerations:
<p><b>Policy PF-D.6:</b> The County shall permit individual on-site sewage disposal systems on parcel that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p> <p>General Plan Policy PF-I.6: The County strongly discourages the siting of schools in agricultural areas due to the growth inducing potential of schools and conflicts with farming practices such as pesticide applications.</p> <p>General Plan Policy OS-L.3: The County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principals: (relevant subsection only)</p> <p>d. Intensive land development proposals including but not limited to, subdivisions of more than four lots, commercial developments, and mobile home parks shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposal shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate when any of the following conditions exist:</p> <ol style="list-style-type: none"> <li>1) Topographic or vegetative characteristics preclude such a setback;</li> <li>2) Topographic or vegetative characteristics provide screening of buildings and parking areas from the right-of-way;</li> <li>3) Property dimensions preclude such a setback; or</li> </ol>	<p>The project is proposing to install a new on-site wastewater treatment system to serve the proposed private school facility. The Applicants site plan shows the location of the proposed new septic system and required expansion area. The new systems will be installed under permit and inspection. No reviewing agencies or County Departments expressed concerns with the proposed septic system.</p> <p>The Fresno County Agricultural Commissioner’s office expressed opposition to this project based upon the project’s inconsistency with General Plan Policy PF-I.6</p> <p>See discussion of Scenic Drives under Finding 3 Analysis.</p> <p>A 35-foot landscaped front yard was determined to be sufficient to address the required for a 200-foot-deep, natural open space area adjacent to the scenic drive along Belmont Avenue, consistent with County Zoning Ordinance Section 855.E.3.a</p>

Relevant Policies:	Consistency/Considerations:
<p>4) Development proposal involves expansion of an existing facility or an existing concentration of uses.</p>	

**Reviewing Agency Comments:**

Fresno County Agricultural Commissioner: Has indicated as discussed under the last finding that the Commissioner is opposed to any school that is proposed to be constructed on agricultural lands and in agricultural areas. The Department opposes all projects that will negatively impact existing agricultural practices and impose any threat to the right to farm. These negative impacts of this project will have an adverse influence on adjacent Agricultural production. The proposed site is surrounded by production agriculture.

**Analysis Finding 4:**

Areas designated Agriculture are primarily intended for the production of crops and livestock and careful land use decision-making is essential to minimizing the conversion of productive agricultural land. Generally, the goals and policies contained in the County Agricultural Resources Lands section of the General Plan seek to promote the long term conservation of productive and potentially productive agricultural lands and to accommodate agricultural support services and agricultural related activities that support the viability of agriculture and further the County’s economic development goals.

In this case, the subject site is designated Agriculture and zoned AE-20 (Exclusive Agricultural). Additionally, the subject property is listed on the States important Farmland Map as both Prime Farmland and Farmland of Statewide Importance. The submitted operational statement indicates that the proposed school facility will primarily serve the 40 +/- children of employees of Kings River Packing, and that those children will be given priority to attend the school. The Kings River Packing facility is located approximately eight (8) mile northeast of the proposed school site. The project as proposed would accommodate a maximum of 96 students.

In furtherance of the County’s agriculture preservation goals and policies, General Plan Policy PF-I.6 also states that the County strongly discourages the siting of schools in agricultural areas due to the growth inducing potential of schools and conflicts with farming practices such as pesticide applications. This policy recognizes the fundamental concern of siting land-uses that have the potential of being incompatible in an agricultural setting. While in this case, the size of the proposed school is unlikely to be growth inducing considering it is intended to serve employees of the applicant’s farming operation, it will however likely result in nearby farming

operations having to modify their farming and pest control practices given there will be outdoor activities associated with the school.

This concern has also been expressed by the County Agricultural Commissioner which noted that because the subject property is surrounded by vineyards and orchards, there is a concern that normal agricultural practices, such as pesticide application and dust generated by tractor activity may affect children and others at the proposed school site.

Further, the provisions of General Plan Policy LU-A.3.a indicates that a proposed use allowed by discretionary permit, in areas designated Agriculture shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas, or which requires a location in a non-urban area because of unusual site requirements or operational characteristics. The proposed private school is located within the boundaries of the Sanger Unified School District and approximately 1.8 miles north of the nearest city limits of the City of Sanger. There are approximately eight elementary schools, two middle schools and one high school, including one K-12 school serving all three grade categories in the Sanger Unified School District, which are located within four miles or less of the proposed private school facility. As a result, there does not appear to be an obvious need for the proposed site given the proximity of existing Sanger Unified School sites.

The provisions of General Plan Policy LU-A.3.b indicates the use should not be sited on productive agricultural land if less productive land is available in the vicinity; The proposed school violates this policy in that the proposed site is located on equal parts Prime Farmland and Farmland of Statewide Importance. Other sites that are not Prime Farmland or Statewide Important Farmland are available in the area. While the potential conversion of less than 8 acres is not large enough to be a significant environmental impact, it is still contrary to the County's General Plan Policy. Should the Commission choose to approve the project, a condition of approval has been included to require a covenant to be recorded on the parcel acknowledging the Right-to-Farm.

**Recommended Conditions of Approval:**

*A Right-to-Farm covenant shall be recorded on the property.*

**PUBLIC COMMENT:**

One letter in opposition to the project was received from a property owner in the vicinity. The property owner's stated concerns related to an additional demand on groundwater, increased noise, increased traffic at nearby intersections, and restrictions on homeowner use of private property, as the project site is located in a shooting permitted area.

None of the reviewing agencies or County departments expressed concern that the project would place excessive demands on groundwater, and it was determined that the project would not result in an overall net increase in demand on the aquifer. The Water and Natural Resources Division determined that although the proposed facility would increase water consumption over the current baseline agricultural use based upon a water consumption estimate provided to the County, completed by Lore Engineering, Inc. dated March 31, 2020, it was determined that the onsite wastewater disposal system would contribute of a large percentage of the domestic water consumption to groundwater recharge.

No acoustical analysis was done for this project to evaluate potential noise impacts, however the Initial Study prepared for this project concluded that any increase in ambient noise levels



resulting from the project that would be generated during construction would be less than significant, and that increase noise from operation is not anticipated to result in an increase ambient or ground borne noise levels in the vicinity. The nearest potential noise receptor to the project site is a single-family dwelling located approximately 50 feet east of the eastern property boundary. The project, operating as a private school would be exempt from the provisions of the Fresno County Noise Ordinance.

Traffic concerns were addressed through the Traffic Impact Analysis, and the Initial Study prepared for the project found that traffic impacts would be less than significant, there would not be a substantial increase at any of the intersections in the vicinity, and no traffic mitigation was recommended.

The project site is located in a shooting permitted area according to available maps. Response from the Fresno County Sheriff's Office indicated no specific concerns but did note that California Penal Code provides no restrictions on firearm use on private property in the vicinity of a school public or private unless that school is within 1,000 feet of where the shooting is occurring. The Sheriff's Office also noted that negligent firearm use in the direction of a school would be problematic even if from beyond 1,000 feet, but no further specific restrictions were provided. The school's location could inhibit surrounding farming operations from controlling pests due to the restriction of firearms being able to be discharged in the vicinity.

#### **Conclusion Finding 4:**

Finding 4 cannot be made as the proposed project is inconsistent with General Plan Policies that address if the proposed use can be provided more efficiently within the urban area; conversion of non-prime farmland, and the General Plan specifically strongly discourages the siting of schools in agricultural areas.

#### **SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Finding 4 for granting the Director Review and Approval, (General Plan Consistency) cannot be made, therefore denial of Director Review and Approval Application No. 4603 is recommended.

#### **PLANNING COMMISSION MOTIONS:**

##### **Recommended Motion** (Denial Action)

- Move to determine that the required Finding 4 cannot be made due to inconsistency with the General Plan and move to deny Director Review and Approval Application No. 4603; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

##### **Alternative Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7724; and
- Move to determine the required Findings can be made and move to approve Director Review and Approval Application No. 4603, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

JS:im

G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4603\SR\DRA 4603 SR DR 1.12.21 draft.docx

## EXHIBIT 1

### Mitigation Monitoring and Reporting Program Initial Study Application No. 7724/Director Review and Approval Application No. 4603 (Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Landscaping shall be provided along Belmont Avenue across the project frontage in order to provide a visual buffer between the proposed facility and the roadway. A landscape plan shall be submitted as part of the required Site Plan Review process, and all landscaping improvements shall be completed prior to final occupancy. Landscape areas of 500 square feet or more, are subject to the requirements of the Model Water Efficient Landscape Ordinance (MWEL0): 2015 Revision. Landscaping shall consist of native and compatible non-native plant species, especially drought-resistant species in accordance with General Plan Policy OS-F.32.	Applicant	Applicant/PW&P	Prior to occupancy
*2.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	Prior to occupancy
*3.	Air Quality	The applicant shall install air filters with a minimum MERV rating as recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), for schools, within the building's HVAC system. Filters shall be inspected and replaced regularly, as per the manufacturer's specifications.	Applicant	Applicant/PW&P	Prior to occupancy
*4.	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, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

**EXHIBIT 1**

*5	Hazards and Hazardous Materials	<p>Based upon evidence of the potential for hazardous materials to be present on the subject parcel, identified as Recognized Environmental Conditions (REC's) by the Phase I Environmental Site Assessment prepared for this project:</p> <p>Prior to the issuance of building permits a Phase II Limited Subsurface Site Assessment shall be conducted on the subject parcel by a qualified Environmental Professional. The Phase II Site Assessment shall be conducted in accordance with the California Environmental Protection Agency Department of Toxic Substances Control (DTSC), 2008 Interim Guidance for Sampling Agricultural Properties (Third Addition). If the Phase II Limited Subsurface Assessment detects the presence of hazardous materials, or substances above established DTSC thresholds, appropriate remediation (removal of identified hazardous materials and/or substances will be required, subject to written verification provided to the County by a qualified environmental professional to ensure that subsequent samples are below applicable State and federal screening thresholds.</p>	Applicant	Applicant/PW&P	Prior to occupancy
----	---------------------------------	--	-----------	----------------	--------------------

**Conditions of Approval**

1.	The project shall be developed in substantial conformance with the operational statement, site plan, floor plans and elevations as presented to and approved by the Planning Commission.
2.	Prior to issuance of building permits, a Site Plan Review shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874 of the Zoning Ordinance. The Site Plan Review shall include the re-configuration of the proposed parking area to comply with the 35-foot landscaped front yard set-back area requirement (See Note No. 2).
3.	Prior to issuance of building permits, the applicant will record an acknowledgment of the Fresno County "Right to Farm" Ordinance form prepared by the County, to be recorded with the project's parcels, and pay all applicable fees.

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

**Notes**

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The approval of DRA 4603 shall become void if there has not been substantial development within two years of the approval; or there has been a cessation in the occupancy or use of land or structures authorized by this DRA for a period in excess of two years.
2.	The required 35-foot front yard shall be landscaped with appropriate materials and shall be maintained, consistent with County Zoning Ordinance Section 855.E.3.a

## EXHIBIT 1

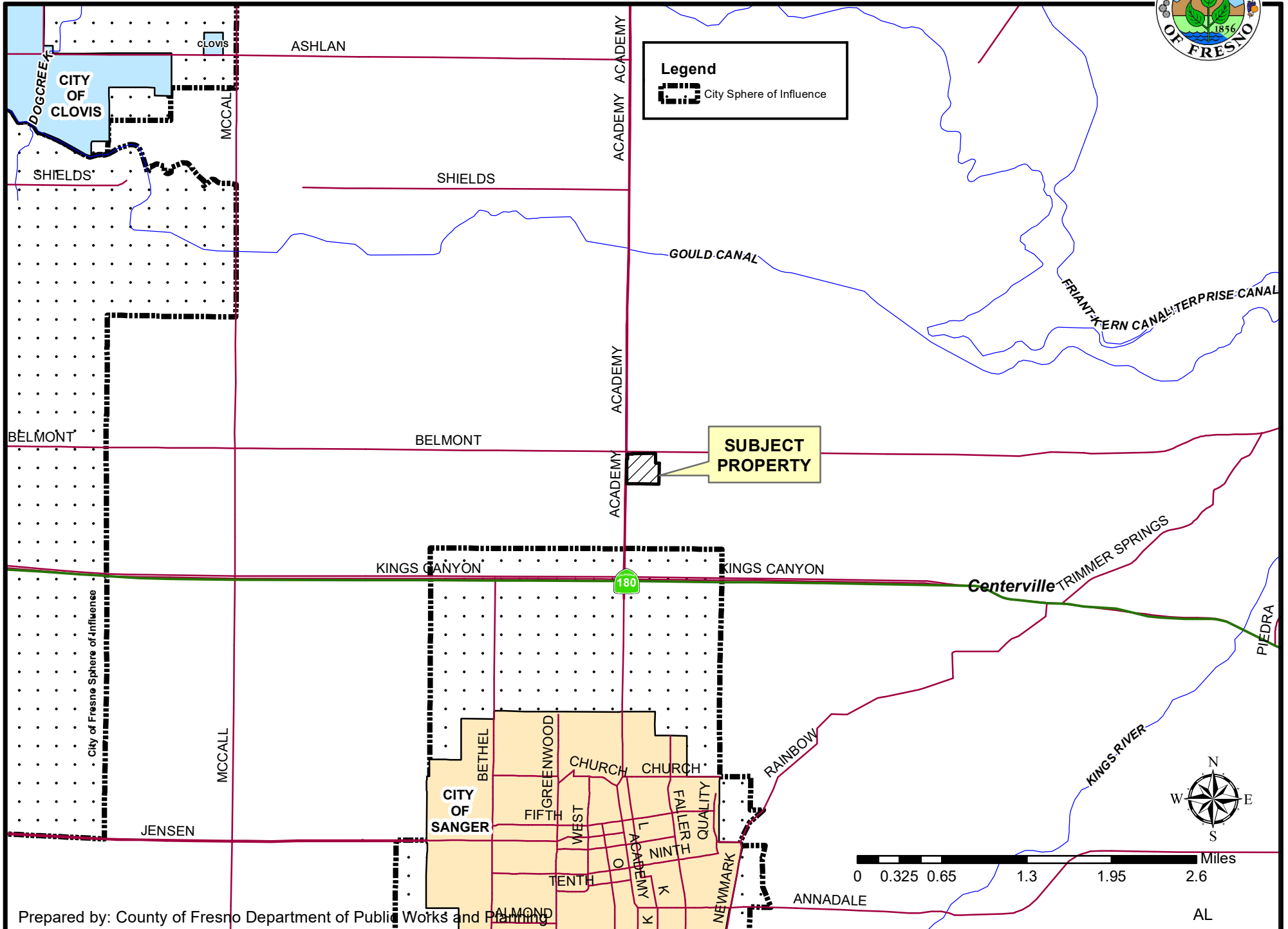
### Notes

3.	An encroachment permit shall be required for all improvements within the County road right-of-way.
4.	Plans, Permits and Inspections shall be required for all on site improvements.
5.	Any proposed driveway shall be a minimum of 24 feet or a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.
6.	A dust palliative shall be required on all parking and circulation areas that are not paved.
7.	Internal access roads shall comply with required widths as determined by the Fresno County Fire Protection District.
8.	This project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
9.	Fire hydrants and fire pump will be required, consultation with the Fresno County Fire Protection District must take place for fire hydrant and fire pump locations.
10.	No building or structure erected in this District shall exceed 35 feet in height per Section 816.5.D of the Fresno County Zoning Ordinance.
11.	An additional storm water runoff generated by the proposed development cannot be drained across property boundaries or into the public right-of-way and must be retained or disposed of on site as per County standards.
12.	Parking areas shall be constructed in accordance with Fresno County Parking Standards, and applicable State standards.
13.	Project construction shall comply with the Fresno County Noise Ordinance, Chapter 8.40 of the Fresno County Ordinance Code.
14.	All hazardous waste shall be handled in accordance with the requirements of the California Code of Regulations (CCR), Title 22, Division 4.5.
15.	Should any underground storage tank(s) be found on the project site, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health Environmental Health Division.
16.	An engineered grading and drainage plan is required to demonstrate how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent property.
17.	Prior to occupancy, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health Environmental Health Division for review and approval; and, prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.



