



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 January 26, 2017

**SUBJECT:** Initial Study No. 6618, Unclassified Conditional Use Permit  
Application No. 3388 –Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit Application No. 3388, which authorizes a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional) Zone District.

**LOCATION:** The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (16399 Auberry Road, Clovis) (SUP. DIST. 5) (APN: 300-370-23, 24 & 25).

**OWNER:** Jamie Bratton

**APPLICANT:** John Ford

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

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit No. 3388; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated November 13, 2014
5. Applicant's letter requesting a first one-year time extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration prepared for Initial Study Application No. 6618 was approved by the Planning Commission, in accordance with the California Environmental Quality Act (CEQA), with approval of Unclassified Conditional Use Permit Application No. 3388 on November 13, 2014.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**PUBLIC NOTICE:**

Notices were sent to 12 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:**

The Fresno County Zoning Ordinance requires that an Unclassified Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the permit. On August 2016, the County amended Zoning Ordinance Section 873.1 to authorize the Planning Commission to grant up to a maximum of four (4) one (1)-year time extensions when it can be demonstrated that circumstances beyond the control of the Applicant has caused the delay, provided that the request for extension is filed prior to the expiration of the permit.

**BACKGROUND INFORMATION:**

On November 13, 2014, the Planning Commission considered the subject application. After receiving staff's presentation and considering public testimony from the Applicant, the Commission voted seven to zero (two Commissioners absent) to adopt the Mitigated Negative Declaration and approve Unclassified CUP No. 3388.

## **ANALYSIS/DISCUSSION:**

Unclassified Conditional Use Permit No. 3388 was approved by the Planning Commission on November 13, 2014. The subject application to allow a first one-year time extension was filed by the Applicant on November 10, 2016. If the time extension is granted, the Applicant will have an additional year (until November 13, 2017) to achieve substantial development of the subject high-intensity park facility.

The Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved. In a letter dated August 20, 2016, the Applicant states that the project has been delayed due to unfinished efforts for the design and installation of the engineered sewage disposal system for the project. The subject Time Extension will allow the Applicant additional time until November 13, 2017 to complete these requirements and finish the project.

The proposed Time Extension was routed to the same Agencies that reviewed this project on October 16, 2012. None of those Agencies identified any change in circumstances or the need for additional Conditions, and did not express concern with the proposed extension of time. However, the Fresno County Health Department, Environmental Health Division (Health Department) stated that the Applicant shall retain services of a qualified engineer to review the existing sewage disposal system design and certify the installation as per the acceptable design. Further, if changes are proposed for the existing acceptable engineered sewage disposal design, the engineer shall contact the Health Department prior to initiating any work. The Health Department comments have been provided to the Applicant.

## **PUBLIC COMMENT:**

None

## **CONCLUSION:**

Staff believes the first one-year Time Extension for Unclassified Conditional Use Permit No. 3388 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to November 13, 2017.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion (Approval Action)**

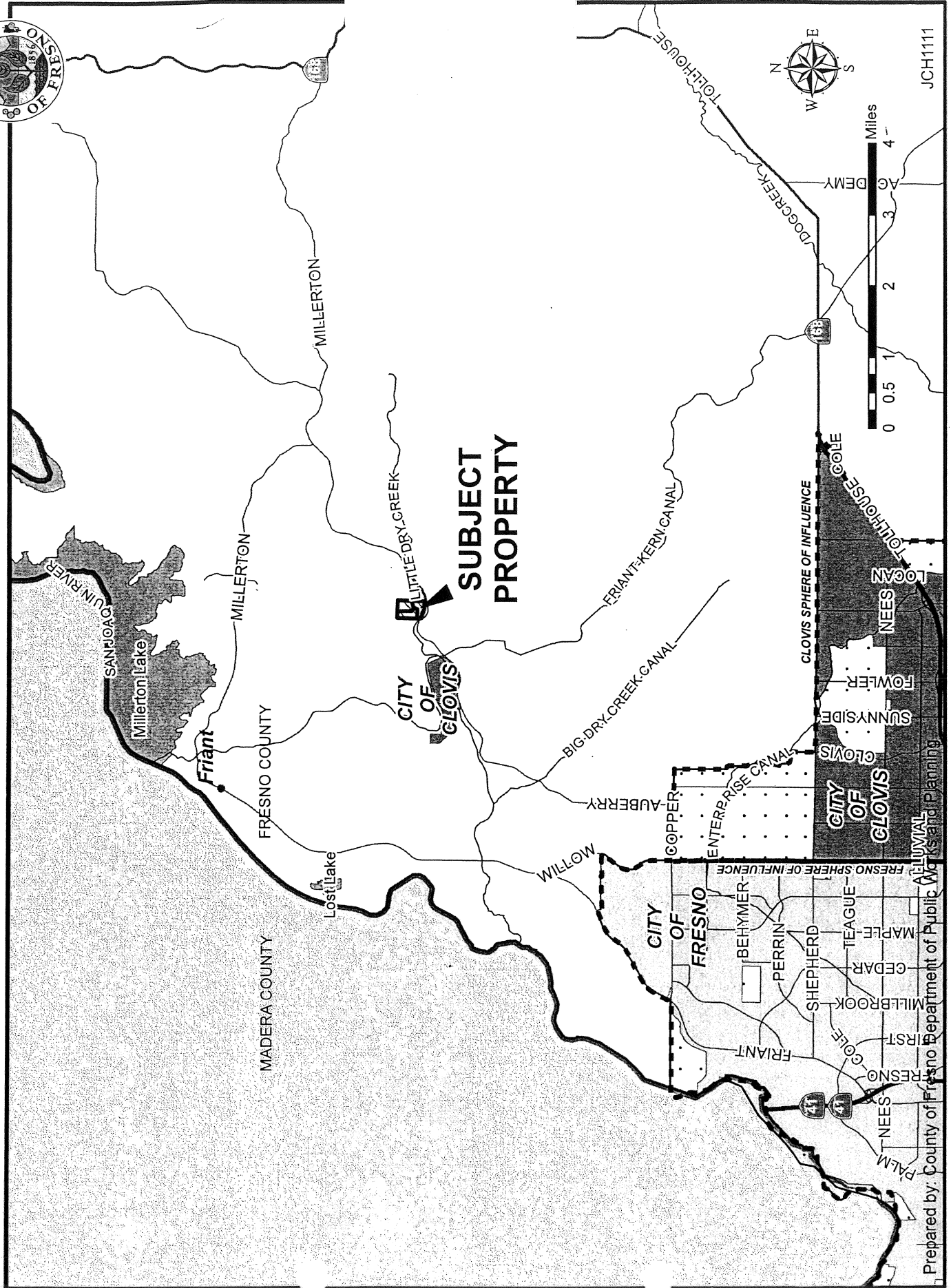
- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit No. 3388; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion (Denial Action)**

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit No. 3388 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

EXHIBIT 1

LOCATION MAP



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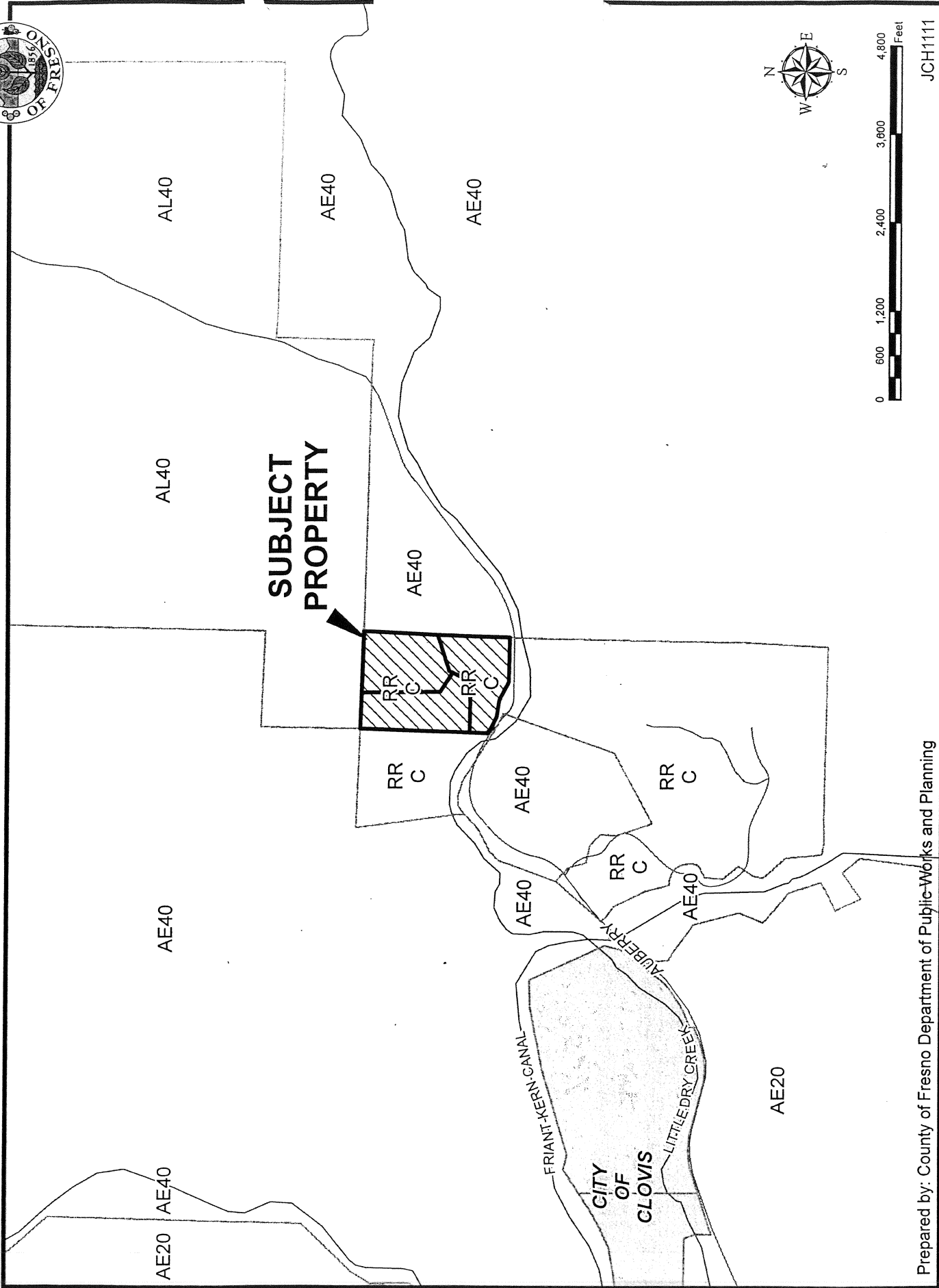
Prepared by: County of Fresno Department of Public Works and Planning

CUP 3388

# EXISTING ZONING MAP



## EXHIBIT 2

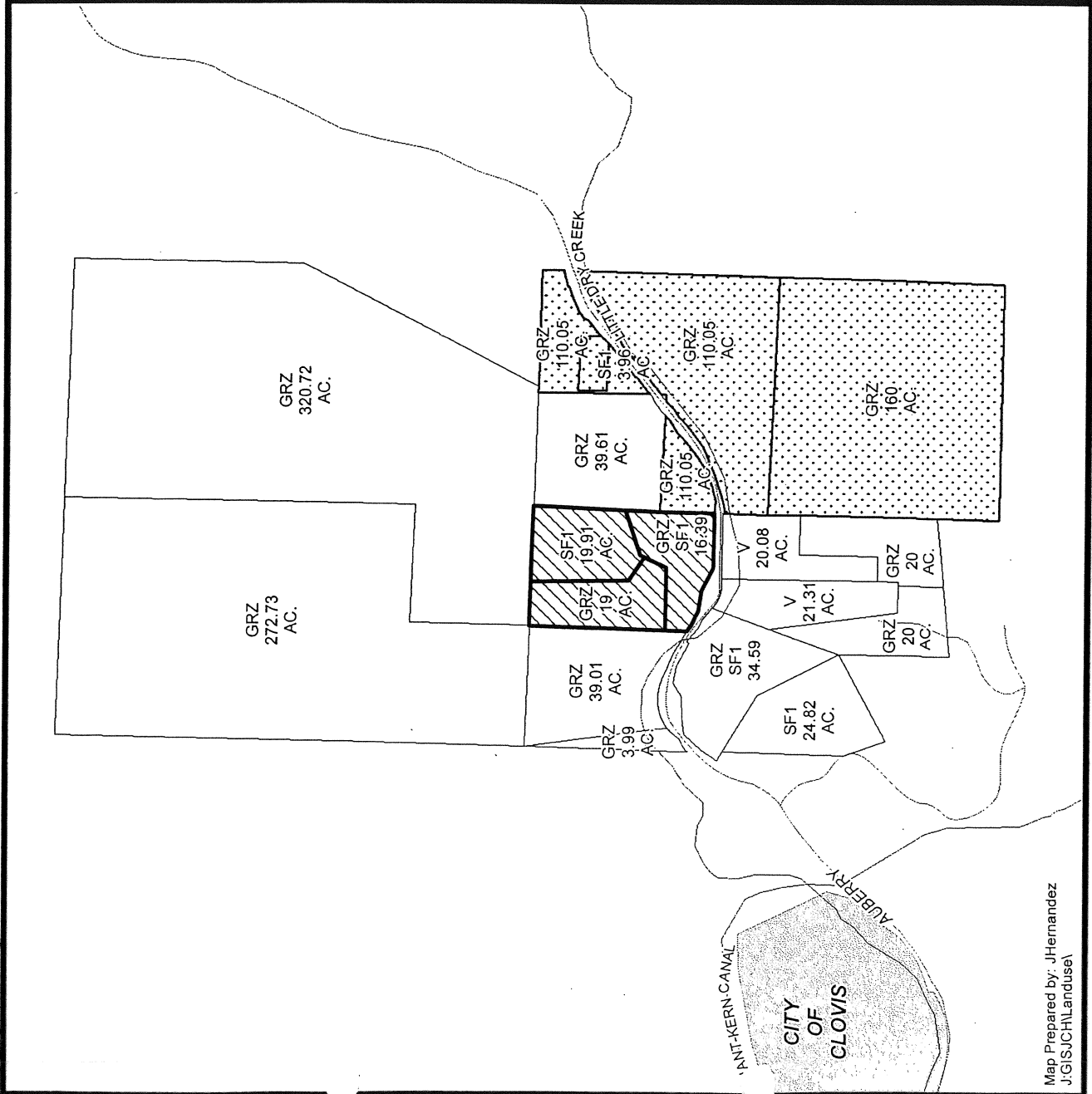




# EXHIBIT 3

## EXISTING LAND USE MAP

CUP 3388



Department of Public Works and Planning  
Development Services Division

## EXHIBIT 4



## Inter Office Memo

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DATE: November 13, 2014

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12474 - INITIAL STUDY APPLICATION NO. 6818  
and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.  
3388

OWNER/APPLICANT: James and Louella Bratton

REQUEST: Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional) Zone District.

LOCATION: The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (16399 Auberry Road, Clovis) (SUP. DIST.: 5) (APN: 300-370-23, 24 & 25).

### PLANNING COMMISSION ACTION:

At its hearing of November 13, 2014, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Rocca and seconded by Commissioner Zadourian to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Unclassified Conditional Use Permit Application No. 3388, subject to eliminating reference to a Bed & Breakfast (B&B) facility from the Operational Statement and the permit that authorized the B&B, and subject to the Conditions listed in Exhibit "B".

