



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 June 9, 2022

**SUBJECT:** Initial Study Application No. 8148 and Unclassified Conditional Use Permit Application No. 3723

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, 2-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 (APN: 300-370-23, 24 & 25) (16399 Auberry Road, Clovis) (Sup. Dist. 5).

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

**STAFF CONTACT:** Marissa Parker, Planner  
(559) 600-9669

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 8148; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3723 with recommended Findings; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 FAX 600-4200  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 8148

**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

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Single-family home; agriculture-exempt structures	No change
Operational Features	<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>	No change
Employees	<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>	No change
Customers/visitors	200 guests per event (only one event at a time); 60 events each year	No change
Traffic Trips	Per the Traffic Impact Study (TIS) prepared for the project	No change

Criteria	Existing	Proposed
	<p>by Peters Engineering Group, 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>	
Lighting	Event lighting; parking lot lighting	No change
Hours of Operation	<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>	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION:** Yes. Violation File No. 16-105493; Operation of a High Intensity Park to host wedding events without complying to conditions of approval of Unclassified Conditional Use Permit 3388 (Fresno County Zoning Ordinance Section No. 853, B. 12). The Violation has not ceased, completion of this CUP and compliance with the conditions of approval of Unclassified Conditional Use Permit.

**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: April 25, 2022.

**PUBLIC NOTICE:**

Notices were sent to 15 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An unclassified conditional use permit (CUP) application may be approved only if five 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.

On November 13, 2014, the Planning Commission approved Unclassified Conditional Use Permit Application No. 3388 and Initial Study Application No. 6818 to 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.

However, on June 30, 2016, a zoning violation was issued due to the operation of the high-intensity park without complying to the conditions of approval of Unclassified Conditional Use Permit Application No. 3388 and Initial Study Application No. 6818. The Violation was issued due to the fact that the previous CUP expired, before the Applicant was able to complete the Site Plan Review process. To abate the violation, a Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to holding further events at the facility.

**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 Sides: 20 feet Rear: 20 feet	Front: 460 feet Sides: Over 20 feet 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
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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>

**Reviewing Agency/Department Comments:**

Zoning Section, Development Services Division: Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards. This requirement has been included as a Condition of Approval.

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

**Finding 1 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.*

**Finding 1 Conclusion:**

Finding 1 can be made as the proposed use is adequate in size and shape to accommodate the proposed use.

***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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Road ADT (Average Daily Traffic)		5,200	No change
Road Classification		Arterial	No change
Road Width		Auberry Road is classified as an arterial road with an existing total right-of-way width of 60 feet.	23 feet of 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		<p>Per the Traffic Impact Study (TIS) prepared for the 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>	No change
Traffic Impact Study (TIS) Prepared	No	Traffic Impact Studies, including a Traffic Management Plan (TMP), were prepared for the project by Peters Engineering Group, dated September 22, 2014 and reviewed and approved by the Design and Road Maintenance & Operations Divisions of the	No change



	<b>Existing Conditions</b>	<b>Proposed Operation</b>
	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.	
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 total right-of-way width of 60 feet. The 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.

**Finding 2 Analysis:**

According to the Traffic Impact Studies (TIS) prepared for the project by Peters Engineering group dated September 22, 2014, 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 shares 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.*

**Finding 2 Conclusion:**

Finding 2 can be made based on the above information, adequate to accommodate the proposed use.

***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.

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.

### **Finding 3 Analysis:**

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.*

**Finding 3 Conclusion:**

Finding 3 can be made based on the above information that the proposal will not have an adverse effect upon surrounding properties.

***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 scenic highways based on the following principals:  d. Intensive land development proposals including... commercial developments ... shall be designed to blend into the natural landscape and minimize visual scarring of vegetation	Auberry Road is designated as a Scenic Drive in the County General Plan. It is 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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>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>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 Health Division. The proposal meets this policy.</p>
<p>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.</p>	<p>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</p>

Relevant Policies:	Consistency/Considerations:
	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-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. As reflected in the Conditions of Approval, 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.

**Finding 4 Analysis:**

The project meets General Plan Policies OS-I.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) as reflected upon in the project notes, the project must 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.*

**Finding 4 Conclusion:**

Finding 4 can be made based on the above information, and with adherence to the Mitigations Measures, Conditions and Projects Notes. Staff believes that the proposed Unclassified Conditional Use Permit will not have an adverse effect upon surrounding properties and is consistent with the General Plan.

**Finding 5:** *That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.*

**Finding 5 Analysis:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Finding 5 Conclusion:**

Finding 5 can be made based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3723, subject to the recommended Conditions.

