



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 April 13, 2017

SUBJECT: Initial Study Application No. 6749 and Unclassified Conditional Use Permit Application No. 3421

Allow a High-Intensity Park consisting of a horse racing facility including concession stands and mobile food vendors on 11.32 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast corner of Althea Avenue and Cambria Avenue, approximately 13 miles west of the nearest city limits of the City of Firebaugh (49993 W. Althea Avenue) (Sup. Dist. 1) (APNs 004-130-25, 004-130-26, 004-140-23, 004-140-24, 004-140-25, 004-140-26).

OWNER/APPLICANT: Francisco and Romelia Nunez

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Unclassified Conditional Use Permit (CUP) No. 3421; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Maps
6. Site Plan
7. Floor Plans and Elevation Drawings
8. Applicant's Operational Statement
9. Summary of Initial Study Application No. 6749
10. Public Correspondence (support letters)
11. Sheriff Department comment letters dated August 10, 2015 and May 1, 2016
12. Applicant Correspondence (additional)

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	32.04 acres (comprised of APNs 004-130-25, 004-130-26, 004-140-23, 004-140-25, portion of APN 004-140-24 and portion of APN 004-140-26) 30.14 acres (comprised of a portion of APN 004-140-24 and a portion of APN 004-140-26)	No change
Project Site	32.04-acre parcel (comprised of APNs 004-130-25, 004-130-26, 004-140-23, 004-140-25, portion of APN 004-140-24 and portion of APN 004-140-	11.32-acre High-Intensity Park (horse racing facility) partially located on the subject 32.04-acre parcel and the subject 30.14-acre parcel; straight

Criteria	Existing	Proposed
	<p>26); water well; 2,700 square-foot barn with septic system; 3,000 square-foot barn</p> <p>30.14-acre parcel (comprised of a portion of APN 004-140-24 and a portion of APN 004-140-26)</p>	<p>1,260-foot-long unsurfaced horse race track comprised of three 12-foot-wide travel lanes; 120 square-foot building to serve as payment booth, first aid station and security station; two 360 square-foot restroom buildings with septic system; three 120 square-foot buildings to serve as concession booths (including alcoholic beverage sales for on-site consumption); 32 square-foot building to serve as another concession booth; gravel-surfaced parking lot with 205 parking spaces; 25 gravel-surfaced parking spaces for trucks with trailers; three gravel-surfaced parking spaces for mobile food vendors; paved parking lot with seven parking spaces for the physically handicapped; three paved driveways to access Althea Avenue; water well</p>
Structural Improvements	2,700 square-foot barn; 3,000 square-foot barn	120 square-foot building to serve as payment booth, first aid station and security station; two 360 square-foot restroom buildings; three 120 square-foot buildings to serve as concession booths; 32 square-foot building to serve as another concession booth
Nearest Residence	Approximately 700 feet west of the subject property	No change
Surrounding Development	Agricultural land uses with sparse residential development; Delta Mendota Canal approximately one half-mile northeast of the subject property; private use airport identified as "Eagle Field" approximately three quarter-miles northeast of the subject property	No change

Criteria	Existing	Proposed
Operational Features	N/A	High-Intensity Park (horse racing facility with concession stands and mobile food vendors) hosting up to 26 event days per year with a maximum of 600 guests attending each event day. Event days are to occur on Sundays between the hours of 8:00am and 5:00pm, and no guests will be allowed to stay on site overnight (per Applicant's Operational Statement)
Employees	N/A	19 employees on site during event days; six security guards on site during event days
Customers	N/A	Maximum of 600 guests attending each event day
Traffic Trips	N/A	38 one-way employee trips per event day (19 round trips per event day); 12 one-way security guard trips per event day (six round trips per event day); Up to 1,200 one-way guest trips per event day (600 round trips per event day)
Lighting	N/A	No outdoor lighting proposed
Hours of Operation	N/A	8:00am until 5:00pm on event days

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

On July 15, 2013 Code Enforcement staff from the Department of Public Works and Planning issued Violation No. 13-102637 in response to a complaint that a High-Intensity Park (horse racing facility) had been established on the project site without an approved CUP. Subsequently, on September 18, 2013 the subject application was filed in an effort to abate Code Enforcement Violation No. 13-102637.

ENVIRONMENTAL ANALYSIS:

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

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

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

PUBLIC NOTICE:

Notices were sent to 10 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

This proposal entails authorization of a High-Intensity Park to be utilized as a horse racing facility with concession stands and mobile food vendors on 11.32 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High-Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Event days are to occur on Sundays between the hours of 8:00am and 5:00pm, and no guests will be allowed to stay on site overnight.

The subject 11.32-acre project site is partially located on a 32.04-acre parcel comprised of Assessor's Parcel Numbers (APN) 004-130-25, 004-130-26, 004-140-23, 004-140-25, a portion of APN 004-140-24 and a portion of APN 004-140-26; and a 30.14-acre parcel comprised of a portion of APN 004-140-24 and a portion of APN 004-140-26. Existing improvements are located on the subject 32.04-acre parcel, which include a water well, a 2,700 square-foot barn with septic system, and a 3,000 square-foot barn.

Improvements to be utilized for the proposed High-Intensity Park use include a straight 1,260-foot-long unsurfaced horse race track comprised of three 12-foot-wide travel lanes, proposed 120 square-foot building to serve as a payment booth for guest admission/first aid station/security station, two proposed 360 square-foot restroom buildings with proposed septic system, three proposed 120 square-foot buildings to serve as concession booths for snacks and beverages (including alcoholic beverages for on-site consumption), proposed 32 square-foot building to serve as another concession booth for snacks and beverages (including alcoholic beverages for on-site consumption), proposed gravel-surfaced parking lot with 205 parking spaces, 25 proposed gravel-surfaced parking spaces for trucks with trailers, three proposed gravel-surfaced parking spaces for mobile food vendors, proposed paved parking lot with seven parking spaces for the physically handicapped, three proposed paved driveways to access Althea Avenue, and an existing water well.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	<u>32.04-acre Parcel:</u> Front (north property line): 130 feet Side (east property line): 150 feet Street Side (west property line): 90 feet Rear (south property line): 885 feet <u>30.14-acre Parcel:</u> No structural improvements	Yes
Parking	<u>High-Intensity Park:</u> One standard parking space for every 40 square feet of area within the main auditorium or meeting hall; uses without a building require one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees <u>California Building Code:</u> At least one parking space for the physically handicapped per every 25 parking spaces at a facility	Gravel-surfaced parking lot with 205 parking spaces; 25 gravel-surfaced parking spaces for trucks with trailers; three gravel-surfaced parking spaces for mobile food vendors; paved parking lot with seven parking spaces for the physically handicapped	Yes
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	30 feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	Septic system for High-Intensity Park to be designed and installed	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		in accordance with California Well Standards, California Plumbing Code, and Sewage Treatment System Design Report prepared by O.S.T. System Designs, Inc.	
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The existing and proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The Applicant shall obtain Building Permits for the existing barns, which were constructed under Agricultural Exemptions, prior to said structures being utilized in conjunction with the High-Intensity Park. This mandatory requirement has been included as a Project Note. Mobile Food Vendors shall only be allowed to operate at the High-Intensity Park during event hours. This requirement has been included as a Condition of Approval. Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

With regard to off-street parking, High-Intensity Parks that do not utilize a main auditorium or meeting hall are required to provide at least one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees, per Zoning Ordinance Section 855-1.2.b. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces at a facility. In this case, the proposed High-Intensity Park will have up to 600 guests attending each event day. Additionally, the proposed High-Intensity Park will also be staffed by 19 employees and six security guards per event day. As such, the proposed High-Intensity Park needs to have at least 133 total parking spaces, six of which need to be provided for the physically handicapped. The Applicant proposes to provide 205 standard gravel-surfaced parking spaces, 25 gravel-surfaced parking spaces for trucks with trailers, three gravel-surfaced parking spaces for mobile food vendors, and a paved parking lot with seven parking spaces for the physically handicapped.

Based on the above information and with adherence to a Site Plan Review (SPR) required as a Condition of Approval, staff finds that the project site is adequate in size and shape to

accommodate the proposed use. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Noteworthy Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Althea Avenue: Good condition Cambria Avenue: N/A (unsurfaced road)	No change
Direct Access to Public Road	Yes	Althea Avenue: unpaved driveway	Althea Avenue: Two 24-foot-wide paved driveways; one 35-foot-wide paved driveway
Road ADT		Althea Avenue: 600 Cambria Avenue: 100	Less than significant traffic increase
Road Classification		Althea Avenue: Local Cambria Avenue: Local	No change
Road Width		Althea Avenue: 60-foot total existing right-of-way Cambria Avenue: 60-foot total existing right-of-way	No change
Road Surface		Althea Avenue: Paved (pavement width: 23.2 feet) Cambria Avenue: Unsurfaced	No change
Traffic Trips		N/A	38 one-way employee trips per event day (19

		Existing Conditions	Proposed Operation
			<p>round trips per event day);</p> <p>12 one-way security guard trips per event day (six round trips per event day);</p> <p>Up to 1,200 one-way guest trips per event day (600 round trips per event day)</p>
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	None required

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

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal, predicated on the determination made by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Althea Avenue is a County-maintained road classified as a Local. Althea Avenue has a total existing right-of-way of 60 feet at the subject property, with 30 feet north and 30 feet south of the center line. Cambria Avenue is a County-maintained unsurfaced (dirt) road classified as a Local. Cambria Avenue has a total existing right-of-way of 60 feet at the subject property, with 30 feet east and 30 feet west of the section line. The minimum total width for a Local road right-of-way is 60 feet. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Althea Avenue. A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Althea Avenue and Cambria Avenue. These requirements have been included as Project Notes.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The Traffic Management Plan prepared by Safety Network, Inc. is acceptable. Encroachment Permits shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way, including signage utilized in conjunction with the Traffic Management Plan. These mandatory requirements have been included as Project Notes.

California Department of Transportation (Caltrans): No concerns with the proposal, predicated on the determination made by the Road Maintenance and Operations Division of the Fresno

County Department of Public Works and Planning that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable.

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

Analysis:

The subject property currently has access from Althea Avenue via an existing unpaved driveway. The proposed High-Intensity Park will utilize two proposed 24-foot-wide paved driveways and one proposed 35-foot-wide paved driveway on Althea Avenue to access the proposed parking areas.

With regard to traffic, according to the Operational Statement provided for the subject proposal, the High-Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Additionally, there will also be up to 19 employees and six security guards on site during event days. Further, a Traffic Management Plan was prepared for the proposed High-Intensity Park use by Safety Network, Inc.

This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable. This proposal was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning and the California Department of Transportation (Caltrans), which expressed no concerns with the project predicated on the determination made by the Road Maintenance and Operations Division that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable. As such, if approved, operation of the proposed High-Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Safety Network, Inc. This requirement has been included as a Mitigation Measure to reduce adverse transportation and traffic impacts to a less than significant level.

With regard to right-of-way, Althea Avenue is a County-maintained road classified as a Local Road. Althea Avenue has a total existing right-of-way of 60 feet at the subject property, with 30 feet north and 30 feet south of the center line. Cambria Avenue is a County-maintained dirt road also classified as a Local. Cambria Avenue has a total existing right-of-way of 60 feet at the subject property, with 30 feet east and 30 feet west of the section line. The minimum total width for a Local road right-of-way is 60 feet. As such, no additional right-of-way dedication is required for this proposal.

Based on the above information, and with adherence to the Mitigation Measure and mandatory Project Notes described above, staff finds that the surrounding streets serving the project site will remain adequate to accommodate the proposed use.

Noteworthy Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	93.62 acres	Field crops	AE-20	None
South	160.64 acres	Field crops	AE-20	None
East	77.42 acres	Field crops	AE-20	None
	80.00 acres	Field crops	AE-20	None
	60.00 acres	Field crops	AE-20	None
West	18.66 acres	Field crops	AE-20	None
	110.00 acres	Field crops	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Sheriff’s Department: The Fresno County Sheriff’s Department is strongly opposed to this proposal. There is a history of illegal activities on the subject property associated with unpermitted horse racing events, and numerous reports have been filed with the Sheriff’s Department regarding other illegal activities being conducted at the subject property. As such, the Sheriff’s Department believes approval of this proposal will result in an increased need for law enforcement in the area of the proposed High-Intensity Park (see Sheriff Department comment letters attached as Exhibit 11).

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): The project site is located in an area of agricultural land uses, and the proposed High-Intensity Park may negatively impact existing agricultural practices. As such, prior to occupancy, the owner of the subject property shall acknowledge the inconveniences and discomforts associated with agricultural land uses. This requirement has been included as a Condition of Approval, and shall be satisfied by the owner of the subject property entering into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).

Fresno County Department of Public Health, Environmental Health Division: Mobile food vendors proposed to operate at the High-Intensity Park shall obtain operational permits from the Environmental Health Division of the Fresno County Department of Public Health. This mandatory requirement has been included as a Project Note.

The Acoustical Analysis prepared for the proposed High-Intensity Park by WJV Acoustics indicates that the proposed High-Intensity Park use will comply with the Fresno County Noise Ordinance. The Environmental Health Division of the Fresno County Department of Public Health has identified the following requirement to be included as a Mitigation Measure to reduce adverse noise-related impacts to a less than significant level: To mitigate for potential noise impacts, event days shall not include any amplified music, and the use of a megaphone (e.g., bull horn) shall only be allowed between the hours of 10:00am and 5:00pm on event days.

The Sewage Treatment System Design Report prepared for the proposed High-Intensity Park by O.S.T. System Designs, Inc. demonstrates capacity to serve up to 600 visitors per day. The Environmental Health Division of the Fresno County Department of Public Health has identified the following requirements to be included as Mitigation Measures to reduce adverse impacts related to wastewater disposal to a less than significant level: 1) No more than 600 visitors per event day shall be permitted at the facility (High-Intensity Park); 2) The septic system proposed for the facility (High-Intensity Park) use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Sewage Treatment System Design Report prepared by O.S.T. System Designs, Inc., or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface leaching field and water wells is 100 feet. Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes.

Prior to any alcoholic beverage sales, the Applicant shall obtain a License from the California Department of Alcoholic Beverage Control. This mandatory requirement has been included as a Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 0950H, the project site is not subject to flooding from the 1%-chance storm (100-year storm). Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards. An Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to the Development Engineering Section of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal. A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal. These requirements have been included as Project Notes.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This mandatory requirement has been included as a Project Note.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the project site is not located in a designated water-short area.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County. These mandatory requirements have been included as Project Notes.

San Joaquin Valley Unified Air Pollution Control District (Air District): This proposal is subject to Air District Rule 9510 (Indirect Source Review) and may also be subject to the following Air District Rules: Regulation VIII (Fugitive Dust Prohibitions), Rule 4102 (Nuisance), Rule 4601

(Architectural Coatings), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). These requirements have been included as Project Notes. An Air Impact Assessment was completed for the proposal resulting in mitigation associated with construction record maintenance.

State Water Resources Control Board, Division of Drinking Water: This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These mandatory requirements have been included as Project Notes.

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

Analysis:

The Fresno County Sheriff's Department strongly objects to the proposed High-Intensity Park use. As explained in the comment letters provided to staff by the Sheriff's Department, which have been included in Exhibit 11 of this Staff Report, the Sheriff Department's objection to this proposal is predicated on a history of activities that have previously occurred at the project site.

The project site is located in an agricultural area with few residential land uses. The Delta Mendota Canal is located approximately one half-mile northeast of the project site, and a private use airport identified as "Eagle Field" is located approximately three quarter-miles northeast of the project site. It is noted that the "Eagle Field" airport is oriented in a northwest to southeast direction. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis.

The proposed High-Intensity Park will be visible from neighboring properties located to the north and south; however, no significant adverse aesthetic impacts are anticipated north or south of the proposal considering the distances between the project site and neighboring dwellings located to the north and south. The closest neighboring dwelling located to the north is approximately seven miles north of the project site, and the closest neighboring dwelling located to the south is approximately three miles south of the project site.

The proposed High-Intensity Park will be visible from neighboring properties located to the west; however, no significant adverse aesthetic impacts are anticipated west of the proposal as the closest neighboring dwelling located to the west is approximately 700 feet west of the project site and visibility of the High-Intensity Park from westerly neighboring dwellings will be partially screened from view by existing fencing located on westerly neighboring properties.

The proposed High-Intensity Park will be visible from neighboring properties located to the east. The closest neighboring dwelling located to the east is approximately 720 feet east of the gravel-surfaced parking lot proposed for the High-Intensity Park; however, there is no visual

screening of the proposed gravel-surfaced parking lot from this easterly neighboring dwelling. As such, drought-tolerant landscaping shall be provided along the eastern boundary of the proposed gravel-surfaced parking lot. Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping requirement has been included as a Condition of Approval. Additionally, if the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0). This mandatory requirement regarding MWEL0 has been included as a Project Note. Further, the design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which has been required as a Condition of Approval.

According to the Fresno County Agricultural Commissioner’s Office, the High-Intensity Park use may negatively impact neighboring agricultural operations and threaten the right of neighboring farmers to cultivate their lands. This concern is predicated on the nature of the High-Intensity Park which will place employees and patrons of the High-Intensity Park within proximity of active farming practices such as pesticide spraying. Further, normal farming practices also generate dust that could negatively affect employees and patrons of the High-Intensity Park. As such, the Agricultural Commissioner’s Office requested that the Applicants be required to record a Right-to-Farm Notice on the parcels associated with the High-Intensity Park. The requirement to record the Right-to-Farm Notice has been included as a Condition of Approval; however, in light of the number of people that could visit the High-Intensity Park during the 26 event days, staff does acknowledge the concerns expressed by the Agricultural Commissioner’s Office.

High-Intensity Parks have been authorized on agricultural lands in remote areas of Fresno County that have limited population density; however, consideration must be given to the impacts imposed on neighboring properties by the nature of the High-Intensity Park use. In this instance, the project site is located approximately seven miles southwest of Dos Palos (Merced County), approximately 13 miles west of Firebaugh, and approximately 14 miles southeast of Los Banos (Merced County). Additionally, the nearest Highway (Interstate 5) is located approximately 11 miles to the southwest by roadway. Considering the remote location of the project site in conjunction with the proximity of active farming operations, the maximum number of patrons, and the concerns expressed by both the Fresno County Sheriff’s Department and Fresno County Agricultural Commissioner’s Office, staff finds that the proposed High-Intensity Park will have an adverse effect upon surrounding properties.

Noteworthy Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 cannot be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses,	With regard to Criteria “a”, this proposal entails the authorization of a High-Intensity Park to be utilized as a horse racing facility with concession stands and mobile food vendors on 11.32 acres of land in the AE-20

Relevant Policies:	Consistency/Considerations:
<p>subject to the following Criteria: a) Use shall provide a needed service to the surrounding 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) Use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius; d) a probable workforce should be located nearby or readily available.</p>	<p>(Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed High-Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Further, according to the revised Operational Statement provided by the Applicants on April 3, 2017, people that will attend event days will travel to the High-Intensity Park from central, northern, and southern Fresno County. Although the previous Operational Statement had identified visitors coming from central, northern, and southern California, staff still believes the proposed High-Intensity Park will primarily serve people from outside the area rather than the surrounding agricultural area. Therefore, the proposed High-Intensity Park is not compatible with Criteria "a" of General Plan Policy LU-A.3.</p> <p>With regard to Criteria "b", portions of the project site are classified as Prime Farmland and Farmland of Local Importance on the Fresno County Important Farmland Map (2014), and the project site is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 854. With regard to the Prime Farmland and Farmland of Local Importance classifications of the project site, this proposal will preclude the agricultural cultivation of approximately 11.32 acres of farmland. However, this loss of farmland is less than significant in that the 50.86-acre balance of the subject parcels will remain available for agricultural cultivation.</p> <p>With regard to Criteria "c", this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal, as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.</p>

Relevant Policies:	Consistency/Considerations:
	<p>With regard to Criteria “d”, the project site is located approximately 13 miles west of the nearest city limits of the City of Firebaugh, which has the ability to provide an adequate workforce.</p>
<p>General Plan Policy LU-A.12: In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>With regard to General Plan Policies LU-A.12, LU-A.13 and LU-A.14, this proposal will preclude the agricultural cultivation of approximately 11.32 acres of farmland. However, this loss of farmland is less than significant in that the 50.86-acre balance of the subject parcels will remain available for agricultural cultivation.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>With regard to General Plan Policy PF-C.17, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the project, as the project site is not located in a designated water-short area.</p>
<p>General Plan Policy PF-D.6: County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>With regard to General Plan Policy PF-D.6, the existing 2,700 square-foot barn located on the project site has an existing septic system; however, the proposed High-Intensity Park use will utilize two proposed 396 square-foot restroom buildings that will connect to a proposed septic system. Further, the septic system proposed for the High-Intensity Park shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Sewage Treatment System Design Report prepared by O.S.T. System Designs, Inc.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture in the Fresno County General Plan, and is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 854. According to General Policy LU-A.3, non-agricultural uses such as the proposed High-Intensity Park may be allowed by means of a discretionary use permit subject to a number of specific criteria. According to General Plan Policy LU-A.12, the County shall seek to protect agricultural activities from encroachment of incompatible land uses when adopting land uses policies, regulations and programs. According to General Plan Policy LU-A.13, the County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. According to General Plan Policy LU-A.14, the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. According to General Plan Policy PF-C.17, the County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. According to General Plan Policy PF-D.6, the County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.