This motion passed on the following vote:

VOTING:   Yes:           Commissioners Rocca, Zadourian, Bath, Lawson, Mendes, Woolf, Yates  
          No:             None  
          Absent:        Commissioners Borba, Ferguson  
          Abstain:     None

ALAN WEAVER, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
William M. Kettler, Manager  
Development Services Division

EA:ksn  
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NOTE:        The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

Attachments



EXHIBIT "A"

Initial Study Application No. 6818  
Unclassified Conditional Use Permit Application No. 3388

- Staff: The Fresno County Planning Commission considered the Staff Report dated November 13, 2014, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The project is consistent with the County General Plan Economic Development policies and will expand tourism and economic opportunities in the area.
  - The project will allow weddings, corporate facility parties, and such; no rehearsal dinners in conjunction with weddings will be allowed.
  - The proposed facility will allow a maximum of 200 guests plus employees and will operate on Saturdays and some weekends.
  - The 189 parking stalls, as proposed, will be located in various parts of the 60-acre project site so that guests do not have to walk long distances.
  - The project will pay \$52,000 in traffic mitigation fees as identified in the Traffic Impact Study.
  - A 1,000 feet linear distance from the property entrance to the nearest on-site improvements will provide sufficient room for the stacking of cars entering the site.
  - Traffic Impact Studies were prepared and a Traffic Management Plan (TMP) was developed for the project in consultation with the County staff.
  - The Applicant's traffic consultant will monitor events according to the TMP and report any changes and recommendations to the Director of Public Works and Planning.
  - The site entrance and the facility signs will be illuminated.

RESOLUTION # 12474

- The applicant has taken security classes to monitor events on the property.
- The project will utilize all existing improvements on the property; however, new restroom facilities will be constructed.
- We have prepared a biological report and have evaluated water consumption for the project; our 30,000 square feet of synthetic landscaping will reduce water-related impacts on surrounding properties.
- Per the noise study prepared; the proposed facility is below the threshold of noise as identified in the County Noise Ordinance.
- The project will not have an adverse effect on the scenic quality of Auberry Road; the nearest improvements on the property are 1,000 feet from Auberry Road.
- Event proponents will be required to acquire their own one-day permit from the office of Alcohol and Beverage Control (ABC).
- We are agreeable to the termination of the existing Bed and Breakfast use authorized on the property.

Others: Two individuals presented information in support of the application by indicating the project site is well maintained, will create jobs, and is needed for retaining businesses and generating tax dollars in Fresno County.

No individuals presented information in opposition to the application.

Correspondence: Four letters were presented to the Planning Commission in support of the application, including site photographs, indicating that the project is beneficial to tourism and the local economy, and the current events on the property have not created traffic, noise, or littering problems for the area.

No letters were submitted in opposition to the application.

**Mitigation Monitoring and Reporting Program  
Initial Study (IS) No. 6618/Unclassified Conditional Use Permit (CUP) No. 3388  
(Including Conditions of Approval and Project Notes)**

EXHIBIT B

| 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 so as not to shine toward adjacent properties and public streets or roadways.   | Applicant                     | Applicant/Fresno County Department of Public Works and Planning (PW&P) | As long as the project lasts |
| *2.                     | Biological Resources   | Project-related impacts to California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)"  | Applicant                     | Applicant/ PW&P/ California Department of Fish & Wildlife (CDFW)       | As noted                     |
| *3.                     | Biological Resources   | In the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the Project could be implemented while avoiding the species.  | Applicant                     | Applicant/PW&P/ CDFW   | As noted                     |
| *4.                     | Cultural Resources     | A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.   | Applicant                     | Applicant/PW&P   | As noted                     |
| *5.                     | Cultural Resources     | In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours. | Applicant                     | Applicant/PW&P   | As noted                     |
| *6.                     | Transportation/Traffic | Prior to the issuance of building permits for the proposed project, the Applicant shall enter into an agreement with the  | Applicant                     | Applicant/PW&P/ Fresno County Design                                   | As noted                     |

|  |  |   |  |  |
|--|--|---|--|--|
|  |  | <p>County of Fresno agreeing to participate in pro-rata shares developed in the funding of future off-site traffic improvements as defined in items a and b below.</p> <p>a. The Applicant shall pay its pro-rata share of \$49,550 for the widening of Auberry Road to four lanes for a 5.4-mile length west of the project site (construction cost per mile of \$2,000,000, times 5.4 miles, times 0.32 percent project share; \$5,184 for preliminary engineering; \$5,184 for construction engineering; and \$4,622 for right-of-way cost and preliminary engineering).</p> <p>b. The Applicant shall pay its pro-rata share of \$1,835 for the widening of Auberry Road to four lanes for a 3.2-mile length east of the project site (construction cost per mile of \$2,000,000, times 3.2 miles, times 0.02 percent project share; \$192 for preliminary engineering; \$192 for construction engineering; and \$171 for right-of-way cost and preliminary engineering).</p> <p>The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p> |  | and Road Maintenance & Operations Divisions. |
| <p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.</p> |  |   |  |  |
| <p>Condition of Approval</p>   |  |   |  |  |
| 1.   | Development of the property shall be in accordance with the Site Plan, Floor Plans and Operational Statement approved by the Planning Commission.  |   |  |  |
| 2.   | A Site Plan Review shall be submitted for approval by the Director of 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, but are not limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of lighting.   |   |  |  |
| 3.   | A "Hold As One" covenant shall be recorded between the County and the property owner(s) of APNs 300-370-23, 24, & 25, holding the parcels together as a single parcel for the life of the use authorized by UCUP 3388. All improvements on each legal parcel shall comply with the building setbacks of the existing Zone District. This covenant shall be prepared by the County through the Site Plan Review process and recorded prior to site occupancy. |   |  |  |

|  |  |
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|  | <p>Note: The Department of Public Works and Planning will prepare the Covenant upon receipt of the standard processing fee which is currently \$243.50, plus recording fees.</p> <p>4. The project shall adhere to the following Traffic Management Plan requirements:</p> <ol style="list-style-type: none"> <li>a. The project traffic engineer shall be present during events to observe the efficiency and effectiveness of the project Traffic Management Plan. The attendance at such events shall be at the professional discretion of the engineer. The Applicant shall implement the project traffic engineer's additional recommendations, if any, and incorporate the recommendations into the Traffic Management Plan.</li> <li>b. The project traffic engineer shall modify the project Traffic Management Plan as required to achieve efficiency and effectiveness and inform the Director of Public Works in writing of any material changes to the Plan.</li> <li>c. The project traffic engineer shall have the authority to take all appropriate measures, including, but not limited to, requiring the cessation of any ongoing or planned event if, in his professional opinion, traffic safety would be compromised to an unacceptable level. In the event that such cessation of events occurs, the project traffic engineer shall notify the Director of Public Works immediately of such determination and all such events shall cease until such time as the appropriate traffic mitigation measures are incorporated to the satisfaction of the traffic engineer and the Director of Public Works.</li> <li>d. The project traffic engineer, in conjunction with the project civil engineer, shall specify and cause the location of a light fixture that will illuminate the project driveway at its intersection with Auberry Road. The purpose of such illumination is to assist in the identification of the intersection and facilitate the identification of vehicles entering and exiting the subject site. The lighting shall be directed downward to minimize disturbance of nearby property owners or motorists.</li> <li>e. The applicant shall install illuminated signage that indicates the entrance to the project at the intersection of the project driveway and Auberry Road. The purpose of the signage is to facilitate identification of the intersection by motorists traveling to an event and to provide early identification of the intersection by motorists on Auberry Road.</li> </ol> |
|--|--|



|   |   |
|---|---|
| <p><b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b></p> |   |
| 1.  | <p>This Conditional Use Permit will become void unless there has been substantial development within two years of the effective date of this approval.</p>  |
| 2.  | <p>According to the Building and Safety Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• Plans, permits and inspections shall be required for all buildings proposed on the property.</li> <li>• The proposed operation must comply with all 2013 California Building Codes and permanent Accessible Restrooms must be provided within 200 feet of Accessible Path of Travel of any site to be used.</li> </ul> |
| 3.  | <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan is required to show how the additional storm water run-off generated by the proposed</li> </ul>  |

|    |  |
|----|--|
|    | <p>development will be handled without adversely impacting the adjoining parcels.</p> <ul style="list-style-type: none"> <li>• A Grading Permit or Voucher is required for any grading proposed with this application.</li> <li>• Federal Emergency Management Agency (FEMA) FIRM Panel 1035H shows the southwest corner of the parcel with Assessor's Parcel Number 300-370-25 under flood zone A, subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance and no net dirt import shall be allowed within the zone district.</li> <li>• Any additional storm water run-off generated by the site development cannot be drained across property lines or into County right-of-way and shall be retained on site per County Standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.</li> <li>• Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> <li>• On-site turnarounds are required for vehicles leaving the site to enter Auberry Road in a forward motion and no new access points are allowed without prior approval from the Road Maintenance and Operations Division.</li> <li>• The first 100 feet off of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• Any work done within the County right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.</li> <li>• A 10' by 10' corner cut-off shall be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.</li> </ul> |
| 4. | <p>According to the San Joaquin Valley Air Pollution Control District, the project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.</p>  |
| 5. | <p>According to the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none"> <li>• The sewage disposal systems for the proposed high-intensity park shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division.</li> <li>• The Environmental Health Division will require Food Facility Plans and specifications be submitted for review and approval consistent with the proposed project. A change in the Food Facility Permit will be required to cover the proposed expanded uses.</li> <li>• Information provided in the Acoustical Survey Report (ESR, Inc., dated September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent noise-sensitive receivers and confirmed by Department of Public Health, Environmental Health Division staff, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.</li> </ul>   |
| 6. | <p>According to the Fresno County Fire Protection District:</p> <ul style="list-style-type: none"> <li>• The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits.</li> <li>• The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.</li> <li>• The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.</li> </ul>   |

Notes

7.

An intermittent stream traverses through the northern part of the site, and Parcel Map 7733 recorded on the property shows a 50-foot building setback line on either side of the stream. All proposed improvements shall maintain a 50-foot setback on either side of the stream, and prior to any ground-disturbance activities, a clearance from the California Department of Fish and Wildlife shall be obtained.

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# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

## Planning Commission Staff Report Agenda Item No. 6 November 13, 2014

**SUBJECT:** Initial Study Application No. 6618 and Unclassified Conditional Use Permit Application No. 3388

Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional) Zone District.

**LOCATION:** The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (16399 Auberry Road, Clovis) (SUP. DIST.: 5) (APN: 300-370-23, 24 & 25).

**Owner/Applicant:** James & Louella Bratton

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

Eric VonBerg, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6618; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3388 with recommended Findings; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### IMPACTS ON JOB CREATION:

The Commission's action will have a limited effect on job creation. Short-term jobs associated with construction activity could occur as the result of this proposal.



**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans, Floor Plans and Elevations
6. Applicant's Submitted Operational Statement
7. Summary of Initial Study Application No. 6618

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

| <b>Criteria</b>          | <b>Existing</b>  | <b>Proposed</b>   |
|--------------------------|--|---|
| General Plan Designation | Foothill Rural Residential in the Sierra-North Regional Plan   | N/A   |
| Zoning                   | R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional)   | N/A   |
| Parcel Size              | 57.91 acres  | N/A   |
| Project Site             | <ul style="list-style-type: none"> <li>• 6,500 square-foot single-family residence (approved as a bed &amp; breakfast facility by SPR 7807)</li> <li>• 3,000 square-foot observation tower (1,756 square feet converted into a single-family residence by DRA 4057)</li> <li>• Wedding Sites 1 and 2</li> <li>• Parking and related improvements.</li> </ul> | A high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of a 57.91-acre property                            |
| Structural Improvements  | <ul style="list-style-type: none"> <li>• 6,500 square-foot single-family residence</li> <li>• 3,000 square-foot observation tower</li> </ul>   | <ul style="list-style-type: none"> <li>• 1,973 square-foot existing garage will be converted into a food commissary.</li> <li>• Restrooms (Phase I)</li> <li>• Restrooms and a commissary (Phase II)</li> </ul> |
| Nearest Residence        | 945 feet to the southwest  | No change   |

| Criteria                | Existing  | Proposed  |
|-------------------------|---|---|
| Surrounding Development | Single-family home; agriculture-exempt structures | No change   |
| Operational Features    | See "Project Site"                                | <p>A high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of a 57.91-acre property</p> <p>Phase I of the project:</p> <ul style="list-style-type: none"> <li>• Outdoor area on the property will be used for outside venue and 6,500 square-foot single-family residence will be used as an inside venue for events.</li> <li>• 1,973 square-foot residential garage will be converted into a food commissary for outside vendors to use during events.</li> <li>• New restrooms will be constructed.</li> </ul> <p>Phase II of the project:</p> <ul style="list-style-type: none"> <li>• A portion of the 3,000 square-foot observation tower will be used as a meeting venue.</li> <li>• New restrooms and a food commissary will be constructed.</li> </ul> |
| Employees               | None. Bed and breakfast facility not in operation | <ul style="list-style-type: none"> <li>• Up to five at any given time (full-time)</li> <li>• Five to 20 during events (part-time)</li> </ul>  |
| Customers/visitors      | None. Bed and breakfast facility not in operation | 200 guests per event (only one event at a time); 60 events each year  |
| Traffic Trips           | None. Bed and breakfast facility not in operation | Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group, dated September 22, 2014.  |

| Criteria           | Existing              | Proposed  |
|--------------------|-----------------------|---|
|                    |                       | Peak-hour trip generation: <ul style="list-style-type: none"> <li>• Seven AM peak-hour trips (one-way trips: 5 in, 2 out)</li> <li>• 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out)</li> <li>• 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out)</li> </ul> Daily project trip generation: <ul style="list-style-type: none"> <li>• 346 trips from employees, delivery and event guests (one-way trips: 173 in, 173 out)</li> </ul> |
| Lighting           | Outdoor pole lighting | Event lighting; parking lot lighting  |
| Hours of Operation | N/A                   | <ul style="list-style-type: none"> <li>• Event venues: 365 days of the year</li> <li>• Outside venue hours: 10:00 a.m. to 11:30 p.m., seven days a week</li> <li>• Inside venues hours: 8:00 a.m. to midnight, seven days a week (guests vacate the site by 12:30 a.m.)</li> <li>• Office hours: 10:00 a.m. to 6:00 p.m., five days a week (Monday – Friday)</li> </ul>   |

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION:** Yes. Violation File No. 13-106715; Operation of a High Intensity Park to host wedding events without approval of Unclassified Conditional Use Permit (Fresno County Zoning Ordinance Section No. 853, B. 12)

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: October 10, 2014.

**PUBLIC NOTICE:**

Notices were sent to seven property owners within 600 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) application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a CUP application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

On March 10, 2008, Director Review and Approval (DRA) No. 4057 was approved to allow conversion of a 1,756 square-foot portion of the existing 3,000 square-foot observation tower on the property into a permanent residence (second dwelling). Later, on April 23, 2012, Site Plan Review Application No. 7807 was approved to allow the conversion of an existing 6,500 square-foot single-family residence (primary dwelling) into a bed and breakfast facility. Additionally, building permits were issued for various improvements on the property between 1999 and 2012.

The subject proposal entails establishment of a high-intensity park with related improvements for weddings and similar special events on an approximately 10-acre portion of a 57.91-acre property. The project consists of two phases and will mostly utilize existing improvements on the property. Additional improvements to be constructed for the use include restrooms, food commissary, and on-site parking.

**ANALYSIS/DISCUSSION:**

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

|          | <b>Current Standard:</b>   | <b>Proposed Operation:</b>                                   | <b>Is Standard Met (y/n)</b> |
|----------|--|--|------------------------------|
| Setbacks | Front: 35 feet<br>Sides: 20 feet<br>Rear: 20 feet  | Front: 460 feet<br>Sides: Over 20 feet<br>Rear: Over 20 feet | Yes                          |
| Parking  | One parking space for each five (5) persons attending/using the facility plus one parking space for every two permanent employees. | 189 (43 required)  | Yes                          |

|                              | <b>Current Standard:</b>   | <b>Proposed Operation:</b>  | <b>Is Standard Met (y/n)</b> |
|------------------------------|--|---|------------------------------|
| Lot Coverage                 | No requirement   | N/A   | N/A                          |
| Separation Between Buildings | <ul style="list-style-type: none"> <li>• 40 feet between animal shelter and building for human occupancy</li> <li>• Six feet between the main building and accessory building</li> </ul> | N/A   | N/A                          |
| Wall Requirements            | <ul style="list-style-type: none"> <li>• Six feet (maximum) on rear and side property lines</li> <li>• Three feet (maximum) in any required front or side yards</li> </ul>               | None  | N/A                          |
| Septic Replacement Area      | 100 percent for the existing system  | N/A   | N/A                          |
| Water Well Separation        | Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet  | On-site sewage disposal systems for new restrooms will be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum). | Yes                          |

**Reviewing Agency/Department Comments:**

Zoning Section, Development Services Division: The proposed High Intensity Park improvements are spread over three separate legal parcels (300-370-23, 24 & 25). Prior to the issuance of building permits, all proposed improvements must be on one lot and no improvements over existing property lines are allowed. Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards. These requirements have been included as Conditions of Approval.