# EXHIBIT 2 LOCATION MAP

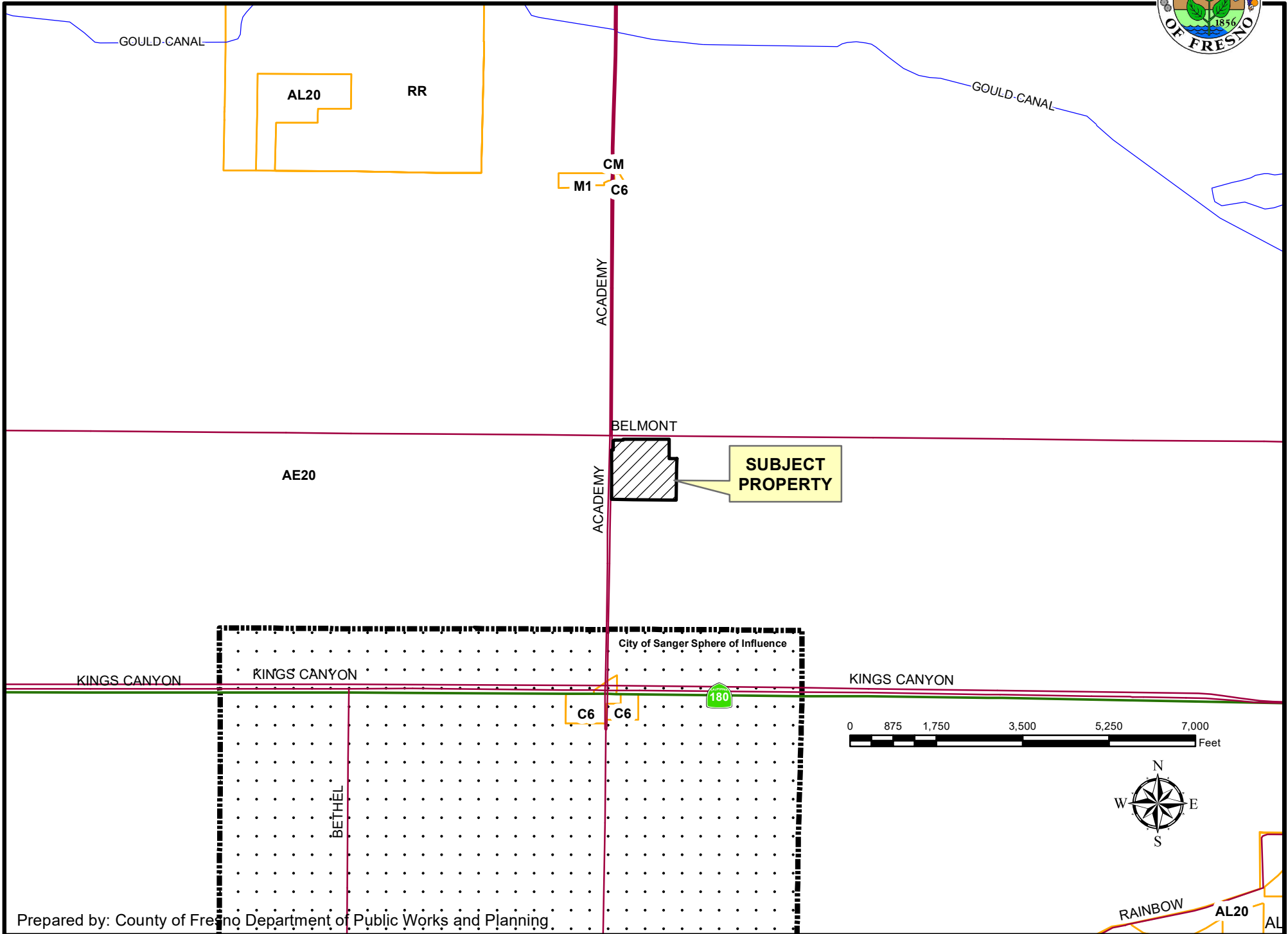
DRA 4603





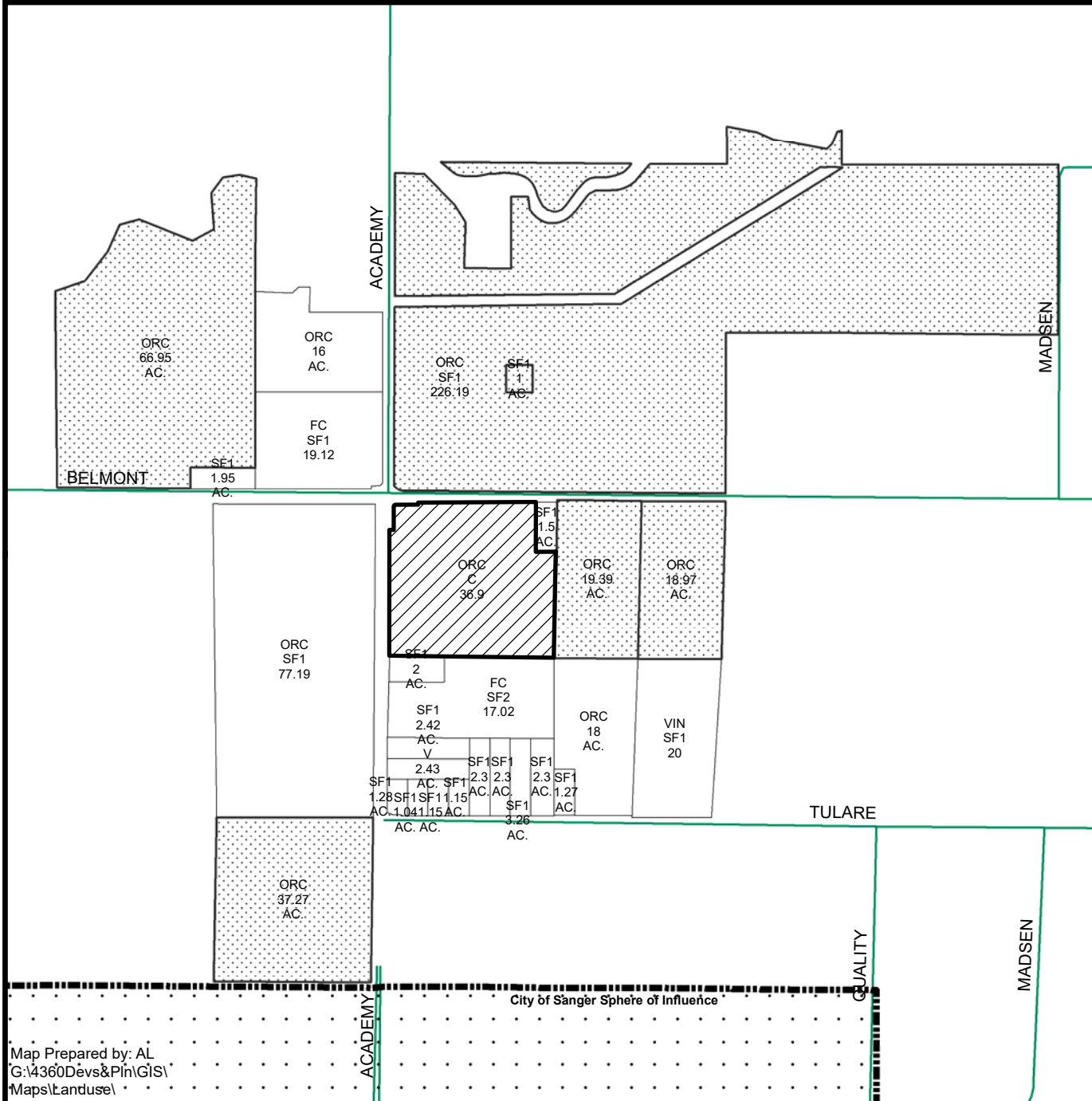


# EXHIBIT 3 EXISTING ZONING MAP





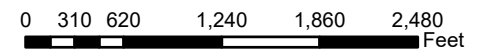
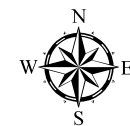
# EXISTING LAND USE MAP



LEGEND	
C	COMMERCIAL
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENC
V	VACANT
VIN	VINEYARD

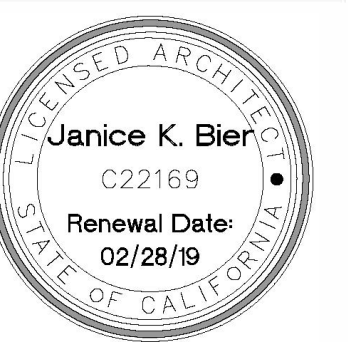
### LEGEND:

- Subject Property
- Ag Contract Land





**The King's Corner Ministries  
Private School**  
East Belmont Ave. Sanger, CA



Date: 03.10.2020  
Drawn By: Susan Jones  
Project # 18014

Site Plan

Revisions  
X

SHEET No.

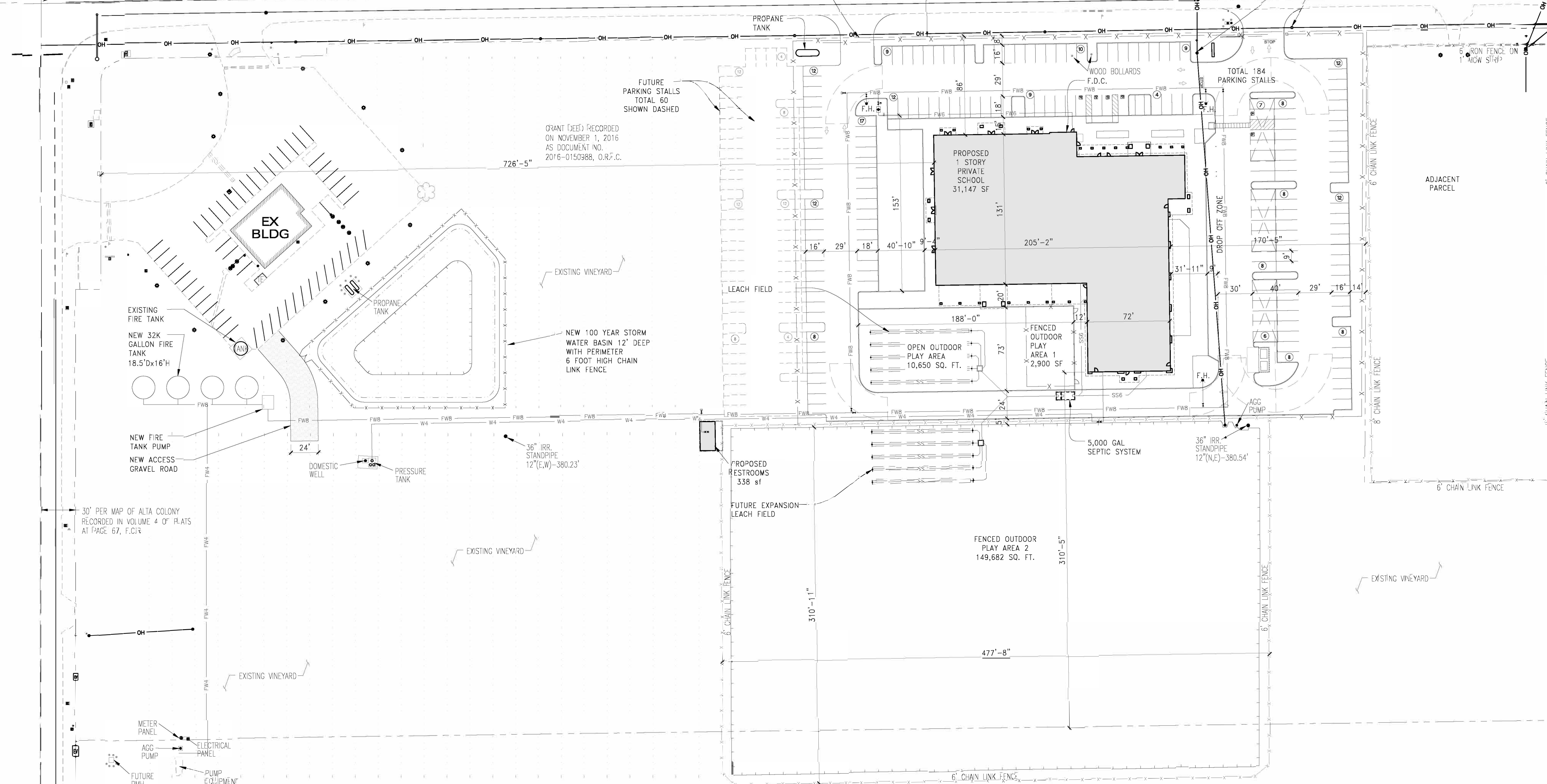
**A1.0**

N. ACADEMY AVENUE

E. BELMONT AVENUE

NORTHWEST CORNER OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 22 EAST,  
MOUNT DIABLO BASE AND MERIDIAN.  
FOUND FRESNO COUNTY BRASS CAP MONUMENT, FLUSH.  
POSITION VERIFIED PER CORNER RECORD #7733

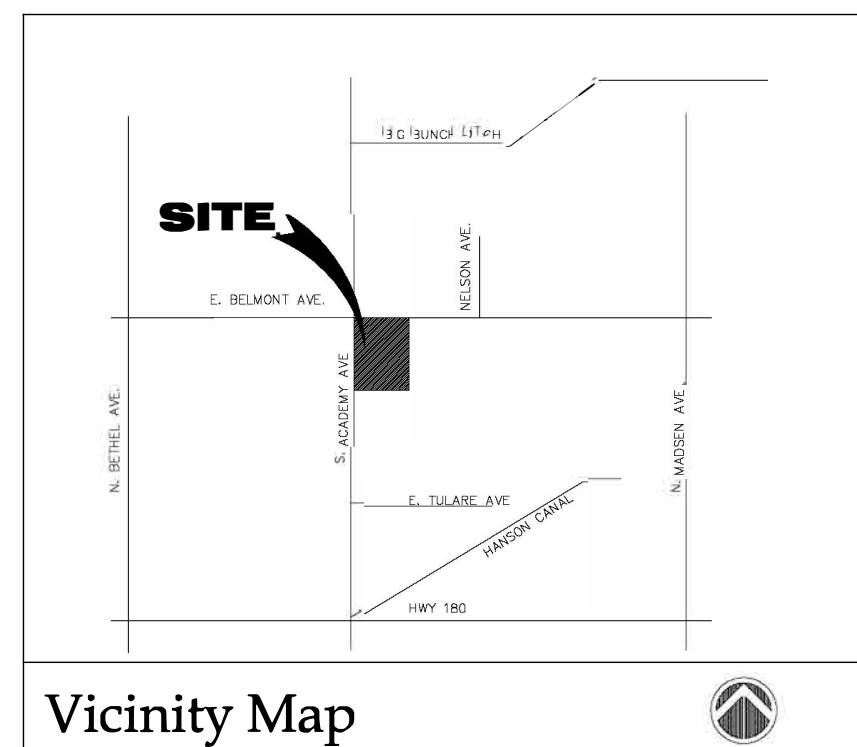
CERTIFICATE OF COMPLIANCE NO. PLA-92-61(B) BY COUNTY OF FRESNO,  
DEPARTMENT OF PUBLIC WORKS, RECORDED JANUARY 23, 1994 AS  
INSTRUMENT NO. 94010143 OFFICIAL RECORDS FRESNO COUNTY.



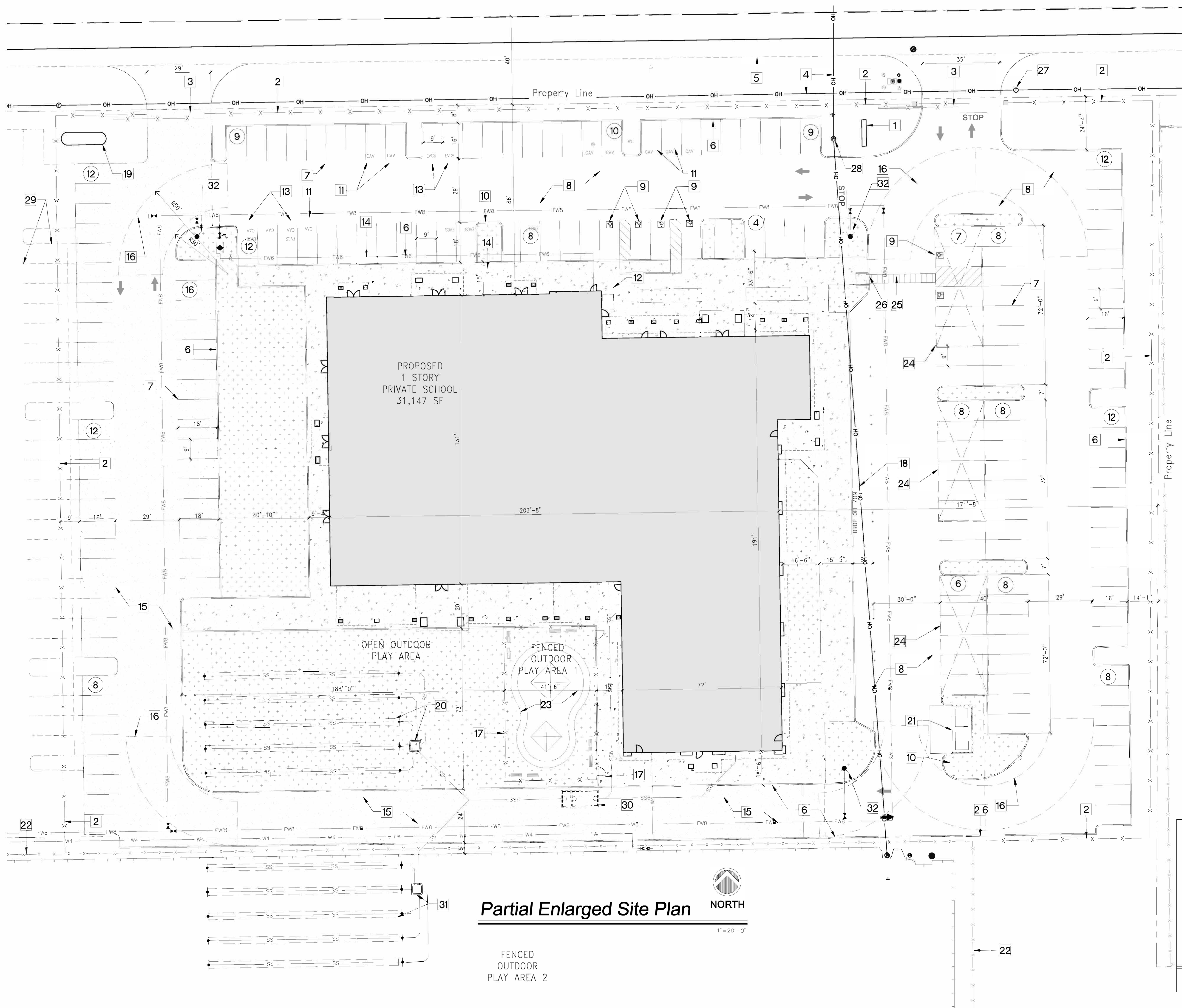
**SITE PLAN**

1"=50'-0" NORTH

PROJECT DATA	Code Analysis	Outdoor Areas	Parking Provided
<b>Applicant:</b> TKCM PRIVATE SCHOOL EAST BELMONT AVE. SANGER, CA 93657 PH:  <b>Address:</b> EAST BELMONT AVE. SANGER, CA  <b>Zoning /Land Use</b> EXISTING ZONING: AE-20 (EXCLUSIVE AGRICULTURAL DISTRICT) APN: 314-150-285 (36.9 AC)  <b>Scope of Work</b> PROPOSED NEW PRIVATE SCHOOL BUILDING WITH VARIOUS, ADMIN OFFICE SPACES, CLASSROOMS, BASKETBALL COURT & GYM TO BENEFIT KINGS RIVER PACKING EMPLOYEES	<b>B OCCUPANCY AREA:</b> CONST. TYPE V-B - SPRINKLERED (1STORY) TABLE 504.3: BASIC ALLOWABLE HEIGHT: 60 FEET TABLE 504.4: BASIC ALLOWABLE STORY: 3-STORY TABLE 506.2 BASIC ALLOWABLE AREA FACTOR: 27,000 SQ. FT. (SM)  <b>E OCCUPANCY AREA:</b> CONST. TYPE V-B - SPRINKLERED (1STORY) TABLE 504.3: BASIC ALLOWABLE HEIGHT: 60 FEET TABLE 504.4: BASIC ALLOWABLE STORY: 2-STORY TABLE 506.2 BASIC ALLOWABLE AREA FACTOR: 28,500 SQ. FT. (SM)  <b>A3 OCCUPANCY AREA:</b> CONST. TYPE V-B - SPRINKLERED (1STORY) TABLE 504.3: BASIC ALLOWABLE HEIGHT: 60 FEET (WITHOUT AREA INCREASE) TABLE 504.4: BASIC ALLOWABLE STORY: 2-STORY TABLE 506.2 BASIC ALLOWABLE AREA FACTOR: 18,000 SQ. FT. (SM)	<b>COVERED AREA AT SCHOOL WING:</b> MAIN ENTRY = 763 SF SIDE ENTRY = 241 SF REAR ENTRY = 92 SF  <b>COVERED AREA AT GYM BLDG:</b> FRONT ENTRY = 157 SF SIDE ENTRY = 118 SF REAR GYM = 2,179 SF  <b>TOTAL AREA = 3,550 SF</b>  <b>OUTDOOR PLAY AREAS</b> OPEN PLAY AREA = 10,650 SF FENCED PLAY AREA 1 = 2,900 SF FENCED PLAY AREA 2 = 149,682 SF  <b>TOTAL PLAY AREA = 163,232 SF</b>  EXISTING ORCHARD AREA = 317,657 SQ. FT.	<b>PARKING PROVIDED</b> PARKING PROVIDED = 4 STALL ACCESSIBLE STALL = 2 STALLS ACCESSIBLE COVERED = 158 STALLS STANDARD STALLS = 15 STALLS  <b>TOTAL PARKING COUNT</b> BICYCLE PARKING = 179 STALLS  PER CALGREEN PROVIDED BICYCLE PARKING FOR A TOTAL OF 5% OF PARKING STALL COUNT.  184 STALLS x 5% = 9 (REQUIRED BICYCLE PARKING)  <b>Future Parking Stalls</b> BASED ON GYM AREA OF 12,957 SQ. FT. INTERIOR PERIMETER MINUS BASKETBALL COURT AREA 50'x90' = 4500 SF TOTAL AREA FOR PARKING BASED ON 12,957 - 4500 = 8,457 1 STALL PER 40 SQUARE FEET = 8,457 / 40 = 211 PARKING STALLS  FUTURE PARKING SHOWN DASHED STANDARD STALLS = 60 STALLS PLUS 179 STALLS MINUS LOSS OF (6) STALLS FOR AISLE & ACCESSIBLE STALL  <b>TOTAL PARKING COUNT = 233 STALLS</b>
<b>Building Area</b> BUILDING AREAS: GYM / BASKETBALL 13,231 SF SCHOOL / ADMIN 17,916 SF  <b>TOTAL AREA 31,147 SF</b>  PLUS OUTDOOR RESTROOM 338 SF			