The proposed High-Intensity Park is not a compatible use on property subject to a Williamson Act Contract unless a cancellation of the Contract has occurred. An application for partial cancellation of Williamson Act Contract No. 854 for the 11.32-acre project site has been filed and is in process. The Agricultural Land Conservation Committee heard the request for partial cancellation during their February 1, 2017 Meeting and recommended denial of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed High-Intensity Park use will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 854 by the Board of Supervisors, which would occur after final action on the subject land use application.

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

Analysis:

The proposed High-Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Further, according to the revised Operational Statement provided by the Applicant on April 3, 2017, people that will attend event days will travel to the High-Intensity Park from central, northern, and southern Fresno County. Although the previous Operational Statement had identified visitors coming from central, northern, and southern California, staff still believes the proposed High-Intensity Park will primarily serve people from outside the immediate area rather than the surrounding agricultural area. Therefore, the proposed High-Intensity Park is not compatible with Criteria "a" of General Plan Policy LU-A.3. Further, considering the scope of the proposed High-Intensity Park, including the large physical size and the various different commercial activities to be conducted, in conjunction with the maximum number of patrons to attend event days, staff believes the proposal is not compatible with surrounding agricultural activities as discussed under Finding 3 of this Staff Report.

Based on this analysis, staff believes the proposed High-Intensity Park use is not consistent with the General Plan, and is unable to make Finding 4.

Noteworthy Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

Seven letters in support of the application have been attached from various organizations and individuals (Exhibit 10). The Applicants have also provided additional correspondence to clarify the proposed High-Intensity Park operation. This "opening brief", addressed to the Fresno County Board of Supervisors, is attached as Exhibit 12. Additional documentation submitted by the Applicants, comprising 43 pages, which includes a prior brief and background information and correspondence, is included in the Commission's packet under separate cover for review. The Applicants requested this information to be included.

CONCLUSION:

Based on the factors cited in the analysis, staff is unable to make Findings 3 and 4. Therefore, staff recommends denial of Unclassified Conditional Use Permit No. 3421.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Unclassified Conditional Use Permit No. 3421; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6749; and
- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Unclassified Conditional Use Permit No. 3421; 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.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 6749 and Unclassified Conditional Use Permit Application No. 3421
(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 as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Air Quality	For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for Air District inspection upon request.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*3.	Air Quality	For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*4.	Air Quality	For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on site. Within 30 days of completing construction of each project phase, submit to the Air District a summary report of total hours of operation by equipment type, equipment model year, and horsepower.	Applicant	Applicant/San Joaquin Valley Unified Air Pollution Control District	As noted
*5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner	Applicant	Applicant/PW&P	During ground-disturbing activities

		must notify the Native American Commission within 24 hours.			
*6.	Geology and Soils	No more than 600 visitors per event day shall be permitted at the facility (High-Intensity Park).	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*7.	Geology and Soils	The septic system proposed for the facility (High-Intensity Park) use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Sewage Treatment System Design Report prepared by O.S.T. System Designs, Inc., or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface leaching field and water wells is 100 feet. Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*8.	Noise	To mitigate for potential noise impacts, event days shall not include any amplified music, and the use of a megaphone (e.g., bull horn) shall only be allowed between the hours of 10:00am and 5:00pm on event days.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*9.	Transportation/ Traffic	Operation of the facility (High-Intensity Park) use shall be in conformance with the Traffic Management Plan prepared by Safety Network, Inc. (Safety Network, Inc. Plan No. 16BH045).	Applicant	Applicant/PW&P	Ongoing
Conditions of Approval					
1.		Development and operation of the High-Intensity Park use shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review.			
2.		Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.			
3.		Prior to issuance of Building Permits, the owner of the subject property shall enter into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).			

4.	Prior to occupancy, the developer of the High-Intensity Park operation shall provide an irrigation system and drought-tolerant landscaping along the eastern boundary of the proposed gravel-surfaced parking lot. Said landscaping shall be maintained in a healthy condition and shall consist of trees and shrubs of adequate size and density to provide visual screening of the proposed gravel-surfaced parking lot. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High-Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).
5.	Mobile Food Vendors shall only be allowed to operate at the High-Intensity Park during event hours.

*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 Applicant shall obtain Building Permits for the existing barns, which were constructed under Agricultural Exemptions, prior to said structures being utilized in conjunction with the High-Intensity Park.
2.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Althea Avenue.
3.	A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Althea Avenue and Cambria Avenue.
4.	Encroachment Permits shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way, including signage utilized in conjunction with the Traffic Management Plan.
5.	Mobile food vendors proposed to operate at the High-Intensity Park shall obtain operational permits from the Environmental Health Division of the Fresno County Department of Public Health.
6.	Prior to any alcoholic beverage sales, the Applicants shall obtain a License from the California Department of Alcoholic Beverage Control.
7.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.
8.	An Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to the Development Engineering Section of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal.
9.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
10.	Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.

Notes

11.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fresno County Fire Protection District prior to issuance of Building Permits by the County.
12.	This proposal may be subject to the following San Joaquin Valley Unified Air Pollution Control District (Air District) Rules: Regulation VIII (Fugitive Dust Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
13.	This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards.
14.	Implementation of the proposed High-Intensity Park use shall be contingent upon approval of the partial cancellation of Williamson Act Contract No. 854 by the Fresno County Board of Supervisors.

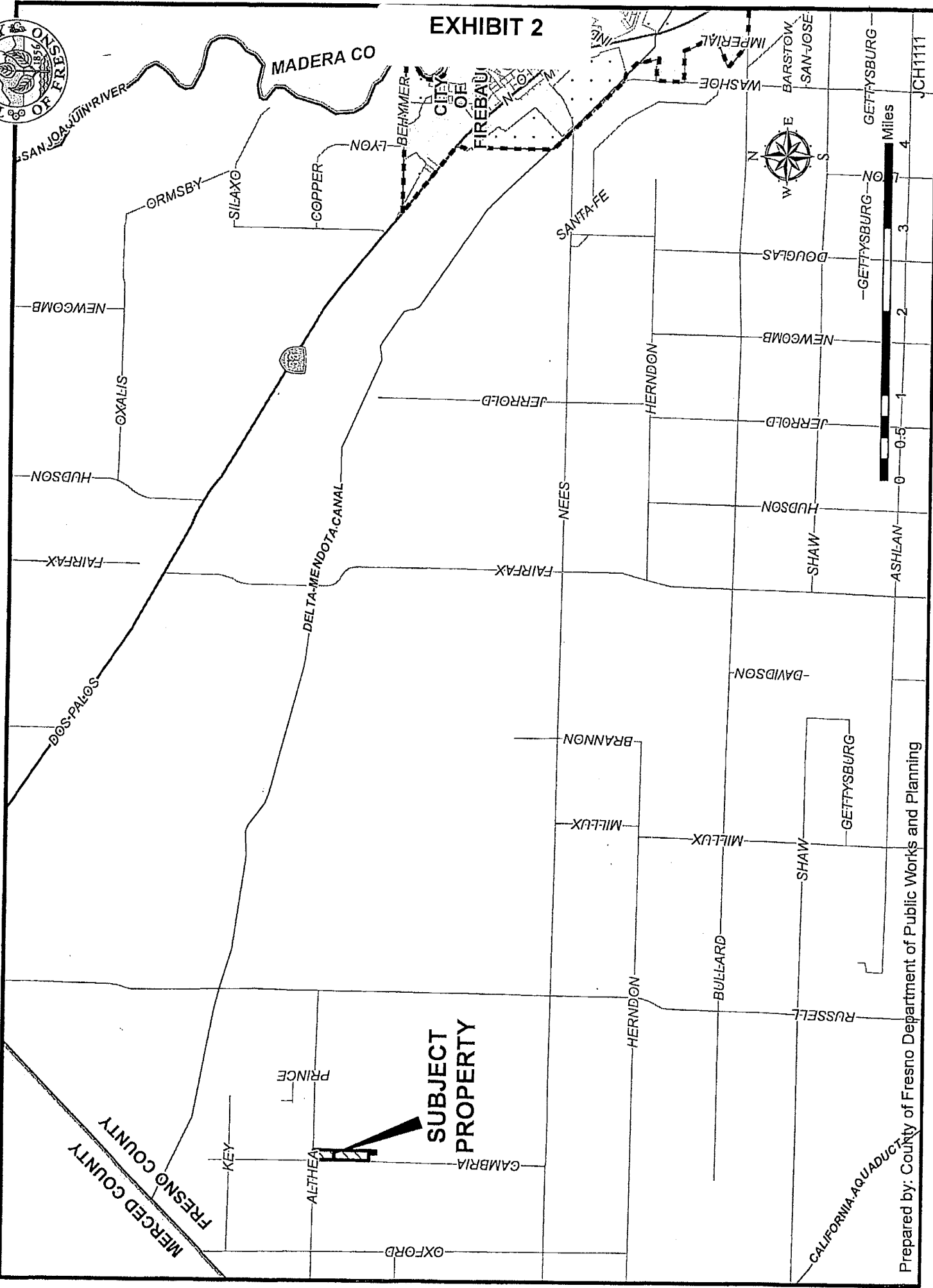
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CUP 3421

LOCATION MAP



EXHIBIT 2



SUBJECT PROPERTY

EXISTING ZONING MAP

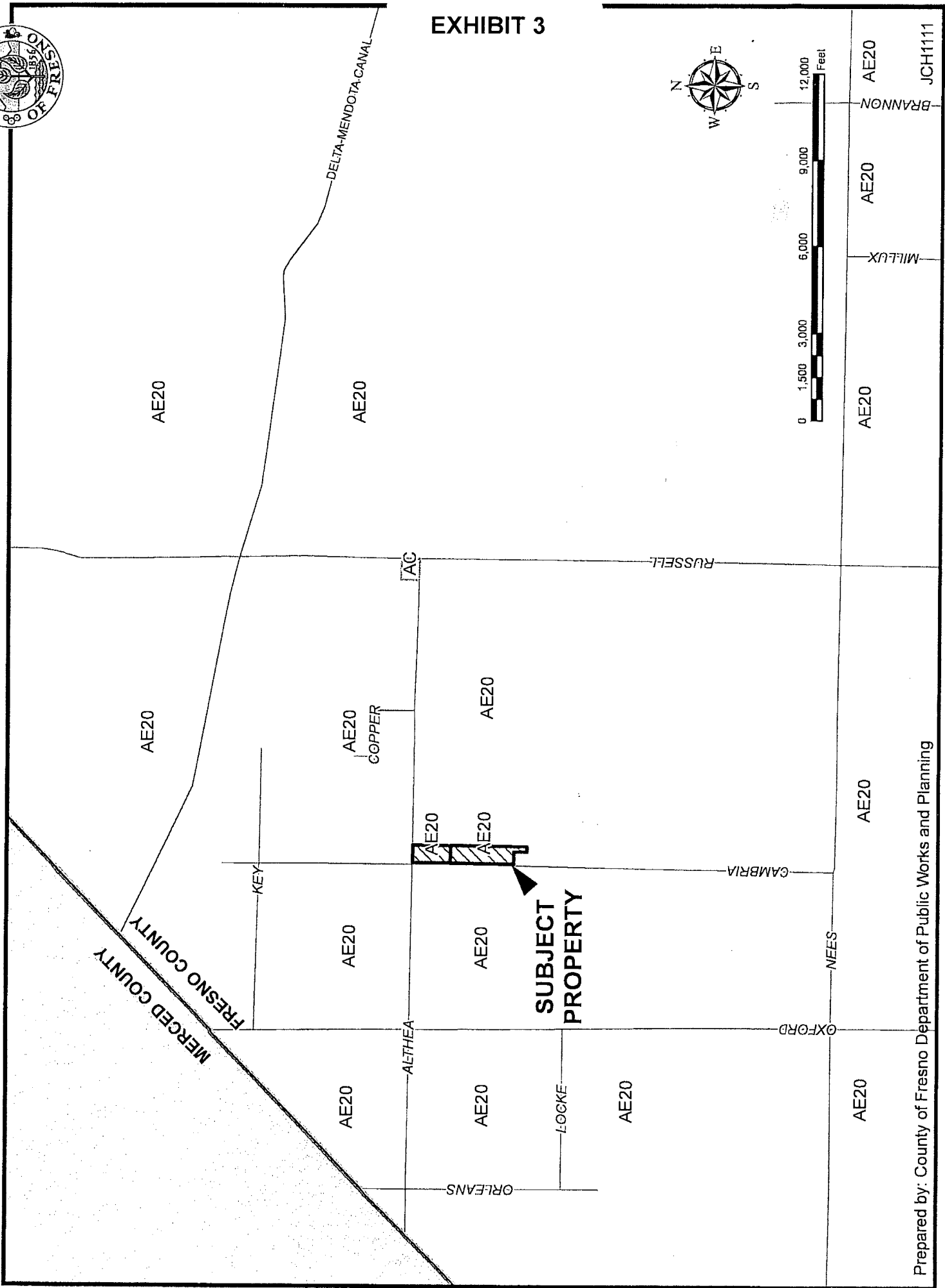
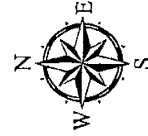


EXHIBIT 3



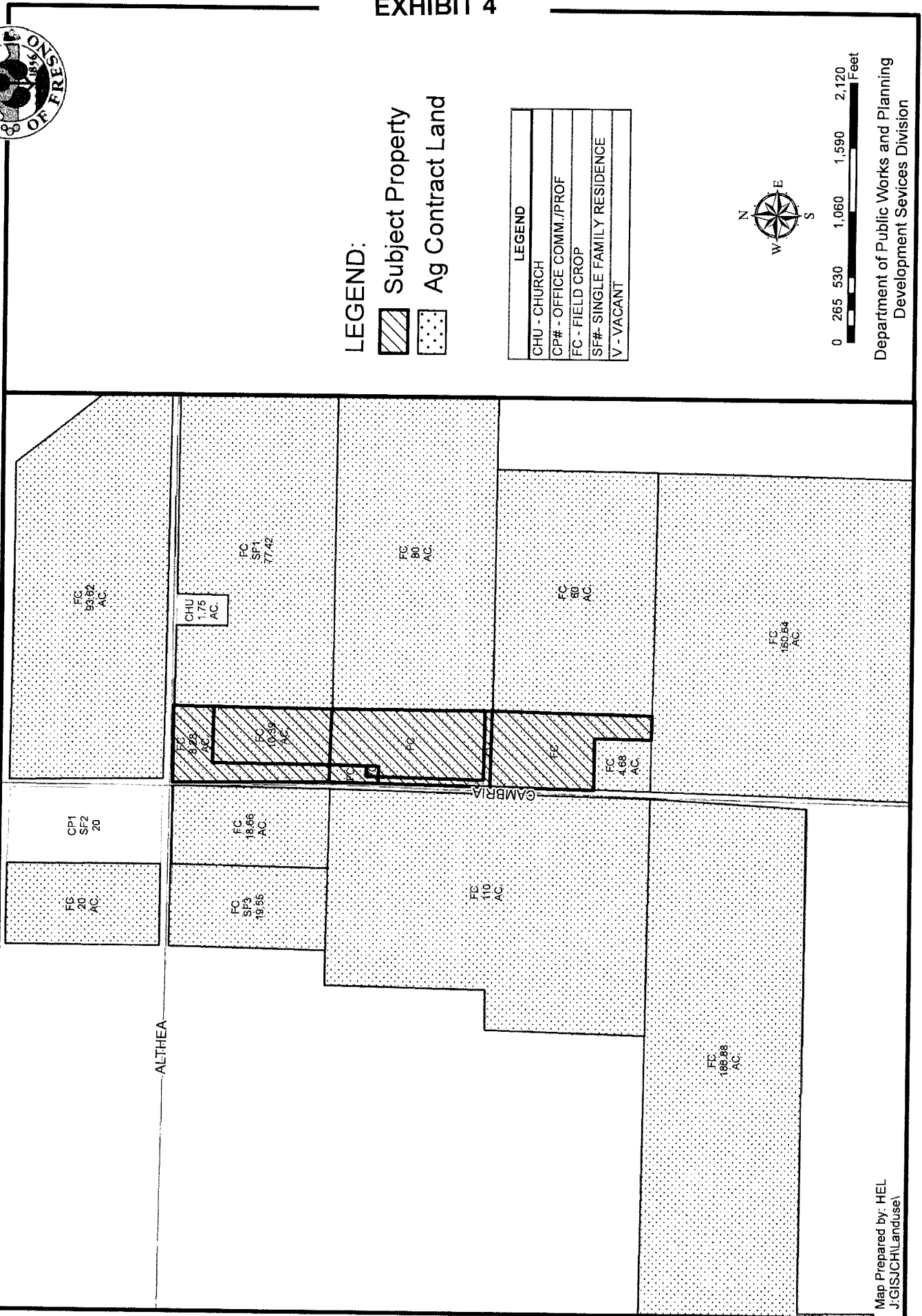
BRANNON
MILFUX
AE20
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EXHIBIT 4

EXISTING LAND USE MAP

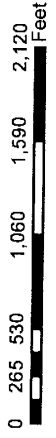
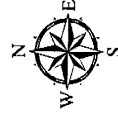
CUP 3421



LEGEND:

- Subject Property
- Ag Contract Land

LEGEND	
CHU - CHURCH	
CP# - OFFICE COMM./PROF	
FC - FIELD CROP	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	



Department of Public Works and Planning
Development Services Division

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

Tax Rate Area
64-016
64-017
64-018

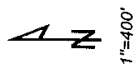
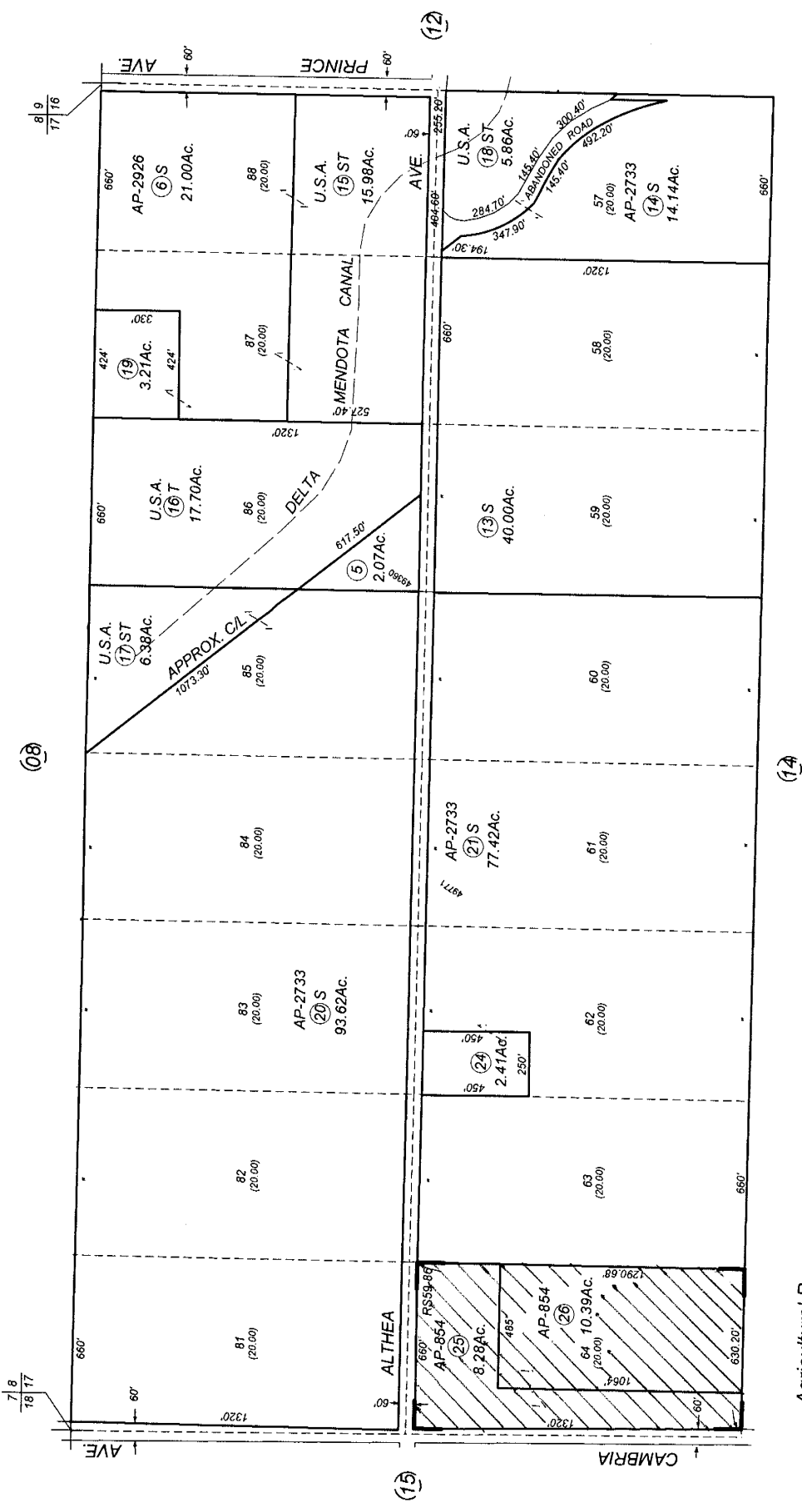