**SUMMARY CONCLUSION:**

Staff believes that the proposed project is consistent with the Fresno County General Plan and will not have any significant impacts on the surrounding properties.

**PUBLIC COMMENT:**

None

## **CONCLUSION:**

Staff believes the required Findings for granting Unclassified Conditional Use Permit (UCUP) Application No. 3723 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. 3723 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. 8148; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3723, 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. 3723; 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.

MP:

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Initial Study No. 8148  
Classified Conditional Use Permit Application No. 3723  
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Biological Resources	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)".	Applicant	Applicant/PW&P	During ground-disturbing activities.
3.	Biological Resources	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.	Applicant	Applicant/PW&P	During ground-disturbing activities.
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
5.	Noise	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.	Applicant	Applicant/PW&P	Ongoing
6.	Transportation	Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated October 27, 2021 or other Traffic Management Plan approved by the Fresno County Design	Applicant	Applicant/PW&P	Ongoing

EXHIBIT 1

		Division and the Fresno County Road Maintenance and Operations Division.			
7.	Transportation	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).	Applicant	Applicant/PW&P	Ongoing
<b>Conditions of Approval</b>					
1.	Development shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.				
2.	The applicant shall provide an offer of dedication for an additional 23 feet of right-of-way (north of section line) 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				
3.	The Applicant shall submit for approval by the County a Traffic Management Plan (TMP) which addresses construction activity impacts and impacts of future special events.				
4.	The Applicant shall provide for continued maintenance of a natural open space area 200 feet in depth parallel to the ultimate right-of-way.				
5.	A Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to holding further events at the facility.				
6.	The project must also adhere to all Conditions of Approval of the previously approved Conditional Use Permit No. 3388.				

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

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	All proposed structures and buildings will require a building permit.
2.	<p>The Site Plan Review Section provide the following comments:</p> <ul style="list-style-type: none"> <li>a. Parking spaces shall be constructed in compliance with County and State standards.</li> <li>b. Vehicle back up clearance area labeled on the site plan of 27 feet is not sufficient. A minimum back up clearance of 29 feet should be provided and clearly labeled to conform to county parking standards.</li> </ul> <p>Note: Fresno County parking requirements information can be sent to applicant upon request</p> <ul style="list-style-type: none"> <li>c. A minimum of six (6) ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum. A minimum of one ADA stall shall be designated van accessible. These spaces must be concrete or asphalt-concrete paved and must be located on the shortest possible route to the main entrance so disabled person does not cross the driveway into parking lot.</li> <li>d. A four (4) feet path of travel for disabled persons shall be constructed and striped in accordance with state standards.</li> <li>e. An over-and-across agreement or Voluntary Merger (VM) shall be completed by the applicant to allow drainage and</li> </ul>

**Notes**

access across property lines.

- f. It is recommended that the applicant consult with Development Engineering and Road Maintenance staff to ensure that gravel/aggregate is an acceptable surface for access aisles, circulation, and parking areas.
- g. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right- of-way shall be concrete or asphalt.
- h. An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the County right-of-way prior to commencement of construction.
- i. Internal access roads shall comply with required widths by the Fire District for emergency apparatus.
- j. A dust palliative should be required on all unpaved parking and circulation areas.
- k. Any proposed or existing gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.
- l. Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits.
- m. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
- n. No building or structure erected in the R-R District shall exceed 35 feet in height per Section 820.5-D of the Fresno County Zoning Ordinance.

3. The Development Engineering Section provide the following comments:

- a. The subject property is within the Low Water Area (Water Short Area). For any development, Water & Natural Resources Division should be consulted regarding any requirements they may have.
- b. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
- c. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.

## Notes

- d. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
- e. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- f. According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any work within or near a stream will require clearance from California Department of Fish and Wildlife (CDFW). According to the attached Parcel Map No.7733, there is a 50-foot building setback line on either side of the stream.
- g. An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and will not adversely impact surrounding properties and itself, and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.
- h. Any future/proposed landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and may require MWELO form/s and/or separate landscape and irrigation design plan.
- i. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must 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.
- j. A Notice of Intent (NOi) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOi with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
- k. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standard Stalls should be 18' x 9' and backing distance must be a minimum of 29' for 90-degree parking stalls. Also 5' should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
- l. Any existing or proposed driveway should be set back a minimum of 10' from the property line.
- m. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.