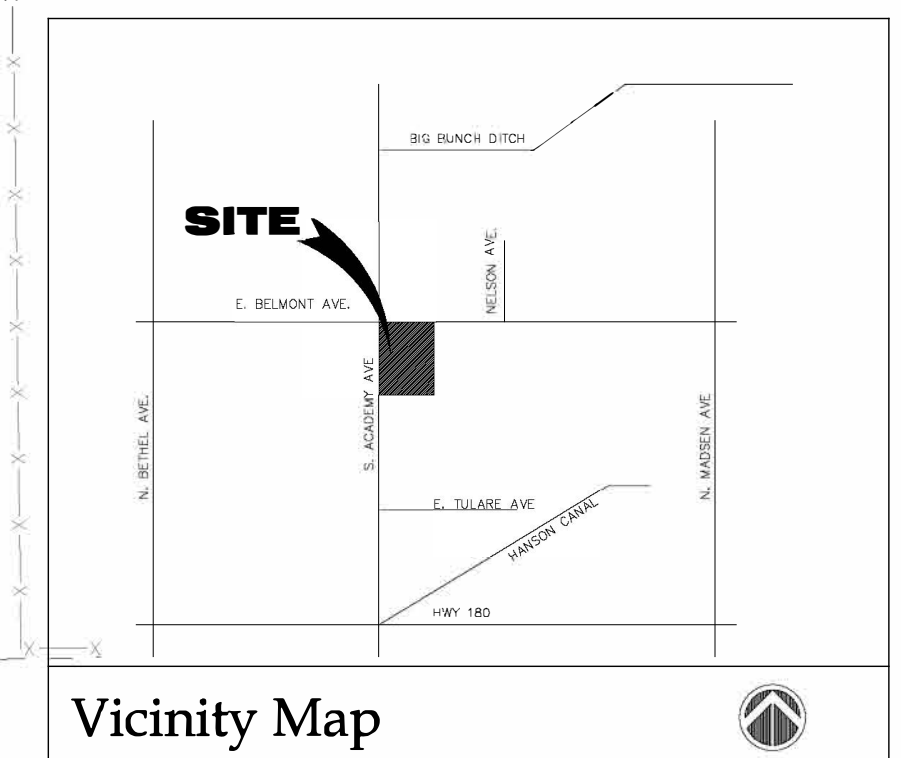
Site Keynotes	
No.	Description
1	MONUMENT / PYLON SIGN SHOWN ONLY FOR CLARIFICATION - SIGNAGE REQUIRES A SEPARATE PERMIT
2	6 FOOT HIGH WROUGHT IRON FENCE, PAINTED BLACK
3	MOTORIZED VEHICULAR SLIDING GATE WITH KNOX BOX ENTRY FOR FIRE/ EMERGENCY ACCESS PER FIRE DEPARTMENT REQUIREMENTS
4	EXISTING OVERHEAD POWER LINE, SEE CIVIL DRAWINGS
5	EXISTING AC PAVING
6	6" HIGH CONCRETE CURB
7	TYPICAL PARKING STALLS 9'x18', STRIPE PER COUNTY REQUIREMENTS
8	NEW ASPHALT PARKING LOT
9	ACCESSIBLE PARKING STALLS, RAMPS & SIGNAGE PER CBC
10	LANDSCAPE PLANTERS
11	PER CALGREEN TABLE 5.106.5.2 PROVIDE (11) DESIGNATED PARKING SPACE FOR LOW EMITTING FUEL EFFICIENT AND CARPOOL/VANPOOL. PAINT, IN THE PAINT USED FOR STALL STRIPINGS, THE FOLLOWING CHARACTERS SUCH THAT THE LOWER EDGE OF THE LAST WORD ALIGNS WITH THE END OF THE STALL STRIPING AND IS VISIBLE BENEATH A PARKED VEHICLE: CLEAN AIR / VAN POOL / EV. GC TO VERIFY
12	BIKE RACKS PER CAL GREEN 5% OF TOTAL PARKING. 110 STALLS x .05 = 6 BICYCLE SPACES
13	PER CALGREEN TABLE 5.106.5.3.3 PROVIDE (7) NEW PARKING SPACES SHALL PROVIDE WITH ELECTRICAL CONDUIT FOR FUTURE CAR CHARGING STATION
14	CONCRETE SIDEWALK A MIN OF 7' WHEN ADJACENT TO PARKING STALLS
15	ALL WEATHER GRAVEL DRIVE
16	FIRE TRUCK TURNING RADIUS
17	6 FOOT HIGH WROUGHT IRON FENCE AT PLAY AREA WITH MIN OF (2) 3 FOOT WIDE PEDESTRIAN GATES WITH PANIC HARDWARE
18	DROP OFF ZONE (8 SPACES)
19	500 GALLON PROPANE TANK
20	LEACH FIELD SYSTEM
21	TRASH ENCLOSURE PER COUNTY STANDARDS
22	EXISTING FENCE
23	OUTDOOR PLAY EQUIPMENT AND SHADE STRUCTURE BY OTHERS
24	CARPORTS BY OTHERS
25	PATH OF TRAVEL CROSS SLOPE 2% MAX AND 5% SLOPE IN THE DIRECTION OF TRAVEL
26	CURB RAMP WITH DETECTABLE WARNING
27	EXISTING TELEPHONE POLE TO REMAIN
28	EXISTING POWER POLE TO REMAIN
29	DASHED LINE INDICATES FUTURE PARKING STALLS, SEE OVERALL SITE PLAN SHEET A1.0
30	5,000 GALLON SEPTIC TANK
31	FUTURE EXPANSION OF LEACH FIELD SYSTEM
32	FIRE HYDRANT
33	FIRE DEPARTMENT CONNECTION

Partial Enlarged Site Plan



1"=20'-0"

FENCED OUTDOOR PLAY AREA 2

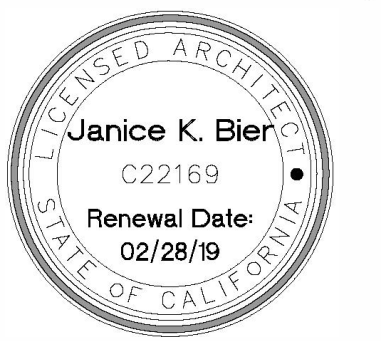


**SJA**  
Design Group

1915 Carolina Ave.  
Clovis CA 93611

PH: 559. 593.9692

The King's Corner Ministries  
Private School  
East Belmont Ave. Sanger, CA



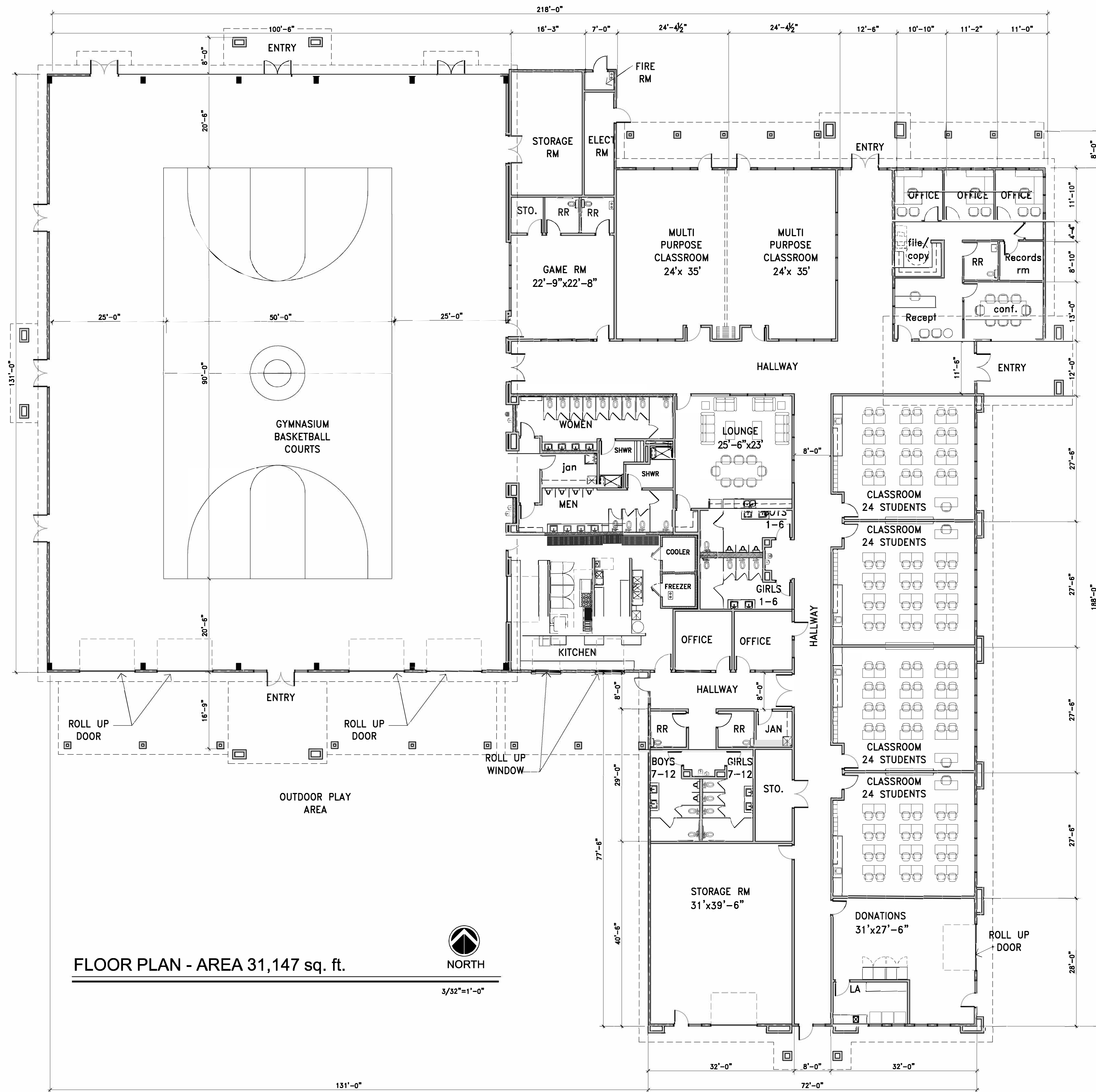
Date: 03.10.2020  
Drawn By: Susan Jones  
Project # 18014

Enlarged Site Plan

Revisions  
X X

SHEET No.

A1.1



FLOOR PLAN - AREA 31,147 sq. ft.



NORTH

3/32"=1'-0"

The King's Corner Ministries Private School East Belmont Ave. Sanger, CA



Date: 10.02.19  
Drawn By: Susan Jones  
Project # 18014

Floor Plan

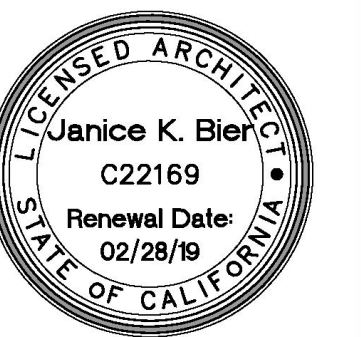
Revisions  
X

SHEET No.

A2.01







Date: 10.02.19  
Drawn By: Susan Jones  
Project # 18014

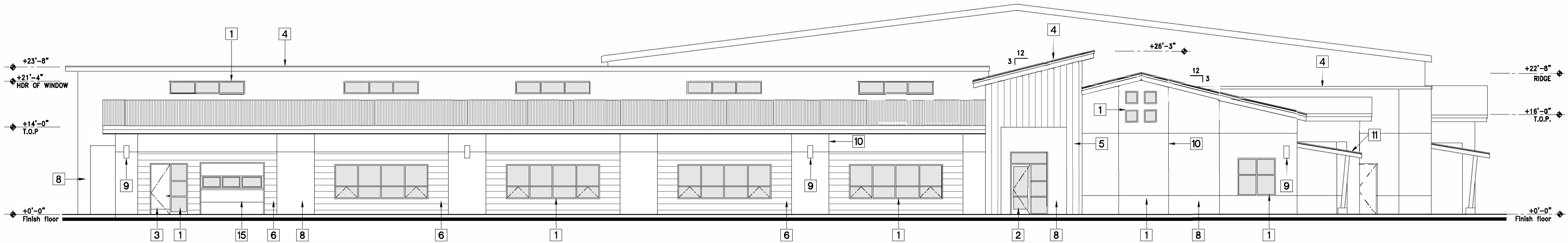
Exterior  
Elevations

Revisions  
Δ X

SHEET No.

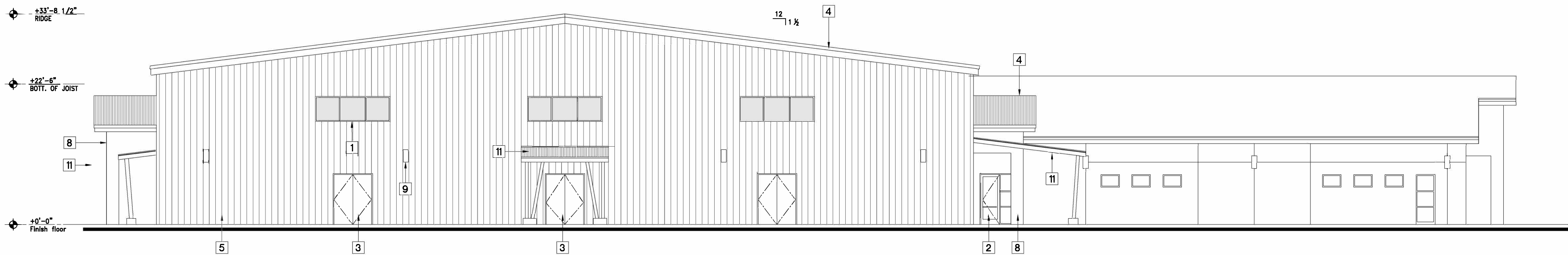
**A3.02**

This sheet and its contents and ideas are the property of SJA Design Group and no use shall be granted without express written consent.



**EAST ELEVATION**

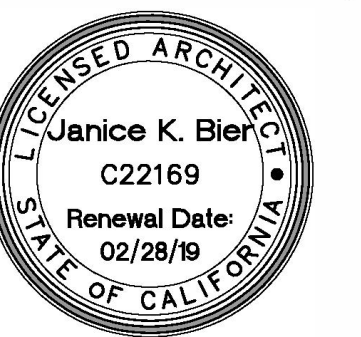
1/8"=1'-0"



**WEST ELEVATION**

1/8"=1'-0"

Keynotes			
No.	Description	No.	Description
1	STOREFRONT WINDOWS	12	METAL ROLL UP WINDOW
2	STOREFRONT DOORS	13	ROLL UP GLASS DOOR
3	HOLLOW METAL DOORS	14	METAL ANGLED BRACKETS
4	STANDING SEAM METAL ROOFING	15	ROLL UP SECTIONAL DOORS
5	METAL VERTICAL SIDING - AEP SPAN NU-WAVE CORRUGATED	16	KNOX BOX
6	METAL HORIZONTAL SIDING - AEP SPAN BOX RIB	17	SIGNAGE, BY OTHERS AND UNDER SEPARATE PERMIT, GC TO PROVIDE PLYWD & POWER
7	24 GA. METAL COPING FLASHING PAINTED	18	NOT USED
8	7/8" CEMENT PLASTER PAINTED SHERWIN WILLIAMS		
9	DECORATIVE WALL MOUNTED EXTERIOR LIGHT		
10	STUCCO CONTROL JOINT		
11	COVERED ENTRY w/ METAL STANDING SEAM ROOF		



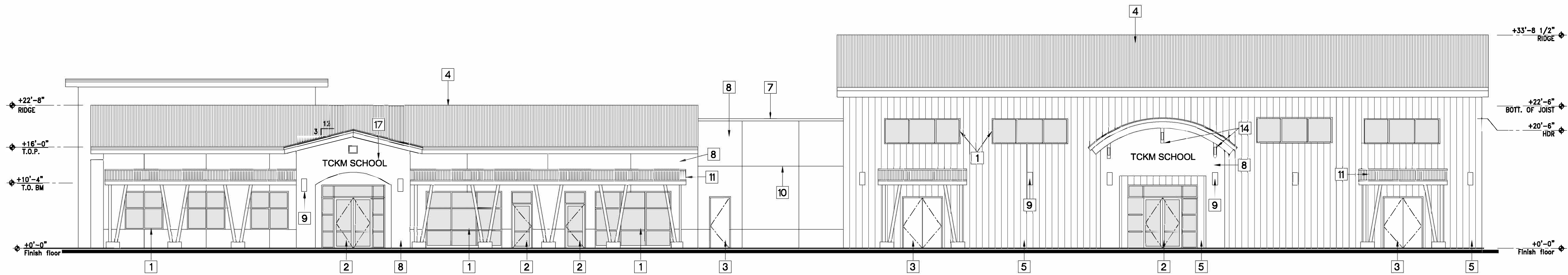
Date: 10.02.19  
Drawn By: Susan Jones  
Project # 18014

Exterior  
Elevations

Revisions  
X

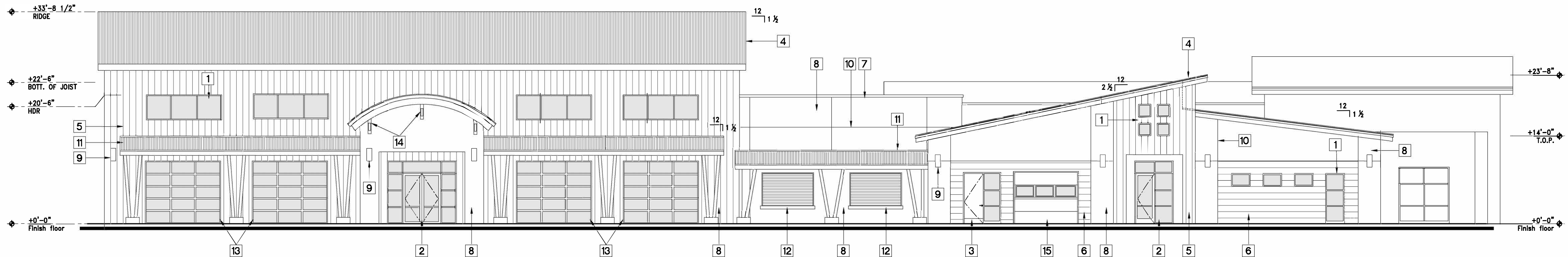
SHEET No.