EXHIBIT 5



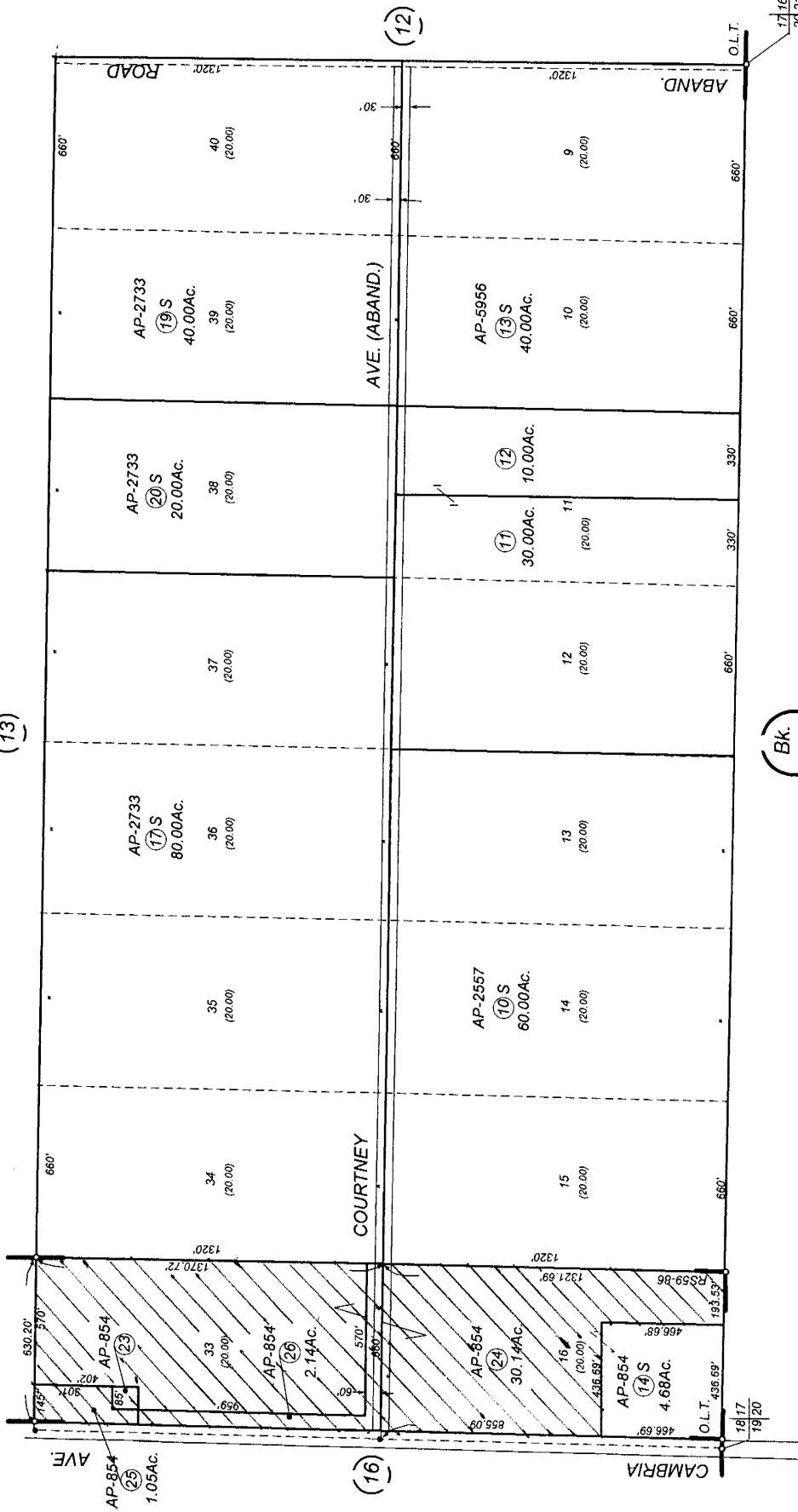
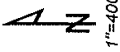
Assessor's Map Bk.004 - Pg.13
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Agricultural Preserve
Oro Loma Tract - Misc. Maps Bk 1, Pg. 42
Record of Survey - Bk. 59, Pg. 86

1/19/2016

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



(Bk. 005)

Agricultural Preserve
Oro Loma Tract - Misc. Maps - Bk. 1, Pg. 42
Record of Survey - Bk. 59, Pg. 86

Assessor's Map Bk. 004 - Pg. 14
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

RACE TRACK SITE PLAN

ROMELA N. ROMELA N. 321 AVENUE DR SAN JOSE, CA 95

DARR & KEIL ASSOCIATES INC. 2009 COUNTRY WAY #100 SAN JOSE, CA 95128

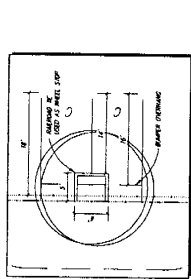
SHEET 1 OF 3



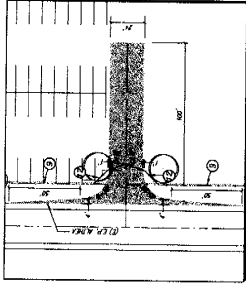
C.U.P. 3481 - I.S. - 6749

KEYNOTES:

- (1) ALL EXISTING UTILITY LINES TO REMAIN SHALL BE PROTECTED BY 18" SAND AND 12" CONCRETE.
- (2) ALL EXISTING UTILITY LINES TO BE REMOVED SHALL BE PROTECTED BY 18" SAND AND 12" CONCRETE.
- (3) ALL EXISTING UTILITY LINES TO BE REMOVED SHALL BE PROTECTED BY 18" SAND AND 12" CONCRETE.
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- (19) ALL EXISTING UTILITY LINES TO BE REMOVED SHALL BE PROTECTED BY 18" SAND AND 12" CONCRETE.
- (20) ALL EXISTING UTILITY LINES TO BE REMOVED SHALL BE PROTECTED BY 18" SAND AND 12" CONCRETE.



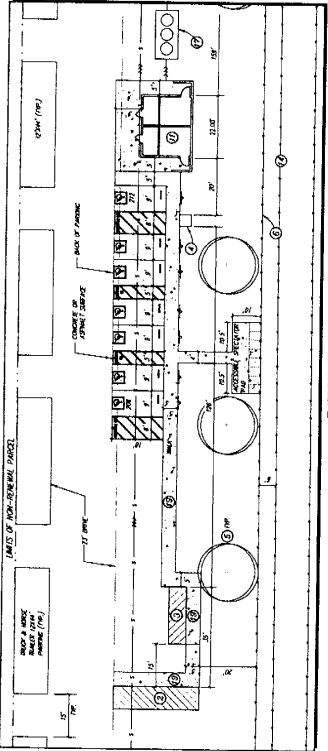
DETAIL B - 12' x 12' TREE WELL PARKING AREA



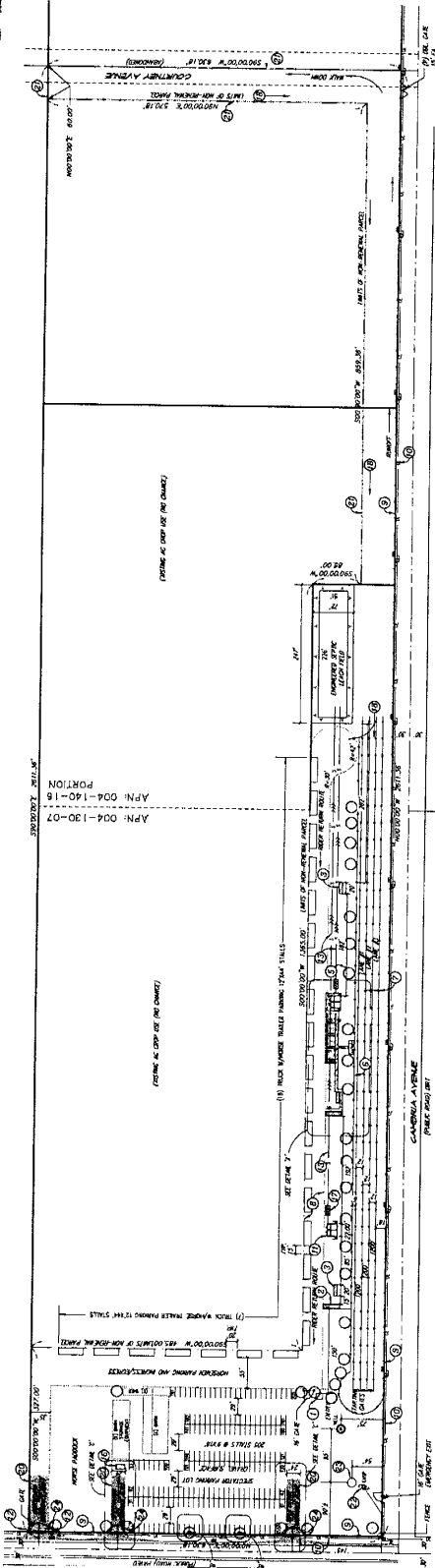
DETAIL C

PROJECT DATA:

- 1. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.
- 2. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.
- 3. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.
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- 18. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.
- 19. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.
- 20. THE ADDRESS SHALL BE SEA AVENUE, FIREBAUGH, CA.



DETAIL D



LEGEND

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DETAIL E - 6\"/>

DETAIL F - 6\"/>

DETAIL G - 6\"/>

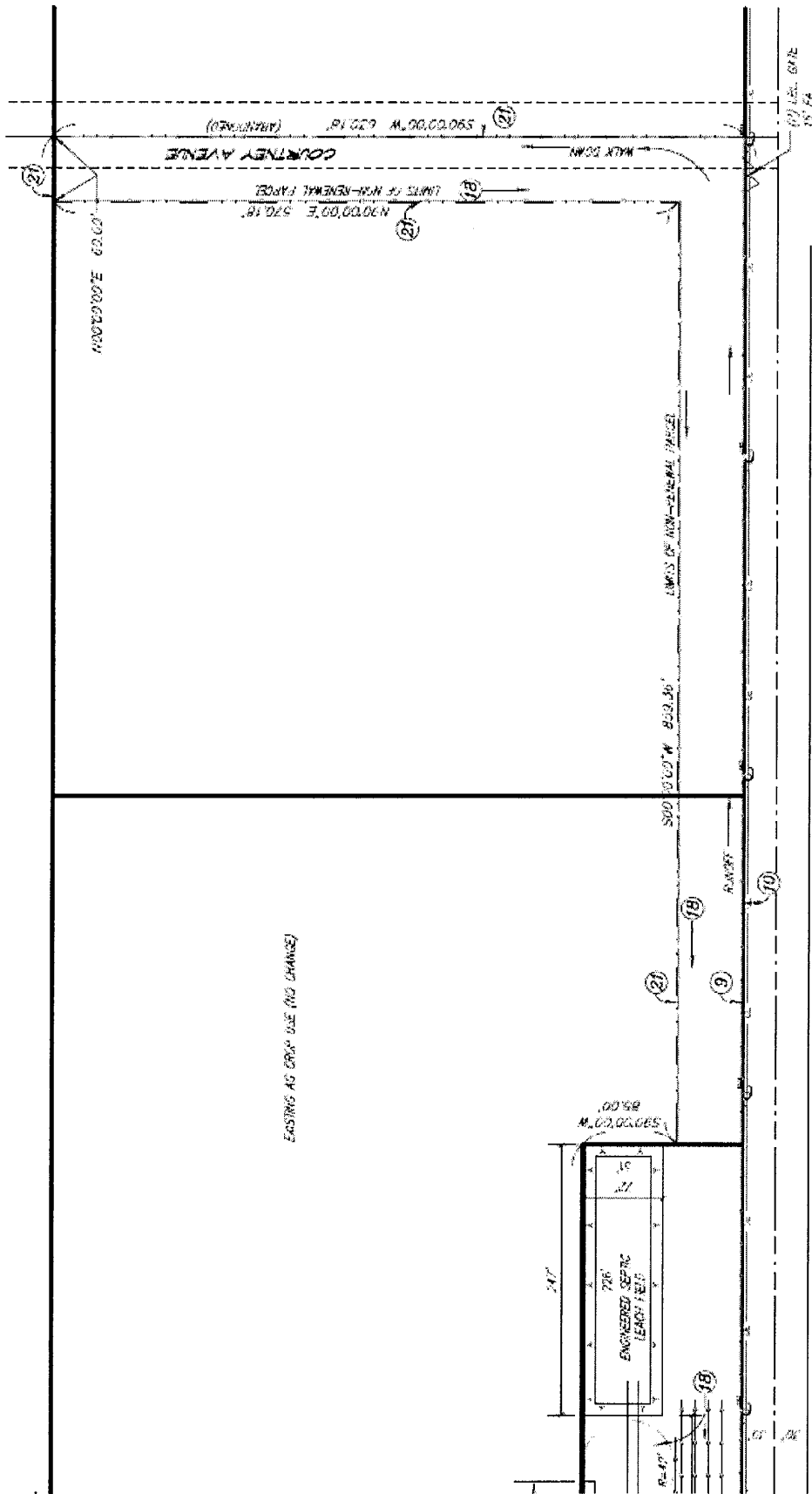
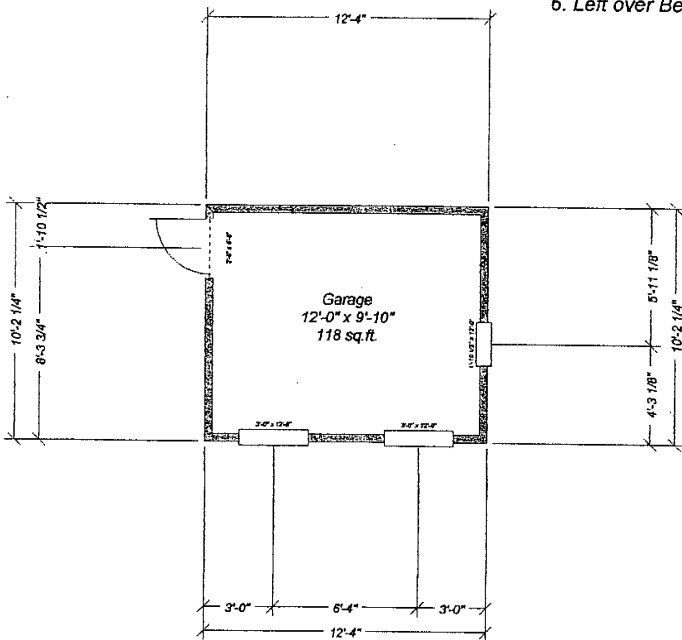


EXHIBIT 7

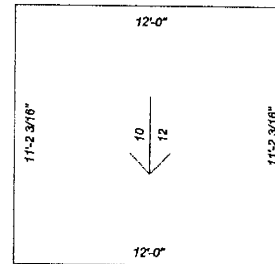
To Department of Public Works and Planning
Case # 13-12637

Sales

1. Discription of sheds to be built.
2. Business opens 10:00 a.m.-6:00 p.m.
3. Beer, Beverages and Snacks will be sold 20' from the race track.
4. Snacks and Bev will be served and sold through a 12 x 9'-10" shed through 3- 3x1 windows.
5. People drinking beer may walk up and down the track area of 85'x400 yards.
6. Left over Beer and Snacks will be taken home in a secured trailer under lock and key.

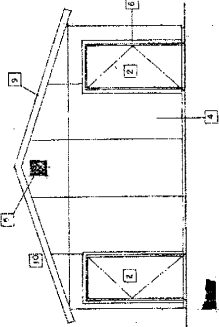
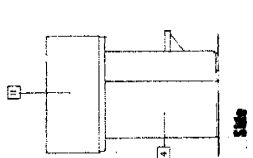


Composition Ridge
Roof w 1'ft hang over

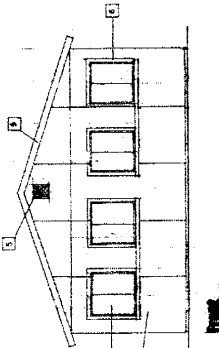


B\C SPORTS RACE TRACK L.L.C.
ROMELIA J \FRANCISCO A. NUNEZ
49993 W. ALTHEA AVE. FIREBAUGH CA.93622
MAIL ADD. 3321 ARAMIS DR. SAN JOSE CA. 95127
FAX\PHONE 1 408-926-8766 CELL 1408-537-3014\15

- 2- 12X10 BEV, BEER, SNACK, GARAGE SHACKS
- 2- 12X12 COMPOSITION SHINGLE ROOF
- 1-DOOR LEFT SIDE 3X72
- 2- FRONT WINDOWS 3X1
- 1- RT SIDE WINDOW 3X1

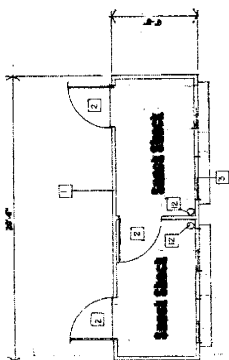


ELEVATIONS Scale: 1/8" = 1'-0"

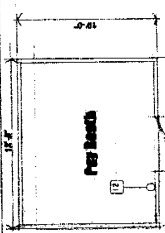


Front

SNACK SHACK BUILDING
 Pre-Manufactured The Shack



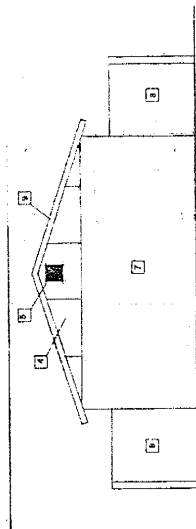
FLOOR PLAN Scale: 1/8" = 1'-0"



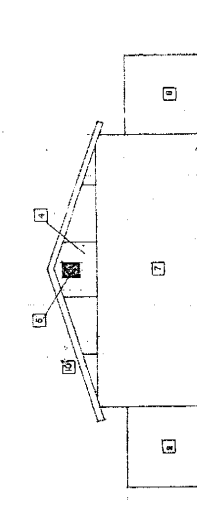
FLOOR PLAN Scale: 1/8" = 1'-0"

PAY BOOTH BUILDING
 Pre-Manufactured The Shack
 Expansion Module to Snack Shack Building

Expansion Module to Snack Shack Building



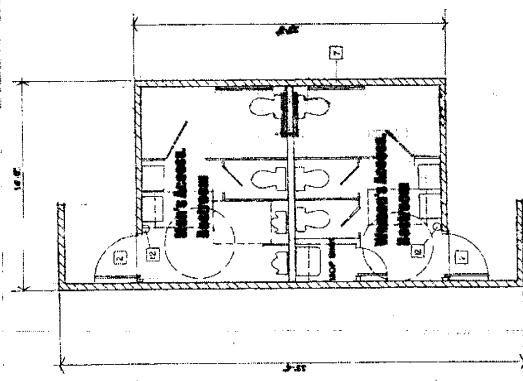
Front



Front

ELEVATIONS Scale: 1/8" = 1'-0"

RESTROOM BUILDING



FLOOR PLAN Scale: 1/8" = 1'-0"

- Keyed Notes**
- 1 2x4 WOOD STUD WALL
 - 2 2x4 WOOD STUD ROOF
 - 3 2x4 WOOD STUD FLOOR
 - 4 2x4 WOOD STUD WINDOW
 - 5 2x4 WOOD STUD DOOR
 - 6 2x4 WOOD STUD TRUSS
 - 7 2x4 WOOD STUD TRUSS
 - 8 2x4 WOOD STUD TRUSS
 - 9 2x4 WOOD STUD TRUSS
 - 10 2x4 WOOD STUD TRUSS
 - 11 2x4 WOOD STUD TRUSS
 - 12 2x4 WOOD STUD TRUSS

CAR COPY
 49993 WEST ALTHEA AVENUE
 FIREBAUGH, CA 93622
 TEL: 916.438.1111

ACCESSIBILITY DETAILS SHEET

DATE: 02-27-2007
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT: 07-000000