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 existing and proposed improvements meet minimum building setback requirements of the R-R Zone District. Additionally, the project provides for adequate on-site parking for guests, event support staff, and facility employees. The project site is adequate in size and shape to accommodate the parking and circulation area, ingress and egress, and buildings/structures related to the use.

Based on the above information and with adherence to Conditions of Approval, staff believes the site is adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 1 can be made.

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

|                                  |     | <b>Existing Conditions</b>   | <b>Proposed Operation</b>   |
|----------------------------------|-----|--|---|
| Private Road                     | No  | N/A  | N/A   |
| Public Road Frontage             | Yes | Auberry Road   | No change   |
| Direct Access to Public Road     | Yes | Auberry Road - Good condition  | No change   |
| Road ADT (Average Daily Traffic) |     | 5,200  | No change   |
| Road Classification              |     | Arterial   | No change   |
| Road Width                       |     | <ul style="list-style-type: none"> <li>• 60 feet (30 feet north of the section line and 30 feet south of the section line)</li> <li>• 106 feet ultimate right-of-way required (53 feet north of the section line and 53 feet south of the section line)</li> </ul> | 23 feet additional right-of-way (north of section line) is required to accommodate future widening of Auberry Road from two lanes to four lanes, and to provide for trails/bikeways pursuant to General Plan Policy OS-I.4. |
| Road Surface                     |     | Asphalt concrete paved; 32 feet pavement width   | No change   |
| Traffic Trips                    |     | None   | Per the Traffic Impact Study (TIS) prepared for the   |

|                                     |     | Existing Conditions | Proposed Operation   |
|-------------------------------------|-----|---------------------|--|
|                                     |     |                     | <p>project by Peters Engineering Group and dated September 22, 2014.</p> <p>Peak-hour trip generation:</p> <ul style="list-style-type: none"> <li>• Seven AM peak-hour trips (one-way trips: 5 in, 2 out)</li> <li>• 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out)</li> <li>• 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out)</li> </ul> <p>Daily project trip generation:</p> <ul style="list-style-type: none"> <li>• 346 trips from employees, delivery and event guests (one-way trips: 173 in, 173 out)</li> </ul> |
| Traffic Impact Study (TIS) Prepared | Yes | No                  | <p>Traffic Impact Studies, including a Traffic Management Plan (TMP), were prepared for the project by Peters Engineering Group and reviewed and approved by the Design and Road Maintenance &amp; Operations Divisions of the Fresno County Department of Public Works and Planning. Mitigation Measures require that the project shall pay an equitable share percentage for future widening of Auberry Road and adhere to the recommended Conditions of Approval for implementation of the TMP.</p>   |
| Road Improvements Required          |     | Good                | Not required   |

**Reviewing Agency/Department Comments:**

Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning: The project shall pay its equitable share percentage for future

widening of Auberry Road from two lanes to four lanes between Copper Avenue and Millerton Road (approximately 8.6 miles). This requirement has been included as a Mitigation Measure (refer to Exhibit 1 of this report). Further, the project shall adhere to a Traffic Management Plan (TMP) and recommended Conditions of Approval relating to the implementation of the TMP. This requirement has been included as a Condition of Approval (refer to Exhibit 1 of this report).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Auberry Road is classified as an arterial road with an existing minimum total right-of-way width of 60 feet. The minimum total right-of-way width for an arterial road is 106 feet.

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

**Analysis:**

According to the Traffic Impact Studies (TIS) prepared for the project, the subject proposal will generate seven AM peak-hour trips (one-way trips: 5 in, 2 out), 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out), and 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out) by employees, delivery and event guests.

The Design and Road Maintenance & Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the TIS and approved the Traffic Management Plan (TMP) prepared for the project. The TPM recommends several Conditions of Approval relating to control and management of event-related traffic on Auberry Road. This includes: temporary warning signs and beacons to warn motorists on Auberry Road; street lighting and signage at the project entrance to enhance driver awareness of the driveway; pro-rata share costs for the construction of off-site traffic-related improvements; and suggested Conditions of Approval for implementation of the TMP.

Additionally, the project site has frontage on Auberry Road with 32 feet of pavement width and a total existing right-of-way of 60 feet. Auberry Road is an Arterial and requires 106 feet of ultimate right-of-way. The project will require an irrevocable offer of dedication of an additional 23 feet to accommodate future widening of Auberry Road from two lanes to four lanes and to provide for trails/bikeways pursuant to General Plan Policy OS-I.4.

Based on the above discussion, and with adherence to the aforementioned traffic Mitigation Measure and Conditions of Approval, staff believes Auberry Road can accommodate the traffic generated by this proposal.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *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               | 320.7 acres | Vacant land | AE-20   | None                      |
| South               | 21.3 acres  | Vacant land | R-R(c)  | 945 feet to the southwest |
| East                | 39.6 acres  | Vacant Land | AE-20   | None                      |
| West                | 39 acres    | Vacant land | R-R(c)  | None                      |

**Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): Project-related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the *“Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)”*. In the absence of protocol surveys, the Applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.

Southern San Joaquin Valley Information Center (SSJVIC): A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.

The aforementioned requirements have been included as Mitigation Measures.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off generated by the proposal will be handled without adversely affecting adjacent properties. A Grading Permit or Voucher shall be required for any grading proposed with this application. Any additional storm water run-off generated by the site development cannot be drained across property lines or into County right-of-way and shall be retained on site per County Standards. Federal Emergency Management Agency (FEMA) FIRM Panel 1035H shows the southwest corner of the parcel with Assessor’s Parcel Number 300-370-25 under flood zone A, subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance and no net dirt import shall be allowed within the zone district. Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. On-site turnarounds are required for vehicles leaving the site to enter Auberry Road in a forward motion and no new access points are allowed without prior approval from the County Road Maintenance and Operations Division (RMOD).

Fresno County Department of Public Health, Environmental Health Division (Health Department): Sewage disposal systems for the project shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Health Department. Food Facility Plans and specifications shall be submitted for review and approval consistent with the proposed project. Information provided in the acoustical survey report (ESR, Inc., dated

September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent noise-sensitive receivers and confirmed by the Health Department, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.

Fresno County Fire Protection District: The project shall comply with the latest approved California Code of Regulations Title 24 – Fire Code. After County approval of the project and prior to issuance of building permits, copies of approved Site Plans shall be submitted to the District's office to receive the District's Conditions of Approval for the project.

San Joaquin Valley Air Pollution Control District (Air District): The project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Building and Safety Section of the Fresno County Department of Public Works and Planning: The proposed operation must comply with all 2013 California Building Codes. Permanent Accessible Restrooms must be provided within 200 feet of Accessible Path of Travel of any site to be used.

The aforementioned comments have been included as Project Notes.

Central Valley Regional Water Quality Control Board; California Department of Public Health, Office of Drinking Water; Water/Geology/Natural Resources and Site Plan Review Sections of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

**Analysis:**

The project entails establishment of a high-intensity park with related improvements for weddings and similar special events on an approximately 10-acre portion of a 57.91-acre project site located in an area consisting of gentle rolling hills with sporadic landscaping and residential developments. The project area has scenic vistas of oak woodlands along rolling hills and Little Dry Creek near the project site. The existing lighthouse on the property is also a notable feature from Auberry Road.

Existing on the property is a 6,500 square-foot single-family residence (primary dwelling) approved as a bed & breakfast facility (B&B); a 3,000 square-foot observation tower, of which 1,756 square feet has been converted into a single-family residence (secondary dwelling); and wedding Sites 1 and 2 with parking and related improvements. In Phase 1 of the project, the 6,500 square-foot residence will be used as an inside venue along with the designated outside venues. Additionally, the existing residential garage will be converted into a food commissary for vendors to use during outside events, and new restroom facilities will be constructed. In Phase II of the project, the existing observation tower will be used as a meeting venue and a new commissary and restroom facilities will be constructed.

The subject proposal will utilize a combination of existing improvements (residence, observation tower) and new improvements (restrooms, commissary) for hosting events. Given that all new improvements will be of a low height, located within an area of mature landscaping on the property, and located well above any public or private viewing locations,

the project will have a less than significant impact on the existing visual quality of the site and its surroundings.

The Initial Study prepared for this project identified potential impacts related to aesthetics, biological resources, cultural resources, and transportation/traffic. To minimize light impacts, a mitigation measure requires that all outdoor night lighting shall be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding biological resources, mitigation measures require that impacts to sensitive habitats be evaluated prior to any ground-disturbance activities and Incidental Take Permits shall be obtained where necessary. For cultural resources, a mitigation measure requires field surveys prior to ground-disturbance activities. Regarding transportation/traffic, a mitigation measure requires the project to pay its fair share towards widening of Auberry Road and adhere to a Traffic Management Plan (TMP) and Conditions of Approval for implementation of the TMP.

Impacts related to air quality, geology and soils, hydrology and water quality, hazards and hazardous materials, hydrology and water quality, and noise have been determined to be less than significant. In this regard, a Groundwater Supply Report prepared by Strahm Engineering Association, Inc., dated March 11, 2013, has determined that sufficient groundwater supply exist to meet the demand of the proposal without impacting other users in the area; an Acoustical Survey Report prepared for the project by ESR, Inc., dated September 5, 2013, has determined that the project will meet Fresno County Noise Ordinance standards, and new restroom facilities will be constructed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum).

Based on the above information and with the adherence to Mitigation Measures, recommended Conditions of Approval, including Site Plan Review for design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon adjoining properties or surrounding neighbors.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

*Finding 4: The proposed development is consistent with the General Plan*

| <b>Relevant Policies:</b>   | <b>Consistency/Considerations:</b>  |
|---|---|
| Policy OS-I.4: The County shall require that adequate rights-of-way or easements are provided for designated trails or bikeways as a condition of land development approvals. | The County will require granting of additional road right-of-way for future expansion of Auberry Road from the current two lanes to four lanes and to accommodate trails/bikeways as required by this Policy. |
| Policy OS-L.3 d. g.: The County shall manage the use of land adjacent to scenic drives and  | Auberry Road is designated as a Scenic Drive in the County General Plan. It is  |

| <b>Relevant Policies:</b>  | <b>Consistency/Considerations:</b>   |
|--|--|
| <p>scenic highways based on the following principals:</p> <p>d. Intensive land development proposals including... commercial developments ... shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area 200 feet in depth parallel to the right-of-way.</p> <p>g. Outside storage areas associated with commercial activities shall be completely screened from view of right-of-way with landscape plantings or artificial screens which harmonize with the natural landscape.</p>   | <p>located approximately 380 feet south of the nearest improvement (Wedding Site 2) on the property. Besides the visibility of the existing lighthouse from Auberry Road and rock retaining wall at the site entrance, no other improvements on the property will be visible from Auberry Road, mainly due to the site's elevation and distance from the road. The proposal is consistent with this policy.</p>                              |
| <p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p> | <p>A Groundwater Supply Report dated March 11, 2013 was prepared for the project by Strahm Engineering Associates, Inc. The Water/Geology/Natural Resources section of the Fresno County Department of Public Works and Planning reviewed the report and determined that sufficient groundwater supply exists for the proposal and that other water users in the area will not be impacted. The proposal is consistent with this policy.</p> |
| <p>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 systems 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>No community sewer service is currently available to the property. Additional restroom facilities on the property will be constructed according to the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental</p>   |

| Relevant Policies:   | Consistency/Considerations:  |
|--|--|
|  | Health Division. The proposal meets this policy.   |
| General Plan Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of the development's impacts on the local and regional transportation system.   | Based on the Traffic Impact Study prepared for the project by Peters Engineering Group and reviewed by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will be required to pay its fair share toward the future widening of Auberry Road.   |
| Sierra-North Regional Plan Policy 402-01:10.02b, a. 1. b. c: Development proposals (e.g. Conditional Use permits) shall show that water quality and quantity are adequate to serve domestic and fire protection needs, and the installation of individual sewage disposal systems shall not degrade the environment. | As noted above, the Water/Geology/Natural Resources section of the Fresno County Department of Public Works and Planning reviewed the proposal and has determined that sufficient groundwater supply exists to meet the domestic and fire needs of the project. California Department of Public Health (CDPH), Environmental Health Division, also reviewed the proposal and expressed no concerns with water quality of the current water system facilities on the property. Further, new restroom facilities will be installed according to the disposal system designed by the Applicant's engineer and approved by the Fresno County Department of Public Health, Environmental Health Division. |

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division: The property is designated Foothill Rural Residential in the Sierra-North Regional Plan. Policy OS-I.4 requires adequate rights-of-way/easement for designated trails or bikeways as a condition of land development approvals. Policy OS-L.3 d. g. requires the blending of developments into the natural landscape, a 200-foot natural buffer parallel to the right-of-way, and screening of outside storage areas associated with the use from view of the road. Policy PF-C.17 requires evaluation of adequacy and sustainability of a water supply for the project. Policy PF-D.6 requires individual on-site sewage disposal systems to be allowed on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening surface or groundwater quality. Policy TR-A.7 requires new development to pay a fair-share portion of the development's impacts on the local and regional transportation system. Sierra-North Regional Plan Policy 402-01:10.02b, a. 1. b. c: requires assurance of water quality and quantity to serve domestic and fire protection needs, and individual sewage disposal systems not to degrade the environment. The project site is not subject to an Agricultural Land Conservation Contract.

**Analysis:**

The project entails the establishment of a high-intensity park with related improvements for weddings and similar special events appropriate and incidental to parks on an approximately 10-acre portion of a 57.91-acre project site. Improvements to be utilized by the project include a 6,500 square-foot single-family residence, a 3,000 square-foot observation tower, wedding Site Venues 1 and 2, and on-site parking.

The project meets General Plan Policies OS-L.4, OS-L.3 d. g., PF-C.17, PF-D.6, TR-A.7, and Sierra-North Regional Plan Policy 402-01:10.02b, a. 1. b. c. The subject proposal will: 1) require granting of additional road right-of-way for future expansion of Auberry Road; 2) maintain a 200-foot scenic buffer along Auberry Road with all proposed improvements on the property not visible from Auberry Road due to distance and the site's elevation; 3) have sufficient groundwater supply available for events without impacting other water users in the area; 4) additional restroom facilities are to be constructed per Fresno County Department of Public Health, Environmental Health Division; 5) pay its fair share for the future widening of Auberry Road from two lanes to four lanes; and 6) meet water quality standards required of a public water system as determined by the California Department of Public Health (CDPH), Office of Drinking Water.