**A3.01**



**NORTH ELEVATION**

1/8"=1'-0"



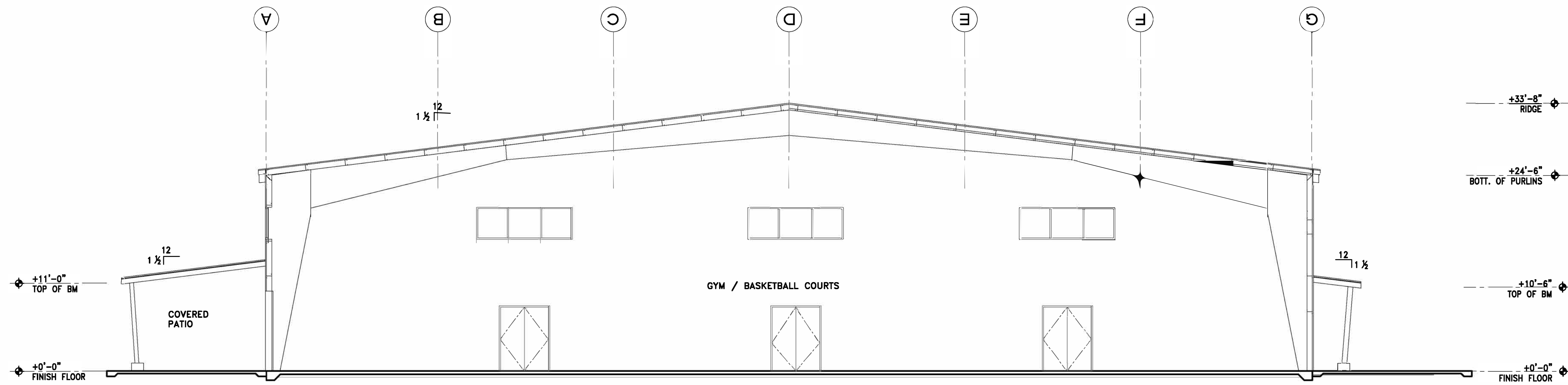
**SOUTH ELEVATION**

1/8"=1'-0"

**Keynotes**

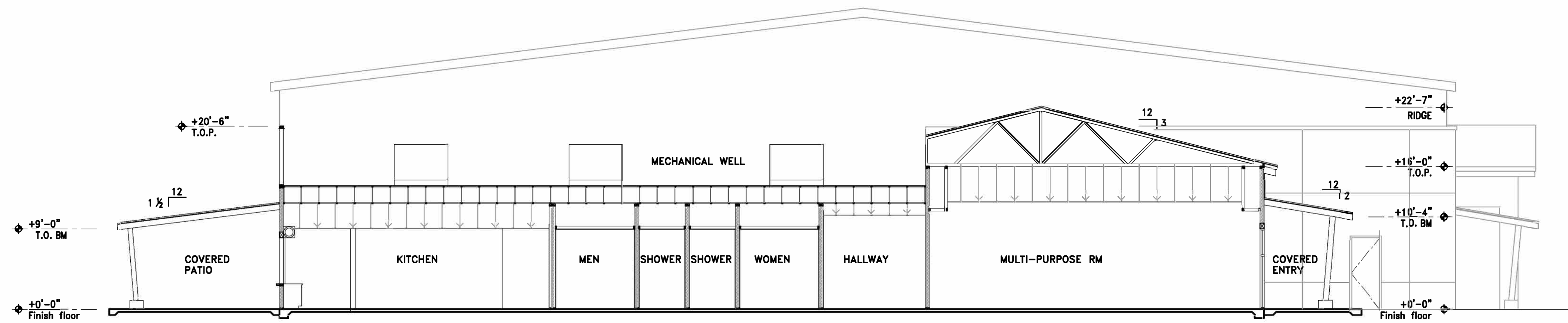
No.	Description	No.	Description
1	STOREFRONT WINDOWS	12	METAL ROLL UP WINDOW
2	STOREFRONT DOORS	13	ROLL UP GLASS DOOR
3	HOLLOW METAL DOORS	14	METAL ANGLED BRACKETS
4	STANDING SEAM METAL ROOFING	15	ROLL UP SECTIONAL DOORS
5	METAL VERTICAL SIDING - AEP SPAN NU-WAVE CORRUGATED	16	KNOX BOX
6	METAL HORIZONTAL SIDING - AEP SPAN BOX RIB	17	SIGNAGE, BY OTHERS AND UNDER SEPARATE PERMIT, GC TO PROVIDE PLYWD & POWER
7	24 GA. METAL COPING FLASHING PAINTED	18	NOT USED
8	7/8" CEMENT PLASTER PAINTED SHERWIN WILLIAMS		
9	DECORATIVE WALL MOUNTED EXTERIOR LIGHT		
10	STUCCO CONTROL JOINT		
11	COVERED ENTRY w/ METAL STANDING SEAM ROOF		

This sheet and its contents and ideas are the property of SJA Design Group and no use shall be granted without express written consent.



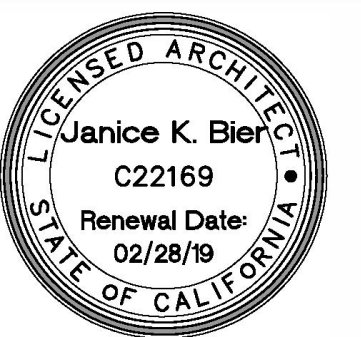
**BUILDING SECTION 'A'**

1/8"=1'-0"



**BUILDING SECTION 'B'**

1/8"=1'-0"



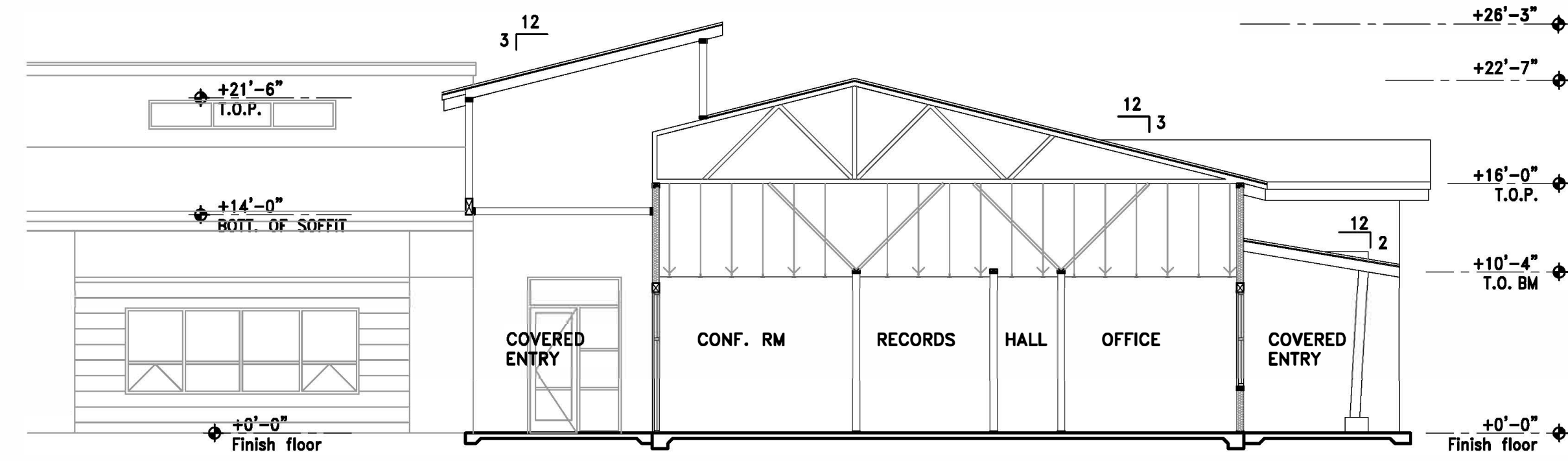
Date: 10.02.19  
Drawn By: Susan Jones  
Project # 18014

Building Sections

Revisions  
△ x

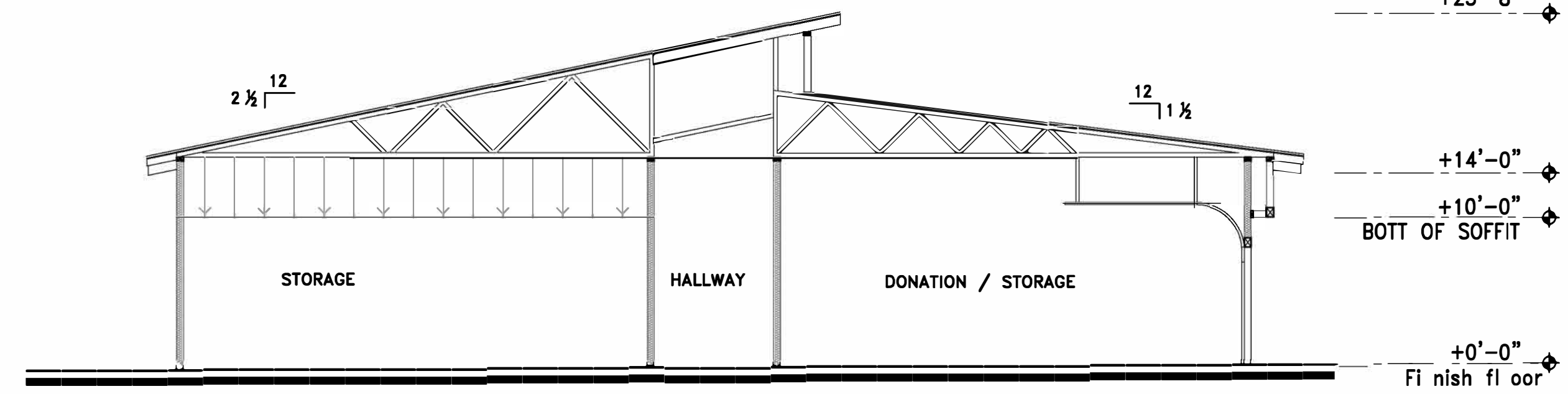
SHEET No.

**A4.01**



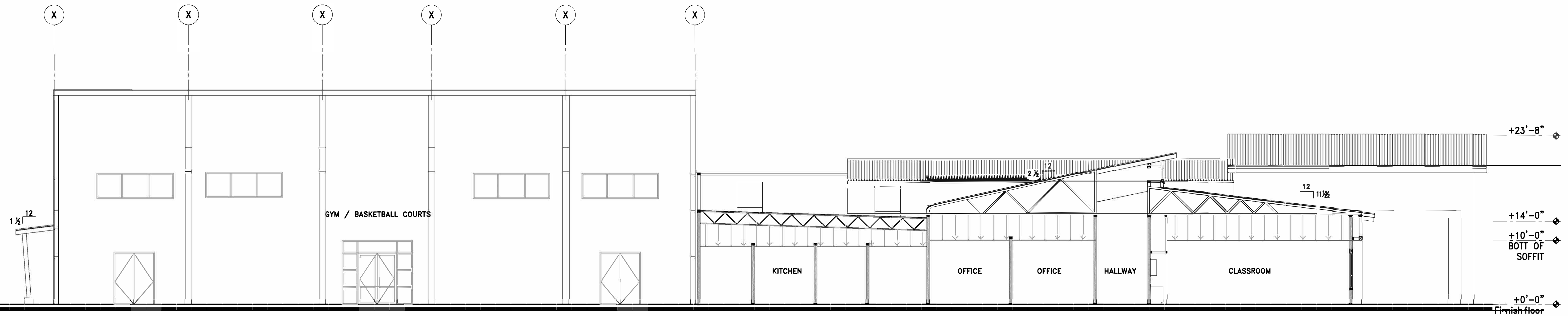
BUILDING SECTION 'C'

1/8"=1'-0"



BUILDING SECTION 'E'

1/8"=1'-0"

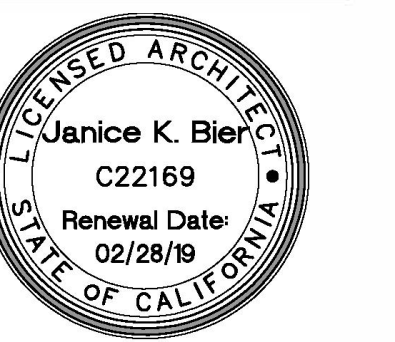


BUILDING SECTION 'D'

1/8"=1'-0"

EXHIBIT 7

This sheet and its contents and ideas are the property of SJA Design Group and no use shall be granted without express written consent.



Date: 10.02.19  
Drawn By: Susan Jones  
Project # 18014

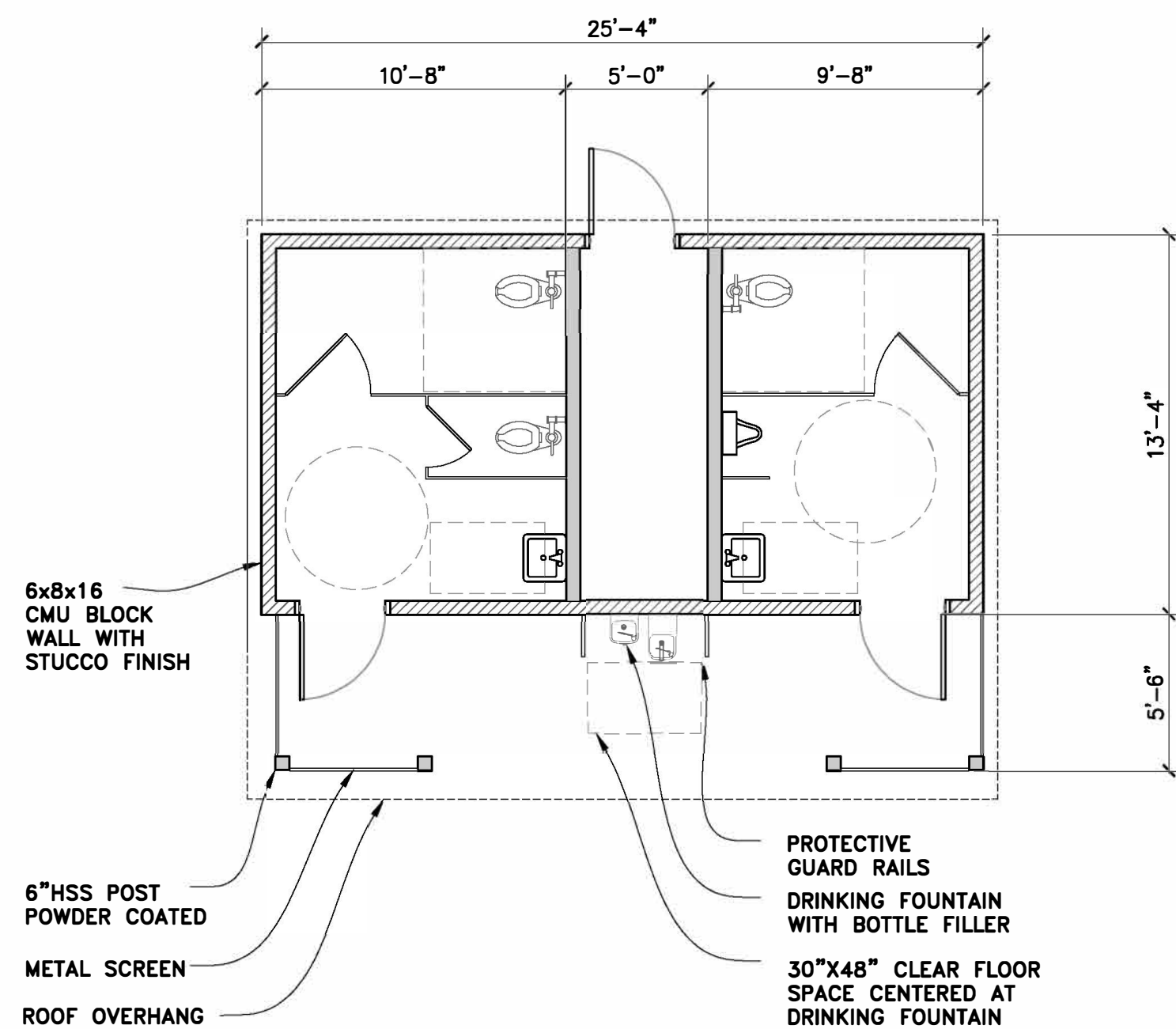
Building Sections

Revisions  
X

SHEET No.

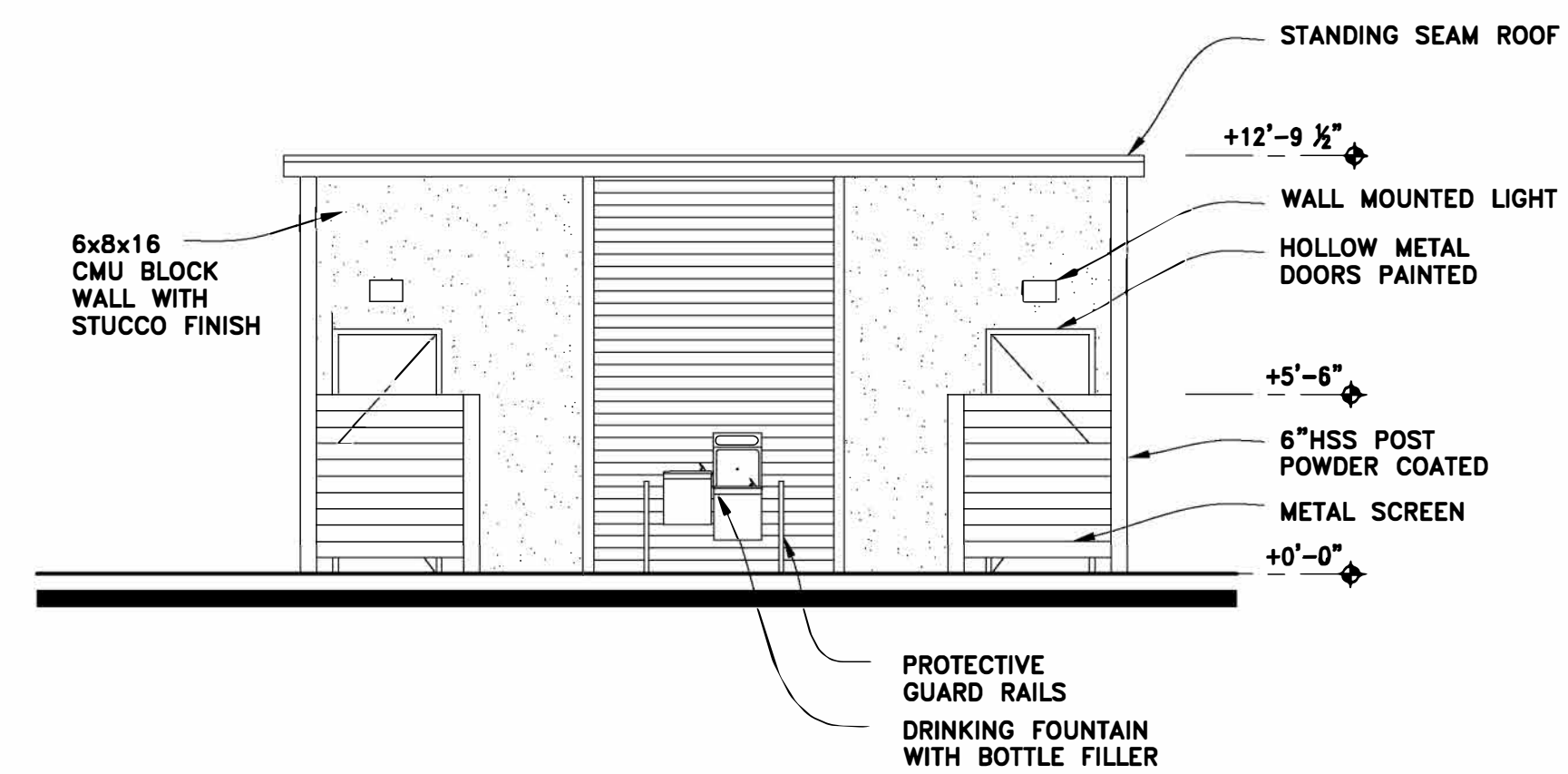
A4.02





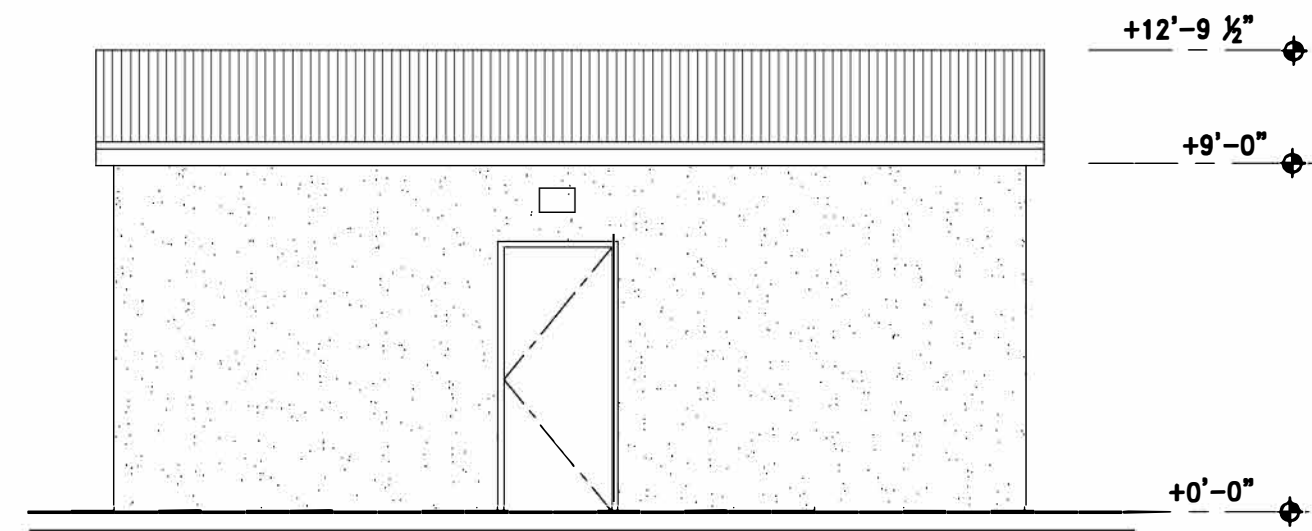
**OUT DOOR RESTROOM**

3/16"=1'-0"