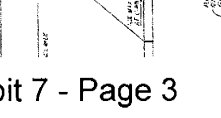
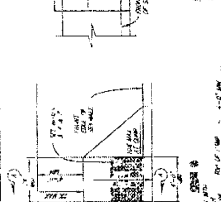
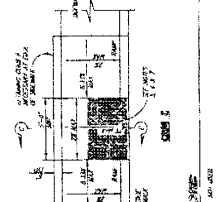
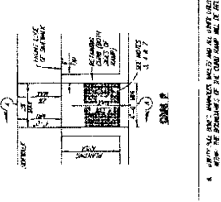
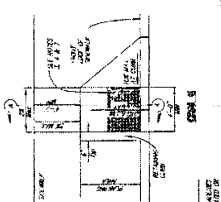
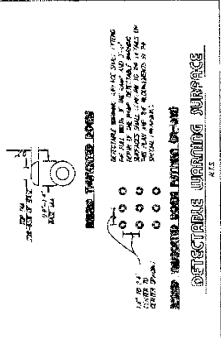
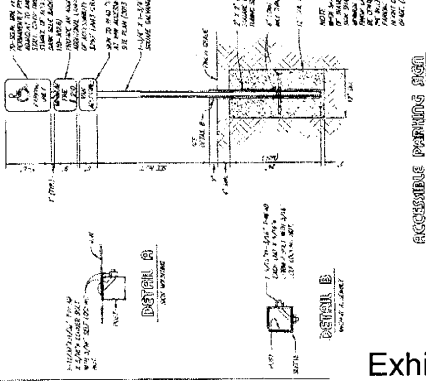
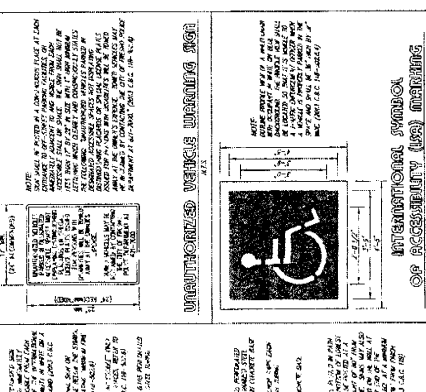
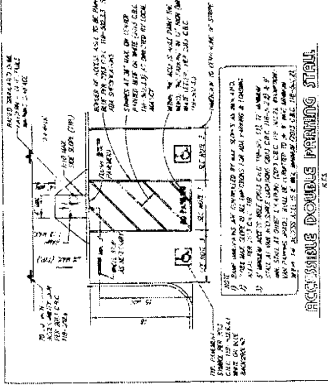
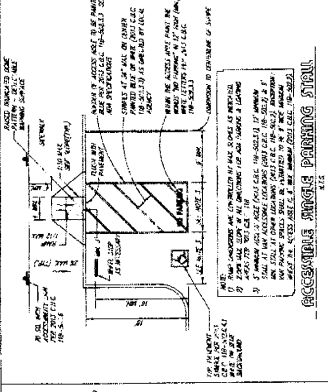
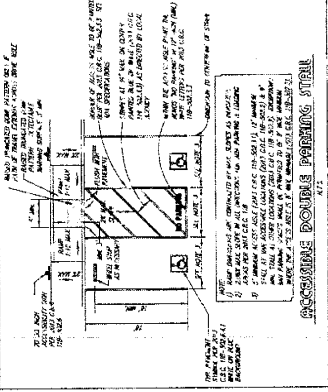
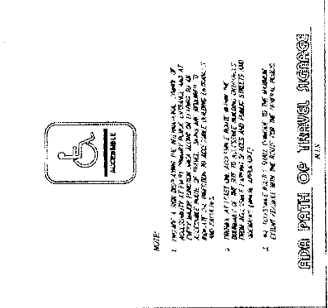
DATE: 02-27-2007
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT: 07-000000

PROJECT: 07-000000
SHEET: 3 OF 3



NOTE:
1. THESE DETAILS ARE TO BE USED FOR ALL NEW CONSTRUCTION AND MAJOR RENOVATIONS OF EXISTING FACILITIES.
2. THESE DETAILS ARE TO BE USED FOR ALL NEW CONSTRUCTION AND MAJOR RENOVATIONS OF EXISTING FACILITIES.
3. THESE DETAILS ARE TO BE USED FOR ALL NEW CONSTRUCTION AND MAJOR RENOVATIONS OF EXISTING FACILITIES.

ADA PATH OF TRAVEL DETAIL



NOTE:
1. DETECTABLE WARNING SURFACES SHALL BE INSTALLED AT ALL CROSSINGS OF WALKWAYS BY VEHICLES, TRUCKS, BUSES, AND TRAILERS.
2. DETECTABLE WARNING SURFACES SHALL BE INSTALLED AT ALL CROSSINGS OF WALKWAYS BY VEHICLES, TRUCKS, BUSES, AND TRAILERS.

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CAR 34621
REGISTERED
JAN 04 2007

Operational Statement for B/C Sports Race Track L.L.C.

Equine Sports Events

Location 49999 W. Althea Ave Firebaugh, Fresno County Ca.93622

Revised by Romelia Jiménez Nunez

Fax & Phone 1408-926-8766

wire2wire1.3321@yahoo.com

1. The existing site is currently under the Williamson Act Contract under 854 with application for non-renewal of 11.46 more or less acres filed and processing concurrently with the C.U.P. Located in an unincorporated area in Fresno County, 16 miles northwest of Firebaugh, 10 miles southwest of Dos Palos, 25 miles northwest of Mendota, 28 miles southeast of Los Banos & 12 miles east of Interstate 5, located on (2) two taxed parcels used to be (004-130-07 & 004-140-16) now on the new revised (DOC-2014-0075831) of which has a new parcel number (004-130-25 and 004-130-26). At the southeast corner of Althea Avenue (paved and maintained by Fresno County) & Cambria (dirt & maintained by Fresno County and local farmers). The southernly tax parcel (004-140-16 refer to 004-140-26) is divided in half by an open irrigation ditch running east and west along the West Courtney Ave alignment (now abandoned). This site is currently fallow, but historically planted in oats. One of many challenges in farming this property has limited access and delivery of Ag. irrigation water, as with this year (0% delivery) water allocations from Panoche Water District varies from 0-2.46 acre feet per year since 2002; oats require an average of 1.5 acre feet of water per year. The limitation of water in the Panoche Water & Drainage District places a severe limitations on the income generated on this property as a viable means of income.

2. B/C Sports Race Track L.L.C. was established by Romelia and Francisco Nunez to provide equine sporting events, specifically quarter horse owner training and races for the west side community in Fresno County. The events will attract 150-800 contestants, spectators and staff from the central, north, and south county of Fresno.

Pg 1.

CWP 3421
 RECEIVED
 COUNTY OF FRESNO

APR 03 2017

DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

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Every other Sunday (26 Sundays a year) gates will open at 8:00 a.m., races will begin promptly at 10 a.m. with the finale event at 4:30 and closing at 5 p.m. The horses, horsemen, riders may enter at 8:00 a.m., NO OVERNIGHTERS.

3. We anticipate anywhere from 150-600 total people per event from 10:00 a.m. to 5:00 p.m.
4. B/C Sports Race Tack L.L.C. will employ 6 security guards working a 7 hour day from 10:00 a.m. to 5:00 p.m. and 17 bonus event workers that are included in the OST design capacity=600 not 600+6+17. Bonus event workers will work 8 - 9 hour days from 9:00 a.m. to 6:00 p.m. (as needed to clean and secure the site after each event). There will also be a manager to oversee that the event is running smoothly, and supervise event staff/security. There will be someone to see that all horses stay on schedule for each horse to come to the gates and will make sure people keep in line.
5. No anticipated deliveries are anticipated at this time.
6. Access to parking for spectators and contestants will be from Althea Ave driveway for contestants and two for spectators, each driveway will be paved for one hundred feet to prevent tracking mud onto the public road, Gates will be closed before and after all events. All vehicles will exit thru the three gates on Althea Avenue.
7. Parking: There will be 205 regular (9' x 18') parking stalls; 6 compact (9' x 16') parking stalls and 7 accessible (9' x 18') parking stalls, 2 of which are designated van and 5 will utilize a five foot loading zone. All accessible parking surface will be P.C.C. pavement, graded, striped and signed to comply with 2013 C.B.C. Chapter 11B, spectator parking and driveways will be graded to provide controlled drainage patterns and surfaced with gravel controlling dust in the summer months and provide a stable surface in the winter reducing potential mud tracking. Race contestants, their horses, trucks and trailers will park in 44'x15' stalls along the south and east side of the event parcel. Surface will be graded to provide controlled drainage and surface with gravel.

8. Goods are not grown on property; goods are individual pre wrapped and date for current sale. Items are purchased from retail outlets. Items to be sold fresh currently dated items, such as pre packaged currently dated snacks. Whole seasonal uncut fresh fruit. Beverages will be sold in cans and plastic bottles. New Western Souvenirs and New Horse Gear will be sold.
9. (3) Mobile Food Vendor Trucks will be used to cook, grill and fry the food. They will enter property at 8 am and leave after each event (8am-5:30pm). Mobil Food Vendors WILL NOT BE ALLOWED TO STAY OVERNIGHT ON PROPERTY.
10. Equipment used will consist of tractors and farm implements to maintain grading, drainage and track surface with pick-up trucks and trailers in moving lighter loads.
11. Supplies and Materials; We do not store food or snacks on-site due to rodents, and vermin. All remaining snacks are taken home with the owner & returned on the next event providing the expiration date is current for sale. No expired goods will be sold.
12. No unsightly appearance will result from this project. Trees will be planted, grounds will be groomed, driveways paved and the site will be fenced. Water will be used to control dust.
13. Solid & Liquid Waste: There will be garbage cans on-site located at the west end of the parking lot by the existing barns, there will be bonus workers to pick-up paper & debris throughout the day. Paper goods are only to be used on the property (no Styrofoam allowed). The trash is sorted out from the recyclables and the trash will be hauled and disposed of by Mid Valley disposal every week. Solid Waste: 50 gallon drums will be provided throughout the spectator and eating areas for discarding beverage containers and food wrappers. Event staff will collect all containers when full or at the end of each event. Each container will be sorted for recyclables and empty in bulk waste containers located at the north side of the existing barn, the bulk containers will be hauled off by Mid Valley Disposal a local private service provider.

Manure: The manure will be picked up by owners, and bonus workers throughout the day. The manure will be accumulated and placed in an 8 x 8 stall located in the south-east of barn. Once the events are over and all horses have left the ranch the fertilizer will be picked up by the tractor and will be taken to the Ag Farm area and disc into the soil.

14. There will be an estimated 5,000 gallons of water used at each summer event controlling dust on the race track surface. In the winter months we anticipate the use of water to be less than 1,000 gallons, the existing on-site well will provide water for the project. The two permanent restrooms to be constructed will utilize 12 high efficiency water closets designed for 1.3 gallons per flush, 4 waterless urinals, 8 lavatories, and a mop sink will provide in each restroom. With an estimated waste discharge of 4,200 gal/day. An engineered waste water system has been designed for the project utilizing 2,5000 gallon septic tanks each with a pump for waste to a leach field 72 feet in width by 247 feet in length.

15. Advertising: There is no billboard advertising on-site considered at this time.

16. Structures: There are two existing barns (1) with stalls that will be used for the horses & 1 will be used for storage of farm equipment. (2) New CMU Block restrooms will be constructed as well as modified "Tuff Shed" structures.

17. Snack Shacks: The 3 new 20'x6' tuff sheds will be used in operation for selling beer, sodas, snacks and water. In the 20'x6' sheds one half (10'x6') will be closed off with a door and wall used for beer sales. The existing 10'x12' shed will be used as an entrance pay booth, first aid & security station. A new 8'x4' shack will be used to sell tickets for beverages and snacks and 2 new 18'x20' restrooms facilities.

18. There will be no outdoor lighting or amplified music. Race announcer will use a bull horn to announce beginning, end and winner of each race between the hours of 10am-5pm. Winners will take a winning picture.

19. Landscape will consist of (32) 20 gallon fruitless mulberry trees.

Pg 4

20. Upon entering the ranch, horsemen sign a Release of liability for themselves, their riders, family members attending & horses. It's a sport and challenging winner wins 'bragging' rights. Everyone has fun, NO PURSE MONEY INVOLVED. There will be signs stating "NO GAMBLING" allowed on the premises & "NO LOITERING" signs will be placed on the front and side of the property along the fence; signs are in English and Spanish.

Diversity, history and benefits of horse racing;

Quarter mile horse racing is a sporting event dating back to the early 1600's by settlers in Virginia and established in California. In 2005 there was a study conducted listing an estimated 100 race tracks and 700,000 horses in California; 12% of which are used for racing (12% of 700,000=84,000/100 race track or 840 per track). 10.7% of horse owners have an annual house hold income of under \$25,000, 23.2% of horse owners have an annual income of \$25,000 to \$50,000 and 22.3% of horse owners have an annual income of \$50,000 to \$75,000, the numbers clearly paint a picture of equine life style and interest in California that is not limited to the rich and famous. The west side is a perfect venue for the sporting event where traffic and access is not in conflict with an urban setting.



EXHIBIT 9

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Francisco and Romelia Nunez
- APPLICATION NOS.: Initial Study Application No. 6749 and Unclassified Conditional Use Permit Application No. 3421
- DESCRIPTION: Allow a High Intensity Park consisting of a horse racing facility including concession stands and mobile food vendors on 11.32 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the southeast corner of Althea Avenue and Cambria Avenue, approximately 13 miles west of the nearest city limits of the City of Firebaugh (49993 W. Althea Avenue) (Sup. Dist. 1) (APNs 004-130-25, 004-130-26, 004-140-23, 004-140-24, 004-140-25, 004-140-26).

I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails authorization of a High Intensity Park to be utilized as a horse racing facility with concession stands and mobile food vendors on 11.32 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Event days are to occur on Sundays between the hours of 8:00am and 5:00pm, and no guests will be allowed to stay onsite overnight.

The subject 11.32-acre project site is partially located on a 32.04-acre parcel comprised of Assessor's Parcel Numbers (APN) 004-130-25, 004-130-26, 004-140-23, 004-140-25, portion of APN 004-140-24 and portion of APN 004-140-26; and a 30.14-acre parcel comprised of a portion of APN 004-140-24 and a portion of APN 004-140-

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

26. Existing improvements are located on the subject 32.04-acre parcel, which includes a water well, a 2,700 square-foot barn with septic system, and a 3,000 square-foot barn.

Improvements to be utilized for the proposed High Intensity Park use include a straight 1,260-foot long unsurfaced horse race track comprised of three 12-foot wide travel lanes, proposed 120 square-foot building to serve as payment booth for guest admission/first aid station/security station, two proposed 360 square-foot restroom buildings with proposed septic system, three proposed 120 square-foot buildings to serve as concession booths for snacks and beverages (including alcoholic beverages for onsite consumption), proposed 32 square-foot building to serve as another concession booth for snacks and beverages (including alcoholic beverages for onsite consumption), proposed gravel-surfaced parking lot with 205 parking spaces, 25 proposed gravel-surfaced parking spaces for trucks with trailers, three proposed gravel-surfaced parking spaces for mobile food vendors, proposed paved parking lot with seven parking spaces for the physically handicapped, three proposed paved driveways to access Althea Avenue, and an existing water well.

The project site is located in an agricultural area with few residential land uses. The Delta Mendota Canal is located approximately one half-mile northeast of the project site, and a private use airport identified as "Eagle Field" is located approximately three quarter-miles northeast of the project site. It is noted that the "Eagle Field" airport is oriented in a northwest to southeast direction. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis.

The proposed High Intensity Park will be visible from neighboring properties located to the north and south; however, no significant adverse aesthetic impacts are anticipated north or south of the proposal considering the distances between the project site and neighboring dwellings located to the north and south. The closest neighboring dwelling located to the north is approximately seven miles north of the project site, and the closest neighboring dwelling located to the south is approximately three miles south of the project site.

The proposed High Intensity Park will be visible from neighboring properties located to the west; however, no significant adverse aesthetic impacts are anticipated west of the proposal as the closest neighboring dwelling located to the west is approximately 700 feet west of the project site and visibility of the High Intensity Park from westerly neighboring dwellings will be partially screened from view by existing fencing located on westerly neighboring properties.

The proposed High Intensity Park will be visible from neighboring properties located to the east. The closest neighboring dwelling located to the east is approximately 720 feet east of the gravel-surfaced parking lot proposed for the High Intensity Park; however, there is no visual screening of the proposed gravel-surfaced parking lot from this easterly neighboring dwelling. As such, drought-tolerant landscaping shall be provided along the eastern boundary of the proposed gravel-surfaced parking lot. Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping

requirement will be included as a Condition of Approval. Additionally, if the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo). This mandatory requirement will be included as a Project Note.

The design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which will be required as a Condition of Approval. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will not utilize outdoor lighting, event days are to occur between the hours of 8:00am and 5:00pm, and guests will not be allowed to stay onsite overnight. However, in order to ensure that this proposal will not create new sources of light or glare in the area, a Mitigation Measure will be included to require all outdoor lighting fixtures to be hooded and directed so as to not shine towards adjacent properties and roads.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal is not located on forest land. Portions of the project site are classified as Prime Farmland and Farmland of Local Importance on the Fresno County Important Farmland Map (2014), and the project site is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 854.

The proposed High Intensity Park is not a compatible use on property subject to Williamson Act Contract, unless a cancellation of the Contract has occurred. An application for partial cancellation of Williamson Act Contract No. 854 for the 11.32-acre project site has been filed and is in process. The Agricultural Land Conservation Committee heard the request for partial cancellation during their February 1, 2017 Meeting and recommended denial of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed High Intensity Park use will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 854 by the Board of Supervisors, which would occur after final action on the subject land use application.

With regard to the Prime Farmland and Farmland of Local Importance classifications of the project site, this proposal will preclude the agricultural cultivation of approximately 11.32 acres of farmland. However, this loss of farmland is less than significant in that the 50.86-acre balance of the subject parcels will remain available for agricultural cultivation.

According to the Fresno County Department of Agriculture, the proposed High Intensity Park use may adversely impact existing agricultural practices in the area, and may adversely impact the right to farm in the area. As such, prior to occupancy, the owner of the subject property shall acknowledge the inconveniences and discomforts associated with agricultural land uses. This requirement will be included as a Condition of Approval, and shall be satisfied by the owner of the subject property entering into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the San Joaquin Valley Unified Air Pollution Control District (Air District), this proposal is subject to Air District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within Air District Rule 9510 (Indirect Source Review) of 20,000 square feet of recreational space. Additionally, for proposals subject to Air District Rule 9510 (Indirect Source Review), the Air District requires submittal of an Air Impact Assessment (AIA) Application no later than applying for final discretionary approval, and payment of applicable off-site Mitigation Fees prior to issuance of the first Grading and/or Building Permit. Further, this proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

An Air Impact Assessment (AIA) Application (ISR Project No. C-20140269) was prepared for this proposal and submitted to the Air District on October 24, 2014. The AIA Application was approved by the Air District on March 25, 2016. According to the Air District, emissions of criteria pollutants specific to the proposal are expected to be mitigated below the Air District significance thresholds of 10 tons/year NOX and 15 tons/year PM10. As such, the emissions of criteria pollutants specific to the proposal would have no significant adverse impact on air quality. In order to ensure that emissions of criteria pollutants specific to the proposal are maintained below Air District significance thresholds, the proposed High Intensity Park shall adhere to the following Mitigation Measures:

- 1. For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for Air District inspection upon request.*
- 2. For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy.*
- 3. For each project phase, maintain records of total hours of operation for all construction equipment greater than 50 horsepower operated on-site. Within 30 days of completing construction of each project phase, submit to the Air District a summary report of total hours of operation by equipment type, equipment model year, and horsepower.*

Compliance with Air District Rules and Regulations will reduce air quality impacts from the subject proposal to a less than significant level.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the California Department of Fish and Wildlife (CDFW), which did not identify any concerns related to the project. This proposal was also referred to the U.S. Fish and Wildlife Service (USFWS), which also did not identify any concerns related to the project. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; or 4.) The movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area designated to be highly or moderately sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. This requirement will be included as a Mitigation Measure to reduce potential cultural resource impacts from the subject proposal to a less than significant level.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing 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 ground disturbing activity, 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 determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 1. Rupture of a known earthquake; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The area where the project site is located is designated as Seismic Design Category E in the California Geological Survey. As such, a Geotechnical Investigation shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal. This mandatory requirement will be included as a Project Note.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. As such, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to the Development Engineering Section of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal. This requirement will be included as a Project Note and shall be reviewed for approval during the Site Plan Review (SPR) process that will be included as a Condition of Approval. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting. With adherence to these requirements, potential erosion impacts from the subject proposal will be reduced to a less than significant level.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The existing 2,700 square-foot barn located on the project site has an existing septic system; however, the proposed High Intensity Park use will utilize two proposed 396 square-foot restroom buildings that will connect to a proposed septic system. Further, a Sewage Treatment System Design Report was prepared for the proposed septic system by O.S.T. System Designs, Inc.