**Notes**

	<ul style="list-style-type: none"> <li>n. Any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</li> <li>o. If not already present, a 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.</li> <li>p. Any work done within the County road 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>q. A grading permit or voucher is required for any grading proposed with this application.</li> </ul>
4.	<p>The Road Maintenance and Operations Division provide the following comments:</p> <ul style="list-style-type: none"> <li>a. A Traffic Management Plan (TMP) must be produced and approved before the first event of operation. The TMP must include details on the usage of temporary warning signs and warning beacons, and the installation of street lighting and signage. A Traffic Engineer is required to be present during events to observe the efficiency and effectiveness of the project TMP during the first year of operations. Further details of these recommendations are found in the VMT Impact Analysis provided by Peters Engineering Group dated October 27, 2021.</li> <li>b. All other conditions of approval for CUP 3388 shall remain applicable.</li> <li>c. Any work to be performed within the County road right-of-way will require an encroachment permit.</li> </ul>
5.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <ul style="list-style-type: none"> <li>a. 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>b. 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>c. 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>The Fresno County Fire Protection District provide the following comments:</p> <ul style="list-style-type: none"> <li>a. 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>b. 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> </ul>

<b>Notes</b>	
	<p>c. 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.</p> <p>d. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</p>
7.	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.

MP

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# LOCATION MAP

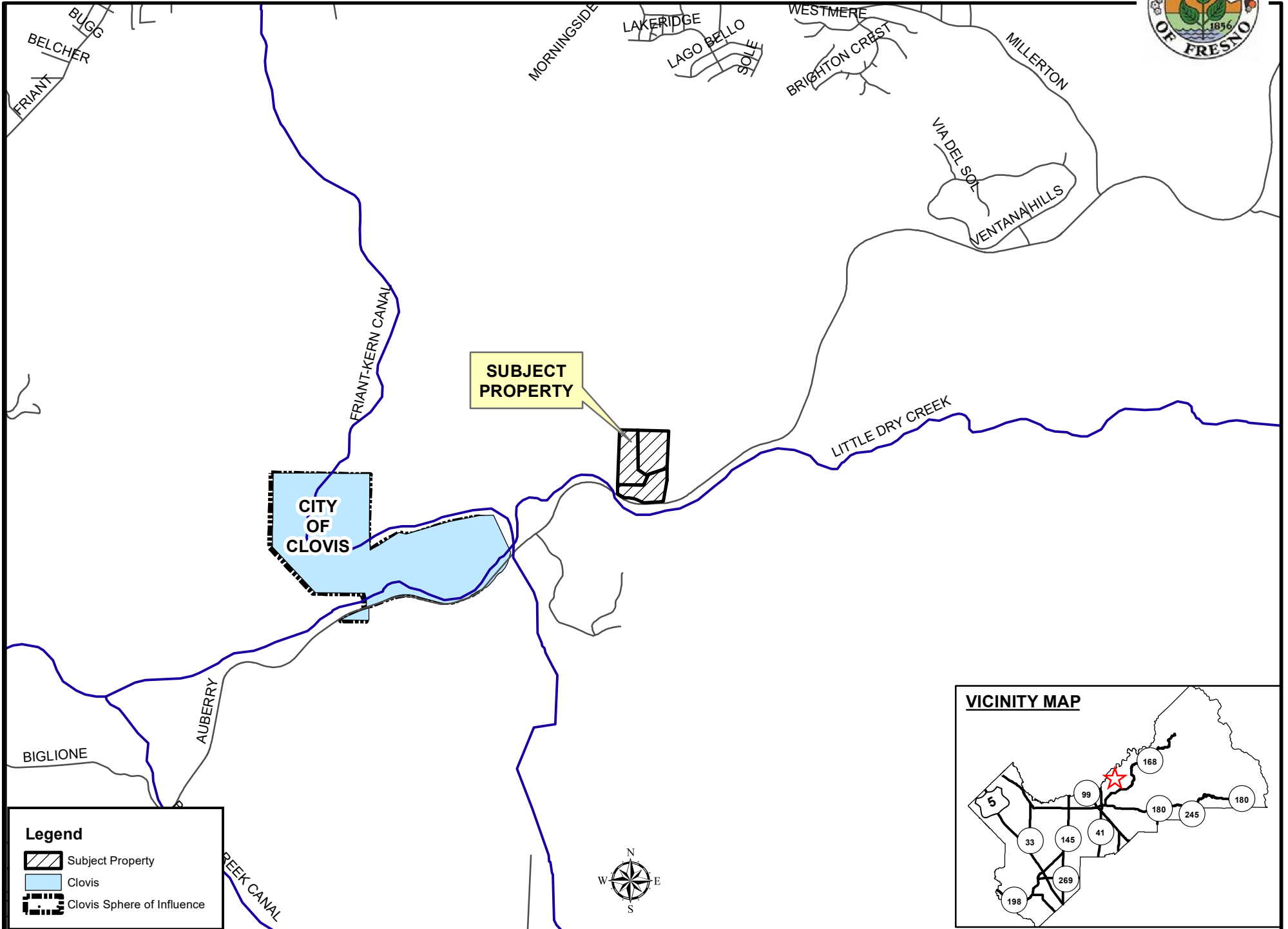
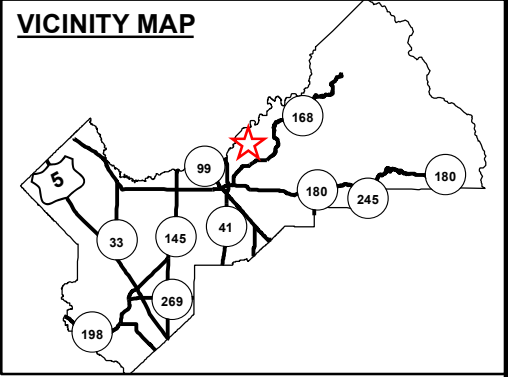


