



Inter Office Memo

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

DATE: February 16, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12627 - DIRECTOR REVIEW AND APPROVAL
APPLICATION NO. 4465

APPLICANT/
OWNER: Charles Maxwell

REQUEST: Allow operational modification of an existing commercial horse arena authorized by Director Review and Approval (DRA) No. 4112 on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District in order to increase the number of authorized event days from 12 event days per year to 26 event days per year, allow event days to occur year-round whereas event days are currently limited to April 1 through September 30, and increase hours of operation for event days from 8:00am until 5:00pm to 8:00am until 6:00pm.

LOCATION: The subject parcel is located on the west side of Rusty Spur Lane (a private road), approximately 710 feet south of its intersection with Millerton Road, approximately three miles east of the unincorporated community of Friant (10925 Rusty Spur Lane) (SUP. DIST. 5) (APN 138-061-49).

PLANNING COMMISSION ACTION:

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

A motion was made by Commissioner Woolf and seconded by Commissioner Abrahamian to deny Director Review and Approval No. 4465 based on an inability to make Finding No. 3 due to testimony provided by those in opposition at the public hearing, letters of opposition received related to the request, and concerns about traffic, dust and noise.

RESOLUTION # 12627

This motion passed on the following vote:

VOTING: Yes: Commissioners Woolf, Abrahamian, Chatha, Hill, and Mendes
 No: Commissioners Eubanks and Lawson
 Absent: Commissioners Borba and Pagel
 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By:



William M. Kettler, Manager
Development Services Division

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Attachments

EXHIBIT A

Director Review and Approval Application No. 4465

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

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

- Every item raised by the opposition regarding the prior land use application was adjudicated in litigation in favor of the Applicant.
- This request is using the prior environmental document prepared for Director Review and Approval (DRA) Application No. 4112 and has been reviewed again by several agencies with none of the reviewing agencies expressing concern.
- All of the improvements at the facility exist.
- There is a 2,600-foot queuing distance from Millerton Road to Rusty Spur.
- The Applicant planted 70 trees and installed a 10 to 12 foot-high masonry wall around the arena.

The Applicant provided the following additional information in support of his request:

- We are the closest property to Millerton Road.
- We held 11 events last year and we only seek to increase the number of commercial events.
- We operate primarily for the kids.
- I personally built the bridge on Rusty Spur and eight individuals are obligated to pay for its upkeep; people are building homes beyond my property and construction traffic could be contributing to bridge damage.

RESOLUTION # 12627

Others:

One other individual (the Applicant's legal counsel) presented additional information in support of the application stating that the arguments being made against this request were the same as those made for DRA No. 4112, that there is no indication that events associated with the arena have contributed to vehicular or bicycle accidents in the area, and that the Applicant can have private events on his property in addition to events associated with the commercial use of the arena.

Three individuals presented information in opposition to the application indicating:

- We have to live with these events and the Planning Commission, in its prior action to approve DRA No. 4112, voted to take our properties without compensation.
- Rusty Spur is a private road and the Applicant doesn't pay for its upkeep.
- The Board of Supervisors limited the number of events at the site and we believe the Applicant has exceeded those limits.
- There should be an insurance policy in place that protects members of the public from mishaps that could occur at the facility.
- Traffic on Millerton Road is more congested now.
- During event days windows and doors have to be closed due to noise and dust.
- The parking area at the arena has never been watered during events.
- By allowing 26 events, our quiet and seclusion will be negatively affected.
- It's deceiving to have a plan approved and then ask to amend it later.
- Grading activities at the arena site leveled the top of a mountain and current grading does not retain water on site which violates the 2011 conditions of approval.

Correspondence:

No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT "B"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Director Review and Approval Application No. 4465

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

Non-Residential Director Review and Approval Application (Amendment):	\$ 1,330.00 ¹
Health Department Review:	432.00 ²
Preliminary Environmental Review:	259.00 ³
Agricultural Commissioner Review:	<u>25.00⁴</u>
Total Fees Collected	\$ <u>2,046.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.
³ Review proposal to provide appropriate California Environmental Quality Act (CEQA) Exemption and include documentation for project file.
⁴ Review of proposal by the Agricultural Commissioner's Office to provide comments.

**Director Review and Approval (DRA) No. 4465
Conditions of Approval**

Conditions of Approval	
1.	All Conditions of Approval, Mitigation Measures and Project Notes for Director Review and Approval (DRA) No. 4112 shall remain in full force and effect, except as modified with the approval of DRA No. 4465.
2.	There shall be no more than 26 event days per year consisting of at least six youth-focused equestrian event days and at least six adult-focused equestrian event days.

Conditions of Approval reference recommended Condition for the project.

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