



## EXHIBIT 1

# County of Fresno

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

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

DATE: March 16, 2017

TO: Board of Supervisors

FROM: Planning Commission

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

APPLICANT: Mark Myles

OWNER: Mark Myles

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

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

### PLANNING COMMISSION ACTION:

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

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



EXHIBIT "A"

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

Staff: The Fresno County Planning Commission considered the Staff Report dated March 16, 2017 and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

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

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

Others:

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

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

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

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

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

## EXHIBIT B

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

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

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

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

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

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

EA:ksn

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EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

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

Listed below are the fees collected for the land use applications involved in this Agenda Item:

|  |                              |
|--|------------------------------|
| Initial Study Application                | \$ 3,901.00 <sup>1</sup>     |
| Conditional Use Permit Application (CUP) | \$ 4,569.00 <sup>2</sup>     |
| Variance Application (VA)                | \$ 3,204.00 <sup>2</sup>     |
| Agricultural Commissioner                | \$ 93.00 <sup>3</sup>        |
| Public Health Department Review          | <u>\$ 992.00<sup>3</sup></u> |
| <b>Total Fees Collected</b>              | <b><u>\$ 12,759.00</u></b>   |

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| <sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporate analysis into Staff Report.   |
| <sup>2</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.. |
| <sup>3</sup> Review of proposal and associated environmental documents by the Ag Commissioner's Office and Department of Public Health, Environmental Health Division and provide comments.  |



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

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Telephone: (559) 600-3529  
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**May 16, 2017**

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

Agenda No. 16.

Public Works & Planning

File ID: 17-0416

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

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

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