EXHIBIT 2







# EXISTING ZONING MAP

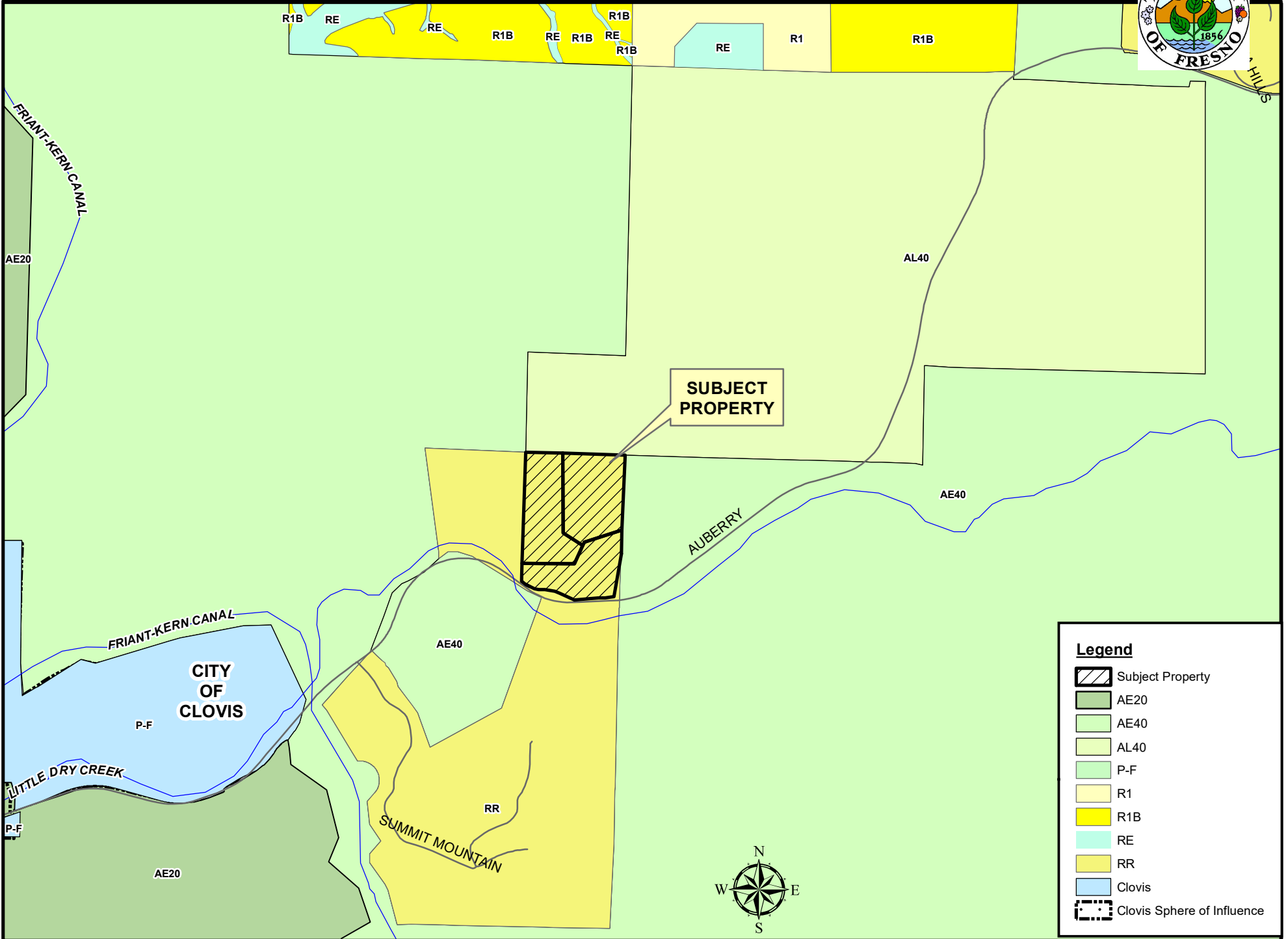


EXHIBIT 3

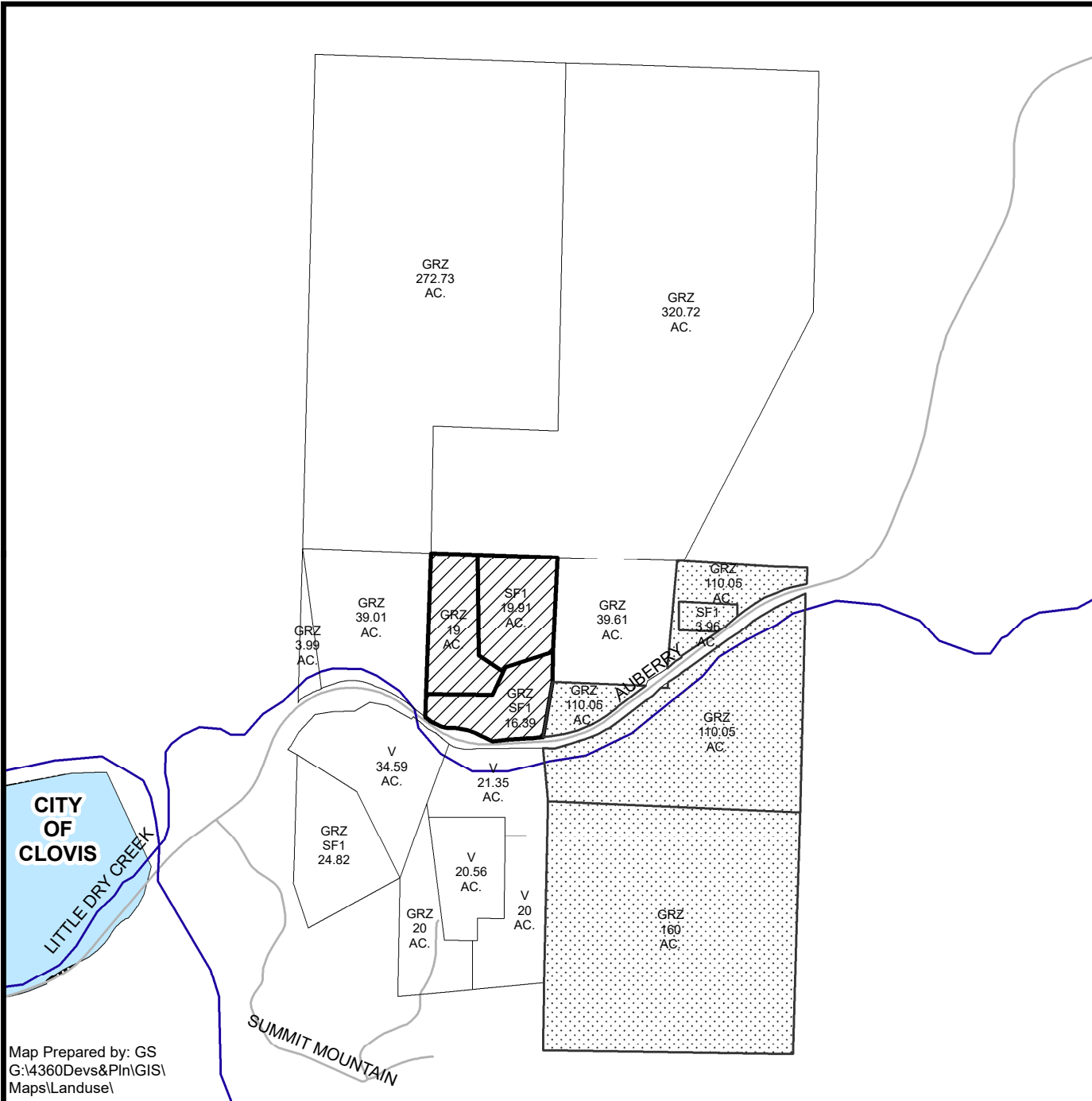
### Legend

- Subject Property
- AE20
- AE40
- AL40
- P-F
- R1
- R1B
- RE
- RR
- Clovis
- Clovis Sphere of Influence



# EXISTING LAND USE MAP

CUP 3723

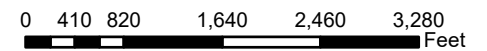
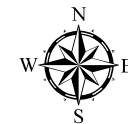