Based on the above information, staff believes the project is consistent with the County General Plan and County-adopted Sierra-North Regional Plan.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Staff believes the required Findings for granting Unclassified Conditional Use Permit (UCUP) Application No. 3388 can be made based on the factors cited in the Analysis with inclusion of the Mitigation Measures, recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit Application No. 3388 subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 6618; and

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3388, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3388; 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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**Mitigation Monitoring and Reporting Program  
Initial Study (IS) No. 6618/Unclassified Conditional Use Permit (CUP) No. 3388  
(Including Conditions of Approval and Project Notes)**

**EXHIBIT 1**

| 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 so as not to shine toward adjacent properties and public streets or roadways.   | Applicant                     | Applicant/Fresno County Department of Public Works and Planning (PW&P) | As long as the project lasts |
| *2.                     | Biological Resources   | Project-related impacts to California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)"  | Applicant                     | Applicant/PW&P/ California Department of Fish & Wildlife (CDFW)        | As noted                     |
| *3.                     | Biological Resources   | In the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the Project could be implemented while avoiding the species.  | Applicant                     | Applicant/PW&P/ CDFW   | As noted                     |
| *4.                     | Cultural Resources     | A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.   | Applicant                     | Applicant/PW&P   | As noted                     |
| *5.                     | Cultural Resources     | In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours. | Applicant                     | Applicant/PW&P   | As noted                     |
| *6.                     | Transportation/Traffic | Prior to the issuance of building permits for the proposed project, the Applicant shall enter into an agreement with the  | Applicant                     | Applicant/PW&P/ Fresno County Design                                   | As noted                     |



|  |  |   |  |  |
|--|--|---|--|--|
|  |  | <p>County of Fresno agreeing to participate in pro-rata shares developed in the funding of future off-site traffic improvements as defined in items a and b below.</p> <p>a. The Applicant shall pay its pro-rata share of \$49,550 for the widening of Auberry Road to four lanes for a 5.4-mile length west of the project site (construction cost per mile of \$2,000,000, times 5.4 miles, times 0.32 percent project share; \$5,184 for preliminary engineering; \$5,184 for construction engineering; and \$4,622 for right-of-way cost and preliminary engineering).</p> <p>b. The Applicant shall pay its pro-rata share of \$1,835 for the widening of Auberry Road to four lanes for a 3.2-mile length east of the project site (construction cost per mile of \$2,000,000, times 3.2 miles, times 0.02 percent project share; \$192 for preliminary engineering; \$192 for construction engineering; and \$171 for right-of-way cost and preliminary engineering).</p> <p>The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p> |  | and Road Maintenance & Operations Divisions. |
|--|--|---|--|--|

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

**Conditions of Approval**

|    |  |
|----|--|
| 1. | Development of the property shall be in accordance with the Site Plan, Floor Plans and Operational Statement approved by the Planning Commission.  |
| 2. | A Site Plan Review shall be submitted for approval by the Director of 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, but are not limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of lighting.   |
| 3. | A "Hold As One" covenant shall be recorded between the County and the property owner(s) of APNs 300-370-23, 24, & 25, holding the parcels together as a single parcel for the life of the use authorized by UCUP 3388. All improvements on each legal parcel shall comply with the building setbacks of the existing Zone District. This covenant shall be prepared by the County through the Site Plan Review process and recorded prior to site occupancy. |

|    |  |
|----|--|
|    | <p>Note: The Department of Public Works and Planning will prepare the Covenant upon receipt of the standard processing fee which is currently \$243.50, plus recording fees.</p>   |
| 4. | <p>The project shall adhere to the following Traffic Management Plan requirements:</p> <ol style="list-style-type: none"> <li>a. The project traffic engineer shall be present during events to observe the efficiency and effectiveness of the project Traffic Management Plan. The attendance at such events shall be at the professional discretion of the engineer. The Applicant shall implement the project traffic engineer's additional recommendations, if any, and incorporate the recommendations into the Traffic Management Plan.</li> <li>b. The project traffic engineer shall modify the project Traffic Management Plan as required to achieve efficiency and effectiveness and inform the Director of Public Works in writing of any material changes to the Plan.</li> <li>c. The project traffic engineer shall have the authority to take all appropriate measures, including, but not limited to, requiring the cessation of any ongoing or planned event if, in his professional opinion, traffic safety would be compromised to an unacceptable level. In the event that such cessation of events occurs, the project traffic engineer shall notify the Director of Public Works immediately of such determination and all such events shall cease until such time as the appropriate traffic mitigation measures are incorporated to the satisfaction of the traffic engineer and the Director of Public Works.</li> <li>d. The project traffic engineer, in conjunction with the project civil engineer, shall specify and cause the location of a light fixture that will illuminate the project driveway at its intersection with Auberry Road. The purpose of such illumination is to assist in the identification of the intersection and facilitate the identification of vehicles entering and exiting the subject site. The lighting shall be directed downward to minimize disturbance of nearby property owners or motorists.</li> <li>e. The applicant shall install illuminated signage that indicates the entrance to the project at the intersection of the project driveway and Auberry Road. The purpose of the signage is to facilitate identification of the intersection by motorists traveling to an event and to provide early identification of the intersection by motorists on Auberry Road.</li> </ol> |

**Notes**

|  |   |
|--|---|
| <p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p> |   |
| 1.   | <p>This Conditional Use Permit will become void unless there has been substantial development within two years of the effective date of this approval.</p>  |
| 2.   | <p>According to the Building and Safety Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• Plans, permits and inspections shall be required for all buildings proposed on the property.</li> <li>• The proposed operation must comply with all 2013 California Building Codes and permanent Accessible Restrooms must be provided within 200 feet of Accessible Path of Travel of any site to be used.</li> </ul> |
| 3.   | <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan is required to show how the additional storm water run-off generated by the proposed</li> </ul>  |

Notes

|    |  |
|----|--|
|    | <p>development will be handled without adversely impacting the adjoining parcels.</p> <ul style="list-style-type: none"> <li>• A Grading Permit or Voucher is required for any grading proposed with this application.</li> <li>• Federal Emergency Management Agency (FEMA) FIRM Panel 1035H shows the southwest corner of the parcel with Assessor's Parcel Number 300-370-25 under flood zone A, subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance and no net dirt import shall be allowed within the zone district.</li> <li>• Any additional storm water run-off generated by the site development cannot be drained across property lines or into County right-of-way and shall be retained on site per County Standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.</li> <li>• Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> <li>• On-site turnarounds are required for vehicles leaving the site to enter Auberry Road in a forward motion and no new access points are allowed without prior approval from the Road Maintenance and Operations Division.</li> <li>• The first 100 feet off of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• Any work done within the County right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.</li> <li>• A 10' by 10' corner cut-off shall be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.</li> </ul> |
| 4. | <p>According to the San Joaquin Valley Air Pollution Control District, the project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.</p>  |
| 5. | <p>According to the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none"> <li>• The sewage disposal systems for the proposed high-intensity park shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division.</li> <li>• The Environmental Health Division will require Food Facility Plans and specifications be submitted for review and approval consistent with the proposed project. A change in the Food Facility Permit will be required to cover the proposed expanded uses.</li> <li>• Information provided in the Acoustical Survey Report (ESR, Inc., dated September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent noise-sensitive receivers and confirmed by Department of Public Health, Environmental Health Division staff, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.</li> </ul>   |
| 6. | <p>According to the Fresno County Fire Protection District:</p> <ul style="list-style-type: none"> <li>• The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits.</li> <li>• The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.</li> <li>• The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.</li> </ul>   |

**Notes**

7. An intermittent stream traverses through the northern part of the site, and Parcel Map 7733 recorded on the property shows a 50-foot building setback line on either side of the stream. All proposed improvements shall maintain a 50-foot setback on either side of the stream, and prior to any ground-disturbance activities, a clearance from the California Department of Fish and Wildlife shall be obtained.

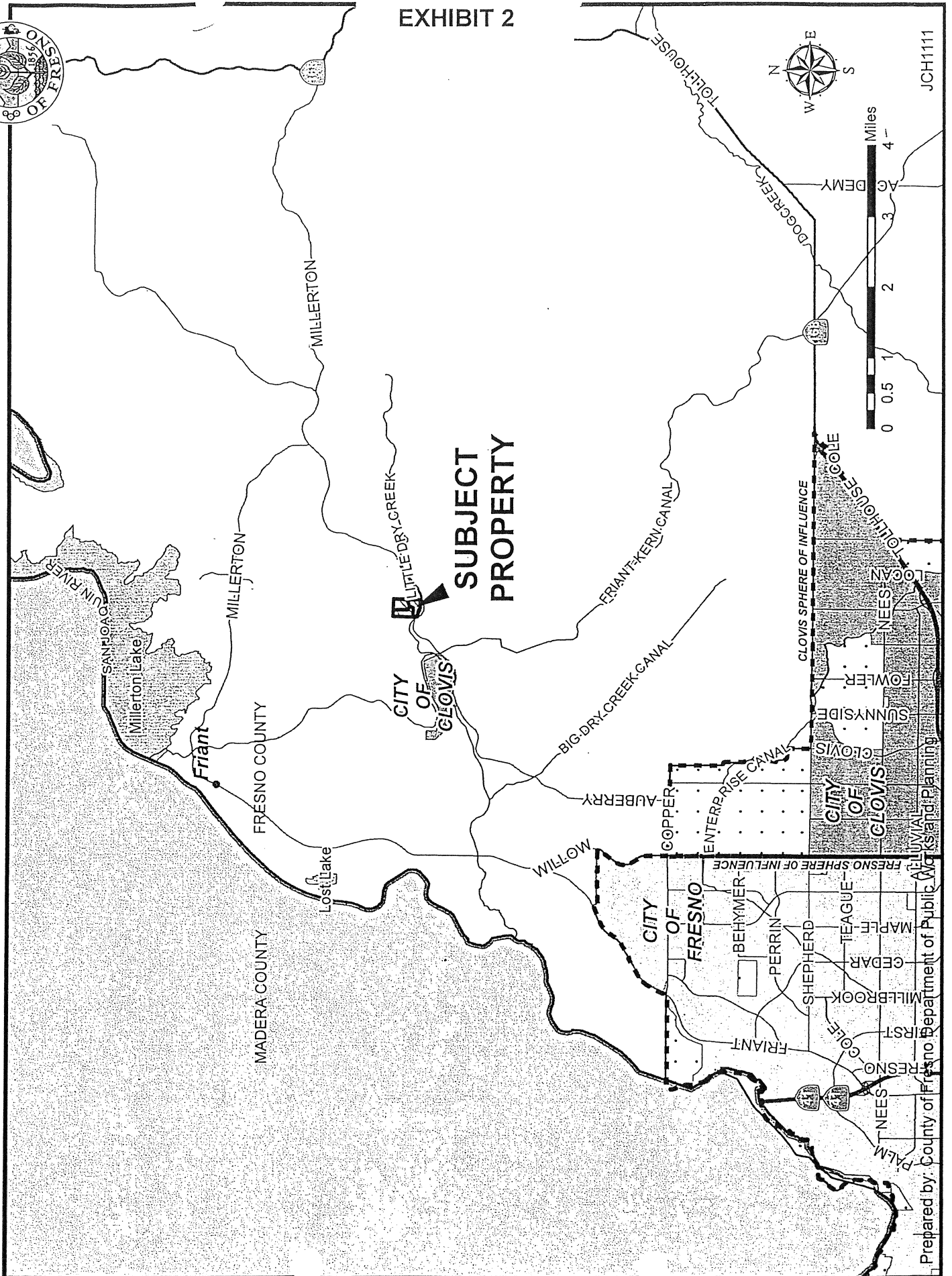
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EXHIBIT 2

LOCATION MAP

CUP 3388



JCH1111

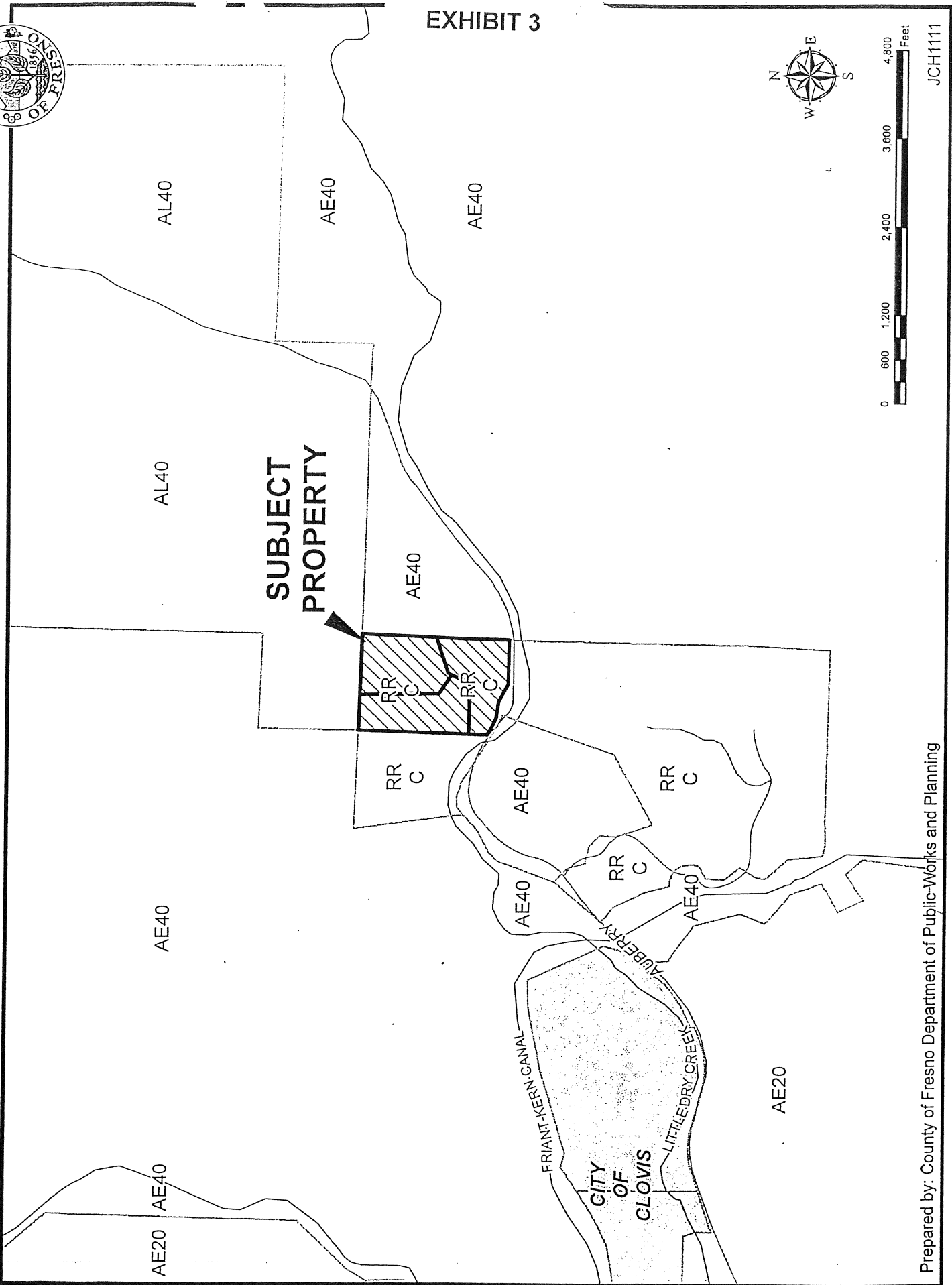
Prepared by: County of Fresno, Department of Public Works and Planning