According to the Environmental Health Division of the Fresno County Department of Public Health, the Sewage Treatment System Design Report prepared for this proposal by O.S.T. System Designs, Inc. demonstrates capacity to serve up to 600 visitors per event day. As such, no more than 600 visitors per event day shall be permitted for the High Intensity Park use. Further, the proposed septic system shall be installed in accordance with California Well Standards, California Plumbing Code, and the Sewage Treatment System Design Report prepared for this proposal by O.S.T. System Designs, Inc. These requirements will be included as Mitigation Measures to reduce adverse wastewater disposal impacts from the subject proposal to a less than significant level.

* **Mitigation Measures**

1. *No more than 600 visitors per event day shall be permitted at the facility (High Intensity Park).*
2. *The septic system proposed for the facility (High Intensity Park) use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Sewage Treatment System Design Report prepared by O.S.T. System Designs, Inc., or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface leaching field and water wells is 100 feet. Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes.*

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air

Quality) of this analysis will reduce air quality impacts from the subject proposal to a less than significant level.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: NO IMPACT:

The proposed High Intensity Park use does not involve storage of hazardous materials, and no hazardous material impacts were identified in the project analysis. Further, there are no schools located within one quarter-mile of the project site.

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

FINDING: NO IMPACT:

No hazardous materials sites are located within the boundaries of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately three quarter-miles southwest of a private use airport identified as "Eagle Field". Further, said airport is oriented in a northwest to southeast direction.

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

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The existing 2,700 square-foot barn located on the project site has an existing septic system; however, the proposed High Intensity Park use will utilize two proposed 396 square-foot restroom buildings that will connect to a proposed septic system. Further, a Sewage Treatment System Design Report was prepared for the proposed septic system by O.S.T. System Designs, Inc. Pursuant to discussion in Section VI (Geology and Soils), this proposal may have impacts related to wastewater disposal; however, the Mitigation Measures included in Section VI (Geology and Soils) will reduce such impacts to a less than significant level.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the project. Further, the project site is not located in a designated water-short area.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or

- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

No streams or rivers are located within the boundaries of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, any additional runoff generated by development of the proposal cannot be drained across property lines or into County right-of-way and must be retained on site per County Standards. This mandatory requirement will be included as a Project Note.

If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These mandatory requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

No additional water quality impacts were identified in the project analysis.

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

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

FINDING: NO IMPACT:

According to FEMA FIRM Panel 0950H, the project site is not subject to flooding from the 1% chance storm (100-year storm).

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

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

FINDING: NO IMPACT:

The project site is not prone to seiche, tsunami or mudflow, nor is the project site exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located approximately 13 miles west of the nearest city limits of the City of Firebaugh.

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

FINDING POTENTIALLY SIGNIFICANT IMPACT:

The project site is designated Agriculture in the Fresno County General Plan. Provisions for non-agricultural uses in agricultural areas, such as the proposed High Intensity Park, have been provided for in the Fresno County Zoning Ordinance and General Plan.

According to Policy LU-A.3 of the General Plan, the County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to specific criteria. Criteria LU-A.3.a states that 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. Criteria LU-A.3.b states that the use should not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.

With regard to Criteria "a", this proposal entails the authorization of a High Intensity Park to be utilized as a horse racing facility with concession stands and mobile food vendors on 11.32 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Additionally, the people that will attend event days will travel to the High Intensity Park from central, northern, and southern California. As such, the proposed High Intensity Park will primarily serve people from outside the area rather than the surrounding agricultural area. Therefore, the proposed High Intensity Park is not compatible with Criteria "a" of General Plan Policy LU-A.3; however, staff does not believe that this General Plan inconsistency is significant enough to warrant preparation of an Environmental Impact Report (EIR).

With regard to Criteria "b", portions of the project site are classified as Prime Farmland and Farmland of Local Importance on the Fresno County Important Farmland Map

(2014), and the project site is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 854. With regard to the Prime Farmland and Farmland of Local Importance classifications of the project site, this proposal will preclude the agricultural cultivation of approximately 11.32 acres of farmland. However, this loss of farmland is less than significant in that the 50.86-acre balance of the subject parcels will remain available for agricultural cultivation.

With regard to Criteria “c”, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.

With regard to Criteria “d”, the project site is located approximately 13 miles west of the nearest city limits of the City of Firebaugh, which has the ability to provide an adequate workforce.

According to Policy LU-A.12 of the General Plan, in adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.

According to Policy LU-A.13 of the General Plan, the County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

According to Policy LU-A.14 of the General Plan, the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

With regard to General Plan Policies LU-A.12, LU-A.13 and LU-A.14, this proposal will preclude the agricultural cultivation of approximately 11.32 acres of farmland. However, this loss of farmland is less than significant in that the 50.86-acre balance of the subject parcels will remain available for agricultural cultivation.

According to Policy PF-C.17 of the General Plan, the County shall undertake a water supply evaluation prior to consideration of any discretionary project related to land use, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.

With regard to General Plan Policy PF-C.17, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the project. Further, the project site is not located in a designated water-short area.

According to Policy PF-D.6 of the General Plan, the County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other

characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.

With regard to General Plan Policy PF-D.6, the existing 2,700 square-foot barn located on the project site has an existing septic system; however, the proposed High Intensity Park use will utilize two proposed 396 square-foot restroom buildings that will connect to a proposed septic system. Further, a Sewage Treatment System Design Report was prepared for the proposed septic system by O.S.T. System Designs, Inc. Pursuant to discussion in Section VI (Geology and Soils), this proposal may have impacts related to wastewater disposal; however, the Mitigation Measures included in Section VI (Geology and Soils) will reduce such impacts to a less than significant level.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis. The project site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will be utilized as an outdoor horse racing facility with concession stands and mobile food vendors that will host up to 26 event days per year on Sundays between the hours of 8:00am and 5:00pm with a maximum of 600 guests attending each event day, and none of the High Intensity Park guests will be allowed to stay onsite overnight. Additionally, the High Intensity Park will not utilize outdoor sound amplification for music, and a megaphone (e.g. bull horn) will be utilized between the hours of 10:00am and 5:00pm to announce the beginning, end and winner of each horse race.

An Acoustical Analysis was prepared for this proposal by WJV Acoustics. According to the Environmental Health Division of the Fresno County Department of Public Health, the Acoustical Analysis prepared for this proposal by WJV Acoustics indicates that the proposed High Intensity Park use will comply with the Fresno County Noise Ordinance. Further, in concurrence with the Applicant's Operational Statement and the Acoustical Analysis prepared for this proposal by WJV Acoustics, event days shall not include any amplified speech or music, and the use of a megaphone (e.g. bull horn) shall only be allowed between the hours of 10:00am and 5:00pm on event days. These requirements will be included in a Mitigation Measure to reduce adverse noise-related impacts from the subject proposal to a less than significant level.

* **Mitigation Measure**

1. *To mitigate for potential noise impacts, event days shall not include any amplified music, and the use of a megaphone (e.g. bull horn) shall only be allowed between the hours of 10:00am and 5:00pm on event days.*

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately three quarter-miles southwest of a private use airport identified as "Eagle Field". Further, according to the Operational Statement provided for the subject proposal, none of the High Intensity Park guests will be allowed to stay onsite overnight.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or

- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not construct or displace housing and will not otherwise induce population growth.

XIV. PUBLIC SERVICES

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

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District (Fire District) which did not identify any concerns with the project. The proposal must comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project must be approved by the Fire District prior to issuance of Building Permits by the County. These mandatory requirements will be included as Project Notes to be addressed during Site Plan Review (SPR), which will be required as a Condition of Approval. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

According to the Fire District, the project site must annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. This mandatory requirement will be included as a Project Note.

2. Police protection?

FINDING POTENTIALLY SIGNIFICANT IMPACT:

The Fresno County Sheriff's Department is strongly opposed to this proposal. There is a history of illegal activities on the subject property associated with unpermitted horse racing events, and numerous reports have been filed with the Sheriff's Department regarding other illegal activities being conducted at the subject property. As such, the Sheriff's Department believes approval of this proposal will result in an increased need for law enforcement in the area of the project.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

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

XV. RECREATION

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

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed High Intensity Park to be utilized as a horse racing facility with concession stands and mobile food vendors will be located on 11.32 acres of land that has frontage on Althea Avenue and Cambria Avenue. This proposal includes development of a gravel-surfaced parking lot with 205 parking spaces, 25 gravel-surfaced parking spaces for trucks with trailers, three gravel-surfaced parking spaces for mobile food vendors, paved parking lot with seven parking spaces for the physically handicapped, and three paved driveways to access Althea Avenue.

According to the Operational Statement provided for the subject proposal, the High Intensity Park will host up to 26 event days per year with a maximum of 600 guests attending each event day. Additionally, there will also be approximately 19 employees and approximately six security guards on site during event days. Further, a Traffic Management Plan was prepared for the proposed High Intensity Park use by Safety Network, Inc.

This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable.

The proposed High Intensity Park use was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project predicated on the determination made by the Road

Maintenance and Operations Division that the Traffic Management Plan prepared by Safety Network, Inc. is acceptable. As such, operation of the proposed High Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Safety Network, Inc. This requirement will be included as a Mitigation Measure to reduce adverse transportation and traffic impacts from the subject proposal to a less than significant level.

* **Mitigation Measure**

1. *Operation of the facility (High Intensity Park) use shall be in conformance with the Traffic Management Plan prepared by Safety Network, Inc. (Safety Network Inc. Plan No. 16BH045).*

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

FINDING: NO IMPACT:

The project site is located approximately three quarter-miles southwest of a private use airport identified as "Eagle Filed". Further, said airport is oriented in a northwest to southeast direction. As such, this proposal will not result in a change in air traffic patterns.

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

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

This proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These mandatory requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

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

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Pursuant to discussion in Section V (Cultural Resources), this proposal may have impacts on cultural resources; however, the Mitigation Measure included in Section V (Cultural Resources) will reduce such impacts to a less than significant level.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3421, staff has determined that there would be no impacts to mineral resources, population and housing, or recreation.

Potential impacts related to agricultural and forestry resources, biological resources, greenhouse gas emissions, hazards and hazardous materials have been determined to be less than significant.

Potential impacts relating to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, noise, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

Impacts to public services and land use and planning have been determined to be potentially significant.

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

DC:

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EXHIBIT 10

**PANOCHÉ WATER DISTRICT**

52027 WEST ALTHEA, FIREBAUGH, CA 93622 • TELEPHONE (209) 364-6136 • FAX (209) 364-6122

August 20, 2014

County of Fresno
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: Letter of Support for the B/C Farms:

On behalf of Panoche Water and Drainage District it is my pleasure to write this letter of support for B & C Farms. The property is located within our Water District service area and we have a good relationship with the owners, Francisco and Romelia Nunez.

I understand that B & C Farms is proposing to develop a race horse training facility on the property located at 49983 W. Althea Ave in Firebaugh. The Farm would provide a venue for horse enthusiast and individuals that are engaged in the sport to meet and exhibit their horses. No such attraction has ever been proposed in the area and I believe, as has been shown, it would offer a place where members of the community can come for the sheer entertainment of the sport, which is good for the morale of the people living here.

This community that has been struggling with water shortages, even before the recent drought. The fallowing of the land due to water supply problems has made it difficult for the surrounding community and has led to very few opportunities for businesses.

Lastly, this business would provide jobs to this area where levels of unemployment and poverty are proportionately higher than the rest of Fresno County.

Based on the information provided above, I ask that you support this venture and provide the necessary permits so the owners can move forward with their plans.

Sincerely,

Dennis Palaschi
General Manager



Dos Palos Lions Club



Lions Federal ID# 94-6187817

RECEIVED
COUNTY OF FRESNO

OCT 06 2014

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

This project will benefit the Dos Palos – Firebaugh area with much needed jobs and entertainment. This project also fits well in the surrounding area. Panoche Water district is a supporter and we also support it. We would hope this can be approved quickly and fairley. Thank You because these jobs will be appreciated.

Joe Dorn
Eagle Field



Dos Palos Lions Club



RECEIVED
COUNTY OF FRESNO

OCT 06 2014

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Lions Federal ID# 94-6187817

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209-761 5422

FARMER Dos Palos



Dos Palos Lions Club



Lions Federal ID# 94-6187817

RECEIVED
COUNTY OF FRESNO

OCT 06 2014

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

The Dos Palos Lions are fully supportive of this project as it will benefit the Dos Palos – Firebaugh area. Our area is very low income and all jobs help. The people in charge seem to be supportive of the surrounding areas. Thank you and we will answer any questions you might have. This project seems to be a great fit for this area.

Pres.



Dos Palos Lions Club



RECEIVED
COUNTY OF FRESNO

OCT 06 2014

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

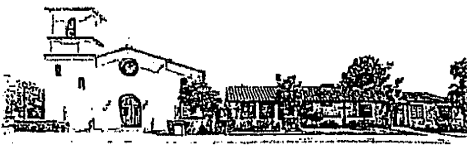
Lions Federal ID# 94-6187817

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B. J. R.
TREASURER

022

COPY



ST. JOSEPH'S CATHOLIC CHURCH

1558 12th Street Firebaugh, CA 93622 US Office: (559) 659-2225 Fax: (559) 659-0408

To The County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Fl.
Fresno Ca. 93721

Re: letter of recommendation to Public Works and Planning, Board members of the C.U.P. and ALCC. In favor of Horse Racing Facility on 49993 W. Althea Ave. Firebaugh, Ca. 93622

To Whom It May Concern,
Board Members, Allen Weaver Director, Chris Motta Supervisor, Eric V. Planner

I, Father Guillermo Preciado, Would like to recommend the Horse Facility and public events at 49993 W. Althea Ave., Firebaugh, Ca. 93622. This project will bring in new jobs and revenue to the area. Do to Firebaugh being a small and rural town many residents do not have any place to go for entertainment. Therefore, we welcome the thought of this proposal that is in question.

I was invited to the ranch for a blessing on two occasions and it was very nice to see the horsemen, families, friends, and neighbors. This facility has been a good place for the people. This is a positive venture for our community to see our cultural experience with the horses as we did and do in our native country.

I pray that the Board makes a favorable decision to move forward with respects to this project.

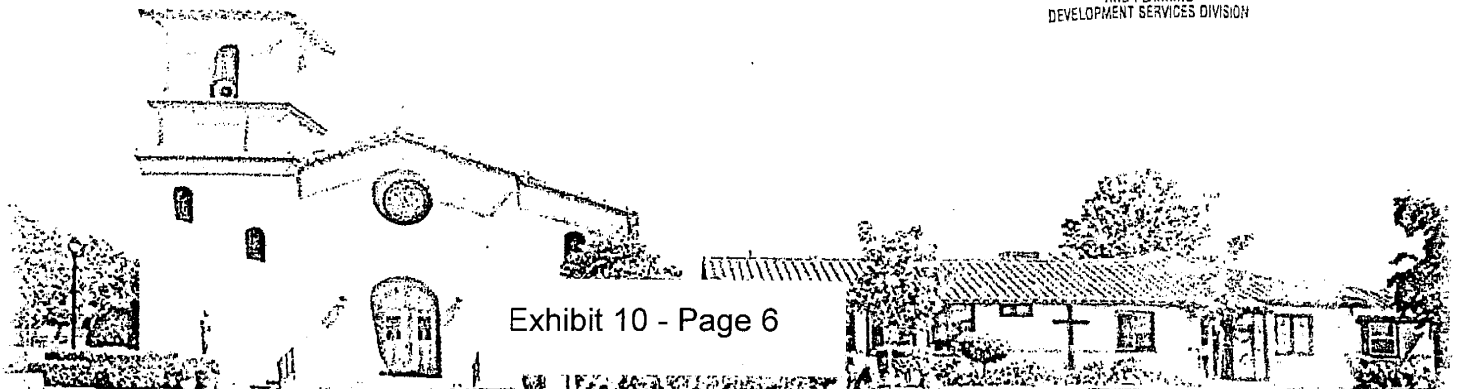
Cordially Submitted

Fr. Guillermo Preciado
Fr. Guillermo Preciado
559-659-2225 Office

CUP 3421
RECEIVED
COUNTY OF FRESNO

JUL 06 2015

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



Simoneon Pediatric Development Center

Occupational Therapy for Life Skills
(408) 559-9556 (408) 559-9556 (fax)

Mary E. Scholer, OTR/L
Executive Director

2542 S. Bascom, Suite 210
Campbell, CA. 95008

Romelia Nunez
3321 Aramis Drive
San Jose, CA. 95127

July 8, 2013

Today, Romelia Nunez has made a donation of \$1000. (check # 0961) to Simoneon Pediatric Development Center. Our Federal Identification # is 94-2694664.

Thank you again for your continuing support, assisting our 501©(3) with our mission of service to children and education to professionals, therapists in training and the general public.

Sincerely,

Mary E. Scholer, OTR/L

Mary E. Scholer, OTR/L

0961

Romelia Nunez
3321 Aramis Dr. (408) 920-8766
San Jose, CA 95127

80-7182/3282

7/8/13

Pay to the order of *Simoneon Pediatric Development Center* 1,000.-
One Thousand Dollars Dollars

WASHINGTON MUTUAL BANK, F.A.
E. SAN JOSE, CA 95127

Charity donation

Romelia Nunez

⑆32227⑆27⑆7470019538⑆0961

MADE CHECKS. 2000 1-800-602-8280 www.imagochecks.com CARDUEL 1108800

Author: Toni Daley. Licensed by Donkey Licensing Group.



EXHIBIT 11

Margaret Mims
Sheriff-Coroner
Fresno County Sheriff's Office

August 10, 2015

Derek Chambers, Planner
Development Services Division
Fresno County Public Works and Planning

RE: Revised Initial Study Application 6749 And Use Permit Application No. 3421 --
Applicant Romelia Nunez

Dear Mr. Chambers:

The Fresno County Sheriff's Office has reviewed the revision of the subject application proposing to allow a horse racing facility to be located at 49993 W. Althea in western Fresno County. This proposal is similar to activities that have taken place in the past at this location with the same owner/applicant, and we have significant concerns about the activities taking place during the course of these horse races.

The Fresno County Sheriff's Office first became aware of this location and these activities in July of 2013 when a Patrol Deputy happened to drive past at the same time a horse mortally injured itself in the starting gate. The deputy assisted as it appeared that it might be necessary for the Deputy to shoot the horse in order to alleviate its suffering. At that time we discovered there was no veterinarian on site during the races, and that EMS was also not present standing by for riders. None of the "security guards" on scene were registered security guards with the State of California. Liberty Animal Control responded on this date and also noted a variety of Business and Profession Code violations. The inability of staff present to humanely tend to injured horses was nearly seen as animal cruelty.

Dedicated to Protect & Serve

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8800

Equal Employment Opportunity · Affirmative Action · Disabled Employer

After becoming aware of these events in July of 2013, we then were advised by the California Highway Patrol that they had arrested numerous drunk drivers who had consumed their alcohol while at the horse races at 49993 W. Althea. CHP also advised us of traffic hazards created by this facility in the form of excessive traffic and pedestrians in the roadway. At least one arrested drunk driver told CHP that gambling was taking place at the horse races, and that applicant Nunez was receiving a percentage of the wagers. Allegations of illegal narcotics usage and race goers carrying firearms also surfaced. After our law enforcement response in July 2013 and the response of Liberty Animal Control, the applicant ceased racing horses at that location.

Other prior calls related to this applicant and 49993 W. Althea include three anonymous reports of illegal horse racing (2011, 2012 and 2013), a public hazard related to numerous people standing in the roadway watching horseracing (2012), and a shots fired disturbance in which a person towing a horse trailer fired a shot into the air during an argument before driving away.

An operational statement submitted by Dale G. Mell & Associates indicates a desire to sell beer at this location during the races. We have previously formally opposed the issuance of any kind of ABC license related to alcohol sales at this location. While the application states this facility is intended for the friendly gathering of family and friends, past practices at this location cause us concern that it can actually be a place harbouring significant illegal activity.

The revision to this application now includes a letter from a Veterinarian in Los Banos stating "*Westside Veterinary Services has agreed to provide services on an as needed emergency basis. Parties involved are in agreement and aware that emergency services are on a first come, first serve basis and that delays in arrival may occur if the Doctor who is on-call is involved servicing an earlier emergency.*" This indicates only that the veterinarian may be called in the event of an emergency, not that a veterinarian is either on site or otherwise guaranteed immediately available in an emergency.