LEGEND	
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

- Subject Property
- Ag Contract Land

EXHIBIT 4



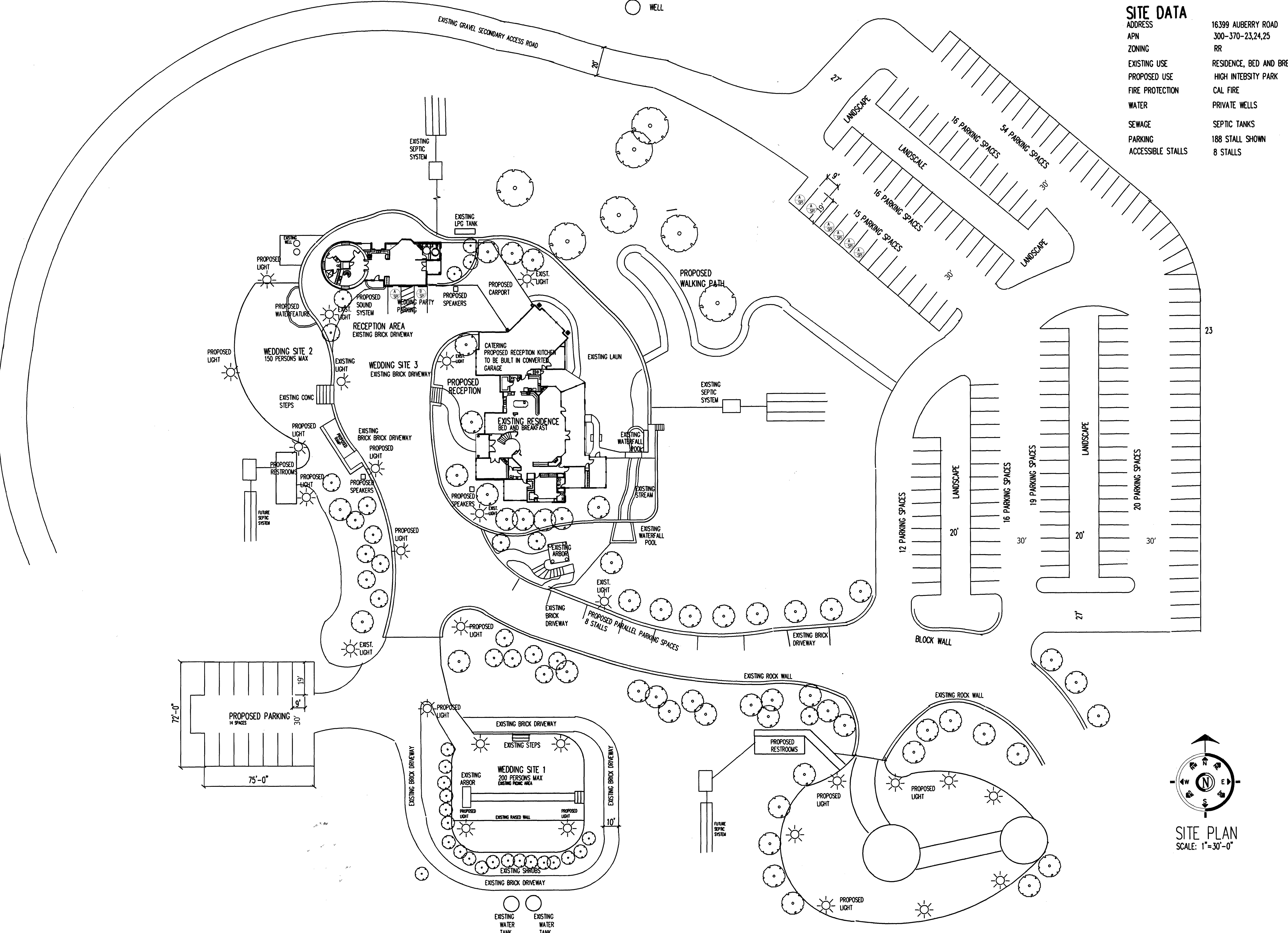
Department of Public Works and Planning  
Development Services Division

Map Prepared by: GS  
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EXHIBIT 5

REVISIONS	BY
10/15/2021	



**SITE DATA**

ADDRESS	16399 AUBERRY ROAD
APN	300-370-23,24,25
ZONING	RR
EXISTING USE	RESIDENCE, BED AND BREAKFAST
PROPOSED USE	HIGH INTENSITY PARK
FIRE PROTECTION	CAL FIRE
WATER	PRIVATE WELLS
SEWAGE	SEPTIC TANKS
PARKING	188 STALL SHOWN
ACCESSIBLE STALLS	8 STALLS