CUP 3388  
STR 27 - 11/21

# EXISTING ZONING MAP



EXHIBIT 3



Prepared by: County of Fresno Department of Public-Works and Planning

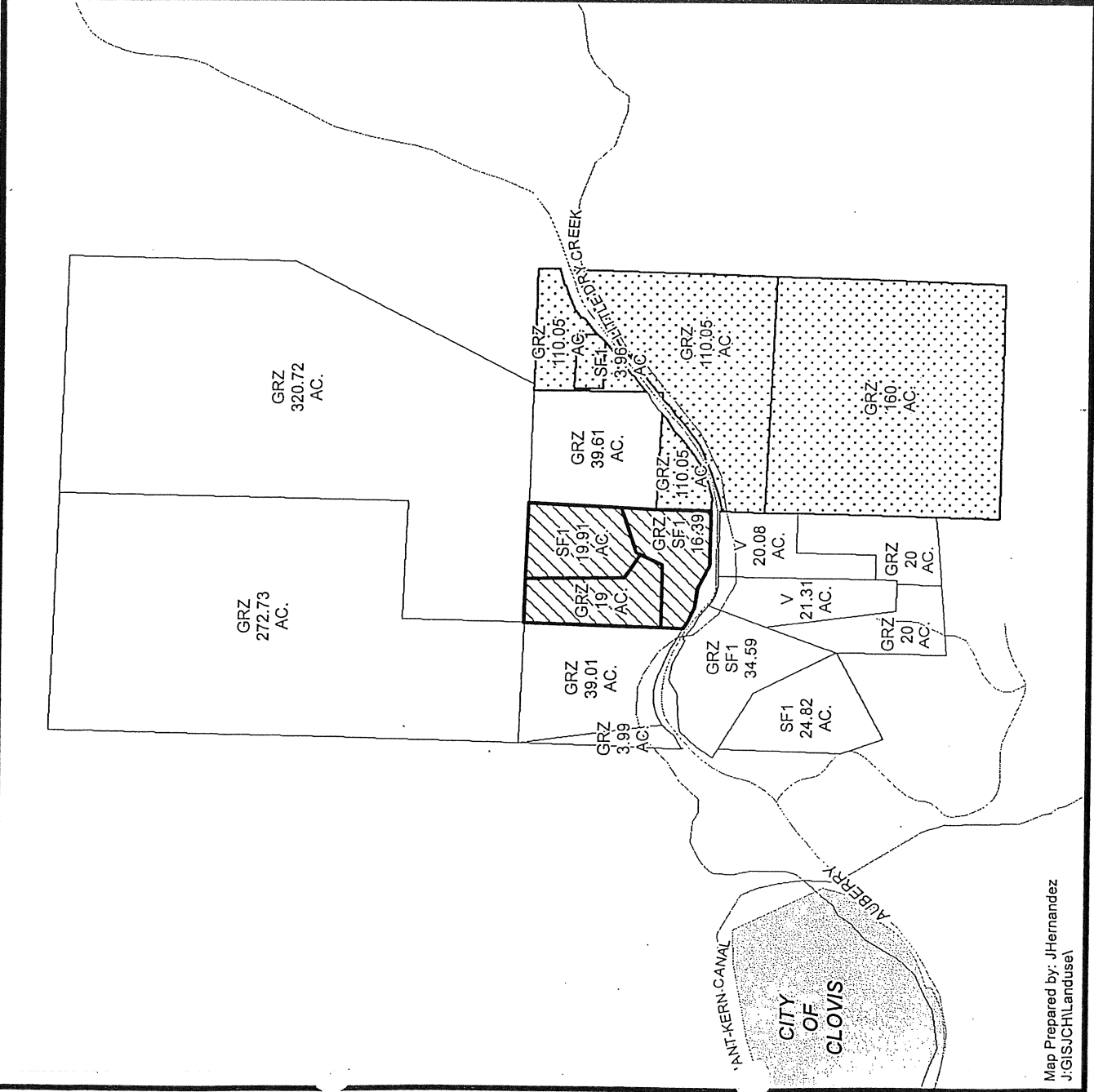
JCH1111



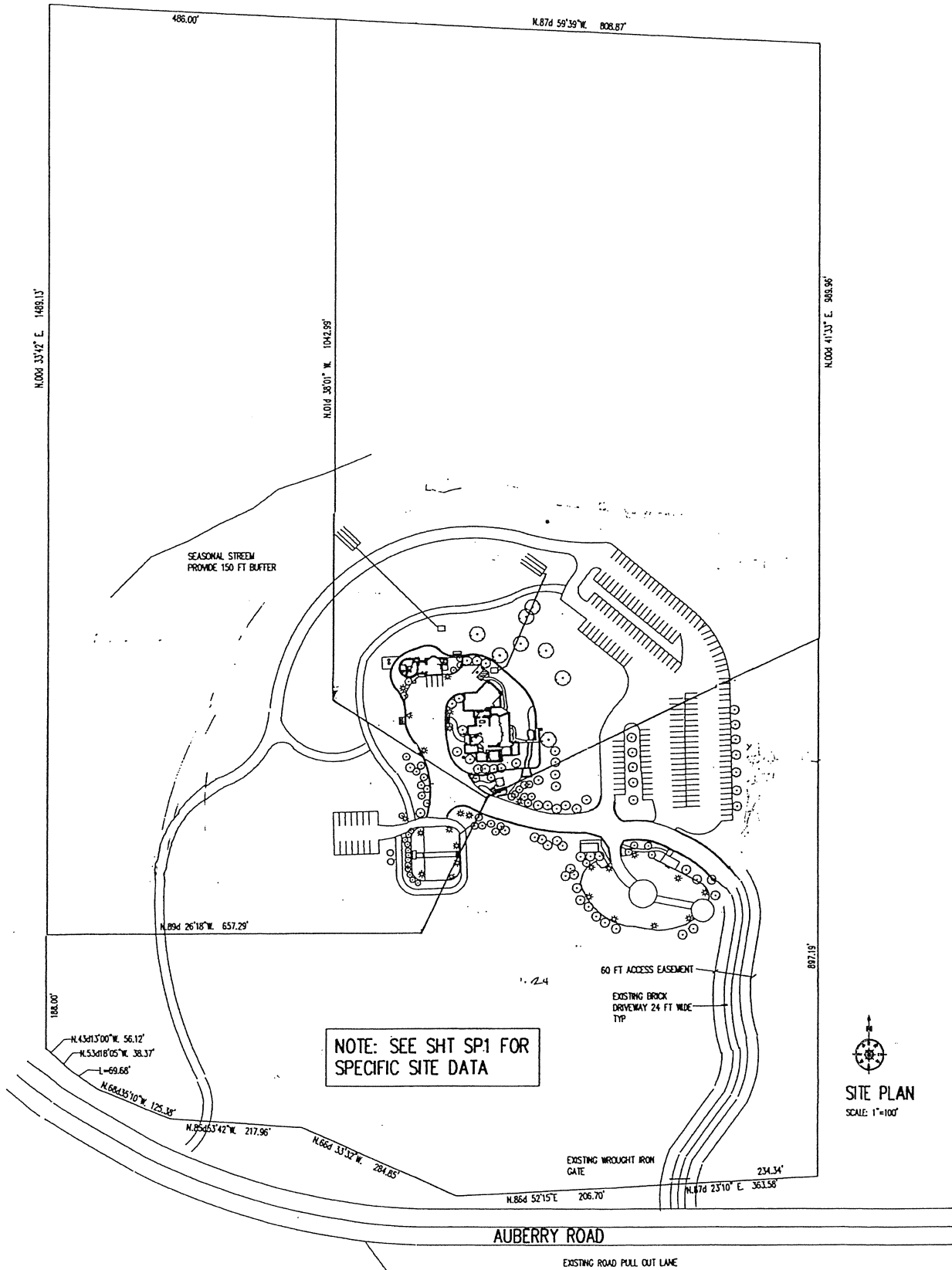
# EXHIBIT 4

## EXISTING LAND USE MAP

CUP 3388



# EXHIBIT 5



NOTE: SEE SHT SP1 FOR SPECIFIC SITE DATA

SITE PLAN  
SCALE: 1"=100'

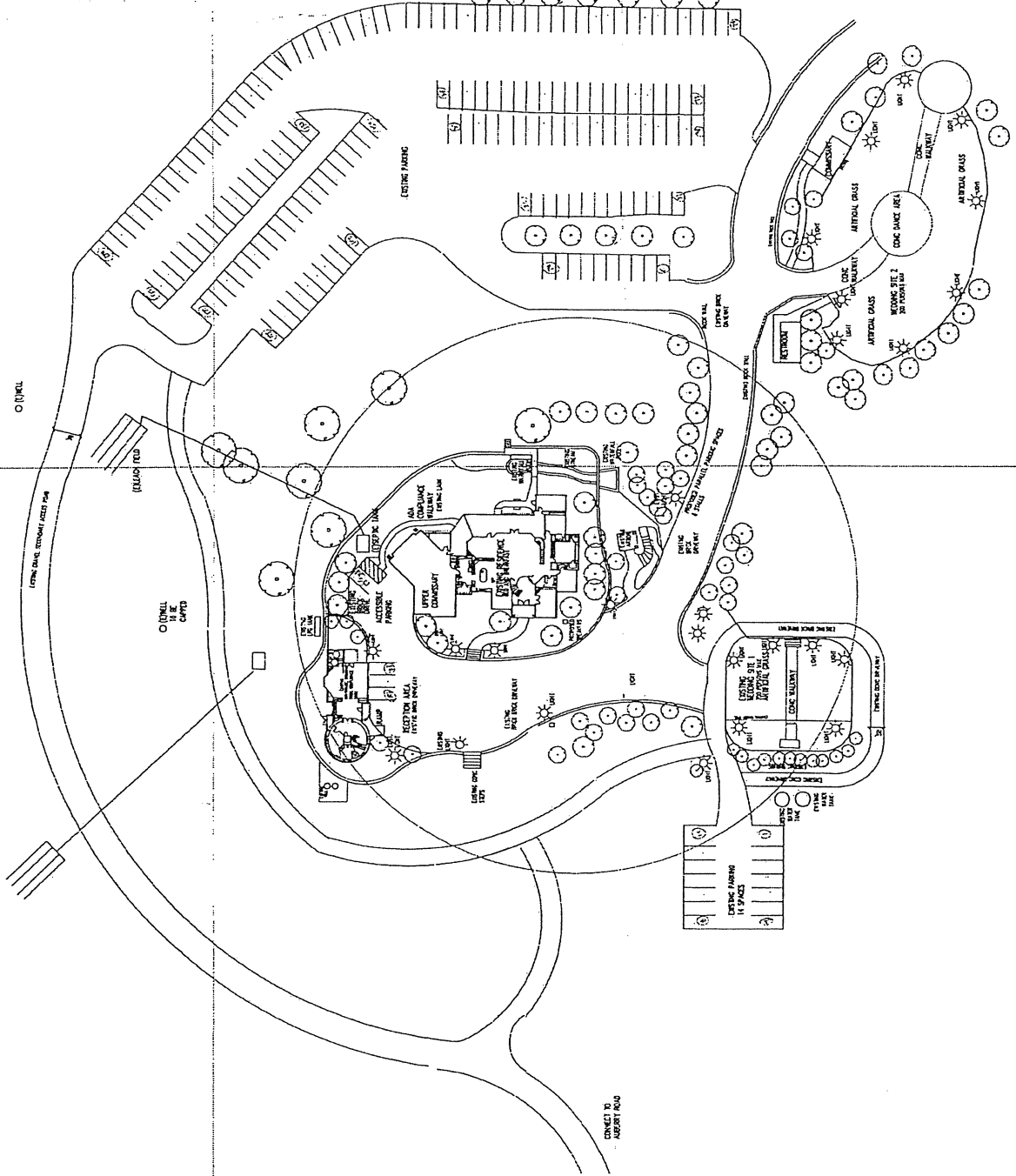
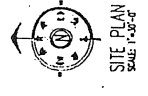
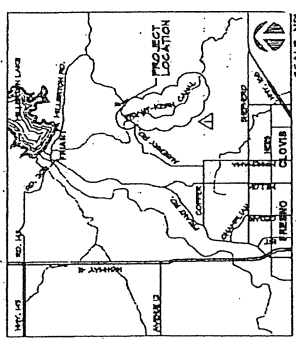


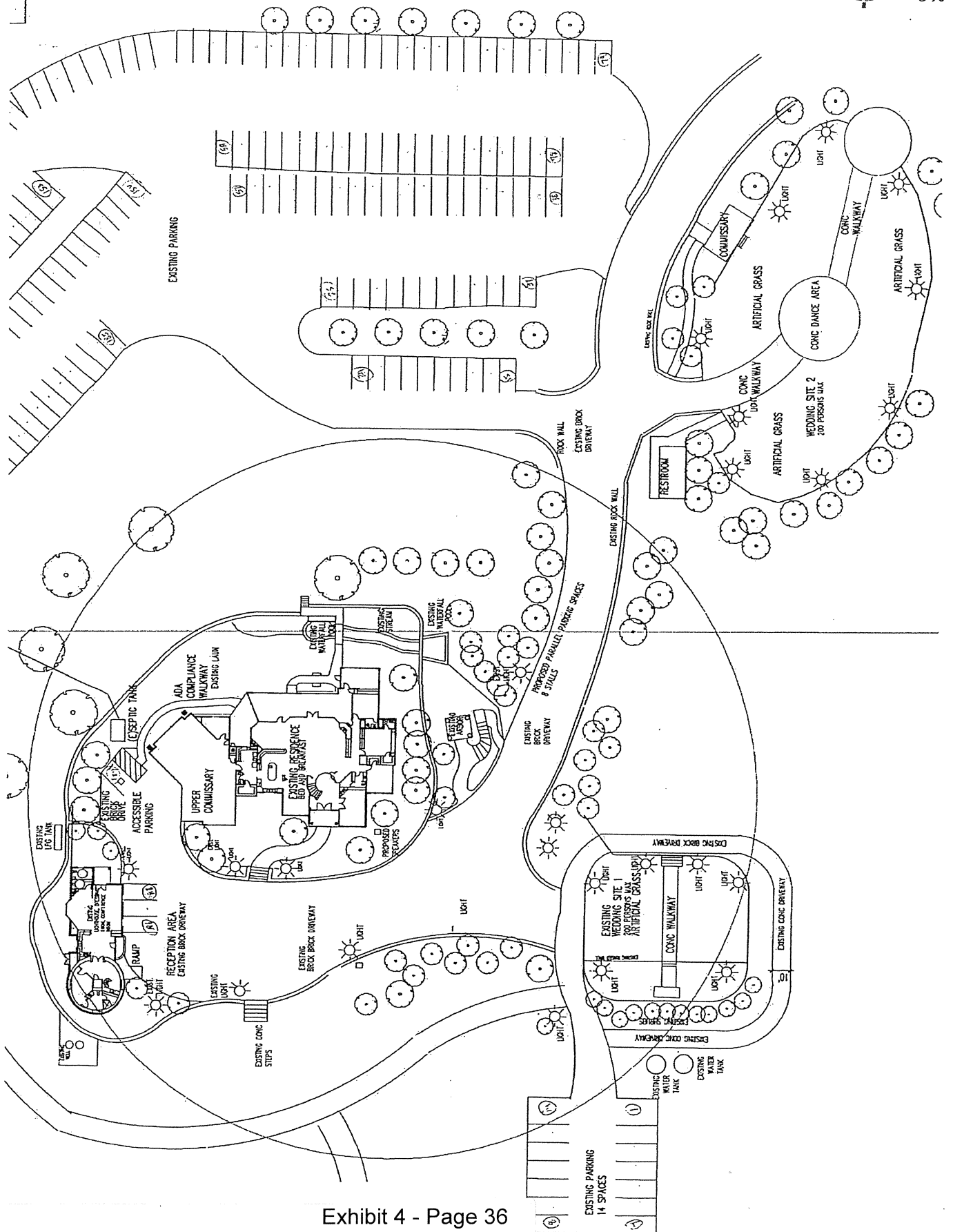
| NO. | REVISIONS |
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ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 THIS PLAN IS NOT VALID UNLESS IT IS SIGNED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER.  
 REGISTERED PROFESSIONAL ENGINEER  
 LICENSE NO. \_\_\_\_\_  
 EXPIRES \_\_\_\_\_  
 DATE OF BIRTH \_\_\_\_\_  
 DATE OF GRADUATION \_\_\_\_\_  
 DATE OF EXPIRATION \_\_\_\_\_  
 DATE OF REISSUE \_\_\_\_\_  
 DATE OF RENEWAL \_\_\_\_\_  
 DATE OF RENEWAL \_\_\_\_\_  
 DATE OF RENEWAL \_\_\_\_\_

**PROJECT DATA**  
 PROJECT NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 COUNTY: \_\_\_\_\_  
 PROJECT NO.: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 SHEET NO.: \_\_\_\_\_  
 TOTAL SHEETS: \_\_\_\_\_  
 PROJECT NO.: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 SHEET NO.: \_\_\_\_\_  
 TOTAL SHEETS: \_\_\_\_\_

**PROJECT LOCATION MAP**  
 (Revised)





FLOOR PLAN  
 1st FLOOR  
 1871 RUSH HOLLOW • 3RD FL.