Other law enforcement agencies within the state of California have found illegal horse racing activities that have included the injection of methamphetamine and cocaine into the racing horses. This type of illegal activity is difficult to uncover when it is done at unsanctioned events. The California Horse Racing Board is not involved with the racing at the applicant's location, therefore that board does not drug test the animals or otherwise monitor or sanction activities. A rural, unmonitored location such as this would make it very easy for any unscrupulous person to illegally inject a horse. At unsanctioned events participants inject their own drugs into animals, and many times

those drugs are illegal.

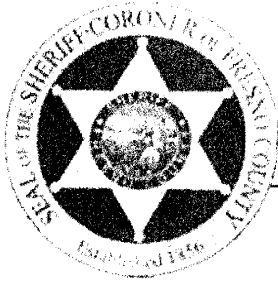
Over the course of the past two years investigators and veterinarians from the California Department of Food & Agriculture have indicated that unsanctioned horse racing poses a high risk for the spread of diseases. Unsanctioned racing circuits present many challenges and epidemiological concerns in regards to stemming the spread of these diseases. Unsanctioned events have no requirements for proof of identification of the animals, no quarantine guidelines and the increased likelihood of needle (blood) sharing.

Based on all of the above, the Fresno County Sheriff's Office strongly objects to the issuance of this permit as proposed. Issuance of this permit will result in an increased need for law enforcement due to the volume of people and the activities they will be engaged in. We have already seen first hand the effects of this activity on the area in the form of one known injured animal, multiple DUI drivers and traffic problems. It is also the position of this agency that the lack of EMS personnel, the lack of on site veterinarians, the epidemiology of disease spreading, the potential for illegal gambling and the lack of recognized race standards as sanctioned by the California Horse Racing Board require we oppose this proposed project.

Sincerely,

A handwritten signature in black ink that reads "Lt. Kathy Curtice". The signature is written in a cursive style with a large, stylized "K" and "C".

Kathy Curtice, Lieutenant
Area 1 Patrol Commander



Margaret Mims
Sheriff-Coroner
Fresno County Sheriff's Office

May 1, 2016

Derek Chambers, Planner
Development Services Division
Fresno County Public Works and Planning

RE: Revised Initial Study Application 6749 and Use Permit Application No. 3421—
Applicant Romelia Nunez

Dear Mr. Chambers:

The Fresno County Sheriff's Office has reviewed the revision of the application proposing to allow a commercial riding academy and high intensity park (horse racing facility) at 49993 W. Althea Avenue in western Fresno County.

The Fresno County Sheriff's Office remains opposed to the issuance of this permit for reasons outlined in the correspondence dated August 10, 2015 and provided by Lieutenant Kathy Curtice.

The issuance of this permit is likely to result in an increased need for law enforcement due to the volume of people and activities that will be taking place at the location. The applicants do not reside in the County of Fresno. The location's access to Interstate 5 (under 10 miles) makes it ideal for the potential of illegal gambling activities, traffic problems and incidents involving driving under the influence to be brought into the County of Fresno and outweigh any benefits that this "high intensity park" brings to the community.

Sincerely,

John Reynolds, Lieutenant

Patrol Bureau, Area 1 Commander

Dedicated to Protect & Serve

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8800
Equal Employment Opportunity Employer

EXHIBIT 12

RECEIVED
COUNTY OF FRESNO

APR 05 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

4/5/17

Fax 1559-600-4200

To Derek Chambers and Chris Motta

I added to the Briefings addressing the Sheriffs concerns. I am requesting their input and suggestions. I also addressed the Septic, leach lines. Please substitute this Brief revised today 5/5/17 to The Board of Fresno Supervisors instead of the one submitted 4/4/17. I appreciate all your valued help Thank You.

Respectfully Submitted.

Romelia Jiménez Nunez

1408-926-8766

Opening Brief to Fresno Board of Supervisors for Thursday April 13, 2017

APR 05 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Meeting location Hall of Records Rm 301 Tulare and M Street, Fresno Ca.

We are the owners of B/C Sports Race Track L.L.C. and would like the Committee to know about ourselves and what we want to accomplish and our desired outcome.

My names is Romelia Jiménez Nunez born and raised in San Jose Ca. I am a retired employee of 30 years and worked with the County Office of Education, my husband Francisco Nunez is a respectable Gardner and a United States Citizen. We are Apostolic Catholics married 36 years in church and believe in the Holy Trinity. Our interest is in Fresno Ca where our property is located. We do not hesitate to give to our Community (charity donations). Our children live in Fresno and go to school here. One great grandson will be graduating with honors from Clovis West this year 6/6/17. The other great grandchildren attend Plinedale with honors. Our grandson Emarhi McGee has a website in Sports of accomplishment in Fresno.

The proposed Race Track is located at 499993 W. Althea Ave Firebaugh Ca. Fresno Ca, 93662.

Horse owners will bring in their horses to breeze, race and work in and out of horse gates.

These Horse owners may train for the fairs or just have fun with their own horses. They may challenge each other, families, relatives or friends it's a fun day for families. It will be a place where people can enjoy their animals without being intimidated, or threats of harassment. The owners love their animals and enjoy spending quality time with friends and community. Some owners may bring their horses to show, some dance, kids bring their ponies. There are no shops or business in the area within a half a mile, therefore people coming onto the property will not disturb anyone. Events will be every other Sunday per approval. Please read letter of support from the Panoche Water District Board Members Mr. Dennis Falaschi and Mr. John F. Bennett, Dos Palos Lions Club supporters / members of the Air Port located on Althea, and St Joseph's Catholic Ch.

There will be 20-23 Bonus Workers (positions) for the Community.

1. (6) Ranch hands, (8) Snk Shack Wker, (2) bathroom maint workers, (2) ticketbooths wkers, (5) Author Security. (3) openings for Food Vender Trucks providing Health requirements are in Order.

Gates open at 10:00 AM and last event at 5:00 P.M. training in and out of gates between races.

I would very much like to work within the concerns of the Sheriffs Department. Although we have not had serious problems I have made a Ranch Warning Citation to be issued upon breaking rules (citation enclosed for review and suggestions).

Another concern was the septic system, I am also very interested in conserving the land therefore although I have spent a lot of money on lot line adjustment, plans for leach lines, septic, plans for ADA bathrooms, I am willing to squash all that and put portable bathrooms to accommodate customers and disabled. We want to work with the department regarding concerns.

Respectfully Submitted

Mr. Francisco and Romelia Jiménez Nunez

1408 537-3014/15 3321 Aramis Dr. San Jose, Ca. 95127

Revised 4/5/17 Co. Fresno Board of Supervisors, Fresno Planning, Advocate

B/C Sports Race Track L.L.C.



49993 W. Althea Ave. Firebaugh Ca. 93622 County of Fresno (Private Property

Name\ Nombre _____ Last Name\ Apellido _____

Phone # _____ ID\ Dr. Licence _____

Warning Citation will keep on file. If they do not sign, walk off \ out of Property.

- 1. No Fighting (Disrespectful) X
- 2. On Track (Dangerous situation) X
- 3. Selling Food (No permission) X
- 4. Selling beer\water\ sodas (No permission) X
- 5. Taking Pictures with cell \ camera (Privacy Act) X
- 6. Yelling Bets (Touting bets\ gritan puestos) X

No Weapons Circle one- No Bottles, No Guns, No Knives

Comments _____

Customer Signature _____ Date _____


White Issuer Office Copy Initials _____ Pink Customer Copy



Inter Office Memo

DATE: April 7, 2017

TO: Fresno County Planning Commissioners

FROM: Chris Motta, Principal Planner 

SUBJECT: Commission Correspondence – Planning Commission Agenda Item No. 3
(Nunez)

Attached is additional information (43 pages) provided by the project Applicant and requested to be distributed to the Planning Commission. This information includes various correspondence and letters of support, some duplicative to materials already attached to the Planning Commission Staff Report. Some of the material relates to the cancellation of the Agricultural Land Conservation Contract on the subject property, a matter not under the jurisdiction of the Planning Commission, but briefly referenced in the staff report. Again, the information is being included with your packets at the request of the Applicant.

If you have any questions please call me at 600-4227.

Attachments

To Derek Chambers and Chris Motta 3/28/17

Fresno Planning Department
2220 Tulare St 6th fl
Fresno Ca. 93721
Fax 1 559-600-4200

Gentleman, enclosed is a cover letter, an Opening Brief to The Fresno Board of Supervisors, and 41 pages.
Will I be limited in time to speak? Also I would like to speak last In case Board Members have questions. Awaiting Reply

Respectfully Submitted
Romelia Jiménez Nunez
Fax / Phone 1 408-926-8766
3321 Aramis Dr.
San Jose, Ca. 95127

RECEIVED
COUNTY OF FRESNO
MAR 28 2017
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Opening Brief to Fresno Board of Supervisors for Thursday April 13, 2017

Meeting location Hall of Records Rm 301 Tulare and M Street, Fresno Ca.

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Mr. John F. Bennett.

There will be 20 Bonus Workers (positions) for the Community.

1. Ranch hands (8)
2. Snack Shack Workers (6)
3. Authorized Security. (6)
4. 3 Openings for Food Vender Trucks providing Health requirements are in Order.

Gates open at 10:00 AM and last event at 5:00 P.M. training in and out of gates between faces.

Respectfully Submitted

Mr. Francisco and Romella Jiménez Nunez

1408 537-3014/15 3321 Aramis Dr. San Jose, Ca. 95127

3/28/17 Cc. Fresno Board of Supervisors

Fresno Planning, Advocate

SUPERSEDED

Positives

1. New Jobs and Revenues(community

- a. Franchise Tax (for community local tax).
- b. New Salaries and new money for this very so needed rural area. (nearest town approx. 20 miles away from 499993 W Althea Ave Firebaugh CA. 93622
- c. New Money Into community (approx. 15-20 jobs.)
- d. More and new business, for local merchants. (gas, fast foods, etc.).
- e. Donations for Community and church.
- f. Expose families, friends, neighbor, to live horses and family fun western days.

Questions:

_02/01/17

Meeting 2/1/17

Time _____ PM

A.L.C.C. Meeting 1274 West Hedges

Fresno County, Fresno CA. 93728

Petition for Partial Cancellation of Agricultural Land Conservation Contract No (854) RLCC No. 9491) 11.32 acres.

1. Positives – (Salmon) Work Sheet.
2. Applications, Sheriff Authorization, ABC Authorization, example of daily event permit.
3. Letters of support from Community
4. Operational Statement. (green)
5. Definition of commercial. Rules guidelines and law. (green)
6. Response from Agricultural Land Conservation Sacramento.
 1. (3) Letters to Agricultural Land Conservation Sacramento Department was sent by Fresno Development Services Division of Williamson Act Contract Findings
 - a. Sent on 5/2014 to have Agricultural Land Conservation rewrite and change Ms. M. Penberth mind.
 - b. On 08/08/14 Fresno Planning resent letter to have Ms. Molly Penberth change her mind.
 - c. On 12/05/16 Fresno Planning sent final letter for Ms. M. Mertz to change their mind and make comments.
 2. Returned comments from Sacramento Agricultural Land Conservation response:
 - a. First response letter from Agricultural Land Conservation Sacramento to 05/2014: 06/06/14 decision final (findings in order may opt out of Williamson Act Contract.),
 - b. Response letter from Agricultural Land Conservation Sacramento Ms. Molly Penberth dated 08/08/14; decision stands as is.
 - c. Final Response letter from Ms. Jacqueline Ramsey dated 01/04/17 To Fresno Planning Department- Letter of Importance High. The Department has no additional comments.

I am requesting the A.L.C.C. committee members to discuss and make a motion to agree with a Partial Cancellation of Agricultural Land Conservation Contract No 854 (RLCC NO. 949).

Respectfully Submitted
Romella Jiménez Nunez
1408 926-8766

To Committee members of the Williamson Act A.L.C.C (work sheet)

Wed Feb 01 2017

Time _____ am ___pm___

1. Approval from Sheriffs and ABC Department for Events.	Questions
2. Letter of Support for race track from Panoche Water Company located on Althea Ave Firebaugh down the street from where we are located at 499993 W. Althea	
3. Letters of Support for Race Track from the Lions Club located down the street of Althea Ave/Eagle field/Russell.(Pres, Treasure, Com member).	
4. Letter of Support from St Joseph Cathollic Church Firebaugh Ca. contact :Father Gulermo Presado (held prayer at ranch1559-659-2225 Letter In Fresno Planning department.	
4. Letter from the Simoneon Pediatric Development CenterOccupational Therapy for Life Skills	
5. I have given new Jackets for children to the sheriff department in regional 1.	
6. I traveled to and have given new Jackets to Mendota School	
7. I have given new Jackets to Dos Palos School located on Russell, which is no longer there.	
8. Created up to 20 positlons	
9. New money for this rural district.	
10. New tax money & Franchise tax.	

01/21/2013 08:07 FAX

003/003

Department of Alcoholic Beverage Control

State of California
Edward D. Brown Jr., Governor

DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

Instructions: Complete all items. Submit to local ABC District Office with required fee (Cashier's Check or Money Order payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.ca.gov/districts.html>
Pursuant to the authority granted by the organizations named below, the undersigned hereby applies for the license(s) described below.

ISSUANCE CATEGORY	ISSUE CODE
ISSUE NUMBER	
ISSUE DATE	
ISSUE REGION	
ISSUE TYPE	

San Joaquin Pediatric Development Center Yes No

2. LICENSE TYPE (Check appropriate license type AND organization type)
- Daily General (\$25.00) (Includes beer, wine and distilled spirits)
 - Political Party/Affiliate Supporting Candidate for Public Office or Ballot Measure
 - Fraternal Organization in Existence Over Five Years with Regular Membership
 - Religious Organization
 - Vessel per Section 24045.10 B&P (\$50.00)
 - Organization Formed for Specific Charitable or Civic Purpose
 - Other:

- Special Daily Beer (\$25.00)
 - Charitable
 - Civic
 - Fraternal
 - Religious
 - Social
 - Cultural
 - Political
 - Amateur Sports Organization
 - Other
- Special Daily Beer & Wine (\$50.00)
- Special Daily Wine (\$25.00)

- Special Temporary License (\$100.00) (Different privileges depending on statute)
 - Television Election per Section 24045.2 or 24045.9 B&P
 - Person conducting Estate Wine Sale per Section 24045.3 B&P
 - Nonprofit Corporation per Sections 24045.4 and 24045.6 B&P
 - Women's Educational and Charitable Organization per Section 24045.9 B&P
 - Other Special Temporary License, per Section

License number	Amount \$
<input type="checkbox"/> Dinner <input type="checkbox"/> Dance <input type="checkbox"/> Wedding <input type="checkbox"/> Lunch <input type="checkbox"/> Picnic <input type="checkbox"/> Barbeque <input type="checkbox"/> Social Gathering <input type="checkbox"/> Festival <input type="checkbox"/> Sports Event <input type="checkbox"/> Concert <input type="checkbox"/> Birthday <input type="checkbox"/> Mixer <input type="checkbox"/> Carnival <input type="checkbox"/> Dinner Dance <input type="checkbox"/> Other:	
YEAR & QUARTER	NUMBER OF DAYS
1	300
START DATE	END DATE
Feb 17, 2013	11:00 To 6:00 P.M.
EVENT LOCATION (Name, address, city, county and state, per 24045.1)	IS THIS OPEN TO THE PUBLIC?
100003 W. Athena Ave Firebaugh	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
IS LICENSE TO BE HELD AT THIS LOCATION?	TYPE OF ENTERTAINMENT
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Sports <input checked="" type="checkbox"/> Other <input type="checkbox"/>
AUTHORIZED REPRESENTATIVE NAME	IF YES, HOW MANY?
Enrique Vilera	10
ADDRESS	TELEPHONE NUMBER
2542 S. Bascom Ave Suite 210 Campbell, CA 95008	408-829-2727
APPLICANT NAME	DATE
Enrique Vilera	1/20/13
APPLICANT ADDRESS	DATE
5224 Aramis Dr San Jose, Ca 95127	1/21/13
CITY AND COUNTY	DATE
San Jose, CA	1-27-13
CITY AND COUNTY	DATE
resno County Sheriff	1693-2438
CITY AND COUNTY	DATE
San Jose, CA	1-27-13

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Chapter 9 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized above. This license does not include off-sale ("to-go") privileges.
A license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

02/11/2013 09:25 FAX

003/005

Department of Alcoholic Beverage Control

State of California
Bernard G. Brown, Jr., Governor

DAILY LICENSE APPLICATION/AUTHORIZATION - Non Transferable

*Instructions: Complete all items. Submit to local ABC District Office with required fee (Cash or Check or Money Order payable to ABC. Once license is issued, fee cannot be refunded. For a listing of ABC District Offices please visit <http://www.abc.state.ca.us/districts.html>)
Pursuant to the authority granted by the organizations named below, the undersigned hereby applies for the license(s) described below.*

LICENSE NUMBER	000000
ISSUANCE NUMBER	
DATE	
TIME	

Organization: Shoshonean Pediatric Development Center Yes No Yes No

B. LICENSE TYPE (Check appropriate license type AND expiration date) TAX ID# 94-2194664

- Daily General (\$25.00) (includes beer, wine and distilled spirits)
- Political Party/Affiliate Supporting Candidates for Public Office or Ballot Measure
- Organization Formed for Specific Charitable or Civic Purpose
- Other
- Fraternal Organization in Existence Over Five Years with Regular Membership
- Religious Organization
- Vessel per Section 24045.10 B&P (\$50.00)

- Special Daily Beer (\$25.00)
- Special Daily Beer & Wine (\$50.00)
- Special Daily Wine (\$25.00)
- Charitable
- Fraternal
- Social
- Political
- Other
- Civic
- Religious
- Cultural
- Amateur Sports Organization

- Special Temporary License (\$150.00) (Different privileges depending on statute)
- Television Station per Section 24045.2 or 24045.9 B&P
- Nonprofit Corporation per Sections 24045.4 and 24045.8 B&P
- Other Special Temporary License, per Section
- Parent-Teacher-Student Body Sale per Section 24045.4 B&P
- Women's Educational and Cultural Organization per Section 24045.3 B&P

License number _____ Amount \$ _____

- Dinner
- Dance
- Wedding
- Lunch
- Picnic
- Barbecue
- Social Gathering
- Festival
- Sports Event
- Concert
- Birthday
- Mixer
- Carnival
- Dinner Dance
- Other

DATE OF SALE: March 6, 2013 FROM: 11:00 AM TO: 6:00 P.M.

LOCATION: W. Athena Ave Firebaugh

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

APPROVED BY: Board of Directors YES NO IF YES, HOW MANY? 10

The above-named organization is hereby licensed, pursuant to the California Business and Professions Code Division 8 and California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above named location for the period authorized above. This license does not confer off-sale ("to-go") privileges.
This license may be certified summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State.

State of California
ABC-281
10/99

Department of Alcoholic Beverage Control

License Type: 37 Daily On-Sale General
License Nontransferable

LICENSE NO. 9360649
Receipt No. 2130142
Fee Paid \$25.00
Geographical Code 1003

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: SIMONEON PEDIATRIC DEVELOPMENT CENTER
LOCATION ADDRESS: 49993 W ALTHEA AVE
NUNEZ RANCH
FIREBAUGH, CA 93622

TYPE OF EVENT: SPORTING EVENT
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: 11:00 AM - 6:00 PM, September 2, 2012
ESTIMATED ATTENDANCE: 300

AUTHORIZED REPRESENTATIVE / ADDRESS
INGRID VILONA
252 S BASCAM AVE STB 210
CAMPBELL, CA 95008
(408) 829-2727

LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.

Good for 1 day(s). Date Issued August 31, 2012.



Director of Alcoholic Beverage Control

By C. Pu

State of California
ABC-281
10/99

Department of Alcoholic Beverage Control

License Type: 32 One Day Beer
License Nontransferable

LICENSE NO. 9370925
Receipt No. 2153041
Fee Paid \$25.00
Geographical Code 1003

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: SIMONEON PEDIATRIC DEVELOPMENT CENTER
LOCATION ADDRESS: 49993 W ALTHEA AVE
NUNEZ RANCH
FIREBAUGH, CA 93622

TYPE OF EVENT: SPORTING EVENT
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: 11:00AM - 6:00PM, February 17, 2013
ESTIMATED ATTENDANCE: 300

AUTHORIZED REPRESENTATIVE / ADDRESS

INGRID VILONA
3321 ARAMIS DR
SAN JOSE, CA 95127
C/O ROMELIA NUNEZ

LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.

Good for 1 day(s). Date Issued January 29, 2013.



Director of Alcoholic Beverage Control

By _____

Simoneon Pediatric Development Center

Occupational Therapy for Life Skills

(408) 559-9556 (408) 559-9556 (fax)

Mary E. Scholer, OTR/L
Executive Director

2542 S. Bascom, Suite 210
Campbell, CA. 95008

BC Pre-Horse Training Exhibitions
49993 W. Althea Avenue
Firebaugh, CA.