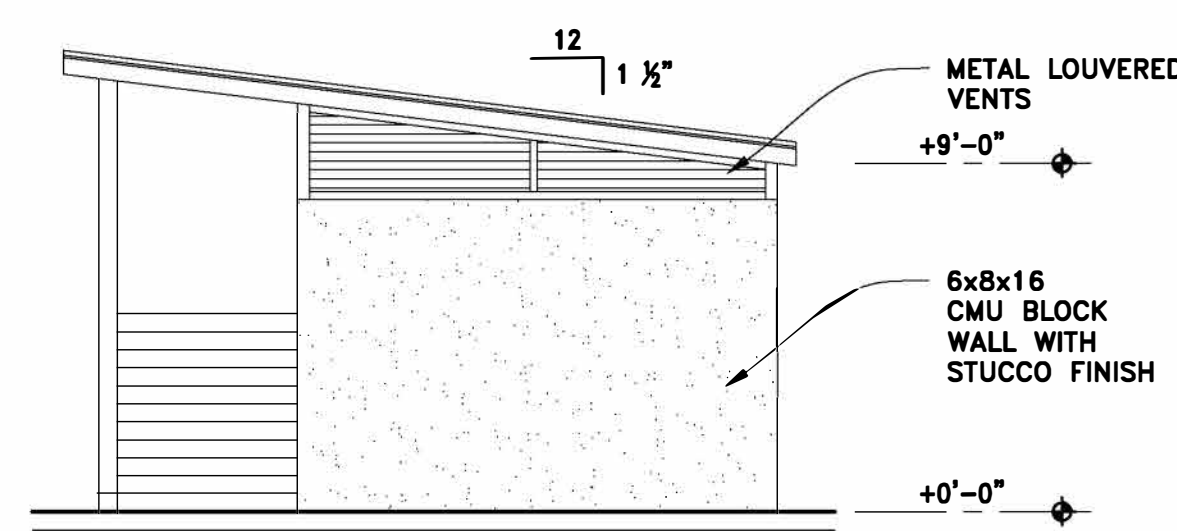
**FRONT ELEVATION**

3/16"=1'-0"



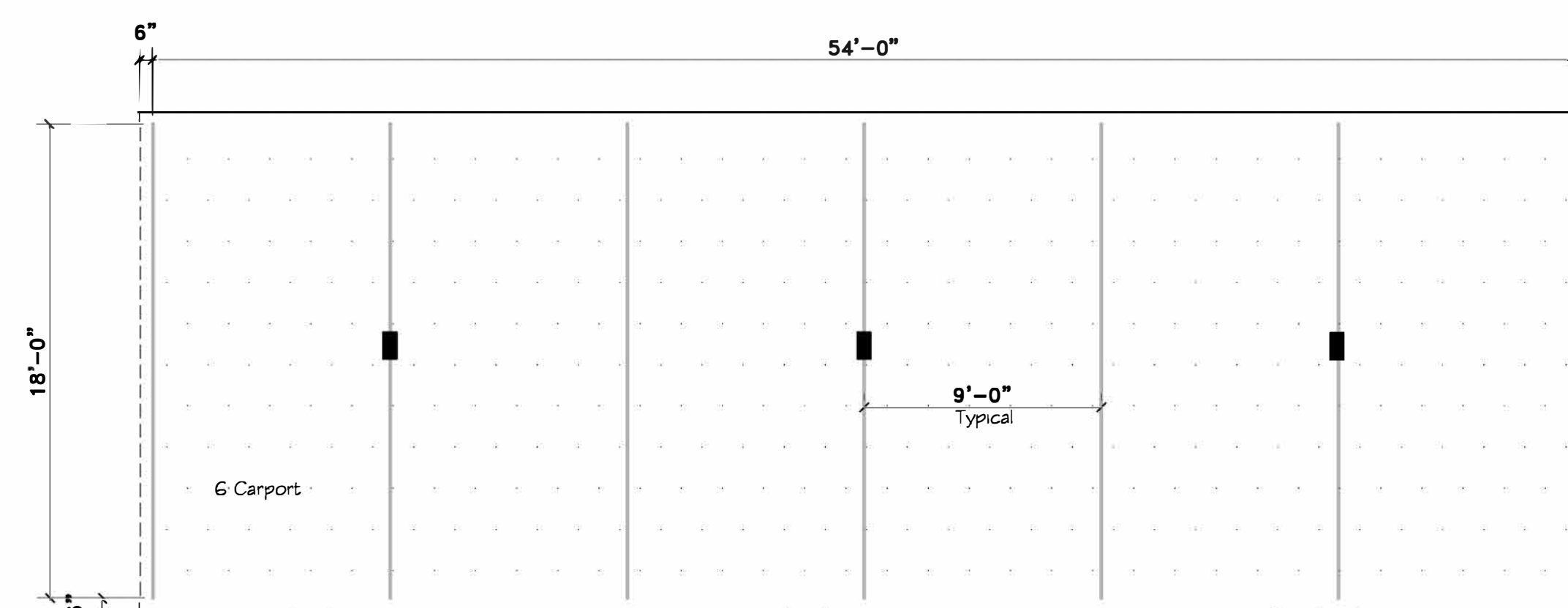
**REAR ELEVATION**

3/16"=1'-0"



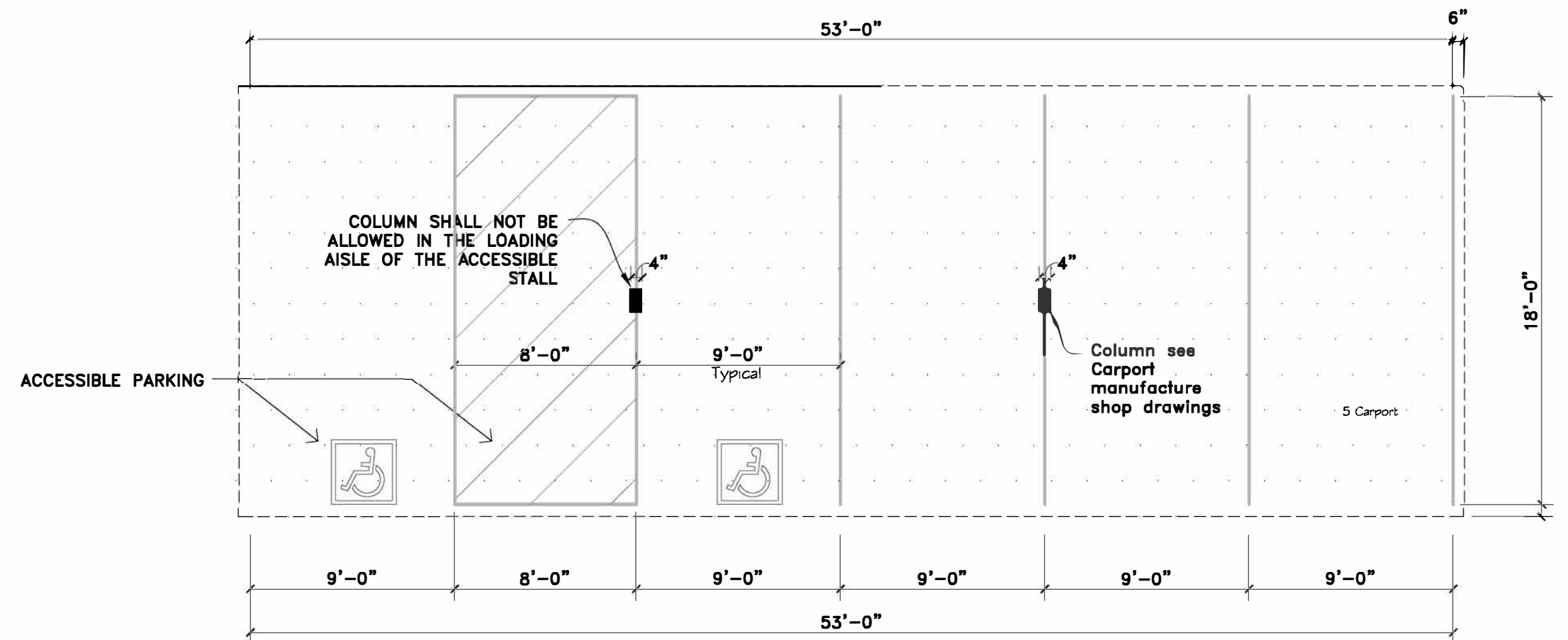
**SIDE ELEVATION**

3/16"=1'-0"



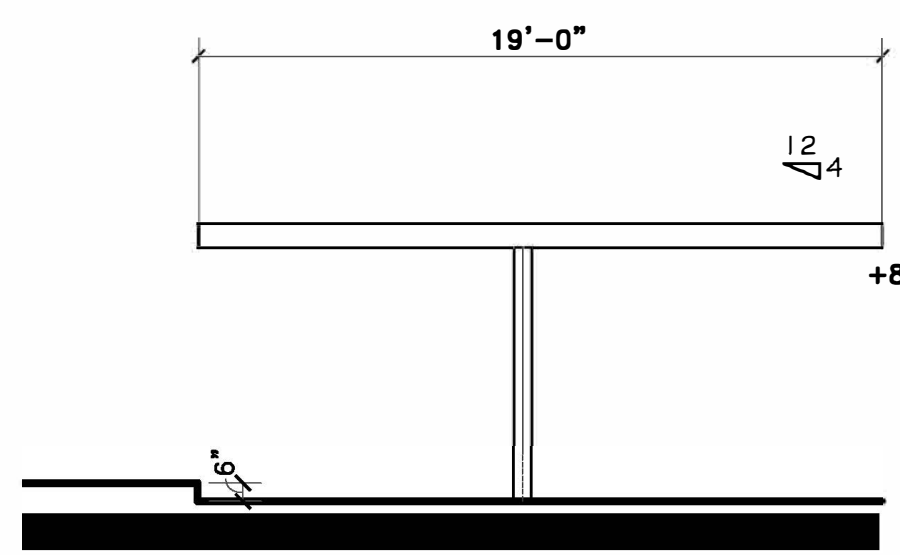
**TYPICAL 6 STALL CARPORT LAYOUT PLAN**

3/16"=1'-0"



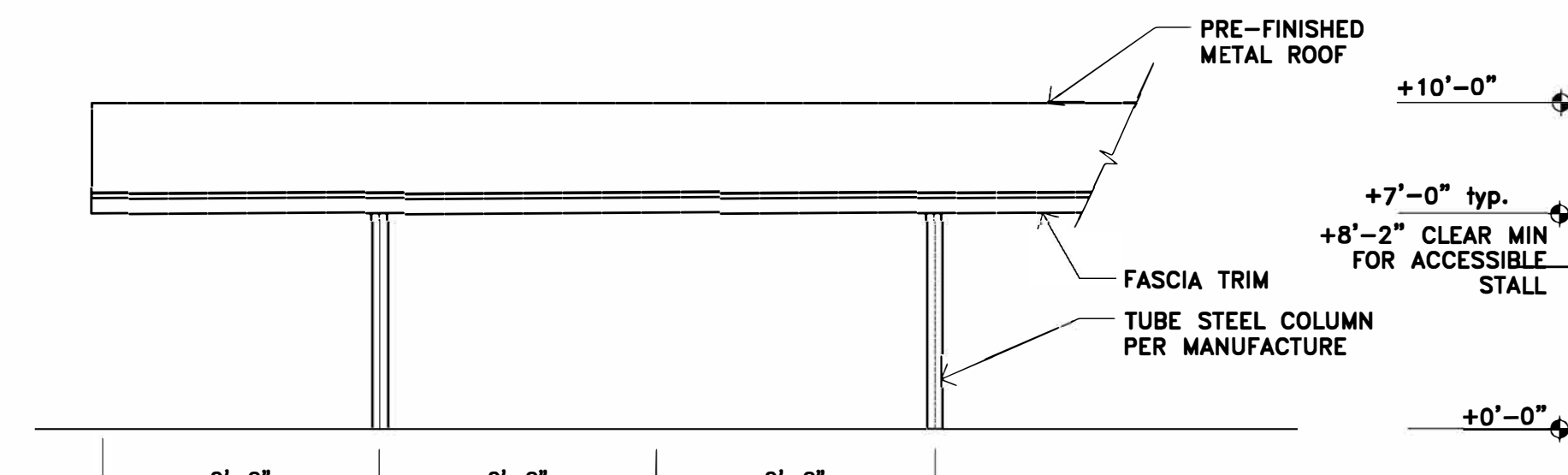
**ACCESSIBLE STALL CARPORT LAYOUT PLAN**

3/16"=1'-0"



**SIDE ELEVATION**

3/16"=1'-0"



**FRONT ELEVATION**

3/16"=1'-0"

**GENERAL NOTES:**

- CARPORTS ARE DEFERRED ITEM AND SHALL REQUIRE SEPARATE PERMITS
- GENERAL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AND CALC'S TO CITY FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION AND/OR PURCHASE OF CARPORTS
- CARPORTS SHALL HAVE A MIN SET BACK OF 20' TO ADJACENT BUILDINGS OF WHICH 4' IS ALLOWED WITHIN PATIO AREAS
- CARPORTS SHALL BE SET BACK MIN 15' TO PROPERTY LINES
- SEE SITE PLAN FOR EXACT LOCATIONS





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Keith Gardner
- APPLICATION NOS.: Initial Study Application No. 7724 and Director Review and Approval Application No. 4603
- DESCRIPTION: Allow the construction and operation of a private school facility comprised of a 31,147 square-foot main building and related improvements, on a 36.90-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the southeast corner of the intersection of North Academy Avenue and East Belmont Avenue (APN 314-150-28S) (SUP. DIST. 5.) (864 North Academy Avenue, Sanger, CA 93657).

### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No scenic vistas were identified in the analysis, however portions of Academy Avenue along the western parcel frontage and Belmont Avenue along the northern parcel frontage are identified as Scenic Drives according to Figure OS-2 of the Fresno County General Plan, Open Space and Conservation Element and are part of the Blossom Trail. In that context, the subject property having established citrus orchards, could be considered a scenic resource. General Plan Policy OS-L.3 provides that the County shall manage the use of land adjacent to scenic drives and scenic highways based on a number of principles, of which the following relates; (d) Intensive land development proposals shall be designed to blend into the natural landscape and such design shall provide for maintenance of a natural open space area two hundred feet in depth, parallel to the right-of-way. Modification of the setback requirement may be considered

appropriate in cases where, either the property dimensions or other physical characteristics preclude such a setback, or where such physical characteristics provide for screening of buildings and parking areas from the right-of-way.

Staff review of the applicant's site plan indicates that the proposed parking area would be located approximately 8 feet from the northern property boundary and nearest right-of-way of Belmont Avenue. The site plans also indicate that a six (6) foot tall wrought iron fence will be installed along the entire perimeter of the facility. Additionally, the area to the west and south of the proposed facility contains citrus orchards, which will partially screen the proposed development from view along Academy Avenue to the west, and adjacent properties to the south, creating a de facto natural open space buffer as per General Plan Policy OS-L.3.d.

However, the proposed facility has frontage along and will take access from Belmont Avenue, a scenic drive. The provision of an open space area two hundred feet in depth would not be feasible in this case without moving the proposed facility foot print an additional 182 feet to the rear, which would entail the removal of existing citrus orchards and the established sports field. The proposed main school building will be located approximately 86 feet from the nearest right of way of Belmont Avenue, and the parking area will surround the building on the west, north and east. On the north side, the parking area will be located approximately ten (10) feet from the nearest right-of-way of Belmont Avenue. The following Mitigation Measure has been included, to reduce visual impacts resulting from development of the property on the adjacent scenic drive.

\* **Mitigation Measure(s)**

1. *Landscaping shall be provided along Belmont Avenue across the entire project site frontage in order to provide a visual buffer between the proposed facility and the roadway, that is consistent with the designation of Belmont Avenue as a Scenic Drive and as a segment of the Blossom Trail. A landscape plan shall be submitted as part of the required Plan Check Review process, and all landscaping improvements shall be completed prior to final occupancy. Landscape areas of 500 square feet or more, are subject to the requirements of the Model Water Efficient Landscape Ordinance (MWELo): 2015 Revision. Landscaping shall consist of native and compatible non-native plant species, especially drought-resistant species in accordance with General Plan Policy OS-F.32 and landscaping shall be maintained for the duration of operation of the proposed private school facility.*

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?



FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility and parking areas, outdoor sports fields, and play area will encompass approximately 7.5-acres of agricultural land; once constructed the new building will alter or partially obscure views across the parcel from the adjacent roadway and neighboring properties. However, the balance of the 36.9-acre property, excluding the existing restaurant in the northwest corner, will contain approximately 25-acres of citrus orchards, which will substantially preserve the agricultural character, and visual aesthetic of the property, reducing impacts to less than significant level.

- 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:

The proposed private school facility will incorporate outdoor security lighting in its design. There will be both building mounted lighting and freestanding pole mounted lighting in the parking area, adjacent to Belmont Avenue, as well as approximately six pole mounted led lights, approximately 33 feet in height around the outdoor sports field to the south of the proposed school building. As such the following Mitigation Measure has been included to reduce impacts to nighttime views and reduce the potential for glare from new lighting sources to a less than significant level.

\* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

According to the 2016 Fresno County Important Farmland Map, produced by the California Department of Conservation Division of Land Resource Protection/Farmland Mapping and Monitoring Program, a portion of the subject parcel is designated as Prime Farmland with the remainder of the parcel designated Farmland of Statewide Importance. The subject parcel is not restricted under Williamson Act contract. Review of the 2016 Important Farmlands Map indicates that the parcel contains approximately equal portions of each category of farmland. The determination of farmland categories is based in part on the underlying soil characteristics and farming history of the property.

Prime Farmland is described as having the best combination of physical and chemical features able to sustain long-term agricultural production; and has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The remaining portion of the property is designated as Farmland of Statewide Importance, which is described as being similar to Prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture; and the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The project proposal would consist of the construction of an approximately 31,147 square-foot main school building surrounded by a paved parking area, a 10,650 square-foot open play area and a 2,900 square-foot fenced play area containing play equipment and a shade structure immediately adjacent to the southwest corner of the proposed school building. An existing approximately 3.40-acre, fenced grass sports field is located approximately 36 feet south of the main building. There is also a 338 square foot restroom facility located approximately 225 feet southwest of the main building near the northwest corner of the sports field. In total the project would involve the conversion of approximately seven-acres of farmland, of the existing 36.9-acre parcel to non-agricultural uses. It should be noted that there is an existing restaurant operation on the parcel which occupies an additional area of approximately 1.30-acres in the northwest corner of the property, which is not included in this calculation.

Although the project will result in the conversion of approximately 7.5 acres of the existing 36.9-acre parcel containing both Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, the remaining balance of the land contains citrus orchards and will remain in active agricultural production. Therefore, impacts resulting from the conversion of such farmland will be less than significant.

**B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

As previously noted, the subject parcel is not restricted under Williamson Act contract, however, the Exclusive Agricultural (AE) Zone District is intended for agriculture and

those uses which are necessary for, and an integral part of agricultural operations. This Zone District is also intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well being of the district. The proposed private school facility is an allowed use within the Exclusive Agricultural Zone District, with the approval of the requisite discretionary application; however, according to General Plan Policy PF-I.6, the County should discourage the siting of schools in agricultural areas due to the growth-inducing potential of schools and conflicts with farming practices such as pesticide applications.

Comments from reviewing departments indicate the project proposal may be inconsistent with the following General Plan Policies (summarized): The Policy Planning Unit of the Department of Public Works and Planning, Development Services and Capital Projects Division referenced the following General Plan Policy in their comments; Policy LU-A.14, provides that the County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

The Fresno County Agricultural Commissioner expressed concerns that the siting of the proposed private school would create conflicts with the surrounding agricultural community, particularly with regard to the application of pesticides in the vicinity of a school where children will be present. Additionally, the subject parcel itself contains approximately 24-acres of citrus orchards, surrounding the proposed school site, where the application of pesticides will occur.

According to guidance published by the Department of Pesticide Regulation (DPR) State law (California Code of Regulations) regulates the use of pesticides within a certain distance of school sites depending on the method of application, one-quarter mile for high drift applications such as by aircraft, and 25 feet for lower drift applications such as by tractors or other ground based machinery; and such regulation also requires that pesticide users provide annual notification to public school sites, the notification can then be forwarded by the schools to parents. However, as existing regulation does not apply to private schools, there would be no restrictions or notification requirements imposed upon surrounding pesticide users, as a result of the placement and operation of the proposed facility. Therefore, the project would not conflict with surrounding agricultural uses, and although it would be inconsistent with General Plan Policy PF-I.6 as previously discussed, any potential impacts to agriculture would be less than significant .

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

As discussed previously, the project proposal would entail the construction and operation of an approximately 31,147 square-foot private school facility with a paved parking area, a 338 square foot detached restroom building, and an approximately 3.40-acre outdoor sports field. The proposed development would convert approximately 7.50-acres of the 36.90-acre subject parcel to non-agricultural use; however, the balance of the parcel has been planted with citrus orchards thereby preserving the majority of the acreage for agricultural purposes, consistent with surrounding land uses, and with the underlying agricultural land use designation of the subject parcel.

**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**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will not conflict or obstruct the implementation of any air quality plans; this project proposal was reviewed by the San Joaquin Valley Air Pollution Control District, which did not express any specific concerns related to air quality impacts resulting from the project. However, the project will be subject to all applicable Air District rules as they pertain to grading and building permits, and an Authority to Construct permit may be required. The project will also be subject to the requirements of Title 15 California Building Standards Code.

**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?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will be subject to all applicable San Joaquin Valley Air Pollution Control District (Air District) Rules, where criteria pollutants are concerned. The district has established significance thresholds for criteria pollutants, such as Carbon Monoxide, Oxides of Nitrogen (NOx), Reactive Organic Gases, Oxides of Sulfur, and Particulate Matter (PM10 and PM2.5) from Permitted (stationary) sources and non-permitted (mobile) sources. The District recommends that criteria pollutants from both construction and operation be identified and quantified.

Because the project entails the construction of more than 9,000 square feet of educational space, it meets the Air District established applicability threshold for evaluation under District Rule 9510, Indirect Source Review (ISR).

According to available information on the District's website, the purpose of Rule 9510 Indirect Sources Review, is to fulfill the District's emission reduction commitments in the PM10 and Ozone attainment plans, achieve emission reductions from construction and use of development projects through design features and on-site measures, and provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

In accordance with Rule 9510, the project was required to, and submit an Air Impact Analysis application to the District for review and approval. The Air District recommends that demonstration of compliance with Rule 9510 before issuance of the first building permit be made a condition of project approval. The District approved the Air Impact Assessment on September 4, 2020. The approval included a proposed Monitoring and Reporting Schedule, which shall be included as Conditions of Approval. The District determined that the mitigated baseline emissions for construction and operation will be less than two tons of Oxides of Nitrogen per year and less than two tons of PM10 per year. Pursuant to District Rule 9510 Section 4.3, the project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. The District determined that the project is in compliance with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

After review of the project proposal, the San Joaquin Valley Air Pollution Control District recommended that the applicant conduct a Health Risk Screening Assessment (HRSA) in order to identify the potential for Toxic Air Contaminants (TAC's) generated by the project to impact surrounding sensitive receptors, on and off site, including hospitals, daycare centers, schools, work sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board, that pose a present or potential hazard to human health. A common source of TAC's can be attributed to diesel exhaust from both mobile and stationary sources. If the HRSA resulted in a prioritization score of 10 or greater, the Air District would recommend a refined Health Risk Assessment. The Air District provides its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), which includes discussion of how to evaluate air quality impacts under CEQA. Chapter 7.15 of the Guidance specifically recommends that lead agencies use the district screening tools for evaluating Toxic Air Contaminants, which are described in Chapter 6.5. The Guidance also provides that the location of a development project is a major factor in determining whether the project will result in localized air quality impacts.

Based on the Air District recommendation, the applicant was required by the County to submit a Health Risk Screening Assessment to quantify the potential for TAC's generated by the project to impact sensitive receptors both on and off-site. A Health Risk Screening memorandum was submitted by the applicant's consultant LSA, dated May 13, 2020. According to the conclusions of the memorandum, the health risk posed

to off-site receptors resulting from project construction, is a function of the duration of construction activities, and proximity of receptors to the construction activity, and multi-year construction projects have the potential to influence risk levels in sensitive receptors. The timeline for construction of the proposed project is less than one-year, thereby resulting in minimal risk to off-site receptors; additionally, the nearest off-site receptor is a residence located approximately 65 feet east of the project site. The operation of the proposed private school facility would not be a source of TAC emissions, as the project does not include any sources of TAC emissions such as a generator. Most of the additional traffic associated with the project would consist of passenger vehicles, and substantial numbers of diesel fuel vehicles are not anticipated. Therefore, the proposed project would not expose future students of the project site to an increased health risk, and off-site receptors in the project vicinity would not be exposed to an increased health risk as a result of project.

The San Joaquin Valley Air Pollution Control District (Air District) has established thresholds of significance for Toxic Air Contaminants which are listed in Chapter 8.5 of their Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) as follows: for Carcinogens, a maximally exposed individual risk equals 10 in one million. For non-carcinogens, Acute: Hazard Index equals or exceeds one for the maximally exposed individual; and Chronic: Hazard index equals or exceeds one for the maximally exposed individual. Additionally, the Guidance also identifies two types of land use projects that have the potential to cause long-term public health risk impacts: Type A Projects, which place new toxic sources in the vicinity of existing of existing receptors, and; Type B Projects: which place new receptors in the vicinity of existing toxics sources. Type B projects include residential, commercial, and institutional developments. In its Air Quality and Land Use Handbook: A community Health Perspective (2005), the California Air Resources Board includes a table (1-1) entitled "Recommendations on Siting New Sensitive Land Uses Such as Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities. The Table provides some specific recommendations on siting such sensitive land uses near certain source categories such as certain industrial facilities, rail yards, freeways and high-traffic roads.

The recommendations suggest avoidance of siting sensitive uses within a specified distance of each listed source category and suggests using minimum buffer distances, between sensitive land uses and sources, depending on the source category. The list does not include agricultural operations as a sources category, however, in a subsequent table (1-3) the handbook includes a list of other industrial sources, including farming operations, that could pose a significant health risk to nearby sensitive individuals depending on such factors as the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place.

Although there is a possibility that sensitive receptors both on and off-site could be exposed to dust and other airborne pollutants generated by construction of the project, and by ongoing agricultural operations on subject property, The subject parcel and surrounding parcels are within an area where dust and other particulate matter including pollutants from the use of farming equipment and agricultural chemical applications are expected to occur on a continual basis, therefore impacts to off-site sensitive receptors resulting from the project would be less than significant.

According to available aerial imagery, there are approximately 19 properties containing single-family residences located within one-quarter mile of the boundaries of the subject property; two of those residences are located immediately adjacent to the southwest across N. Academy Avenue and east along E. Belmont Avenue. Although construction of the project will result in a temporary increase in Diesel Particulate Matter and dust from off-road construction equipment and truck trips to and from the site, the project will be subject to all applicable requirements of the Californian Green Building Standards Code, and given the limited scope of the project, and relatively short duration of construction, approximately 10 months according to the project proponent, it is not anticipated that substantial pollutant concentrations will be generated either by construction activities or operation of the facility, or that sensitive receptors will be exposed to substantial pollutant concentrations as a result.

\* **Mitigation Measure(s)**

1. *The applicant shall install air filters with a minimum MERV rating as recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), for schools, within the building's HVAC system. Filters shall be inspected and replaced regularly, as per the manufacturer's specifications.*

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to result in emissions leading to odors affecting a substantial number of people. As previously discussed, construction of the project will be limited in scale and duration, approximately one year or less according to the applicant, and operation of the proposed private school is not anticipated to generate any new sources of emissions, other than those associated with increased vehicle traffic to and from the site. The SJVAPCD does not provide any quantitative formulaic methodologies to determine if potential odors would have a significant impact and indicates that projects should be assessed on a case by case basis. The subject parcel itself contains approximately 24-acres of citrus orchards, which according to the applicant surrounding the proposed private school site, and as previously discussed regular farming operations have the potential to generate dust (particulate matter) and other pollutants. However, due to the fact that the subject parcel has been historically cultivated and will continue to be cultivated, the additional contribution of pollutants from construction activity is not anticipated to be substantial and impacts resulting from the exposure of sensitive receptors to such pollutants, on or off site, would be less than significant.

#### 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: LESS THAN SIGNIFICANT IMPACT:

According to a search of the web-based California Department of Fish and Wildlife BIOS mapping tool, California Natural Diversity Database (CNDDDB) layer, the subject parcel is located in an area where the plant species Greene's Tuctoria listed as Federally Endangered and State listed as rare has been observed. However, according to the CNDDDB Database the presence of Greene's Tuctoria presence is defined as extirpated, which means that the plant species has been sought but not observed for many years, and or potential habitat has been destroyed at the site. The last known observation of Greene's Tuctoria at the project site was June 1, 1987.

- 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: NO IMPACT:

No sensitive natural communities or state or federally protected wetlands were identified by any departments or reviewing agencies. This project was reviewed by the United States Fish and Wildlife Service (USFWS), which did not express any concerns that the project would result in adverse impacts on any sensitive natural communities. No riparian habitat, or state or federally protected wetlands were identified on the project site. No response was received from the California Department of Fish and Wildlife (CDFW).

- 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?

FINDING: NO IMPACT:

This project proposal was reviewed by the United States Fish and Wildlife Service (USFW) which expressed no concerns with this project resulting in adverse impacts to or conflicting with the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites.

- 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 project will not conflict with any identified local policies or ordinances protecting biological resources or with the provisions of an adopted Habitat Conservation, or other conservation plan approved at the local, regional or state level.

## 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:

According to available County records, the subject parcel is not located in an area of moderate or high sensitivity for archaeological or cultural historical materials, however, the project was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comment. The SSJVIC noted that the archaeological sensitivity of the subject parcel is unknown and recommended that an archaeological survey be completed to determine if prehistoric or historic cultural resources may be present. However, based upon historic aerial imagery, provided by the applicant, which indicated that the parcel had been historically farmed since at least 1988, and according to available historical aerial imagery obtained by Staff, the parcel has been farmed since at least 1937.

Given the fact that the subject parcel has been under cultivation for a substantial amount of time, and ground disturbance has occurred regularly during that time, staff determined that an archaeological study would not be required for the project at this time. Additionally, local tribal governments who had previously requested to be notified of projects within their respective areas of concern, under the provisions of Assembly Bill (AB) 52, were notified of this project. None of the notified tribes requested consultation on this project or responded to the notification. However, because the possibility still exists that there may be unknown subsurface cultural material present, which could be unearthed by ground disturbing activities, the following Mitigation Measure has been included:

\* **Mitigation Measure(s)**

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

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

Project construction activities will involve the use of diesel-powered off-road equipment, however given the relatively small scale of the project, environmental impacts due to energy consumption are not anticipated to result in significant environmental impacts; emissions can be minimized or mitigated by utilizing equipment that meets the EPA and California Air Resources Board (CARB) Tier 4 engine emissions standards, which reduce emissions of particulate matter (PM), and nitrogen oxide (NOx). Additionally, construction and operation of the project will be subject to current California Green Building Standards Code (Cal Green), Title 14, Part 11; including the Energy Efficiency Standards for Residential and Non-residential Buildings (Energy Code).

VII. GEOLOGY AND SOILS

Would the project:

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

#### 4. Landslides?

FINDING: NO IMPACT:

The project site is located in an area with relatively flat terrain and is characterized by large irrigated agricultural parcels and sparse residential development. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that given a 10 percent probability of earthquake occurrence in 50 years, the project site is located in an area where ground acceleration due to seismic activity has a 10% chance of generating between zero and 20%g (percent of the force of gravity) during an earthquake. The proposed facility will be subject to current building standards code including seismic design standards. Additionally, the project site is not located in an area of steep slopes nor an area of landslide hazard or subsidence as identified by Figures 7-2 and 9-6 of the FCGPBR.

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

FINDING: LESS THAN SIGNIFICANT IMPACT .....

The project would involve the grading and paving of an approximately 3.75-acre portion of the 36.90-acre subject parcel, for the construction of the proposed school facility and parking area. The remainder of the parcel would be dedicated to an approximately 3.4-acre outdoor grass sports field, and approximately 25 acres of existing irrigated citrus orchards. There is the possibility that additional storm runoff generated by the proposed development could contribute to erosion of the site, however all grading of the site will require appropriate grading permits or a grading voucher from the Fresno County Department of Public Works and Planning, and may also require an engineered grading and drainage plan. Once the project is constructed, it will add approximately 3.5 acres of impervious surface to the site, which may increase runoff during storm events, however it would not result in substantial soil erosion or loss of topsoil as the majority of the land is dedicated to agricultural production. The project will be required to retain any additional runoff generated by the proposed development on site or dispose of it in accordance with County standards.

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

FINDING: NO IMPACT:

According to Figures 7-1, 7-2 and 9-6, of the Fresno County General Plan Background Report, the subject parcel is not located in an area prone to landslide, lateral spreading, subsidence, liquefaction or collapse; nor is it located on expansive soil.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to construct a new onsite wastewater treatment system (OWTS) to serve the proposed facility. Any new or existing septic system will be subject to the requirements of the Fresno County Local Area Management Program (LAMP). No concerns related to soil capacity to accommodate or support the use or expansion of septic systems, were expressed by any reviewing agencies.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The paleontological sensitivity of the subject parcel is unknown, and no known paleontological resources were identified in the analysis; however, even though the subject parcel has been farmed historically and subject to regular ground disturbance, the possibility exists that paleontological resources may be exposed during construction. Disturbance of any such resources could be considered a significant impact under CEQA, however implementation of the Mitigation Measure under Section V Cultural Resources, would reduce potential impacts to a less than significant level.

\* **Mitigation Measure(s)**

1. See Mitigation Measure 1, under Section V.

### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A greenhouse gas emissions analysis was prepared for this project by LSA, dated August 25, 2020. The conclusions of the analysis were that construction activities and subsequent operation of the project will produce greenhouse gas emissions. Construction of the project will produce short term GHG emissions as a result of the operation of off-road construction equipment and builder supply and worker vehicle trips and operation of the project will produce long term GHG emissions through mobile sources like vehicle trips, and area source emissions from landscape maintenance, other water use, wastewater disposal, and energy consumption, as well as off-site emissions generated by utility providers. Emissions estimates were calculated using CalEEMod, Version 2016.3.2.

Based on these calculations, the project is anticipated to generate approximately 263.3 metric tons per year, CO<sub>2</sub>e or Carbon Dioxide Equivalent, of which 74.2 metric tons of CO<sub>2</sub>e would be attributable to construction of the project. However, no numerical threshold of significance for GHG emissions has been established by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project was reviewed by the Air District, which published its Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA, December 17, 2009. The Guidance recommends using performance-based standards as a means of determining the significance of project specific GHG emission impacts using established specifications or project design elements and Best Performance Standards. The effects of project specific GHG emissions are considered to be cumulative, and unless reduced or mitigated, their incremental contribution to global climate change could be considered cumulatively considerable.

Best performance standards (BPS) are not mitigation, instead, they are defined as the most effective achieved-in practice means of reducing or limiting GHG emissions from a GHG emissions source. For development projects, BPS would include measures that improve energy efficiency and those that reduce vehicle miles travelled. Additionally, projects implementing Best Performance Standards in accordance with Air District guidance would be determined to have less than significant individual and cumulative impact on global climate change and would not require project specific quantification of GHG emissions.

The GHG analysis concluded that the project would implement all of the State required Best Performance Standards (BPS), such as the energy efficiency measures required under the California Green Building Standards Code, in accordance with GHG reduction goals established by California Assembly Bill (AB) 32 and Senate Bill (SB) 32. Given the limited scope of the proposed operation, greenhouse gas emissions from construction and operation are not anticipated to have a significant impact on the environment.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The project will not conflict with any applicable plan, policy or regulation adopted to the purpose of reducing greenhouse gas emissions.