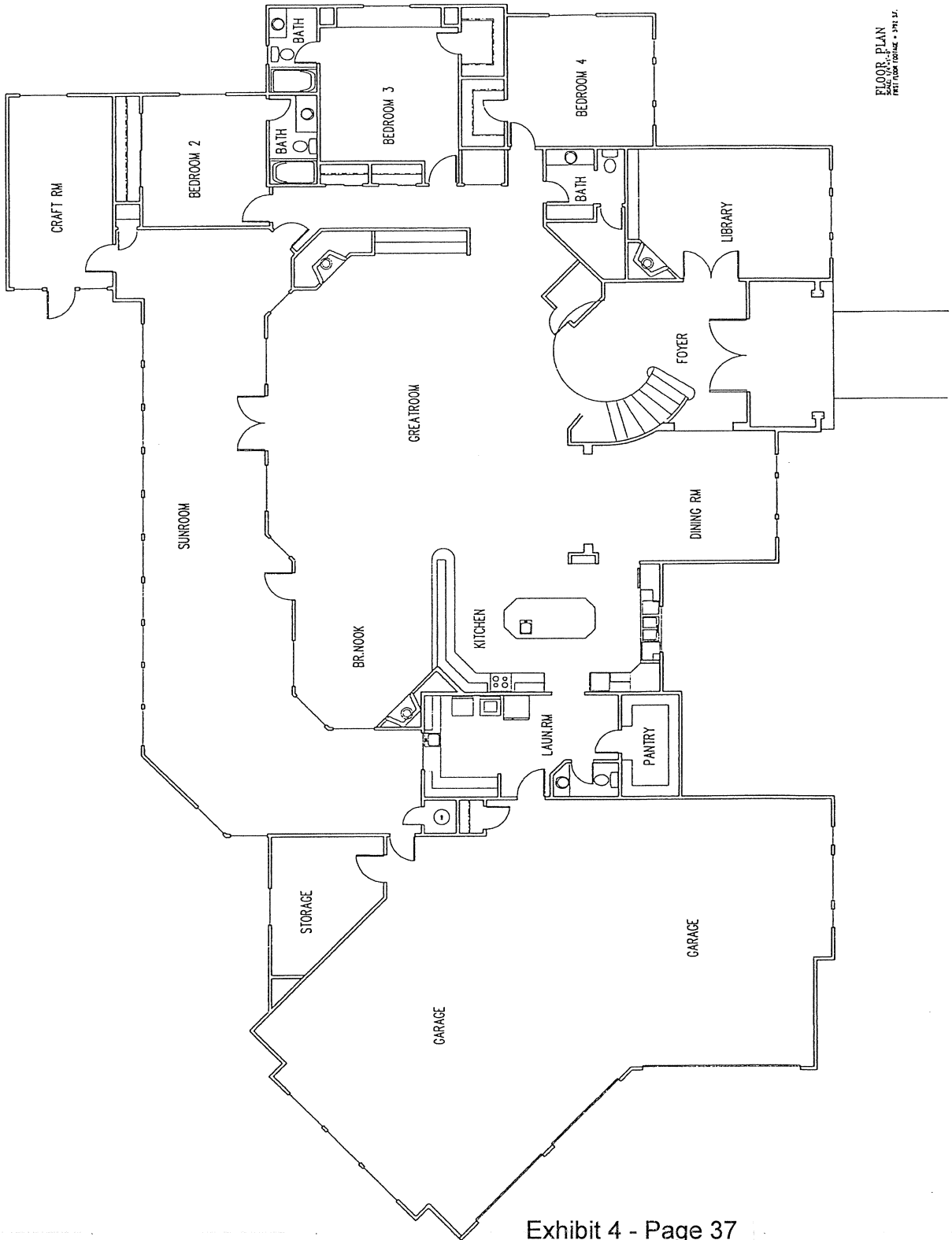


Exhibit 4 - Page 37

|           |          |
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| DATE      | 1/11/04  |
| BY        | JLD      |
| CHECKED   | JLD      |
| SCALE     | AS SHOWN |
| SHEET NO. | A4       |

John Ford drafting and design  
 635 BARSTOW AVENUE, STE 20, CLOVIS, CA 95312  
 PHONE (559) 323-4375 EMAIL JFDRAW@AOL.COM  
 certified professional building design & american institute of building design

PROJECT: BRATTON BED AND BREAKFAST  
 FLOOR PLAN  
 1871 RUSH HOLLOW

DATE: 1/11/04  
 BY: JLD  
 CHECKED: JLD  
 SCALE: AS SHOWN  
 SHEET NO.: A4

|           |          |
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| NO.       | 1        |
| DATE      | 1/11/04  |
| BY        | JLD      |
| CHECKED   | JLD      |
| SCALE     | AS SHOWN |
| SHEET NO. | A4       |

TITLE SHEET  
 DRAWN BY  
 DATE  
 SCALE  
 PROJECT NO.  
 SHEET NO.

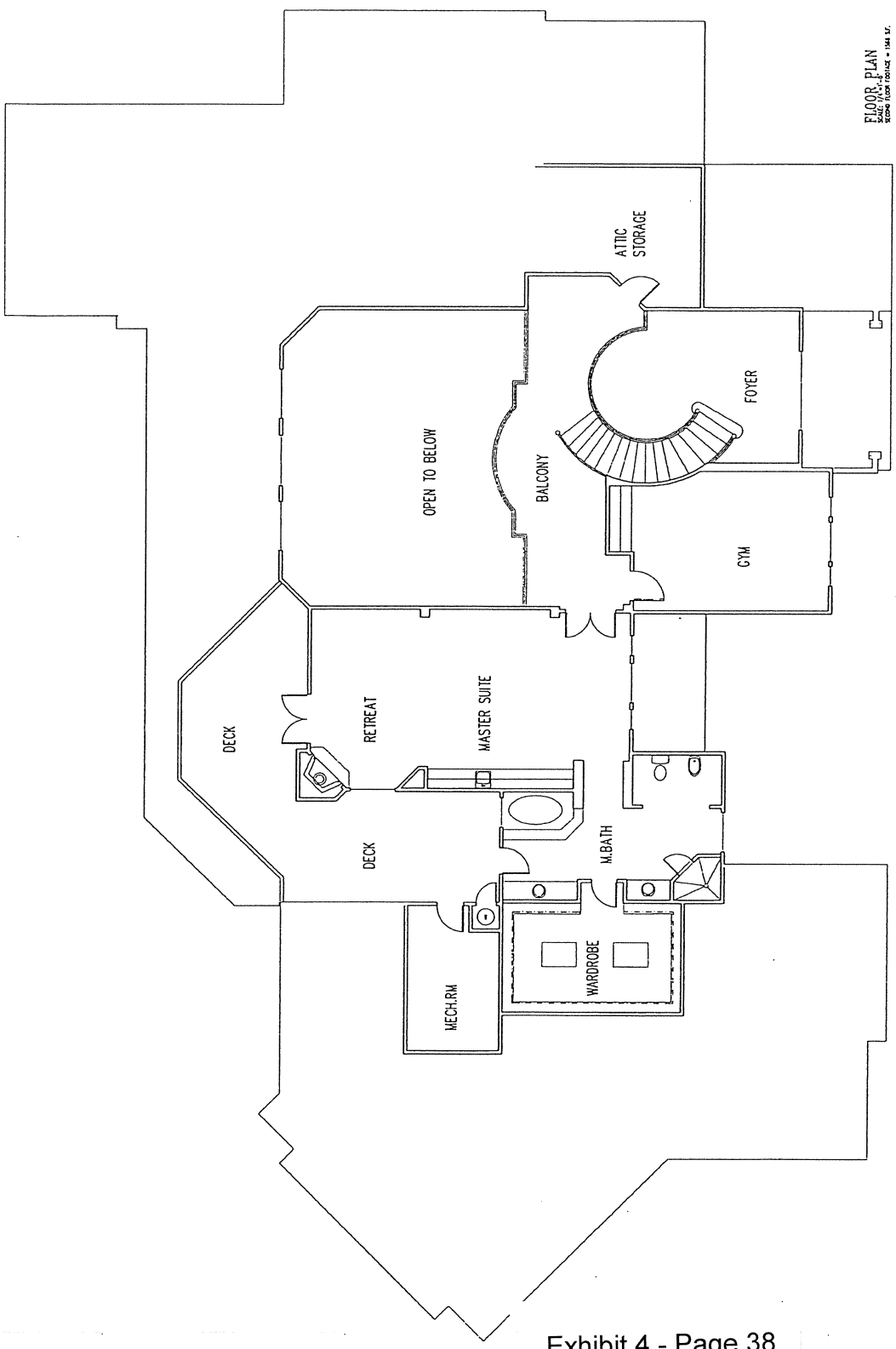
A5

John Ford drafting and design  
 certified professional building designer/owner's representative  
 635 BARSTOW AVENUE, STE 20, CLOVIS, CA 95612  
 PHONE (539)323-4375 EMAIL JFDRAWING@AOL.COM

MODEL BRATTON BED AND BREAKFAST  
 FLOOR PLAN

PROJECT NO.  
 DATE  
 DRAWN BY  
 CHECKED BY  
 APPROVED BY

|         |    |      |
|---------|----|------|
| REVISED | BY | DATE |
|         |    |      |
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FLOOR PLAN  
 WORK FLOOR FINISH = 104" ST.

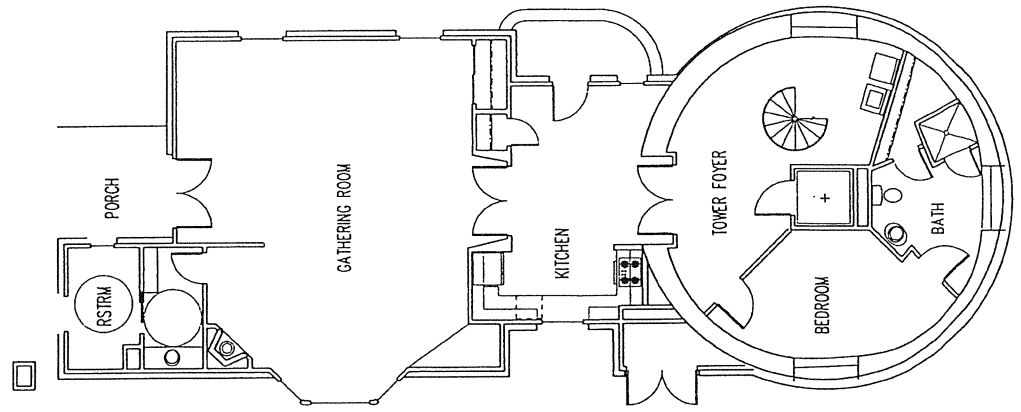
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 DATE \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_  
 SCALE \_\_\_\_\_  
 SHEET NO. **A2**

**John Ford drafting and design**  
 certified professional building designer american institute of building design  
 635 BARSTOW AVENUE, STE 20, CLONIS, CA 93612  
 PHONE (559) 323-4375 EMAIL JFDRAWING@AOL.COM

PROJECT BRATTON BED AND BREAKFAST  
 RESERVATION FLOOR PLAN

I have the honor to certify that the above described work was prepared by me or under my direct supervision and that I am a duly licensed architect in the State of California.

|     |          |
|-----|----------|
| NO. | REVISION |
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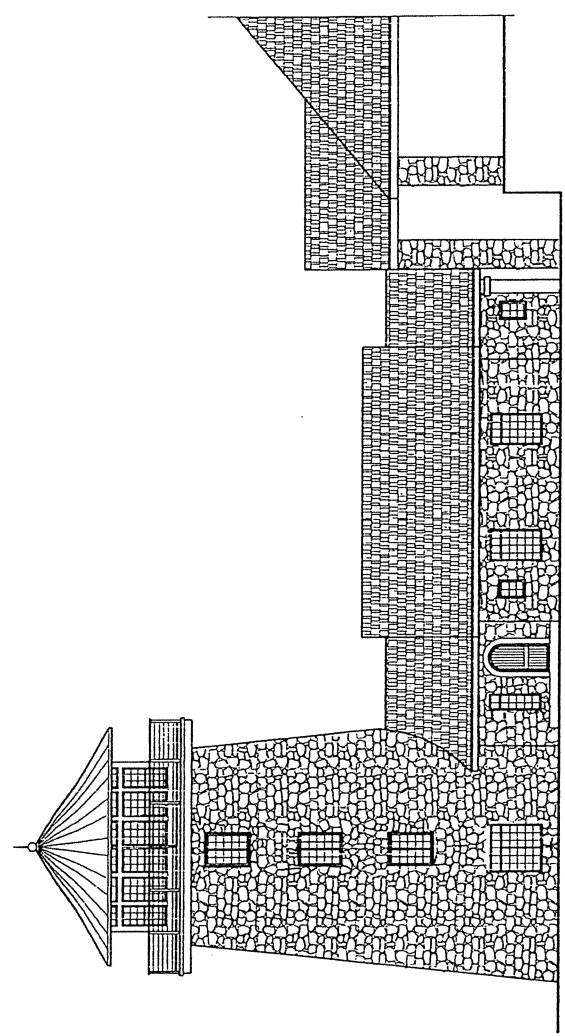
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| DATE    |  |
| BY      |  |
| SCALE   |  |
| PROJECT |  |

ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

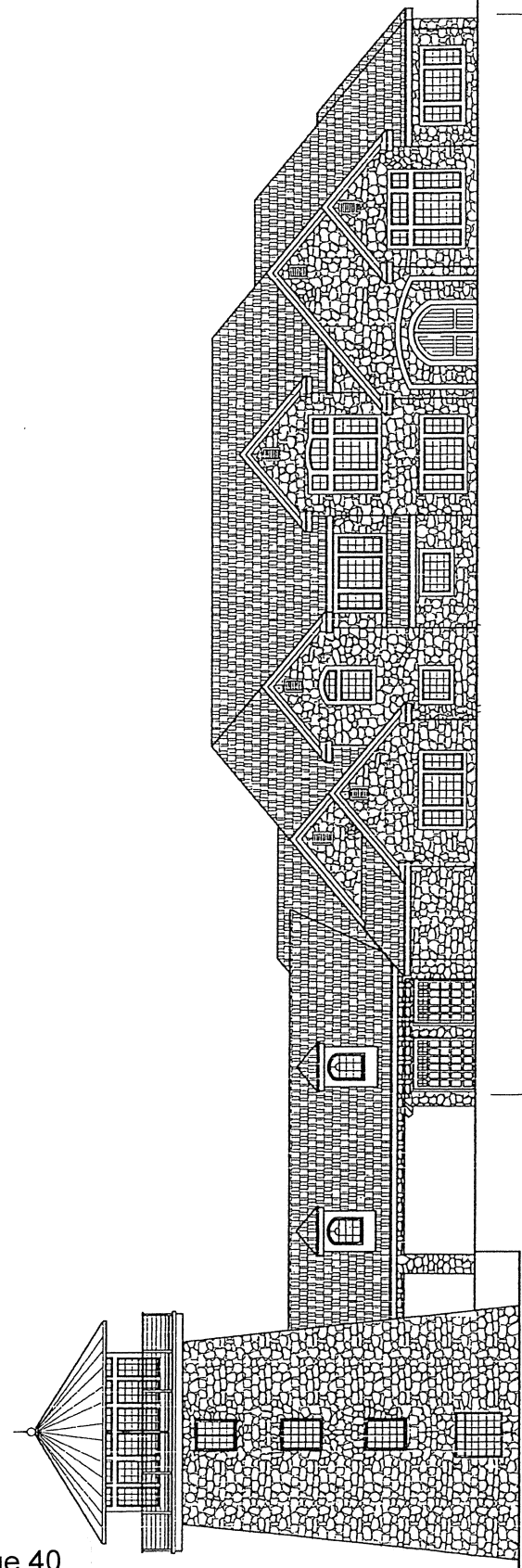
PROJECT: BRATTON RESIDENCE  
 DRAWN BY: RESIDENCE ELEVATIONS  
 CHECKED BY: JOHN FORD DRAFTING AND DESIGN  
 635 BARTON AVENUE, STE 20, CLOVIS, CA 95312  
 PHONE (559) 325-4375 EMAIL: JFDRAW@AOL.COM

John Ford Drafting and Design  
 a registered professional building designer, american institute of building design  
 635 BARTON AVENUE, STE 20, CLOVIS, CA 95312  
 PHONE (559) 325-4375 EMAIL: JFDRAW@AOL.COM

DATE: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 PROJECT: \_\_\_\_\_  
 SHEET NO: **A2**