September 8, 2012

Today BC Pre-Horse Training Exhibitions, made a donation of \$1000. to Simoneon Pediatric Development Center. Our Federal Identification # is 94-2694664.

Thank you so much for the thoughtfulness of your organization, Romelia, in assisting our 501(c)(3) with our mission of service.

Sincerely,

Mary E. Scholer, OTR/L
Mary E. Scholer, OTR/L

Simoneon Pediatric Development Center

Occupational Therapy for Life Skills
(408) 559-9556 (408) 559-9556 (fax)

Mary E. Scholer, OTR/L
Executive Director

2542 S. Bascom, Suite 210
Campbell, CA. 95008

BC Pre-Horse Training Exhibitions
49993 W. Althea Avenue
Firebaugh, CA.

October 1, 2012

Today BC Pre-Horse Training Exhibitions, made a donation of \$800. to Simoneon Pediatric Development Center. Our Federal Identification # is 94-2694664.

Thank you so much for the thoughtfulness of your organization, Romelia, in assisting our 501©(3) with our mission of service.

Sincerely,

Mary E. Scholer, OTR/L

Mary E. Scholer, OTR/L

State of California
ABC-281
10/99

Department of Alcoholic Beverage Control

License Type: 32 One Day Beer
License Nontransferable

LICENSE NO. 9383610
Receipt No. 2178651
Fee Paid \$25.00
Geographical Code 1003

APPLICATION:

Pursuant to the authority granted by the organization named below, the undersigned hereby applies for the above designated license(s) for the location also described below.

ORGANIZATION: SIMONEON PEDIATRIC DEVELOPMENT CENTER
LOCATION ADDRESS: 49993 W ALTHEA AVE
NUNEZ RANCH
FIREBAUGH, CA 93622

TYPE OF EVENT: SPORTING EVENT
HR/DATES DURING WHICH ALCOHOL WILL BE SOLD: 11:00AM - 6:00PM, July 7, 2018
ESTIMATED ATTENDANCE: 300

AUTHORIZED REPRESENTATIVE / ADDRESS

MARY SCHOLER
3321 ARAMIS DR
SAN JOSE, CA 95127
C/O ROMELIA NUNEZ
408-359-9356

LICENSE:

The above-named organization is hereby licensed, pursuant to Section 24045.1 of the Business and Professions Code and Rule 59.5 of the California Code of Regulations, to engage in the temporary sale of alcoholic beverages for consumption at the above-named location for the period authorized below. This license does not include off-sale ("to-go") privileges. This license may be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace, and morals of the people of the State.



Good for 1 day(s). Date Issued July 1, 2013.

Director of Alcoholic Beverage Control

By _____



PANOCHÉ WATER DISTRICT

62027 WEST ALTHEA, FIREBAUGH, CA 93822 • TELEPHONE (209) 384-8196 • FAX (209) 384-8122

August 20, 2014

County of Fresno
Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721

RE: Letter of Support for the BIC Farms:

On behalf of Panoche Water and Drainage District it is my pleasure to write this letter of support for B & C Farms. The property is located within our Water District service area and we have a good relationship with the owners, Francisco and Romelia Nunez.

I understand that B & C Farms is proposing to develop a race horse training facility on the property located at 48883 W. Althea Ave in Firebaugh. The Farm would provide a venue for horse enthusiasts and individuals that are engaged in the sport to meet and exhibit their horses. No such attraction has ever been proposed in the area and I believe, as has been shown, it would offer a place where members of the community can come for the sheer entertainment of the sport, which is good for the morale of the people living here.

This community that has been struggling with water shortages, even before the recent drought. The following of the land due to water supply problems has made it difficult for the surrounding community and has led to very few opportunities for businesses.

Lastly, this business would provide jobs to this area where levels of unemployment and poverty are proportionately higher than the rest of Fresno County.

Based on the information provided above, I ask that you support this venture and provide the necessary permits so the owners can move forward with their plans.

Sincerely,

Dennis Falaschi
General Manager

Dos Palos Lions Club



Lions Federal ID# 94-6187817

This project will benefit the Dos Palos – Firebaugh area with much needed jobs and entertainment. This project also fits well in the surrounding area. Panoche Water district is a supporter and we also support it. We would hope this can be approved quickly and fairley. Thank You because these jobs will be appreciated.

A handwritten signature in black ink, appearing to be 'Paul Baker', written over a horizontal line.

209-761-5422


FARMER Dos Palos



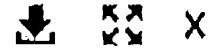
Dos Palos Lions Club

Lions Federal ID# 94-6187817

The Dos Palos Lions are fully supportive of this project as it will benefit the Dos Palos – Firebaugh area. Our area is very low income and all jobs help. The people in charge seem to be supportive of the surrounding areas. Thank you and we will answer any questions you might have. This project seems to be a great fit for this area.

B-G 
Treasurer

← Back to Message **Romella nunez.pdf** 1 / 1



Simoneon Pediatric Developme

669-231-4908

Mary E. Scholer, OTR/L
Executive Director

E.
S

January 29, 2017

ALCC Committee, Fresno County
Board of Supervisors, Fresno County

Romelia and Francisco Nunez have graciously donated in the past Development Center, a 501 ©(3) non-profit since 1980, from profit Race Track L.L.C. events. These funds were greatly appreciated; in providing occupational therapy services and supplies for disable were on the autism spectrum and others struggling with delayed de

We would most appreciate continued support from B.C. sports Rac our mission of serving children with disabilities and their families

If you would like more information on our organization, please co

Sincerely,

Mary E Scholer, OTR/L
Mary E. Scholer, OTR/L



Operational Statement

B/C Sports Race Track L.L.C.

Presented By. Romelia Jiménez Nunez

1408 926-8766

Worksheet / Questions; Sign in and return all handouts.

Question	Answer

Operational Statement for *B/C* Sports Race Track L.L.C.
Equine Sports Events
Located at 499993 W. Althea Ave. Firebaugh, Fresno Co. Calif. 93622

Revised by: Romella Jimenez Nunez

Fax & Ph: (408)926-8766

wireZwire1.3321@yahoo.com

1. The existing site is currently under the Williamson Act Contract under 854 with application for non-renewal of 11.46 more or less acres filed and processing concurrently with the C.U.P.
Located in an unincorporated area in Fresno County, 16 miles northwest of Firebaugh, 10 miles southwest of Dos Palos, 25 miles northwest of Mendota, 28 miles southeast of Los Banos & 12 miles east of Interstate 5, located on (2) two taxed parcels used to be (004-130-07) & (004-140-16) now on the new revised (DOC-2014-0075831) of which has a new parcel number (004-130-25 and 004-130-26). At the southeast corner of Althea Avenue (paved and maintained by Fresno County) & Cambria (dirt & maintained by Fresno County and local farmers). The southerly tax parcel (004-140-16 refer to 004-140-26) is divided in half by an open irrigation ditch running east and west along the West Courtney Avenue alignment (now abandoned). This site is currently fallow, but historically planted in oats. One of many challenges in farming this property is the limited access and delivery of Ag. Irrigation water, as with this year (0% delivery), water allocations from Panoche Water District varies from 0 to 2.46 acre feet per

Every other Sunday (26 Sundays a year) gates will open at 8:00 a.m., races will begin promptly at 10 a.m. with the finale event at 4:30 and closing at 5 p.m. The horses, horsemen, riders may enter at 8:00 a.m., NO OVERNIGHTERS.

3. We anticipate anywhere from 150-600 total people per event from 10:00 a.m. to 5:00 p.m.
4. B/C Sports Race Tack L.L.C. will employ 6 security guards working a 7 hour day from 10:00 a.m. to 5:00 p.m. and 17 bonus event workers that are included in the OST design capacity=600 not 600+6+17. Bonus event workers will work 8 - 9 hour days from 9:00 a.m. to 6:00 p.m. (as needed to clean and secure the site after each event). There will also be a manager to oversee that the event is running smoothly, and supervise event staff/security. There will be someone to see that all horses stay on schedule for each horse to come to the gates and will make sure people keep in line.
5. No anticipated deliveries are anticipated at this time.
6. Access to parking for spectators and contestants will be from Althea Ave driveway for contestants and two for spectators, each driveway will be paved for one hundred feet to prevent tracking mud onto the public road, Gates will be closed before and after all events. All vehicles will exit thru the three gates on Althea Avenue.
7. Parking: There will be 205 regular (9' x18') parking stalls; 6 compact (9' x 16') parking stalls and 7 accessible (9' x 18') parking stalls, 2 of which are designated van and 5 will utilize a five foot loading zone. All accessible parking surface will be P.C.C. pavement, graded, striped and signed to comply with 2013 C.B.C. Chapter 11B, spectator parking and driveways will be graded to provide controlled drainage patterns and surfaced with gravel controlling dust in the summer months and provide a stable surface in the winter reducing potential mud tracking. Race contestants, their horses, trucks and trailers will park in 44'x15' stalls along the south and east side of the event parcel. Surface will be graded to provide controlled drainage and surface with gravel.

May.14.2016 12:39 PM

PAGE. 4/ 6

8. Goods are not grown on property; goods are individual pre wrapped and date for current sale. Items are purchased from retail outlets. Items to be sold fresh currently dated items, such as pre packaged currently dated snacks. Whole seasonal uncut fresh fruit. Beverages will be sold in cans and plastic bottles. New Western Souvenirs and New Horse Gear will be sold.

9. (3) Mobile Food Vendor Trucks will be used to cook, grill and fry the food. They will enter property at 8 am and leave after each event (8am-5:30pm). Mobil Food Vendors WILL NOT BE ALLOWED TO STAY OVERNIGHT ON PROPERTY.

10. Equipment used will consist of tractors and farm implements to maintain grading, drainage and track surface with pick-up trucks and trailers in moving lighter loads.

11. Supplies and Materials; We do not store food or snacks on-site due to rodents, and vermin. All remaining snacks are taken home with the owner & returned on the next event providing the expiration date is current for sale. No expired goods will be sold.

12. No unsightly appearance will result from this project. Trees will be planted, grounds will be groomed, driveways paved and the site will be fenced. Water will be used to control dust.

13. Solid & Liquid Waste: There will be garbage cans on-site located at the west end of the parking lot by the existing barns, there will be bonus workers to pick-up paper & debris throughout the day. Paper goods are only to be used on the property (no Styrofoam allowed). The trash is sorted out from the recyclables and the trash will be hauled and disposed of by Mid Valley disposal every week. Solid Waste: 50 gallon drums will be provided throughout the spectator and eating areas for discarding beverage containers and food wrappers. Event staff will collect all containers when full or at the end of each event. Each container will be sorted for recyclables and empty in bulk waste containers located at the north side of the existing barn, the bulk containers will be hauled off by Mid Valley Disposal a local private service provider.

Manure: The manure will be picked up by owners, and bonus workers throughout the day. The manure will be accumulated and placed in an 8 x 8 stall located in the south-east of barn. Once the events are over and all horses have left the ranch the fertilizer will be picked up by the tractor and will be taken to the Ag Farm area and disc into the soil.

14. There will be an estimated 5,000 gallons of water used at each summer event controlling dust on the race track surface. In the winter months we anticipate the use of water to be less than 1,000 gallons, the existing on-site well will provide water for the project. The two permanent restrooms to be constructed will utilize 12 high efficiency water closets designed for 1.3 gallons per flush, 4 waterless urinals, 8 lavatories, and a mop sink will provide in each restroom. With an estimated waste discharge of 4,200 gal/day. An engineered waste water system has been designed for the project utilizing 2,5000 gallon septic tanks each with a pump for waste to a leach field 72 feet in width by 247 feet in length.

15. Advertising: There is no billboard advertising on-site considered at this time.

16. Structures: There are two existing barns (1) with stalls that will be used for the horses & 1 will be used for storage of farm equipment. (2) New CMU Block restrooms will be constructed as well as modified "Tuff Shed" structures.

17. Snack Shacks: The 3 new 20'x6' tuff sheds will be used in operation for selling beer, sodas, snacks and water. In the 20'x6' sheds one half (10'x6') will be closed off with a door and wall used for beer sales. The existing 10'x12' shed will be used as an entrance pay booth, first aid & security station. A new 8'x4' shack will be used to sell tickets for beverages and snacks and 2 new 18'x20' restrooms facilities.

18. There will be no outdoor lighting or amplified music. Race announcer will use a bull horn to announce beginning, end and winner of each race between the hours of 10am-5pm. Winners will take a winning picture.

19. Landscape will consist of (32) 20 gallon fruitless mulberry trees.

20. Upon entering the ranch, horsemen sign a Release of liability for themselves, their riders, family members attending & horses. It's a sport and challenging winner wins 'bragging' rights. Everyone has fun, NO PURSE MONEY INVOLVED. There will be signs stating "NO GAMBLING" allowed on the premises & "NO LOITERING" signs will be placed on the front and side of the property along the fence; signs are in English and Spanish.

Diversity, history and benefits of horse racing;

Quarter mile horse racing is a sporting event dating back to the early 1600's by settlers in Virginia and established in California. In 2005 there was a study conducted listing an estimated 100 race tracks and 700,000 horses in California; 12% of which are used for racing (12% of 700,000=84,000/100 race track or 840 per track). 10.7% of horse owners have an annual house hold income of under \$25,000, 23.2% of horse owners have an annual income of \$25,000 to \$50,000 and 22.3% of horse owners have an annual income of \$50,000 to \$75,000, the numbers clearly paint a picture of equine life style and interest in California that is not limited to the rich and famous. The west side is a perfect venue for the sporting event where traffic and access is not in conflict with an urban setting.

06\14\13

whom it may Concern: Mr. Alan Weaver Director and Edward Gonzalez Planner

SUBJECT: FILE NO. 13-102637
 APN 004-130-07
 ZONING AE-20 (Exclusive Agricultural)

Regarding Fresno County Zoning Ordinance, section 816.

Exclusive Agricultural District section code 816 #B Permits Commercial stables and riding academies.

B\C Pre Horse Training and Exhibitions we have the training facility and space so that the owner, self
 Iners may come to train and work their horses. We provide stalls, water, gates, and a run way. This is not a
 e track, I charge spectators. That's how I make money from our business. I use the community for
 ources, Mid Valley Disposals, United Septic, and 10 workers. I donate and give to the community. The
 roperty is in an unincorporated area, there are no schools, shopping centers and very little homes in the
 ia. Many neighbors come on Sundays they are happy and excited to have us there.

What is the definition of commercial business?

The word **business** is a noun that can be used to refer to an industrial enterprise and the people who constitute it. One's **work** to
 run **business** can also be his/her occupation, the main activity in one's life that they do to in order to earn money.

<http://link.ask.com/question/what-is-the-definition-of-co...>

com-mer-cial **adjective**

of, pertaining to, or characteristic of commerce.

engaged in commerce.

prepared, done, or acting with sole or chief emphasis on salability, profit, or success:

able to yield or make a profit.

stable n v. sta-ble, sta-ble, sta-ble

- a. A building for the shelter and feeding domestic animals, especially horses and cattle.
- b. All racehorses belonging to a single owner or racing establishment.
- c. The personnel employed to keep and train such a group of racehorses.

Training Centers

1. Tracks \Training (Equibas.com/tracks/training
Horses, Jockeys, Trainers, Owners, Training Track

These are my findings and believe it's a good thing. This is new revenue for the community, I have
 been doing good things for people however won't be able to without the runway. If I am wrong, help
 me fix this matter.

Respectfully Submitted

IR-21-2014 16:59

CD FRESNO DEPT PWP

559 600 4200

P.01

CUP 3421 Williamson Act Contract Cancellation

March 21, 2014

Page 2

33 of the Oro Loma Tract according to the map recorded in Book 1, page 42 of the Miscellaneous Maps record in Fresno County. Your site plans needs to reflect these two lots parcels that have been used for the facility. A minimum parcel size of 20 acres of land with "Prime" soil classification is required to meet the minimum qualification to remain in the Williamson Act Program.

The Williamson Act Contract cancellation petition still needs the following from the (March 11, 2014) memo:

- Addressing the five required findings for your petition
- The Notice of Non-Renewal including the stamped and signed legal description prepared by a licensed land surveyor for the portion of the parcel (s) to be non-renewed to allow the Notice of Non-Renewal to be prepared and recorded for the Williamson Act restricted land

Regarding the required findings above, the following information must be provided:

- A. The enclosed map and parcel list shows all the non-contracted parcels within a five-mile radius of the subject parcels. For each of the non-contracted parcels, an explanation must be provided why the listed non-contracted parcels cannot accommodate the subject horse racing. The responses must include when the property owner was contacted, a contact phone number and why the parcel is not suitable for the subject horse racing facility.

Touting is not permitted on B/C Sports Race Track L.L. C. (ranch).
Signs are located throughout the property. Please note attached.

Justia › US Law › US Codes and Statutes › California Code ›
2009 California Code › California Penal Code › Chapter 10.5. Horse Racing

[View the 2015 California Code](#) | [View Previous Versions of the California Code](#)

2009 California Penal Code - Section 337.1-337.9 :: Chapter 10.5. Horse Racing

PENAL CODE

SECTION 337.1-337.9

337.1. Any person, who knowingly and designedly by representation attempts to, or does persuade, procure another person to wager on a horse in a race to be held at any place, or elsewhere, and upon which money is wagered in that race, and who asks or demands compensation as a reward for information given in such case is a tout, and is guilty of a misdemeanor.

337.2. Any person who is a tout, or who attempts to commit touting, is guilty of a misdemeanor and is punishable by a fine of not more than five hundred dollars (\$500) or imprisonment in the county jail for not more than six months, or both, and imprisonment. For a second offense in this section, the person is imprisoned.

337.3. Any person who in the commission of touting is guilty of a misdemeanor and is punishable by a fine of not more than five hundred dollars (\$500) or imprisonment in the county jail for not more than six months, or both, and imprisonment. For a second offense in this section, the person is imprisoned.

NO

GAMBLING

NO

SE PERMITE

APOSTAR



Gambling Is Against The Law.

Apostar Es Contra La Ley.

Board Members A.L.C.C.

Subject: Land Conservation Contract No. 854, RLCC 949.

Cover page and correspondence from A.L.L.C. Sacramento Office Molly A. Penberth (Manager).

-
1. Roy Jimenez sent a letter to The Department of Conservation to make a judgment on the Land Conservation Act. A response was returned by Molly A. Penberth, Manager on June 4, 2014 out come #3 pg2 of 3 alternative use which is consistant with the application.
 2. Aug 8, 2014 letter resent out by Roy Jimenez to The Department of Conservation to revise their decision.
 3. Returned letter to Roy Jimenez from Molly A. Penberth on Sept 04, 2014 stating decision stands providing a letter from Mr. Tim Hall not to sell property and to be provided.
 4. Letter from Tim Hall no longer wanting to sell his property dated Sept 10, 2014 submitted to Fresno Planning September 11, 2014. Therefore all requirement were consistant with the Petion and Land Conservation Contract No. 854, RLCC 949

Respectfully Submitted

Romella J. Nunez

Sep 10 2014 6:05PM HP LASERJET FAX

EXHIBIT D

Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, Ca 93721
Fax 1559-600-4200
Phone 1559-600-4251

RECEIVED
COUNTY OF FRESNO

SEP 11 2014

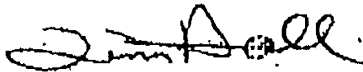
DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION

VIA FAX

Dear Mr. Jimenez,

At the present time, I am not interested in selling the 17 ac. Parcel APN No-010-020-235, located on Herndon Ave Firebaugh, Ca 93622

Respectfully,



Tim Hall
Phone 1209-364-0070
Fax 1209-364-0080

9/10/14

Nunez Horse Racing Facility
 June 3, 2014
 Page 2 of 3

and four acres of Farmland of Statewide Importance per FMMP¹. Based on this information, it is reasonable that the small portion in each of these classified areas (Prime and Statewide) would not register as a classification that reflects the uncultivated and non-irrigated area of the project site.

In order to be considered consistent with the existing contract, the primary function of a commercial horse breeding or training facility must be commercial horse breeding or training for sale. Occasional sale or training as a secondary activity on the property cannot constitute commercial agricultural activity and qualify for inclusion as an agricultural use. The existing/proposed uses do not meet this requirement, therefore, the horse racing facility is required to be removed from the land conservation contract.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code Section 51282. The County must document the justification for the cancellation through a set of findings. Based on the petition, the project is being processed under the Consistency with the Williamson Act findings outlined below in the Department's comments:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

The notice of nonrenewal was recorded on May 21, 2014, Document No. 2014-0057466.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

Per Fresno County, "the subject property is designated Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed horse racing facility by discretionary approval (i.e., Conditional Use Permit)." Therefore, the County considers the horse racing facility to be consistent with surrounding agricultural properties and does not expect it to result in the removal of adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The County has stated that the horse racing facility is consistent with the Agricultural General Plan designation of the project site and permitted per section 816.1(a) and 816.2(b) of the "AE" Exclusive Agricultural District.