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No transportation or disposal of hazardous materials is proposed with this project; however, it can be anticipated that the use of pesticides and other agricultural chemicals will occur commensurate with the continued agricultural use of the property, unrelated to the proposed private school. As discussed earlier, the subject property is in an area of sparse residential development, and ongoing agricultural operations where the mixing and application of agricultural chemicals is expected. However, it is not anticipated that any reasonably foreseeable adverse event or condition would result in a significant hazard to the public.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project involves the construction and operation of a private school facility; the school facility is not anticipated to generate hazardous emissions or involve the handling of hazardous materials, substances, or waste. The nearest existing school is located approximately two (2) miles northwest of the project site. According to the findings of a Phase One ( I ) Environmental Site Assessment (ESA) prepared for this project, by Krazan & Associates dated March 5, 2020, there is evidence that the subject parcel has been historically farmed since at least 1937 and is currently engaged in agricultural production.

The scope of the Phase I ESA included a site reconnaissance of property conditions, a review of user provided documents, historical aerial imagery, building permit records, city directories, historic Sanborn Fire Insurance Maps, including interviews with persons knowledgeable of the previous ownership and use of the site, a review of local regulatory agency records, and a review of local, state, and federal regulatory agency lists. The overall conclusions of the Phase I ESA were that given the proposed development of a private school where children will be present, the potential presence of agricultural chemical hazardous materials represents a heightened concern, and that given direct evidence that agricultural chemicals were applied to the crops grown on the site since at least 2016, and the potential that agricultural chemicals were applied to crops grown on the site historically, the condition of the project site soils may have been impacted; and condition of the project site subsurface related to storage, mixing, application, spills, and/or disposal of agricultural chemicals is unknown. Additionally, the site assessment identified evidence of several Recognized Environmental Conditions (RECs) and Potential Areas of Concern (PAOC) on the project site. REC's are defined in the site assessment as the presence of any hazardous substances or petroleum products in, on, or at a property, (1) due to any release to the environment, (2) under conditions indicative of a release to the environment, or (3) under conditions that pose a

material threat of a future release to the environment. 'Potential Area of Concern' is described in the Site Assessment Glossary as a term adopted to provide an alternate designation to REC, or HREC, to address a range of environmental issues related to current site uses, historical site uses, or adjacent property uses where official documentation or other evidence identifying an REC or HREC may be absent. To address the potential for the presence of hazardous materials and/or hazardous substances, the following mitigation measure has been included.

\* **Mitigation Measure(s)**

1. *Based upon evidence of the potential for hazardous materials to be present on the subject parcel, identified as Recognized Environmental Conditions (REC's) by the Phase I Environmental Site Assessment prepared for this project:*

- *Prior to the issuance of building permits a Phase II Limited Subsurface Site Assessment shall be conducted on the subject parcel by a qualified Environmental Professional. The Phase II Site Assessment shall be conducted in accordance with the California Environmental Protection Agency Department of Toxic Substances Control (DTSC), 2008 Interim Guidance for Sampling Agricultural Properties (Third Addition). If the Phase II Limited Subsurface Assessment detects the presence of hazardous materials, or substances above established DTSC thresholds, appropriate remediation (removal of identified hazardous materials and/or substances will be required, subject to written verification provided to the County by a qualified environmental professional to ensure that subsequent samples are below applicable State and federal screening thresholds.*

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:

The project is not located on a hazardous materials site as identified by the US EPA, NEPAAssist, Enviro-Mapper web-based tool. One hazardous materials handler site was identified approximately 1,200 feet south of the subject parcel; one transporter of hazardous materials located approximately 1.37 miles southwest; one hazardous materials handler located approximately 2.84 miles northwest; and one small quantity hazardous material generator located approximately 1.22 miles north of the of the subject parcel.

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

FINDING: NO IMPACT:

The project site is not located within the boundaries of an airport land use plan or within two miles of a public airport.

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

FINDING: NO IMPACT:

The project proposes a private school facility on an approximately seven (7) acre portion of a 36.90-acre parcel. The proposed school is not anticipated to impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. The project was reviewed by the Fresno County Fire Protection District which did not express any concerns about the project.

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

FINDING: NO IMPACT:

The subject parcel is not located in a State Responsibility Area (SRA) or other area at increased risk for wildfire occurrence; the subject property is located in an area of irrigated farmland.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

The proposed project will be subject to County Ordinance Code with regard to the handling of additional stormwater runoff generated by development. The project proponent will be required to provide for onsite storage of runoff. The project is not anticipated to result in a violation of any Waste Discharge Requirements per the California Code of Regulations (CCR) or degrade surface water or groundwater quality. The subject parcel contains a restaurant, the Blossom Trail Café, which is served by an on-site domestic well which is currently regulated by the State Water Resources Control Board (SWRCB), Drinking Water Division, as a public water system.

The proposed private school facility will be also be supplied by the on-site domestic well. The proposed development of the private school will result in a change of classification of the public water system to a Non-transient, Non-community public water system, which will necessitate increase monitoring by the SWRCB, Drinking Water Division.



- 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:

The Applicant's operational statement estimated that water use associated with the operation of the proposed private school would be approximately 1,000 gallons per day, supplied by an existing domestic well which also serves the restaurant, westerly adjacent to the proposed private school site. Comments from the State Water Resources Control Board (SWRCB), Drinking Water Division, indicated that it had concerns as to whether or not the existing domestic well, which is monitored by the Division, would be able to supply the needs of the proposed project. Based on a statement made by the well operator to the SWRCB, the well is able to produce an average of 33 gallons per minute and would likely be adequate to serve the expansion of use necessitated by operation of the private school, with the installation of water storage capacity and a well pump booster system.

The project also proposes to irrigate approximately 24-acres of citrus orchards occupying most of the remainder of the parcel and an approximately 3.5-acre grass covered sports field with an existing agricultural well. The operational statement did not provide any historical agricultural water use information or domestic water use associated with the existing restaurant, however, an Estimate of Water Consumption memo by Lore Engineering, Inc. dated March 31, 2020, was submitted by the applicant's representative. The Water Consumption memo estimated that the existing water usage for the agricultural operation was approximately 4,193,702 gallons per year; and that the proposed use would add approximately 6,124,835 gallons per year, including landscape irrigation and domestic use. Comments from the Fresno County Water and Natural Resources Division indicated that the project would not be required to undergo a hydrological study as the subject property is not in a low water area. The Water and Natural Resources Division also commented that the overall domestic water use estimated for the project would be less than the current agricultural use.

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

FINDING: NO IMPACT:

According to United States Geological Survey (U.S.G.S.) Quadrangle Maps, there are no natural streams or drainage channels adjacent to or traversing the subject property, as such, no stream courses will be altered as a result of this project. The project will add approximately 3.5 acres of new impervious surface to the property, and accordingly increase stormwater runoff from that portion of the site, however, the majority of the 36.9-acre subject property is planted with irrigated citrus orchards. The project will not result in substantial erosion or siltation on or off site, as most of the site will retain its current drainage patterns. The project is not anticipated to provide any additional polluted runoff or contribute to runoff that would exceed existing or planned storm water drainage capacity. Any additionally storm water runoff generated by this proposal will be required to be retained on site or disposed of in accordance with County standards. According the US EPA NEPAAssist, Enviro-Mapper web-based tool, the subject property is located within the Fancher Creek Watershed area; the creek crosses Academy Avenue, approximately one-half mile north of the subject property. However, the project site is located in Zone X, as Identified by FEMA Flood Insurance Rate Maps, which is designated as an area of Minimal Flood Hazard.

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

FINDING: NO IMPACT:

The project site is not located in an area of Dam Failure Flood Inundation risk, as identified by Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area at risk of seiche or tsunami.

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

FINDING: NO IMPACT:

In accordance with the Sustainable Groundwater Management Act (SGMA), comprised of Assembly Bill 1739, Senate Bill 1168, and Senate Bill 1319, codified in Section 10720 of the California Water Code, local agencies were empowered to form Groundwater Sustainability Agencies (GSA's) in order to manage basins sustainability, and requires those agencies to adopt Groundwater Sustainability Plans (GSP's) for crucial groundwater basins in California, and requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, such high and medium priority basins should reach sustainability within 20 years of implementation of their GSP's. SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon (20 years) without causing undesirable results.

The proposed project is not anticipated to conflict with or obstruct implementation of any water quality control plan or sustainable groundwater management plan. The project was reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning and the State Water Resources Control Board; neither agency or department expressed concerns that this project proposal would impact water quality or groundwater management.

The subject parcel is located within the boundaries of the North Kings Groundwater Sustainability Agency (GSA); the project was routed to the North Kings GSA for review and comment. The North Kings Groundwater Sustainability Agency (GSA) reviewed the project, and initially determined that the information provided regarding historic and proposed water use, both domestic and agricultural, was insufficient to determine impacts to groundwater. The GSA requested that the project proponent provide additional information regarding current water use, and the source of water for irrigation of the outdoor sports fields. A water use estimate was completed by the applicant's consultant based upon a recommendation from the North Kings Groundwater Sustainability Agency (GSA). After review of the water use estimate, the North Kings GSA, and Fresno County Water and Natural Resources Division determined that the project would not result in a net increase in demand on the aquifer. The Water and Natural Resources Division comments indicated that water use estimate did not take into account the groundwater recharge occurring through the on-site wastewater disposal system, which would reduce the overall domestic water consumption estimate.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community.

FINDING: NO IMPACT:

The project will not physically divide an established community; the project site is confined to a relatively small portion (approximately seven-acres) of the subject property and will not change the existing land use pattern in the area. The project proposes a private school facility in an area characterized primarily by agricultural operations and sparse single-family dwellings; the majority of the subject parcel, approximately 24 acres will remain in agricultural production.

- 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 project site is located within the AE-20 Zone District, and in a rural area characterized by various farming operations, sparse residential development, and is not within the boundaries of any specific, community or regional plan. The "AE" Zone District is intended to be an exclusive district for agriculture and for those uses which

are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. The project proposal to construct and operate a private school is an allowed use in the Exclusive Agricultural Zone District subject to discretionary approval, through the Director Review and Approval (DRA) process. However, during such review as required by the Zoning Ordinance, it may be determined that the proposed use should not be approved, based upon required findings of fact. In this case, the justification for the placement of the proposed school on the subject parcel is not well supported by the Applicant's operational statement, and it is not supported by General Plan Policy, as no need for additional schools to serve the surrounding community was demonstrated.

Although the continued agricultural use of the subject parcel is consistent with the agricultural zoning and land use designation of the property and General Plan Policy, the proposed school is not. As previously noted, General Plan Policy PF-I.6, provides that the County strongly discourages the siting of schools in agricultural areas due to the growth-inducing potential of schools and conflicts with farming practices such as pesticide applications. See discussion regarding pesticide application under Section II above. Moreover, General Plan Policy LU-A.3, provides that the County shall allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria: (a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; (b) The use should not be sited on productive agricultural land if less productive land is available in the vicinity; (c) The operation or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; (g) For proposed churches and schools, the evaluation under criteria LU-A.3.a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.

Regarding criteria a, b, c, and g listed under Policy LU-A.3 above, the subject proposal has not demonstrated consistency with criteria a and b. Regarding criteria c, it has been determined, based on the evaluation that the project would not result in a detrimental impact on water resources; and concerning criteria g, the proposed facility does not appear to be larger than would be commensurate with the proposed use, based on the maximum number of students anticipated in the applicant's operational statement. As previously discussed, the need for the facility to serve the surrounding agricultural community was not demonstrated. However, based on the analysis, impacts due to conflicts with land use plans, policies and regulations, resulting from the project would have a less than significant environmental impact.

## 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:

The subject parcel is not located in an area of known mineral resources, as identified by Figures 7-7, 7-8 or 7-9 of the Fresno County General Plan Background Report.

## 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:

While construction of the project is expected to generate a temporary increase in ambient noise levels, including ground borne noises, any such impacts would be less than significant, given the limited scope of construction, approximately 3.5 acres of building area, and the fact the site is located within an agricultural area where farming related noise sources are common. Operation of the proposed private school is not anticipated to result in a substantial temporary or permanent increase in either ambient noise levels or ground borne noise levels. Additionally, both construction and operation of the project will be subject to and must comply with the applicable provisions and standards of the Fresno County Noise Ordinance contained in Section 8.40 (Fresno County Ordinance Code).

- 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 or public airport or airstrip, nor within the boundaries of an airport land use plan.

#### 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 does not propose any new housing or other infrastructure which may generate population growth. According to the Applicant's Operational Statement, the proposed private school will give attendance priority to students who are children of employees of Kings River Packing. The number of students is expected to be approximately 40 (ten students per classroom) for the first 3-5 years of operation. The proposed facility will have four classrooms with a seating capacity of 24 students per classroom, and a total capacity for up to 96 students. The project will not displace any people or existing housing.

#### XV. PUBLIC SERVICES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes the construction and operation of a private school with related facilities, primarily to serve the families of employees of Kings River Packing. The nearest public school to the proposed site is located approximately two miles northwest and is within the Sanger Unified School District. The proposed private school would be

located outside of the city limits of and outside of the Sphere of Influence of the City of Sanger. None of the reviewing agencies who provide public services to the surrounding area of the project, including the Sanger Unified School District, expressed any concerns indicating that this proposal would cause adverse physical impacts, resulting from the provision of or creating the need for new or physically altered government facilities.

## XVI. RECREATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed private school will include the construction of outdoor playing fields totaling approximately three and one-half acres in size. The use of the facility will be limited to students and staff of the private school as well as limited numbers of members of the public, described by the applicant's operational statement as incidental community recreation. However, the project does not entail the construction of any neighborhood parks nor would it increase the use of any existing parks or recreational facilities resulting in adverse physical impacts on the environment.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located approximately 0.75 miles north of State Route 180, at the southeast corner of the intersection of Belmont Avenue and Academy Avenue. Academy Avenue is classified as an arterial road in the Fresno County General Plan (General Plan) Regional Circulation Diagram; arterials are intended to provide for mobility within the county and its cities, and carry traffic on continuous routes joining freeways, expressways, super arterials and other arterials. Belmont Avenue is classified as a collector road in the General Plan, collectors provide for internal traffic movement within communities, and connect local roads to arterials, super arterials and expressways.

The project proposes to construct and operate a private school facility for the exclusive use of children and family members of employees of the project proponent. The applicant's submitted operational statement anticipates that approximately 40 +/- students, grades K-8 will be served by the facility for the first three to five years of operation, and that the facility will have a capacity for up to 96 students, serving grades 9-12, (24 students per each of four classrooms as designed, with the possibility for expansion to an unspecified additional number of seats by the conversion of one or more storage rooms into classrooms.

The project was reviewed by the Fresno County Design Division, Transportation Planning Section, the Fresno County Road Maintenance and Operations Division, and the California Department of Transportation (Caltrans). None of these reviewing agencies or departments expressed concerns the project would conflict with a circulation program, plan or ordinance.

The transportation impacts of the project were evaluated in part on the Level of Service (LOS) methodology consistent with Fresno County General Plan Policies. Policy TR-A.2 provides that the County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county. Level of Service is a qualitative measurement of the operational conditions of a roadway or intersection, based on traffic volume and facility type. Levels of service range from A to F, with A representing the highest level of service. The County has established LOS C as an acceptable level of service for analyzing traffic conditions on road segments and intersections that fall outside the sphere of influence of cities, as in the case of the proposed project.

A Traffic Impact Analysis prepared for the project focused on three intersections Academy and Belmont, the project driveway and Belmont, Newmark Avenue and Belmont, and two road segments, Belmont Avenue between Academy and the project driveway and the project driveway and Newmark Avenue in the vicinity of the project site. The analysis concluded that all of the three study intersections and both road segments would continue to operate at an acceptable level of service (C or better) during the 7-9 AM peak time and 4-6 PM peak time both currently and in the near term 2024 and 2035 based on anticipated annual average growth rates, and that the location of the proposed driveway along Belmont Avenue would minimize impacts to the operation of surrounding roadways.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

CEQA Guidelines Section 15064.3(b)(1) discusses the criteria for analyzing transportation impacts for land use projects. The guidelines recommend using vehicle miles travelled (VMT) generally, as the most appropriate measure of transportation impacts attributable to a project; and that projects located within one-half mile of either



an existing major transit stop or a stop along an existing “high quality” transportation corridor should be presumed to cause a less than significant transportation impact.

Section 15064.3(b)(3) of the CEQA Guidelines provides that a lead agency may, in the absence of available models or methods to evaluate VMT for a project, utilize a qualitative analysis of Vehicle Miles Travelled, which would consider such things as availability of transit and proximity to other destinations. In this case there are no available transit routes or stops in the vicinity of the project, and the project site is not necessarily close in proximity to other destinations such as shopping centers, medical or professional offices or government services.

A Traffic Impact Analysis (TIA) was prepared for this project by JLB Traffic Engineering, Inc. dated October 30, 2020. The TIA concluded that the proposed private school facility operating at full capacity is estimated to generate approximately 191 total daily trips for the three combined school grade level categories, which included 58 AM peak hour (7:00AM-9:00AM) trips and 15 PM peak hour (4:00PM-6:00PM) trips and 12 weekday truck trips. The total trips were derived by combining the total anticipated number of students for each category, elementary, middle and high school, and multiplying by the trip generation rate from the Institute of Transportation Engineers (ITE) manual 10<sup>th</sup> edition.

The TIS also indicated that the project trip distribution was based upon current addresses of employees who may have children attending the proposed private school. Assumptions were made about the route employees would likely take traveling from home to Kings River Packing with a stop at the proposed school on the way, which is defined as a “pass by trip”, based upon the assertion that the employees whose children would attend the proposed school, mostly reside in and around the Cities of Sanger, Reedley and Fresno. Additionally, the TIA assumed that up to 85 percent of the students would be children of employees of Kings River Packing (15 percent may be children of staff of the project), and would be arriving at school via employee pass by trips, i.e., on their way to work, and that approximately 60 percent of the employees of Kings River Packing currently live in or around the City of Sanger and travelled the most direct path between the City of Sanger and Kings River Packing. Based on these assumptions it was estimated that approximately 97 daily trips would be considered pass by trips and therefore could be deducted (pass by trip reductions) from the original estimate of 191 daily trips, resulting in approximately 94 new daily new traffic trips, which is below the State threshold of 110 new traffic trips. Therefore, the project’s contribution to Vehicle Miles Traveled would be less than significant.

- 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: NO IMPACT:

The design features of the proposed facility include one point of ingress and egress, along Belmont Avenue, at the northeast corner of the subject parcel. None of the design features addressing ingress and egress and/or parking, appear to have the potential to increase hazards or include incompatible uses.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project, if approved may require a Site Plan Review application and approval, which will address parking and access and other property development standards. Additionally, the project will be subject to Title 15.10 of the County Ordinance Code (Fire Code/ Title 24 of the California Code of Regulations) including but not limited to, access for emergency apparatus.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

No tribal cultural resources, historical resources or other resources were identified in the analysis. None of the tribal governments who were notified under the provisions of AB-52 expressed interest in consultation nor did any provide comments on this application or identify any tribal cultural resources on or in the vicinity of the subject parcel.

\* **Mitigation Measure**

- 1. See *Mitigation Measure No. 1 under Section V above.*

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 project proposes to utilize an existing septic system to serve the private school facility. The applicant may be required to submit a sewage feasibility study to demonstrate that the increase use can be accommodated by the existing system, in accordance with General Plan Policy PF-D.6

- 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 subject property is not located in an area of the County designated as being water short. This proposal was reviewed by the Water and Natural Resources Division which did not express any concerns with water supply. The project proposes to use approximately 1,000 gallons of water per day for operation of the proposed school facility, supplied by an existing domestic well, which also serves the restaurant on site. The property also contains an approximately 3.5-acre sports field which will be irrigated with an existing ag well or domestic well, and approximately 25 acres of citrus orchards which will be irrigated with an existing agricultural well.