EXISTING SOUTH ELEVATION



EXISTING RESIDENCE

PROPOSED CARPORT

EXISTING LIGHTHOUSE

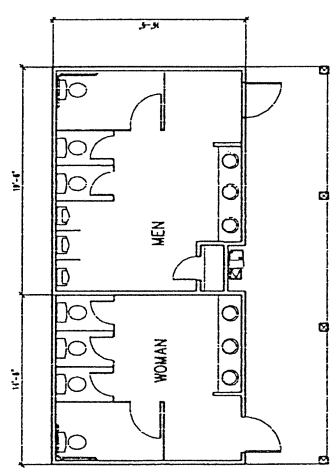
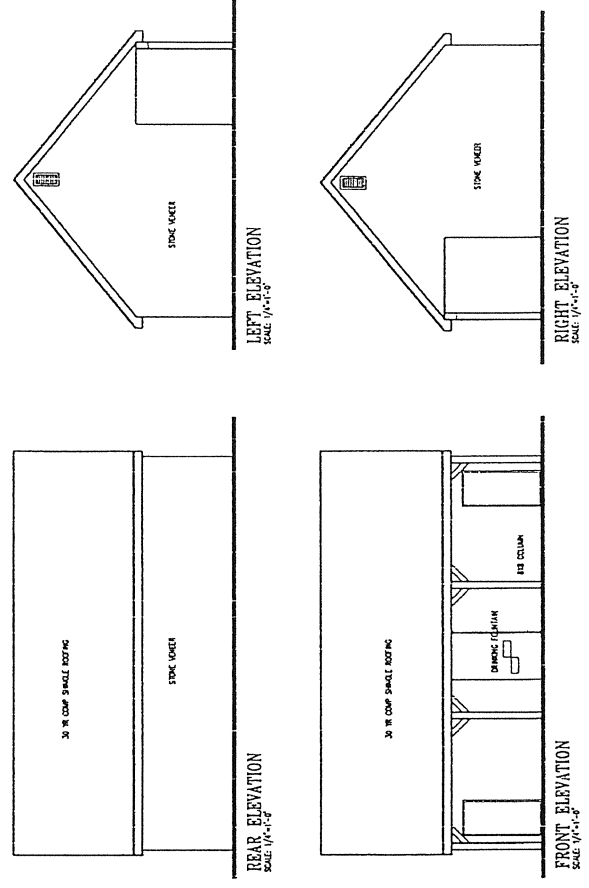
TITLE: PROPOSED RESTROOMS  
 SCALE: 1/4" = 1'-0"  
 DATE: 11/11/11  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 PROJECT NO.: 11111

**John Ford drafting and design**  
 certified professional building designer - member - Institute of Building Design  
 635 BARSLOW AVENUE, STE 20, CLOVIS, CA 95612  
 PHONE (559) 323-4375 EMAIL: JFDRAWING@AOL.COM

PROJECT: CLOWS CASTLE  
 LOCATION: BEST ROOM FLOOR PLAN, ELEVATIONS  
 DRAWING NO.:

ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.

|     |          |
|-----|----------|
| NO. | REVISION |
|     |          |
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|     |          |
|     |          |



**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 BUILDING FOOTAGE = 554 SF.

PROPOSED RESTROOMS

**EXHIBIT 6**

**CLOVIS CASTLE EVENTS**

Conditional Use Permit Operational Statement

16393 Auberry Road

Clovis, CA 93619

April 24, 2014

Property Owner: Mr. James Bratton  
16393 Auberry Road  
Clovis, CA 93619

Applicant: Clovis Castle Events  
Beth Brown and Cathy Lauritzen  
16393 Auberry Road  
Clovis, CA 93619

Project Site: 16393 Auberry Road  
Clovis, CA 93619

Representative: Dirk Poeschel Land Development Services, INC.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721

APN: 300-370-23, 24, & 25

Zoning: R-R (c)

Land Use Designation: Rural Residential

Area: 57.91 +/- acres

**REQUEST:**

To allow a "High Intensity Park" on property located at 16393 Auberry Road in Fresno County.

CUP 3388

RECEIVED  
COUNTY OF FRESNO

APR 24 2014

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Most Current



**BACKGROUND:**

The subject property is 57.91 +/- acres and is designated Rural Residential in the Fresno County General Plan and is zones R-R (c). The subject property is located approximately 11 miles from both Fresno and Clovis. The subject property is developed with a 6,500 square foot single family residence, a 3,000 square foot observation tower and extensive landscaping. The site has an existing driveway entrance on Auberry Road. The site has an approved DRA No. 7807 to allow a bed and breakfast.

The private park will be rented out for weddings, receptions, birthdays, anniversaries, company parties, etc. All of the events will be catered by private companies. The park will be available for use year round. The peak season for use of the park will be from April through June, and September through November. Most of the events will be outdoors during spring and fall months and thus the facility will not be used as often during the summer and winter months. The outside facility will be available for use from 10:00am to 11:30pm. Indoor venues are available from 8:00am to midnight. Typically there will not be more than one event per day, although the facility could accommodate two events per day if demand warranted. That being the case, the events would not occur at the same time, but rather one in the morning, and one in the evening.

Events will be limited to no more than 200 guests per event. The primary use of the facility will be on weekends, and it is estimated that 60 events will occur each year at the park. The applicant will operate the park.

The applicant will provide a minimum of one security guard for every 100 guests at each event.

It is estimated that 3 delivery vehicles will frequent the site per week, most likely at different times and days during the week. These vehicles will deliver food, beverages, flowers, music, and other supplies necessary to cater the events. There will be no goods or products sold on site.

**FOOD PREPARATION**

Caterers will supply food and beverages during all phases of the project. The catering companies will provide staff as needed to serve guests. There will be a commissary kitchen area to aid the catering companies in food preparation.

## EMPLOYEES

The facility will operate year round and there will typically be 1-5 employees on site at any given time.

Additional part-time employees will be utilized when there are events on the property. The number of employees will range from 5-20 during events. The number of employees will be proportional to the size of the event.

## HOURS OF OPERATION

The Bed and Breakfast facility will be open 365 days a year, 24 hours a day.

Administrative offices: 5 days a week from 10:00am to 6:00pm, and closed for holidays.

The event venues will be available 365 days of the year.

Outside Venues: 7 days a week from 10:00am to 11:30pm.

Inside Venues: 7 days a week from 8:00am to midnight. All guests, with the exception of the bed and breakfast, will be required to vacate the site by 12:30am.

## SIGNAGE

One sign at the entrance of the park is proposed. The sign will be approximately 4'x12'. The applicant will place traffic control signage on Auberry Road at the time of the event.

## LIGHTING/GLARE

The use will not have any significant impacts on the surrounding properties. There will be a limited number of outdoor lighting fixtures as required to hold events during the evening hours. Lighting will be hooded to direct lighting on-site and away from adjacent properties. As part of the phased development, site lighting will be utilized. The site lighting will be a combination of low voltage and standard voltage lighting.

Low voltage lighting will be used to light walkways and provide access lighting throughout the site. Parking lot and event lighting will be overhead, hooded, light fixtures. Ultimately, permanent site lighting will be constructed on the site. All lights will be hooded to focus the

lighting in the areas where it is intended. On-site lighting will be set up in zones so only those areas in use will be lighted as needed.

### **NOISE**

An outdoor sound amplification system will be provided as necessary for events. The area in which the sound amplification system will be located is adjacent to the observation tower.

No amplified sound and music will be allowed in the outdoor areas after 11:30pm.

No amplified sound and music will be allowed in the existing residence and observation tower after midnight.

All events will be subject to monitoring by the staff of the facility to ensure that noise levels are not exceeded.

### **DUST**

There will be no dust or odors associated with the park. The event area is intensely landscaped. The roadway onto the site is paved.

### **WATER**

There is a water well with two 5,000 gallon storage tanks, both located behind the first wedding site as shown on the attached site plan. The well will provide water for domestic use, as well as for landscaping. The well is adequate to meet the needs of the proposed facility.

### **WASTE DISPOSAL**

There is an existing septic tank and leach field. The septic tank is located north of the existing residence which serves the existing house, and the leach field is down the hill next to the parking lot. An additional septic tank will be constructed for the proposed new restrooms at site #2, as shown on the attached site plan. There will also be another septic system constructed for the lighthouse sewage...see site plan.

### **SOLID WASTE DISPOSAL**

The facility is currently, and will continue to be, served by a private waste hauler. Solid waste containers will be located on the property for pick up by the waste hauler. Recyclable materials will be separated for pick up.

The quantity of solid waste generated by the facility will be determined by the number and size of the events that occur during a week. However, it is anticipated that the maximum quantity will not exceed 5 cubic yards per week.

### **ACCESS**

There is an existing driveway approach onto Auberry Road which is designated as an "Arterial Roadway" in the Fresno County General Plan. The trip generation times for the proposed project would typically be on the weekends when the traffic on Auberry Road is lower than during the week.

A second access is shown on the attached site plan.

### **PARKING**

On-site parking will be provided for guests and employees. Due to the distance of the parking lot from the event sites, free valet parking will be provided for all guests. A total of 150 parking stalls will be provided per the attached site plan.

### **ACCESSIBILITY**

Due to the topography of the property, accessible golf carts will be available to transport guests from the wedding/event sites to the reception areas.

### **LANDSCAPING**

The event/wedding sites will utilize artificial grass to minimize water consumption. All existing landscaping will remain.

The proposed development of the property will take place in two phases.

### **PHASE 1**

- A. The existing home will continue to be utilized as a bed and breakfast.
  - a. Food preparation for the guests of the bed and breakfast will occur in the existing single family kitchen
- B. The home and outside areas will be available for use for weddings, special events, or meeting venue.
  - a. Food and beverage preparation and serving for weddings, special events and corporate functions will be catered by outside vendors. The former garage will be converted into a food commissary that can be utilized by the outside vendors.
  - b. Restroom facilities will be constructed as required.
    - i. ADA compliant restrooms will be provided
    - ii. Restrooms will be lighted
- C. New and existing lighting fixtures will provide lighting for the parking areas. These are shown on the attached site plan.
- D. Appropriate ADA accessible parking will be provided next to the garage of the existing residence. This location is near the reception area, which is the most used area of the property.

### **PHASE 2**

- A. The existing observation tower will be completed and be made available for use as a meeting venue.
- B. Restroom facilities with the appropriate septic system will be constructed as shown on the attached site plan near wedding site #2.
- C. Traffic Control Signs, with lights, will be placed in appropriate areas to slow down traffic on event nights.

### **CONCLUSION**

The proposed development is consistent with the following Fresno County General Plan Policies:

#### ED-B.9 Cultural and Recreation Amenities

“The County shall support the efforts to enhance the cultural and recreational amenities available in the county in order to maintain the desired livability/quality of life for its residents as well as to attract business entrepreneurs from other metropolitan areas in California and throughout the world.”

ED-B.12 "The County shall encourage the development of visitor and expansion of businesses serving attractions and accommodations serving visitors in unincorporated areas where natural amenities and resources are attractive and would be diminished by tourist activities."

ED-B.15

"The County shall encourage additional recreational and visitor serving development in the high sierra and foothill areas..."

ED-B.17

"The County shall encourage coordination in advertising and cooperative marketing by the visitor and convention Bureau and visitor-serving business destination marketing organizations and tourism stakeholders."

ED-B.20

"The County shall encourage tourism and related job creation..."



## EXHIBIT 7

# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: James & Louella Bratton
- APPLICATION NOS.: Initial Study Application No. 6618; Unclassified Conditional Use Permit Application No. 3388
- DESCRIPTION: Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, two-acre minimum parcel size, Conditional) Zone District.
- LOCATION: The project is located on the north side of Auberry Road approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of unincorporated community of Friant (16399 Auberry Road, Clovis) (SUP. DIST.: 5) (APN: 300-370-23, 24 & 25).

### I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area consisting of gentle rolling hills with sporadic landscaping and residential developments. The project area has scenic vistas of oak woodlands along rolling hills and Little Dry Creek on the valley floor adjacent and below the project site. The existing lighthouse on the property is also a notable feature from Auberry Road.

The subject proposal will utilize all the existing improvements (including lighthouse) on the property and will construct a commissary and restroom facilities. Given the limited new construction, the proposal will not cause significant physical changes to the site and therefore will have a less than significant impact on scenic vistas in the area.

- 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

FINDING: NO IMPACT:

The project site fronts Auberry Road which is identified as a Scenic Drive in the Fresno County General Plan. General Plan Policy OS-L.3 requires that scenic drives shall adhere to a 200-foot setback of natural open space. The nearest improvements relating to this proposal will set back approximately 380 feet north of the Auberry Road right-of-way. As such, the project will not impact the scenic quality of Auberry Road.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is currently developed with a 6,500 square-foot single-family residence converted into a bed & breakfast facility; a 3,000 square-foot observation tower, of which 1,756 square feet is converted into a single-family residence; wedding Sites 1 and 2; and parking and related improvements.

The proposal consists of two phases. In Phase 1, the primary residence will continue to be utilized as a bed & breakfast (B&B) facility with food prepared inside the kitchen of the residence. The existing garage adjacent to the B&B will be converted into a food commissary to be used by the outside vendors during events. The outside area will be used for weddings, special events or as a meeting venue, and new restroom facilities will be constructed as required. In Phase II, the existing observation tower will be utilized as a meeting venue and a commissary and restroom facilities will be constructed.

As noted above, the project area is of scenic qualities due to oak woodlands along rolling hills and water features near the project site. Auberry Road, which provides access to the site, is also considered a scenic drive. The subject proposal will utilize a combination of existing improvements (residence, observation tower) and new improvements (restrooms, commissary) to be constructed on the property. All new improvements are of low height, will blend in with the existing improvements, and will be located within the area of mature landscaping on the property. The project will have a less than significant impact on the existing visual quality of the site and its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will utilize outdoor lighting fixtures for parking and event lighting. To minimize any light and glare impacts resulting from this proposal, a mitigation measure would require that all lighting shall be hooded and directed downward as to not shine toward adjacent property and public streets.

\* **Mitigation Measure:**

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



## II. AGRICULTURAL AND FORESTRY RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not farmland or forest land. The site is designated as Non-Agricultural and Natural Vegetation on the 2010 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Contract. The site is currently developed with a single-family residence, an observation tower, parking and related improvements. The project involves limited new developments and as such will have a less than significant impact on the current rural, low-density environment of the area.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and indicated that project-specific emissions of criteria pollutants are not expected to exceed District significant thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10, and therefore would not have significant adverse impact on air quality. Further, the project is not subject to District Rule 9510 (Indirect Source Review).

Other Air District Rules that may apply to the project include: District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. Adherence to these requirements, which will be included as Project Notes, will reduce project impact on air quality to less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not create objectionable odors to affect people on or around the proposed facility.

The San Joaquin Valley Air Pollution Control District expressed no odor-related concerns with the project except that the proposed use may be subject to District Rule 4102 (Nuisance) which applies to any source operation (including odor) which may emit air contaminants or other materials.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is currently developed with a 6,500 square-foot single-family residence converted into a bed & breakfast facility; a 3,000 square-foot observation tower, of which 1,756 square feet is converted into a single-family residence; wedding Sites 1 and 2; and parking and related improvements. The remainder of the property is undeveloped and is occupied with mature landscaping of various kinds.

The project was routed to the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) for review and comments. Comments provided by CDFW on October 26, 2012 required a reconnaissance-level

assessment of the project site by a qualified biologist/botanist to assess the project's impact on State- and Federally-listed species. To meet this requirement, a Biological Assessment (BA) was prepared for the project by ESR, Inc., and dated August 8, 2013.

CDFW reviewed the BA and indicated that: 1) known occurrence records document California Tiger Salamander (CTS) within the subject property; and 2) aerial photographs show presence of suitable upland refuge and breeding habitat for CTS within the project site. CDFW expressed concerns that this species may be impacted by ground-disturbing activities related to project implementation and requires that: 1) potential project-related impacts to CTS shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (DFW, 2003); and 2) in the absence of protocol surveys, the Applicant shall assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species. These requirements will be included as mitigation measures:

\* **Mitigation Measures:**

1. *Project-related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)".*
2. *In the absence of protocol surveys, the applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.*

No concerns were expressed with the proposal by the United States Fish and Wildlife Service.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is located in an area of moderate archeological sensitivity and was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comments. According to SSJVIC, previous cultural resources investigations have identified cultural resources on the property, and SSJVIC recommends that a qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities. This requirement will be included as a mitigation measure. An additional mitigation measure will require that in the case where archeological resources are found during ground disturbance, all work shall be halted until the proper authorities have been notified for further action.