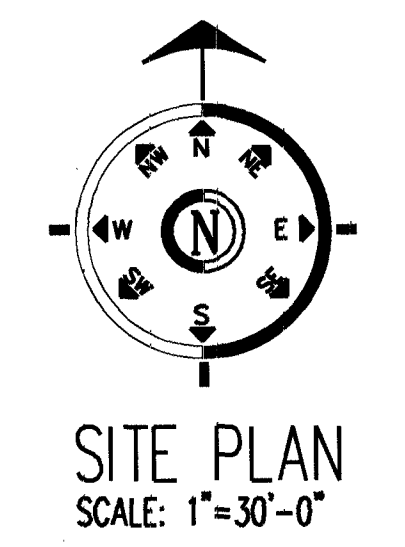
EXHIBIT 5

PROJECT  
CLOVIS CASTLE  
DESCRIPTION  
PHOTO GUIDE

Strahm Engineering Assoc.  
5100 N. SIXTH STREET, STE 117, FRESNO, CA 93710  
PHONE(559) 227-9600

FILE	
DRAWN	IF
DATE	
SCALE	AS NOTED
SHEET NO.	

**SP2**



16: C:\A-MORNA\WED Plotted Mon Sep 27 15:07:40 2021



EXHIBIT 6

**CLOVIS CASTLE**  
**Conditional Use Permit Operational Statement**  
16393 Auberry Road  
Clovis CA, 93619  
**Revised October 15, 2021**

**Property Owner:** Mr. James Bratton  
16399 Auberry Road  
Clovis, CA 93619

**Applicant:** Ms. Jamie Bratton, CRE #02076656  
55 Shaw Ave. Suite 102  
Clovis, CA 93612  
559-974-2377

**Project Site:** 16399 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 16399 Auberry Road in Fresno County.

**1. NATURE OF THE OPERATION/BACKGROUND**

The subject property is 57.91 +/- acres and is designated Rural Residential in the Fresno County General Plan and is zoned R-R (c). The subject property is located approximately 11 miles from both Fresno & 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 site operated under CUP No. 3388 and operated without any incident or problems. That CUP later expired due to site plan renewal issues.

The private park will be rented out for weddings, receptions, birthdays, anniversaries, company parties, etc. Most 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 May through September. Most of the events will be outdoors during spring and summer and thus the facility will not be used as often during the fall and winter months.

**2. TIME LIMITS**

The outside facilities will be available for use from 10:00 a.m. to 11:30 p.m. Indoor venues are available from 8:00 am to midnight. Typically, there will be no more than one event per day, although the facility could accommodate two events per day, if needed

**3. NUMBER OF CUSTOMERS OR VISITORS**

Events will be limited to no more than 200 guests per event. The primary use of the facility will be on weekends, May through September. It is estimated that 60 events each year, 3 on weekends and 2 on weekdays, will be held at the park. The applicant staff will operate the park.

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

**4. NUMBER OF EMPLOYEES**

There are 1 full time employee. Event management provided by the applicant will require a minimum of two of the applicant's staff per event.

Caterers will supply food and beverages during Phase 1 of the project. The catering companies will provide staff as needed to serve guests. Additional part time employees will be utilized as required when there are events on the property. The catering company number of employees will range from 5-25. The number of employees will be proportional to the size of the event.

**5. SERVICE DELIVERY VEHICLES**

It is estimated 3 delivery vehicles per day will frequently visit the site. The vehicles will deliver food, beverages, flowers, and other supplies necessary to cater the events. There will be no goods or products sold on-site.



## EXHIBIT 6

### **6. ACCESS TO THE SITE**

Access to the site will be from the existing driveway illustrated on the project site plan. There is an existing driveway approach onto Auberry Road which is designated as an "Arterial" in the Circulation Element of the Fresno County General Plan. The highest trip generation periods for the proposed project will be on the weekends when the traffic on Auberry Road is lower than during the week.

A second access is also shown on the attached site plan.

Due to the topography of the property, one golf cart will be available to transport guests from all wedding sites to the reception area illustrated on the attached site plan.

The previously approved traffic study is being updated by Peters Engineering of Clovis.

### **7. NUMBER OF PARKING SPACES**

As illustrated on the project site plan, 188 parking stall will be provided plus 8 disability accessible stalls.

### **8. GOODS OR SERVICES SOLD ON SITE**

No goods or services will be sold on site. There may be raffles/auctions when groups rent the facility and desire to fund raise during events.

### **9. EQUIPMENT**

Typical yard maintenance equipment will be used. All other site maintenance will be performed by contractors called to the site.

### **10. SUPPLIES AND MATERIALS**

No special supplies or materials are required for the project. Any specialty supplies or materials will be brought to the site by contractor/suppliers or caterers.