(4) That cancellation will not result in discontinuous patterns of urban development.

The County has stated that the horse racing facility is consistent with the Agricultural General Plan designation of the project site and does not expect it to result in the removal of adjacent lands from agricultural use. Therefore, the competitive equestrian riding events are not urban in nature and would be considered consistent with the agricultural General Plan for the area.

¹ California Department of Conservation, California Important Farmland Finder.
<http://maps.conservaton.ca.gov/off/>. Accessed May 27, 2014.

Nunez Horse Racing Facility
 June 3, 2014
 Page 3 of 3

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

A search within a five mile radius of the project site was conducted for suitable non-contracted land. Letters were sent to all parcel owners with a total of eight responses. Of those eight responses, two were willing to sell and one did not have property available at that time, but could have it available in the future. Of the two willing to sell, one of the properties was not long enough for the race track. The other property owner (Tim Hall) had 17± acres available for \$350,000. The petition did not comment on why this property was not considered.

In the County's deliberations, it is suggested that it be discussed why the 17± acre parcel that was listed as available for sale was not considered, and make a determination regarding its suitability.

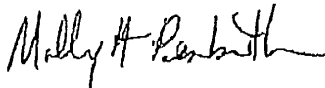
CANCELLATION FINDINGS CONCLUSIONS

The valuation has not yet been received. A copy of the estimated cancellation fee is required to be sent to the Department prior to tentative approval of the project. Please send it at your earliest convenience.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the public notice for the tentative cancellation 10 working days before the hearing, and a copy of the recorded Tentative Cancellation Resolution within 30 days after approval of the tentative cancellation, pursuant to Government Code section 51284.

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Certificate of Tentative Cancellation, and payment of the cancellation fee, the Board will record a Certificate of Cancellation for the contract. The County Treasurer is required to send the cancellation fee² to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded final cancellation resolution to the Department of Conservation³. If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
 Division of Land Resource Protection
 Conservation Support Unit

² Please include information identifying the cancellation on the check: APN(s) or project name or number.
³ When sending information to the DOC, please also confirm the date the cancellation payment was made to the State Controller.



EXHIBIT F

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

August 8, 2014

Molly Penberth, Manager
California Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
801 K Street, MS 18-01
Sacramento, CA 95814-3528

Subject: Response to the Department of Conservation's (Department) Comments -
Petition for Partial Cancellation of Agricultural Land Conservation Contract No.
854

Dear Ms. Penberth:

Pursuant to Government Code Section 51284.1(a), on May 21, 2014 we mailed a petition for Partial Cancellation of Contract No. 854 to the Department for review and comment.

On June 8, 2014, the County received a letter from the Department regarding the subject cancellation. In reviewing the Department's response, we have some concerns that are noted below.

With regards to land classification, the Department's letter indicates that the area subject to cancellation consists of approximately eight acres of Prime Farmland and 4 acres of Farmland of Statewide Importance. According to the California Important Farmland Finder, the four-acre area subject to the cancellation includes soil classified as Prime and Farmland of Local Importance. Please confirm the soil classification of the four-acre area subject to this petition.

The Department has indicated that the minimum mapping unit used by the Department's Farmland Mapping and Monitoring Program for Important Farmland Classifications is 10 acres, unless specified. The Department has also indicated that since the proposed 12 acres subject to this petition consist of eight acres of Prime soil and four acres of Soil of Statewide Importance, it is reasonable that the small portion in each of these classified areas would not register as a classification that reflects the uncultivated and non-irrigated area of the subject project site.

Staff would like to note that the proposed alternate use will remove 12 acres of productive agricultural land out of production (irrespective of the minimum land use mapping unit used by the Department) while non-contracted and/or less productive land is available to

Mrs. Penberth
August 8, 2014
Page 2

accommodate the proposed alternate use. Staff has difficulty understanding why converting productive agricultural land that is under Williamson Act contract is a non-issue because of the mapping unit used by the Department

Regarding Findings No. 2, the Department has indicated that because the County allows certain non-agricultural uses such as the proposed horse racing facility by discretionary permit, the County considers the proposed use to be consistent with the surrounding agricultural operations and does not expect the proposed use to result in removal of adjacent land from agricultural use. Staff would like to note that although certain agricultural uses can be proposed in agricultural areas of the County, the determination of consistency of the project with the policies of the General Plan is part of the discretionary review process. Therefore, it is premature to reach the conclusion that the proposed alternate use is consistent with the agricultural designation of the surrounding properties.

Regarding Finding No.3, The Department has indicated that the County has stated that the horse racing facility is consistent with the Agricultural land use designation because it is permitted in the A-E (Exclusive Agricultural) Zone district subject to approval of a discretionary permit. Staff would like to note that although certain non-agricultural uses may be allowed in areas of the County designated for Agricultural use (subject to approval of a discretionary permit), the General Plan includes policies for protection and preservation of agricultural lands including protection of agricultural operations from non-agricultural uses. The discretionary process for evaluating non-agricultural uses in an agricultural area includes a finding of consistency with the General Plan policies. The proposed alternate use has not gone through the evaluation of consistency with the General Plan policies. Again, it is premature to conclude that the proposed alternate use is consistent with the policies of the County General Plan.

Regarding Finding No. 4, the Department assumes that the horse racing facility is consistent with the Agricultural designation of the General Plan and does not expect the proposed use to result in removal of adjacent land from agricultural use. The Department concludes that the competitive equestrian riding events are not urban in nature and would be considered consistent with the General Plan Agricultural designation. As mentioned above, it has not been determined that the proposed project is consistent with the County General Plan policies.

Regarding Finding No.5, based on the information in the petition, the Department acknowledges that there is at least one parcel available to accommodate the proposed alternate use and that the petitioner has not addressed why this property is not being considered for the proposed alternate use. Since the parcel owned by Tim Hall is available and the petitioner has not provided any reason why this parcel is not suitable for the proposed use, a conclusion can be drawn that the subject parcel is available and suitable to accommodate the proposed alternate use. The Department suggests that the County look into the issue of why the non-contracted parcel 17-acre parcel that is available for sale was not considered for the proposed alternate use. As mentioned above based on the fact that no reason was provided in the petition, it is appropriate to conclude that the non-contracted parcel is suitable to accommodate the use and therefore, finding No. five cannot be made.

Mrs. Penberth
August 8, 2014
Page 3


Summary:

County staff appreciates the Department's mission in preservation of productive agricultural land which is consistent with the Fresno County's General Plan policies. The County also appreciates the Department's expertise in reviewing the cancellation petitions and assisting County staff in determining whether a certain contracted land should be removed from the Williamson Act Program. However, in the case of this application, the Department has assumed that the proposed alternate use is consistent with the County's General Plan policies because the use can be proposed in an agricultural area of the County. The analysis of the cancellation petition, based on the information provided, should focus on determining whether it is appropriate for an agricultural land under contract to be converted to a non-agriculturally related commercial use based on the General Plan policies which promote preservation and protection of productive agricultural land against encroachment of incompatible uses.

We request that the Department provides us its revised comments on the proposed petition in light of the facts discussed above.

Thank you for your prompt attention to this matter. If you have any questions or need additional information, please feel free to contact me at royjimenez@co.fresno.ca.us or at (559) 600-4251.

Sincerely,



Roy Jimenez Jr., Planner
Development Services Division

G:\49800\Devs&Plan\PLANNING\AG\RLCC - Appeals\Active Cancellation\RLCC 648 Nunez p1CNX\DOC Response_revised.docx

Enclosures

Meri A. Meraz, Associate Environmental Planner

NATURAL RESOURCES AGENCY

EXHIBIT G

EDMUND G. BROWN JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3450 • TDD 916 / 324-2656 • WEB SITE conservation.ca.gov

September 2, 2014

RECEIVED
COUNTY OF FRESNO

SEP 04 2014

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RECEIVED

SEP 04 2014

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

Via Email: RoyJimenez@co.fresno.ca.us
Mr. Roy Jimenez, Planner
Fresno County Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

SUBJECT: **REVISED LETTER - NUNEZ HORSE RACING FACILITY - PARTIAL CANCELLATION OF LAND CONSERVATION CONTRACT NO. 854, RLCC 949**

Dear Mr. Jimenez:

Per a request from the County of Fresno, the Department of Conservation (Department) is submitting revised comments for the Nunez Horse Racing Facility. This letter supersedes the Department's June 3, 2014 comment letter. The Department's previous comments were based on cancellation petition findings presented by the County, which were prepared by the applicant, and had not been thoroughly reviewed prior to submittal to the State. The County has addressed the Department's previous letter and requested that the Department revise our cancellation letter based on the County's observations.

The Department has reviewed the response letter from the County regarding the findings in the cancellation petition and offers the following comments.

PROJECT DESCRIPTION

The applicant filed a Conditional Use Permit Application, along with the subject partial cancellation, proposing a horse racing facility on an 11.5-acre portion of two parcels totaling 52.6-acres in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District. The facility would include two concession stands (120 square feet each), an area for two mobile food vendors, restrooms, parking and an area for up to 300 spectators.

There are two existing barns (one with stalls and one for equipment) and a storage shed on the 11.5 acre portion proposed for cancellation. The amateur horse racing is expected to draw spectators twice a month. Horses will be brought onto the property for the races by various owners. They are not bred or trained on the parcel under contract.

In order to be considered consistent with the existing contract, the primary function of a commercial horse breeding or training facility must be commercial horse breeding or training for sale. Occasional sale or training as a secondary activity on the property cannot constitute

Nunez Horse Racing Facility
 September 2, 2014
 Page 2 of 4

commercial agricultural activity and qualify for inclusion as an agricultural use. The existing/proposed uses do not meet this requirement, therefore, for the horse racing facility to be consistent, it is required to be removed from the land conservation contract.

The 2012 edition of the Important Farmland data, being released this week, classifies the area as Prime Farmland¹. However, the Department recognizes through imagery and data that the project site has not been actively cultivated since 2007. This is consistent with the petition's statement that the subject portion of the property has been fallow since 2010. But the narrow configuration of the area and the fact that it is a portion of a much larger parcel, does not allow for it to be mapped separately in the Important Farmland Map.

The County questioned why converting productive agricultural land under a Williamson Act contract would not be an issue, irrespective of the minimum land use mapping unit used by the Department. The larger question is the status of the property, and whether it has been productive since 2007. Given the production history, the County must determine under its policies and rules whether this land is better suited for Land Conservation Act protection or for the project.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code Section 51282. The County must document the justification for the cancellation through a set of findings. Based on the petition, the project is being processed under the Consistency with the Williamson Act findings outlined below in the Department's comments:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

The notice of nonrenewal was recorded on May 21, 2014, Document No. 2014-0057466.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The County has opined that although certain agricultural uses can be proposed in agricultural areas of the County, the determination of consistency of the project with the policies of the General Plan is part of the discretionary review process. Therefore, it is premature to reach the conclusion that the proposed alternate use is consistent with the agricultural designation of the surrounding properties.

Based on the information provided, this finding requires a more thorough review by the County before it can be determined as having been met.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The County has opined that although certain non-agricultural uses may be allowed in areas of the County designated for agricultural use (subject to approval of a discretionary permit), the

¹ Reviewed with FMMP staff, August 29, 2014.

Nunez Horse Racing Facility
 September 2, 2014
 Page 3 of 4

General Plan includes policies for protection and preservation of agricultural lands including protection of agricultural operations from non-agricultural uses.

The discretionary process for evaluating non-agricultural uses in an agricultural area includes a finding of consistency with the General Plan policies. The proposed alternate use has not gone through the evaluation of consistency with the General Plan policies. Therefore, it is premature to conclude that the proposed alternate use is consistent with the policies of the County General Plan.

Based on the information provided, this finding requires a more thorough review by the County before it can be determined as having been met.

(4) That cancellation will not result in discontinuous patterns of urban development.

The County has stated that it has not been determined that the proposed project is consistent with the County General Plan policies. Although certain non-agricultural uses may be allowed in areas of the County designated for Agricultural use (subject to approval of a discretionary permit). Therefore, it is premature to conclude that the proposed alternate use is consistent with the policies of the County General Plan.

Based on the information provided, this finding requires a more thorough review by the County before it can be determined as having been met.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

A search within a five mile radius of the project site was conducted for suitable non-contracted land. Letters were sent to all parcel owners with a total of eight responses. Of those eight responses, two were willing to sell and one did not have property available at that time, but could have it available in the future. Of the two willing to sell, one of the properties was not long enough for the race track. The other property owner (Tim Hall) had 17± acres available for \$360,000. The petition did not comment on why this property was not considered.

In the County's deliberations, it is suggested that it be discussed why the 17± acre parcel that was listed as available for sale was not considered, and make a determination regarding its suitability.

CANCELLATION FINDINGS CONCLUSIONS

Based on the supplementary information provided by the County, the project will need to go through the public review process before the County can make final determinations on the findings for the cancellation.

The Department considers a cancellation petition to be complete once a county has either conducted a preliminary review and deemed the petition data and findings to be acceptable, or they have finished their own environmental review and set of findings to forward on to the Department. As a result, the information in the cancellation petition would reflect the views of

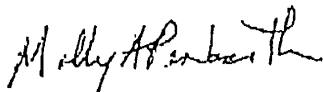
Nunez Horse Racing Facility
September 2, 2014
Page 4 of 4

the County as the lead agency. The Department recommends that future cancellation petitions follow this process to reduce confusion and streamline staff workload.

Please provide our office with a copy of the public notice for any tentative cancellation 10 working days before the hearing, and a copy of any recorded Tentative Cancellation Resolution within 30 days after approval of the tentative cancellation, pursuant to Government Code § 51284.

Within 30 days of the landowner, satisfying the conditions and contingencies required in a Certificate of Tentative Cancellation, and payment of the cancellation fee, the Board will record a Certificate of Cancellation for the contract. The County Treasurer is required to send the cancellation fee² to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded final cancellation resolution to the Department of Conservation³. If you have any questions concerning our comments, please contact Merl Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

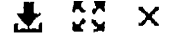
Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

² Please include information identifying the cancellation on the check: APN(s) or project name or number.
³ When sending information to the DOC, please also confirm the date the cancellation payment was made to the State Controller.

Back to Message **DOC Comments RLCC 949.pdf** 1 / 1



Adams, John

From: Ramsey1, Jacquelyn@DOC <Jacquelyn.Ramsey1@conservation.ca.gov>
Sent: Wednesday, January 04, 2017 3:35 PM
To: Adams, John
Cc: Chambers, Derek
Subject: REVISED PETITION FOR PARTIAL CANCELLATION OF ALCC 854 (RLCC No. 949)

Importance: High

The Department of Conservation (Department) has reviewed Fresno County's (County) December 5, 2016 letter with findings submitted by the County regarding the cancellation petition revision, noted above. The Department has no additional comments.

Jacquelyn Ramsey
Associate Environmental Planner
Department of Conservation
Division of Land Resource Protection
Conservation Support Unit
(916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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County of Fresno

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

December 5, 2016

Kathryn Lyddan
Conservation Program Assistant Director
California Department of Conservation
Division of Land Resource Protection
801 K Street, MS 14-16
Sacramento, CA 95814-3528

Subject: Resubmittal of Revised Petition for Partial Cancellation of ALCC No. 854 (RLCC No. 949) and Preliminary Evaluation of the Required Five Consistency Findings

Dear Ms. Lyddan:

Pursuant to Government Code Section 51284.1(a), we are sending you this resubmitted Petition for Partial Cancellation of Williamson Act Contract No. 854 for your review and comment. The original petition was submitted to the Department of Conservation (Department) for comment on May 21, 2014 and your office provided comment on June 3, 2014 and revised comment on September 2, 2014. Enclosed are petition materials that reflect a revised cancellation area submitted by the applicant for removal of an approximately 11.32-acre portion of two parcels totaling 52.16-acres known as Assessor's Parcel Numbers (APN) 004-130-25, 26 and 004-140-23, 24, 25 and 26, from the Williamson Act program.

This petition was filed in conjunction with Unclassified Conditional Use Permit (UCUP) No. 3421 to permit a horse racing facility in the AE-20 Zone District on land enrolled in the Williamson Act Program. UCUP No. 3421 was filed to correct an existing land use violation.

The following information is provided to assist you in your evaluation of the petition:

Soil Classification: The soil of the subject parcels are classified as Prime Farmland and Farmland of Statewide Importance.

Water Availability: The subject parcels receive surface water from the Panoche Water District and groundwater from an onsite agricultural well for irrigation of crops.

Farming History: The applicant indicated that the subject area has been actively farmed with alfalfa.

Petition Documents: Enclosed is the Petition for Cancellation, a copy of ALCC Contract No. 854 and maps depicting the areas proposed for cancellation and the adjacent parcels under Williamson Act contract and County staff's evaluation of the petition with regard to the five required Consistency findings.

County Staff's Evaluation

- c. The operation of the facility/use shall not have a detrimental impact on the use or management of surrounding properties within one-quarter mile radius.

With respect to criterion a, a horse racing facility is not a use which provides a needed service to the surrounding agricultural area. With respect to criterion b, as noted above, the soil of the subject parcels are classified as Prime and Statewide Importance which are the best soil type for production of food and fiber. With respect to criterion c, the operation the horse racing facility will create dust and attracts large crowds to the site and will interfere with active farming operations on the surrounding properties.

As indicated above, the soil of subject parcels is classified as Prime Farmland and Farmland of Statewide Importance on the California Important Farmland Map. Both classifications are considered to be productive agricultural land for production of food or fiber as is evident by the continuous farming operation on the subject parcels for the last 10 years. The proposed alternate use is a non-agricultural use in an area that is surrounded by active farming operations and is not a use that is compatible with the surrounding agricultural operations and therefore, does not appear consistent with the policies of the Agricultural and Land Use Element of the General Plan noted in this section.

Based on the above discussion, staff believes that the proposed alternate use is not consistent with the County General Plan policies, particularly Policies LU-A.3, LU-A.12 and LU-A.13 of the Agricultural Element of the General Plan, and therefore, believes Finding No. 3 cannot be made.

4. That the cancellation will not result in discontinuous patterns of urban development.

The proposed horse racing facility will not result in any discontinuous patterns of urban development, should the proposed cancellation be approved. The subject parcel is not located adjacent to an urban area.

Based on the facts stated above, staff believes Finding No. 4 can be made.

5. That there is no proximate, non-contracted land which is both available and suitable for the use to which it is proposed that the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

The applicant submitted information regarding their search within a five-mile radius of the subject area for a non-contracted parcel that can accommodate the proposed horse racing facility. Letters were sent to twelve property owners and according to the applicant, a total of eight responses were received. Of the eight responses, only two property owners were willing to sell their property. However, the applicant indicated that one of the parcels was unsuitable to accommodate the length of the proposed horse race track. The suitability of the other parcel was not addressed by the applicant.

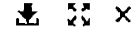
On September 10, 2014, county staff received a fax from the other property owner who was willing to sell his parcel stating his property was no longer for sale.

- Based on the information provided by the applicant, staff believes Finding No. 5 can be made.

Sincerely,

Mary E. Scholer, OTR/L
Mary E. Scholer, OTR/L

Back to Message DOC Comments RLCC 949.pdf 1 / 1

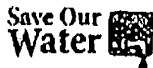
**Adams, John**

From: Ramsey1, Jacquelyn@DOC <Jacquelyn.Ramsey1@conservation.ca.gov>
Sent: Wednesday, January 04, 2017 3:35 PM
To: Adams, John
Cc: Chambers, Derek
Subject: REVISED PETITION FOR PARTIAL CANCELLATION OF ALCC 854 (RLCC No. 949)

Importance: High

The Department of Conservation (Department) has reviewed Fresno County's (County) December 5, 2016 letter with findings submitted by the County regarding the cancellation petition revision, noted above. The Department has no additional comments.

Jacquelyn Ramsey
 Associate Environmental Planner
 Department of Conservation
 Division of Land Resource Protection
 Conservation Support Unit
 (916) 323-2379
Jacquelyn.Ramsey1@conservation.ca.gov



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"Surviving is Important. Thriving is elegant." – Maya Angelou

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The following information is provided to assist you in your evaluation of the petition:

Soil Classification: The soil of the subject parcels are classified as Prime Farmland and Farmland of Statewide Importance.

Water Availability: The subject parcels receive surface water from the Panoche Water District and groundwater from an onsite agricultural well for irrigation of crops.

Farming History: The applicant indicated that the subject area has been actively farmed with alfalfa.

Petition Documents: Enclosed is the Petition for Cancellation, a copy of ALCC Contract No. 854 and maps depicting the areas proposed for cancellation and the adjacent parcels under Williamson Act contract and County staff's evaluation of the petition with regard to the five required Consistency findings.