\* **Mitigation Measures:**

1. *A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.*
2. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

## VI. GEOLOGY AND SOILS

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

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

FINDING: NO IMPACT:

The project site does not contain any active earthquake faults, nor is it located within a designated Earthquake Fault Zone. The project area is designated as Seismic Design Category C in the California Geological Survey and the project construction will be subject to the Seismic Zone 3 Standards. The project will not expose people or structures to seismic or landslide hazards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from any grading proposed with this application. The Development Engineering Section of the Development Services Division reviewed the proposal and stated that the project shall require: 1) an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposal will be handled without adversely affecting adjacent properties; and 2) a Grading Permit or Voucher shall be obtained for any grading proposed with this application. These requirements will be included as Project Notes and be addressed through Site Plan Review, recommended as a Condition of Approval.

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

FINDING: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils. No concerns related to soils suitability were expressed by the Development Engineering Section of the Fresno County Department of Public Works and Planning.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will require construction of on-site sewage disposal systems for proposed restroom facilities under permits and inspections from the Building and Safety Section of the Fresno County Department of Public Works and Planning.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and requires that sewage disposal systems for the project shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Health Department. This requirement will be included as a Project Note.

## 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 Air Pollution Control District (Air District) expressed no concerns with the proposal as it relates to the Greenhouse Gas Emissions. The project will adhere to the Air District rules as noted in Section III. A.B.C.D. Air Quality.

## 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: LESS THAN SIGNIFICANT IMPACT:

The project does not involve transport, use, or disposal of hazardous materials and is not located within one-quarter mile of a school.

According to the Fresno County Department of Public Health, Environmental Health Division, Food Facility Plans and specifications shall be submitted for review and approval consistent with the proposed project. This requirement will be included as a Project Note.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials 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: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, within two-miles of a public airport or in the vicinity of a private airstrip.

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

FINDING: NO IMPACT:

The project site fronts Auberry Road and gains access via an existing paved driveway off of Auberry Road. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. The project will not conflict with an emergency response or evacuation plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal is located within a wildland area. According to the Fresno County Fire Protection District (CalFire) the project shall comply with the latest California Code of Regulations Title 24 – Fire Code and shall require approval of the County-approved site plans by the Fire District prior to issuance of building permits. This requirement will be included as a Project Note and be addressed through Site Plan Review, recommended as a Condition of Approval.

## IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The subject proposal will utilize an existing on-site domestic water well and was routed to the California Department of Public Health (CDPH) Office of Drinking Water for compliance with water quality standards for potable water

According to CDPH, the proposal meets the definition of a public water system and shall be permitted as such. CDPH also stated that the applicant has complied with all the outstanding issues relating to the current water system on the property and a water supply permit for this proposal has been drafted by that agency.

No impacts on the quality of groundwater were expressed by the California Regional Water Quality Control Board.

- 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:

According to the Applicant's Operational Statement, there is an active water well and two 5,000-gallon water storage tanks on the property. The well produces 150 gallons of water per minute and will supply water for domestic use as well as for landscaping. The property is located in a water-short area of Fresno County.

The Water/Geology/Natural Resources Section (WGNR) of the Development Services Division reviewed the project and required a hydro-study to demonstrate that adequate and sustainable water exists for the project. A hydro-study (Groundwater Supply Report) was prepared for the project by Strahm Engineering Associates, Inc. and dated March 11, 2013. WGNR accepted the findings of the hydro-study and indicated that sufficient groundwater supply exists for the proposed use and that impacts to other users in Fresno County are unlikely to occur.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to the United States Geological Survey (U.S.G.S) map, an intermittent stream traverses through the northern part of the site, and Parcel Map 7733 recorded on the property shows a 50-foot building setback line on either side of the stream. A Condition of Approval will require that all proposed improvements shall maintain a 50-foot setback on either side of the stream, and prior to any ground-disturbance activities a clearance from the California Department of Fish and Wildlife shall be obtained.

- 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 Department of Public Works and Planning, any changes to the existing drainage pattern resulting from this proposal shall require review and approval of an Engineered Grading and Drainage Plan and a Grading Permit or Voucher. Further, any additional run-off generated from site development shall be retained on site per County Standards. These requirements will be included as Project Notes and will be addressed through Site Plan Review, recommended as a Condition of Approval.

F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in IX.A.

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

FINDING: NO IMPACT:

No new housing is proposed with this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Federal Emergency Management Agency (FEMA) FIRM Panel 1035H the southwest corner of the parcel with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100-year storm. A Project Note will require that any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance and no net dirt import of fill shall be allowed within the Zone District.

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

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest unincorporated community of Friant is approximately 3.1 miles northwest of the project site.

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

**FINDING LESS THAN SIGNIFICANT IMPACT:**

The subject property is designated Foothill Rural Residential in the Sierra-North Regional Plan. Various commercial uses may be allowed on Foothill Rural Residential land given careful consideration of scenic and natural resources conservation and environmental protection. The following General Plan policies apply to the subject proposal:

Policy OS-I.4 states that the county shall require adequate rights-of-way or easement for designated trails or bikeways as a condition of land development approvals. The subject proposal will require granting of additional road right-of-way for future conversion of Auberry Road from the existing two lanes to four lanes and to accommodate trails/bikeways required by this Policy.

Policy OS-L.3 d. g. requires that development on Scenic Drives shall adhere to a 200-foot setback of natural open space, and that outside storage area associated with commercial activities shall be screened from view of rights-of-way with landscaping or artificial screens which harmonize with the natural landscape. Auberry Road is designated as a scenic drive in the County General Plan and is located approximately 380 feet south of the nearest improvements (Wedding Site 2) on the property. Besides the existing lighthouse on the property (which can be seen from Auberry Road) and rock retaining wall at the site entrance, all other existing and proposed improvements related to this proposal will not be visible from Auberry Road.

Policy PF-C.17 requires water supply evaluation to determine adequacy of water supply to meet the highest demand that could be permitted on the land in question. Comments from the Water/Geology/Natural Resources Unit of the Development Services Division indicate that the project is in a water-short area, but, due to limited water usage, would not impact groundwater resources.

Policy PF-D.6 requires that the County shall permit on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing a health hazard. The subject proposal will be required to install the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division.

General Plan Policy TR-A.7 requires that the County shall assess fees on new development sufficient to cover the fair share portion of the development's impacts on the local and regional transportation system. Based on the Traffic Impact Study prepared for the project by Peters Engineering Group and reviewed by the Design

Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will be required to pay its fair share cost toward the construction of off-site traffic-related improvements.

Sierra-North Regional Plan Policy 402-01:10.02b: requires that development proposals shall show that water quality and quantity are adequate to serve domestic and fire protection needs. As noted by the Water/Geology/Natural Resources Unit of the Fresno County Department of Public Works and Planning, the project is in a water-short area, but, due to limited water usage, would not impact groundwater resources. The California Department of Public Health (CDPH), Environmental Health Division, which administers water quality standards for public water systems, also reviewed the proposal and based on inspection of the current water system facilities on the property expressed no concerns with the project.

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

FINDING: NO IMPACT:

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

## XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

The project site is not located in an identified mineral resource area as identified in Policy OS-C.2 of the General Plan (Principal Mineral Producing Locations; Figure 7-8 of the General Plan, Background Report).

## 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:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) required an acoustical analysis for the project. An Acoustical Survey Report was prepared by ESR, Inc., and dated September 5, 2013. The Health Department reviewed the report and, based on the information contained in it, stated that the project will meet Fresno County Noise Ordinance standards. The Health Department also stated that if complaints are received from adjacent noise-sensitive receivers and confirmed by them, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance. This requirement will be included as a Project Note.

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

FINDING: NO IMPACT:

See discussion above in Section VIII.E.F.

### 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:

The project will not result in an increase of housing, nor will it 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:

See discussion in Section VIII. H. Hazard and Hazardous Materials.

- 2. Police protection; or
- 3. Schools; or

- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for additional public services and will not affect existing public services.

#### XV. RECREATION

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

FINDING: NO IMPACT:

The project will not result in the need for new or expanded recreational facilities.

#### XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT PLAN WITH MITIGATION INCORPORATED:

The project was reviewed by the Design Division and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which required that a Traffic Impact Study (TIS) be prepared to evaluate the potential traffic-related impacts resultant of the proposed facility. A TIS prepared for the project by Peters Engineering Group, dated September 17, 2013 and later modified on April 11, 2014, identified the need for construction of a left-turn lane for vehicles entering the site driveway, removal of the existing retaining wall at the site entrance and grading east of the site driveway lowered to provide corner sight distance of 500 feet to meet a 55 MPH speed for vehicles exiting the site. An alternative to modifying grades was to utilize the existing driveway to the site for entrance purposes only, and construct a new drive west of the existing driveway for exiting only. The staff's and the Applicant's engineer's review of the TIS determined that these options are unfeasible given the site topography and excessive grading operations that would be required to remove existing hillsides. Consequently, a revised TIS was prepared for the project by Peters Engineering Group and dated September 22, 2014. This revision included a Traffic Management Plan (TMP) requiring temporary warning signs and beacons to warn motorist on Auberry Road; installation of street lighting and signage at the project entrance to enhance driver awareness of the driveway; suggested Conditions of Approval for implementation of the TMP; and pro-rata share cost for the construction of off-site traffic-related

improvements. The Design Division and the Road Maintenance and Operations Division concurred with the recommended conditions relating to the TMP, which will be included as Conditions of Approval. They are as follows:

1. The project traffic engineer shall be present during events to observe the efficiency and effectiveness of the project Traffic Management Plan. The attendance at such events shall be at the professional discretion of the engineer. The Applicant shall implement the project traffic engineer's additional recommendations, if any, and incorporate the recommendations into the Traffic Management Plan.
2. The project traffic engineer shall modify the project Traffic Management Plan as required to achieve efficiency and effectiveness and inform the Director of Public Works in writing of any material changes to the Plan.
3. The project traffic engineer shall have the authority to take all appropriate measures, including, but not limited to, requiring the cessation of any ongoing or planned event if, in his professional opinion, traffic safety would be compromised to an unacceptable level. In the event that such cessation of events occurs, the project traffic engineer shall notify the Director of Public Works immediately of such determination and all such events shall cease until such time as the appropriate traffic mitigation measures are incorporated to the satisfaction of the traffic engineer and the Director of Public Works.
4. The project traffic engineer, in conjunction with the project civil engineer, shall specify and cause the location of a light fixture that will illuminate the intersection of the project driveway with Auberry Road. The purpose of such illumination is to assist in the identification of the intersection and facilitate the identification of vehicles entering and exiting the subject site. The lighting shall be directed downward to minimize disturbance of nearby property owners or motorists.
5. The applicant shall install illuminated signage that indicates the entrance to the project at the intersection of the project driveway and Auberry Road. The purpose of the signage is to facilitate identification of the intersection by motorists traveling to an event and to provide early identification of the intersection by motorists on Auberry Road.

The Design Division and the Road Maintenance and Operations Division also concurred with the project's equitable share percentage for future widening of Auberry Road from two lanes to four lanes between Copper Avenue and Millerton Road (approximately 8.6 miles). The fair share percentage calculated based on number of trips generated by the project on a 5.4-mile portion of Auberry Road west of the site and extending to Copper Avenue, and also on the number of trips generated by the project traffic on a 3.2-mile portion of Auberry Road east of the site and extending to Millerton Road will be included in the mitigation measures. The project will pay its total fair share in the amount of \$51,385, broken down in the following mitigation measures.

\* **Mitigation Measures:**

*Prior to the issuance of building permits for the proposed project, the Applicant shall*

enter into an agreement with the County of Fresno agreeing to participate in pro-rata shares developed in the funding of future off-site traffic improvements as defined in items a and b below.

- a. *The Applicant shall pay its pro-rata share of \$49,550 for the widening of Auberry Road to four lanes for a 5.4-mile length west of the project site (construction cost per mile of \$2,000,000, times 5.4 miles, times 0.32 percent project share; \$5,184 for preliminary engineering; \$5,184 for construction engineering; and \$4,622 for right-of-way cost and preliminary engineering).*
- b. *The Applicant shall pay its pro-rata share of \$1,835 for the widening of Auberry Road to four lanes for a 3.2-mile length east of the project site (construction cost per mile of \$ 2,000,000, times 3.2 miles, times 0.02 percent project share; \$192 for preliminary engineering; \$192 for construction engineering; and \$171 for right-of-way cost and preliminary engineering).*

*The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.*

The California Department of Transportation (Caltrans) also reviewed the subject proposal and related TIS and expressed no concerns with the project.

Auberry Road is classified as an Arterial Road in the County General Plan with an existing right-of-way width of 60 feet (30 feet north of the section line and 30 feet south of the section line) per Plat Book. Ultimate right-of-way width for an arterial road is 106 feet (53 feet north of section line and 53 feet south of section line). According to the Road Maintenance & Operations Division, 53 feet of right-of-way across the subject parcel frontage shall be required to accommodate future widening of Auberry Road from two lanes to four lanes, and to provide for trails/bikeways. To meet this requirement, a condition will require that the property owner shall irrevocably offer the southerly 23 feet of the subject parcel (Assessor's Parcel Number 300-370-25) to the County of Fresno as future right-of-way for Auberry Road.

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site currently gains access from Auberry Road via a paved driveway. Auberry Road is classified as an Arterial Road and is maintained by the County.

The project will not alter existing roadway designs within the project area. To correct a potential problem with event traffic entering and exiting the project site, a Traffic Management Plan (TMP) which details the means and methods to manage traffic on Auberry Road was required for the project and has been included as a Condition of Approval under XVI. A. B.

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

Project review by the Fresno County Fire Protection District (FCFPD) did not identify any concerns related to inadequate emergency access. Emergency access requirements for the project will be further analyzed by FCFPD at the time of Site Plan Review, which will be recommended as a Condition of Approval.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to General Plan Policy OS-I.4 as discussed above in X. B. Land Use and Planning relating to designated trails or bikeways.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E. Geology and Soils

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

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

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



FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E. Geology and Soils

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

FINDING: NO IMPACT:

The project will generate small amounts of commercial waste which will be collected and disposed of through regular trash collection service.

#### 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 and Section V. Cultural Resources, impacts on biological and cultural resources were identified in the project analysis. The included mitigation measures in Section IV. A. B. C. D. and Section V. A. B. C. D. will minimize such impacts to less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No cumulatively considerable impacts were identified in the project analysis. The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Transportation/Traffic which will be addressed with the mitigation measures discussed in Section XVI. A. B.

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. 3388, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to mineral resources, population and housing, and recreation.

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, biological resources, cultural resources and transportation/traffic have been determined to be less than significant with the identified mitigation measures.

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

EA:ksn

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## EXHIBIT 5

John Ford Drafting and Design  
635 Barstow Avenue, Ste 20  
Clovis, CA 93612  
Phone (559) 323-4375 Fax 323-4381  
Email: jfdraw@aol.com

August 20, 2016

Fresno County Planning Department  
Civic Center  
Fresno, CA 93721

To: Ejaz Amad

Re: 16399 Auberry Road

Dear Ejaz

Please consider this a written request on behalf of Jamie Bratton to extend his active Conditional Use Permit approval. As conditions of the approval of a wedding site venue, he is required to provide permanent men's and women's restrooms, engineered septic systems and reconstructed ADA parking and walkways. To date these items have not been finished. The site plan application has not been submitted but should be done so shortly.

The engineered septic system and its location has been very time consuming, we expect to be submitting working drawing before the end of the year. The large lighthouse on the property has been completed and it ready for final inspection.

The owner believes he will submit the site plan review and working drawings for the restroom to the building department before the end of the year.  
He is requesting a time extension for another year.

Please feel free to call me should you need to.

Regards

 10/27/16

Jamie Bratton