The project was reviewed by the State Water Resources Control Board (SWRCB), Division of Drinking Water which currently monitors the restaurants water use and water quality of the onsite well. The well is classified by the SWRCB as a public water system; the SWRCB indicated that the well's current stated capacity could supply the proposed private school, with the installation of water storage capacity and a booster system, and that the proposed development would require that the water system's classification be changed to a Non-transient, Non-community water system, which would also necessitate increased monitoring by the SWRCB.

General Plan Policy PF-C.17 provides that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation in accordance with the specific evaluation criteria contained therein.

A water use estimate was completed by the applicant's consultant based upon a recommendation from the North Kings Groundwater Sustainability Agency (GSA). After review of the water use estimate, the North Kings GSA determined that the project would not result in a net increase in demand on the aquifer. The project proposal and water use estimate was also reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning which did not indicate any concerns that there would not be sufficient water supplies to serve the proposed development. The Water and Natural Resources Division comments indicated that water use estimate did not take into account the groundwater recharge occurring

through the on-site wastewater disposal system, which would reduce the overall domestic water consumption estimate. See Discussion under Section X.B Hydrology and Water Quality Above.

- 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: NO IMPACT:

The project proposes to construct a new on-site wastewater treatment system (OWTS) to handle liquid waste generated by the proposed school facility. The Applicant's site plan indicates that the proposed OWTS will have a 5,000-gallon capacity septic tank, primary leach field underlying the open outdoor play area and a leach field expansion area underlying the fenced outdoor sports field. This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division (EHD). The EHD did not express any concerns with septic capacity.

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

FINDING: NO IMPACT:

The project, proposing to construct and operate a private school, and according to the applicants operational statement which estimates less than one cubic yard of solid waste per day to be picked up by a local hauler and taken to an authorized landfill site; is not anticipated to generate substantial amounts of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure; or in any way conflict with or impair attainment of solid waste reduction goals. The project will be required to comply with all applicable federal, state, and local management and reduction statutes and regulations pertaining to solid waste, from both construction and operation of the proposed facility.

## 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: NO IMPACT:

The subject parcel is not located in an area of increased wildfire risk or State Responsibility Area (SRA). The parcel is designated as Hazard Class: Non-Wildland/ Non-Urban. The area is characterized by relatively flat level terrain, irrigated farmland and sparse residential development. The risk of wildfire is low.

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 WITH MITIGATION INCORPORATED:

This project entails the construction and operation of a private school facility on an approximately 7.0-acre portion of a 36.90-acre parcel, the balance of which is planted with citrus orchards, with the exception of an existing restaurant on an approximately 1.0-acre site adjacent to the proposed private school.

\* **Mitigation Measure(s)**

1. See Mitigation Measure No. 1 Section I.D above.
2. See Mitigation Measure No. Section
3. See Mitigation Measure No. Section

- 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:

No cumulatively considerable impacts were identified in the analysis that would result from the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will not result in substantial adverse effects on human beings directly or indirectly with adherence to the Mitigation Measures listed under Section IX above.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval Application No. 4603, staff has concluded that the project will not have a significant effect on the environment with adherence to the included Mitigation Measures. It has been determined that there would be no impacts to Energy, Mineral Resources, Population Housing, Recreation, Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Transportation, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to, Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources have determined to be less than significant with compliance with the included 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.

JS

G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4603\IS CEQA\DRA 4603 IS wu.docx

EXHIBIT 8

**The King's Corner Ministries (TKCM) (Non-Profit File# C4031754)**

**SE corner of Belmont Ave. and Academy Ave., Sanger, CA**

**October 2, 2019**

**Applicant/Owner:**

Kings River Packing  
c/o Mr. Keith Gardner  
21083 E. Trimmer Springs Rd.  
Sanger, CA, 936  
Mr. Keith Gardner

**Representative:**

Ms. Susan Jones  
SJA/Design Group  
1915 Carolina Ave.  
Clovis, CA. 93611

**APN:**

314-150-28s consisting of 36.9 +/- acres  
Not subject to the Williamson Act

**Location:** SE corner of Belmont Ave. and Academy Ave., Sanger, CA

**Request:** Approval of a Directors Review & Approval for a private school with an indoor play area on a 36.9 +/- acre parcel in the AE-20 Exclusive Agriculture zone.

**Project Purpose**

To provide a safe, faith-based environment for children to receive education and incidental recreational opportunities. The Kings River Ministries nonprofit organization (Non-Profit File No. C4031754) was established to provide the aforementioned services. In some cases, those services will be without charge to provide for those who are most in need and principally available to the adjacent farming community.

**Justification:**

The project proponents desire to provide quality private education and recreational opportunities to rural children. The proposed project seeks to provide those opportunities particularly for those 40+/- children whose parents work at Kings River Packing located at 21083 E. Trimmer Springs Rd. Those children will be given a priority to attend the school.

The proposed use is consistent with Fresno County General Plan Policy LU-A.3, and General Plan Table LU-3 provides the County with the authority to allow the development of the proposed uses with the approval of an Unclassified Conditional Use Permit in agricultural areas subject to various criteria. The criteria and the applicability of the project to those criteria are as follows:

- a. *The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.*

The project proponents desire to provide quality private educational and recreational services to rural children as such services are typically not as available as in an urban environment. The applicant is aware of the need for the proposed services based on his own research and conversations with community leaders as to how those needs may be met.

Rural children, particularly in farming communities, are more likely to live in homes where English is not regularly spoken, and higher education is a rarity thus making the pathway to educational and social success more difficult. Rural children are also more likely to be members of families that have incomes below the established poverty levels thus tutoring and other forms of student assistance are not available.

The project is also consistent with faith and philosophical tenants that prompt *those that have, help those in need*. For example, children who live in rural settings are often challenged by distance and supply of quality education and recreational opportunities. This phenomenon is due to proximity to traditional educational and recreational facilities as well as the all too common responsibility of many rural children to assist with farming tasks.

### **Project Operations:**

Please see the project site plan prepared by Hal Lore, P.E. and the building elevations prepared by the SJA/Design Group. All operations will meet applicable licensing requirements. The operation will meet all other applicable building and development codes and regulations.

### **Private School**

A project goal is for TKCM school to provide education for 40+/- children grades K through 6 and middle school 7 through 8 with anticipated growth to accommodate grades 9 through 12. The facility is designed with (4) classrooms, each with a seating capacity of 24 students. Each classroom would accommodate at most 2 different grade levels at any given time. For the first 3 to 5 years attendance is anticipated to be only 10 students per classroom ranging in age from 5 to 11 years old. When grades 9 through 12 are added to the curriculum, the age range will increase from 11 to 17 years old. The facility is designed for growth with the capacity to convert one or more of the storage rooms into a functioning classroom.



Typical classes will be provided with special emphasis on supplemental classes in language, math and science.

The school facility will be open from 7:30 a.m. to 6:00 p.m. Monday through Friday. Typical school hours will be from 8:30am to 3:30 pm. The school will be open as early as 7:30 am for staff to prepare for class and perform administrative tasks. Parents can also drop off their children before class begins. The school may provide library and tutorial services on Saturday if there is a demand and staff for such activities.

Special events such as open house, holiday programs and graduation ceremonies will occur, typically between the hours of 6:00 p.m. and 9:00 p.m. Said special events are estimated to occur follows:

1. New Families Orientation Night
2. First Day of School
3. Back-to-School Night
4. Family Fall Festival
5. Christmas Program
6. Fundraising Dinner
7. Open House
8. Last Day of School
9. Graduation Ceremony
10. Holiday event

No day care services are proposed or will be provided.

The facility will comply with all applicable open space, safety and security regulations. The children's playground area will be fenced and supervised by a teacher or responsible adult. A security camera, among other things, will be used to prohibit children from leaving the site unattended or intrusion onto the site by unauthorized individuals.

In addition to the general classrooms and administration office spaces, the school will have an indoor multipurpose room where a range of activities such as student assembly, plays and limited indoor sports activities may take place in all weather conditions.

### **Recreational Area**

A grass playground will be provided for the private school children. No league sports or other similar athletic events or tournaments will be conducted by the school. The grass playground will be available for incidental community recreation. The recreational area will be used for the private school to meet mandated open space requirements. In addition, the recreational area will be used after hours by the school children and incidentally for informal, unorganized sports. There will be no league or school sponsored team play.

The facility will not be rented to others. All events will be school sanctioned.

No concerts or similar events will occur at the site. Any use of amplified music or public address system will occur inside the school building.

The recreation area will be available to the private school children from 8:00 a.m. to **10:00 p.m.** Monday through Friday.

After 5:00 p.m. on weekdays and occasional weekends, the facility will be available for activities but close at or before 10:00 p.m. Due to weather, demand and other seasonal factors, the recreational facility may not be used certain days and times, therefore it is difficult to estimate open space use but it is logical to assume 10 to 30 children could use the recreational area at any time.

A school recreation program administrator will be responsible for managing activities, activity times, security and maintenance including after school hour use of the recreation area.

**Number of Visitors**

Excluding parents dropping off or picking up students, supplies and other similar deliveries will average about 2 per week.

**Employees**

The following schedule illustrates the site shifts and corresponding employees and/or volunteers:

<b><u>Use</u></b>	<b><u>Employees/Site Operational Time Limits Hours</u></b>	<b><u>Employees</u></b>
Private School (4 teachers/3 admin)	7am to 5pm	7
Playground Administration		3

**Service and delivery Vehicles**

There are no company vehicles.

**Site Access**

As shown on the project site plan, the project will take access from a proposed driveway on E. Belmont Ave. which is designated as a *Collector* in the Circulation Element of the Fresno County General Plan. The project will not adversely affect capacity of E. Belmont Ave. or Academy Ave. which is designated as an *Arterial* in the Circulation Element of the Fresno County General Plan.

## **Traffic**

As stated above, the proposed project seeks to provide educational opportunities particularly for those children whose parents work at Kings River Packing located at 21083 E. Trimmer Springs Rd. Those children will be given a priority to attend the school. After school, the children can stay on campus and have a safe place to study or recreate. Therefore, the traffic is already utilizing adjacent streets in the project area. Nonetheless, the applicant will prepare a traffic study per county directives. An estimate of traffic generated by the proposed use is provided below.

To provide an estimate of likely project traffic, the Institute of Transportation Engineers (ITE) Trip Generation Manual 10<sup>th</sup> edition, Land Use Code 536 *Private School K-12* estimates .91 AM PEAK trips will be generated per student. It is estimated 40 students will attend the school. Therefore, 36 Total AM PEAK Trips will be generated by the proposed use. The ITE manual also estimates .26 PM PEAK trips will be generated per student or 10 Total PM PEAK Trips will be generated by the proposed use. Total weekday trips per student are estimated to average 4.11 trips or 164 total project weekday trips.

The applicant expects an average of 30 people will use the recreational area at any one time. The Institute of Transportation Engineers (ITE) Trip Generation Manual 10<sup>th</sup> edition, Land Use Code 435 *Multipurpose Recreational Facility* estimates 3.58 PM PEAK trips will be generated per 1,000 sq. ft. of recreational area. For purpose of this estimate, 26,000 sq. ft. of recreational open space area was used as a likely the total site recreational area utilized at one time. Therefore, 93 Total PM PEAK Trips are theoretically generated by the project's recreational component but this number overstates traffic generated by the proposed use as the students are already on campus.

No AM Peak hours were calculated by the ITE as that time period is not common for such facilities.

### **Number of parking spaces for employees, customers, and service/delivery vehicles.** **Type of surfacing on parking area.**

The project site plan illustrates 110 paved on-site parking spaces with ample spaces for employees and any school events where parents and family members may attend. The stall count was derived as follows 40 students x 2 cars of parents/visitors per student = 80 cars + 30 staff administrators, maintenance and guest speakers etc. = 110 stalls).

Access to the proposed school component of the building will be served by the eastern parking area. The western parking area was designed to serve the gym and open space areas. The applicant believes a substantial amount of traffic/parking will be *internally captured* as students are dropped off at the school then stay on campus and use the open pace area until picked up by their parents.

A (4) car stacking area is proposed for student drop off and pick up. Proposed on-site parking will meet county standards and meet building code requirements for number of stalls, including clean air/van pool and electric car charging stalls.

### **Goods sold on-site**

No goods will be sold on-site. Occasionally, the private school will have fundraisers to generate money to operate their respective facilities where crafts and donated gifts may be sold to benefit the facility. It has not been decided if the children will pay for school lunches. However, the proposed private school will provide healthy food for their students.

### **Equipment List**

Typical landscaping and general building maintenance equipment will be stored on site.

### **What supplies or materials are used and how are they stored?**

The school will store typical supplies such as educational materials, books, periodicals and other reference materials. Each classroom will have general office equipment.

### **Does the use cause an unsightly appearance? Or cause noise, glare, dust or odor? If so, explain how this will be reduced or eliminated.**

#### **Noise**

In 2006 Weixiong Wu presented a study paper entitled *A Development of Noise Assessment Method for School Playground Noise* at the 2006 Inter-Noise conference in Honolulu, Hawaii. The author conducted various noise studies to evaluate the unique sound characteristics of playground activities and develop applicable noise criteria by monitoring the noise emission from playground activities from eight New York City public schools including early childhood, elementary and high schools.

The Wu study concluded that early childhood centers and elementary schools generate approximately 71.5 dBA Leq. The study also reiterated acknowledged decrease in noise levels of approximately 4.5 dB with the doubling of the distance from the playground boundary. As mentioned previously the Academy Avenue is designated as an *Arterial* in the Circulation Element of the Fresno County General Plan. Belmont Ave. is designated as a Collector in the aforementioned plan. Based on traffic volumes of these streets and typical noise levels generated by streets with that carrying capacity, the streets will generate approximately 70 dB of noise masking the noise generated by the playground.

It is also noted that the **closest noise receptor's property line is approximately 100 ft.** from the proposed playground.

## **Glare**

All building lights will be hooded and directed so that they do not transmit light on to adjacent properties. Lighting mitigation will be addressed by the site plan review to assure that landscaping, the location and height of light standards are located to mitigate the potential for light annoy adjacent property owners.

It is noted that the site will be landscaped with evergreen trees that will add aesthetic qualities to the project. Site landscaping will be used to enhance security and reduce fugitive dust from adversely affecting adjacent properties, for aesthetic purposes, provide a buffer to adjacent uses and cool the environment.

## **Dust**

Site landscaping will be used for aesthetic purposes and to enhance security and reduce fugitive dust from adversely affecting adjacent properties. **On-site parking areas and driveways will be paved** to reduce the potential for dust to annoy adjacent property adversely affect adjacent agricultural uses.

## **Solid and liquid waste**

It is estimated that the **daily solid waste is less than 1 cubic yd.** The solid waste is placed in a dumpster that is serviced weekly by a private hauler.

Human **liquid waste** is limited to the restrooms and employee break room. All such waste will flow to an **on-site septic system.**

## **Water usage**

It is estimated that the site will consume approximately **1,000 gallons of water per day** for **domestic purposes.** There will be (2) showers provided in the restrooms adjacent to the gym.

Water will be supplied by an **existing well serving the Blossom Trail Café.** That well has an excellent record of performance being capable of producing 250 gallons of water per minute at a depth of 180 ft. Said water system will operate under a permit to operate granted by the State of California Water Boards.

All buildings will be sprinklered. In addition, a water tank capable of retaining **adequate water for fire protection purposes** will be connected to the facilities water system. Said tank will be sized per Cal Fire requirements for such tanks.

## **Signage**

A **5 ft. high by 10 ft. long monument sign** located on the front landscape area near the main entrance is being **proposed.** The monument sign will match the colors and materials of the

building, and signage on exterior elevations are being proposed at front elevation on main entry as well as on the gym entrance.

**Will existing buildings be used or will new buildings be constructed? Describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate.**

Please see the enclosed plans prepared by the SJA/Design Group. All buildings will be new and attractive and met all applicable standards.

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

Please see the project site plan and building elevations for building size and orientation. The school/admin portion of the facility has varying heights from as low as 23'-9" to a maximum height of 33' - 8" at the ridge of the proposed gym. The architectural style of the buildings is a mix of *Agrarian* and *Central Coast Industrial*. The elevations show a mix of sloping roofs such as gables, single slope and barrel vault. Along with exterior finishes of metal siding and stucco, clerestory windows and use of metal canopies. As illustrated the proposed buildings compliment the surrounding agricultural area.

**Outdoor Lighting**

All outdoor lighting will be located on the site to assist in safe ingress/ egress and security purposes. All lights will be shielded or otherwise directed to keep the lighting on-site and not impact adjacent properties.

**Landscaping and Fencing**

As shown on the project site plan, the site will be landscaped. For security, the site perimeter will be fenced with a single motorized fence. Gate will open from 7:00 a.m. to 8:00 p.m. and will be equipped with a Knox Box per fire department requirements. All ingress and egress points will be gated prohibiting afterhours access to the site.

**Other Issues**

**Security**

The project will utilize cameras to enhance security. Site security alarms and cameras will be monitored. Other passive and active security measures will be implemented into the project design and operation. As mentioned above, the site will be fenced and gated for security purposes.

**Food Service**

A commercial kitchen will be constructed to serve school meals and food for occasional events that will be held at the facility. Said kitchen will meet all applicable health and safety requirements.

## **Project Owners**

Kings River Packing  
c/o Mr. Keith Gardner  
21083 E. Trimmer Springs Rd.  
Sanger, CA, 936

c:\users\dirk\autotask workplace\current clients\gostanian 19-16\op statement (dirk poeschel) - kate.docx





**EXHIBIT 10**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7724</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Project Applicant/Sponsor (Name): Keith Gardner	Project Title: Initial Study Application No. 7724 and Director Review and Approval Application No.4603		
Project Description: Allow the construction and operation of a private school facility comprised of a 31,147 square-foot main building and related improvements, on a 36.90-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the southeast corner of the intersection of North Academy Avenue and East Belmont Avenue (APN 314-150-28S) (SUP. DIST. 5.) (864 North Academy Avenue, Sanger, CA 93657).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Director Review and Approval Application No. 4603, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.  Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, and Transportation have been determined to be less than significant  Potential impacts related to Aesthetics, Air Quality, Cultural Resources, Geology and Soils and Tribal Cultural Resources have been determined to be less than significant with the identified Mitigation Measures  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, CA 93721.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – December 4, 2020		Review Date Deadline: Planning Commission – January 14, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



RECEIVED  
OCT 28 2019

County of Fresno

Department of Public Works and Planning

Development Services and Capital Projects Division

2200 Tulare Street, Sixth Floor / Fresno, CA 93721

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

22 October 2019

Director White and Planner Shaw:

This letter is to express our opposition Application No. 4603, a request to allow construction of a private school with related facilities on a 36.90-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District (SUP. DIST. 5) APN 314-150-28S). Address: 864 North Academy Ave. Sanger, CA 93657.

Our reasons for opposition to this project are:

A school of any sort will resort in excessive draw on an already fragile ground water system

Increase in noise from school bell, alarms, announcement systems, extra-curricular activities

Increase and change to traffic at an already busy intersection during morning commute and travel to nearby recreation areas (Pine Flat Lake)

Restrictions on homeowner use (area currently in a shooting permitted area)



John D. and Sharon L. Reynolds

13194 E. Tulare, Sanger, CA 93657

559-351-0938