### **11. DOES THE USE CAUSE AN UNSIGHTLY APPEARANCE?**

No. The site is fully developed and is secluded from adjacent properties. The front entrance is quite beautiful with landscaping and rock and brick details.

### **Noise**

An outdoor sound amplification system will be provided as necessary for the events. The area in which the sound amplification system will be located is adjacent to the observation tower and is shown on the attached site plan. The sound amplification system will be directed away from surrounding residences that is 1,600 ft. away to the

## EXHIBIT 6

south. Various noise mitigation measures have been developed by acoustical consultants, Bollard Acoustical Consultants, Inc. These mitigation measures will further ensure no adverse impacts occur to the surrounding properties from any sound amplification system that might be used for special events. No amplified sound and music will be allowed in the outdoor areas after 11:30 p.m. 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.

### **Glare**

The site is quite isolated and intensely landscaped. Lighting is a combination of low voltage and standard voltage lighting.

Low voltage lighting is used to light walkways and provide access lighting throughout the site. Parking lot and event lighting utilize hooded light fixtures. All lighting will be directed to not annoy nearby property owners. On-site lighting is installed in zones so only those areas in use will be lighted.

### **Dust**

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

## **12. LIQUID OR SOLID WASTES TO BE PRODUCED**

### **Waste Disposal**

There are two existing 1,500-gallon septic tanks and leach fields. One is located east of the existing residence which serves the existing house, and one is located near the existing observation tower as depicted on the attached site plan. Additional septic tanks and leach fields will be constructed per county standard for the proposed new restrooms as shown on the attached 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 events that occur in a week. However, it is anticipated that the maximum quantity will not exceed 5 cubic yards a week.

## EXHIBIT 6

### **13. ESTIMATED VOLUME OF WATER TO BE USED**

There is a 50 gallon per minute water well with 2 storage tanks of 5,000 gallons each located west of the observation tower and shown on the attached site plan. The well provides water for domestic use, as well as for landscaping. The well is adequate to meet the needs of the proposed facility.

### **14. PROPOSED ADVERTISING**

One sign at the entrance of the park is proposed. The sign will be approximately 4' X 6'. The applicant will place traffic control signage on Auberry Road at the time of the event.

### **15. WILL EXISTING BUILDINGS BE USED?**

Yes. See details below.

### **16. WHICH BUILDINGS OR WHAT PORTION OF BUILDINGS WILL BE USED?**

In later phases, the 1,756 sq. ft. secondary house may be used for changing rooms etc. The main home of 6,500 sq. ft. can accommodate office and food preparation in the garage.

### **17. OUTDOOR LIGHTING PROPOSED**

Due to the site's size, location and topography, 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 is hooded to direct lighting on-site and away from adjacent properties.

The site lighting is a combination of low voltage and standard voltage lighting.

Low voltage lighting has been used to light walkways and provide access lighting throughout the site. Parking lot and event lighting overhead, hooded, light fixtures. Existing permanent site lighting is constructed on the site. All lighting will be directed to not annoy nearby property owners. On-site lighting will be set up in zones so only those areas in use will be lighted as needed.

### **18. LANDSCAPING OR FENCING**

Portions of the property that utilize natural grass will be removed and replaced with artificial grass. All the wedding sites utilize artificial grass to minimize water consumption. All existing landscaping besides the natural grass to be removed will remain.

**19. ANY OTHER INFORMATION THAT WILL PROVIDE A CLEAR UNDERSTANDING OF THE PROJECT**

**Phasing**

The project will be completed in these phases.

**PHASE 1**

- A. The existing 6,500 sq. ft. home will continue to be utilized as a bed & breakfast with food preparation for the guests of the bed & breakfast will occur in the single-family kitchen. Incidental office use will occur in the home.
- B. The home and outside areas will be available for use as a wedding, special event, and meeting venue.
  - i. Existing restrooms and proposed restrooms comply with county standards such as being ADA compliant.
  - ii. Hand washing stations will be provided as part of the portable restrooms.
- C. The 1,756 sq. ft. secondary house may be used for changing rooms etc. The main home of 6,500 sq. ft. can accommodate office and food preparation in the garage.

**PHASE 2**

- A. The existing observation tower is completed and made available for use as a meeting venue and bed & breakfast suite.
- B. A new carport awning will be constructed to connect the main residence to the observation tower.
- C. The proposed restrooms will be constructed with an appropriate septic system and elevations as shown on the attached site plan.

**PHASE 3**

- A. Existing additional restroom facilities are shown on the attached site plan near wedding site 2. At the conclusion of Phases 1-3, the site will be able to accommodate a maximum of 10 guests in the bed & breakfast including 5 Bedrooms in the main house with 2 guests per room and an Owner's Suite, 1 Bedroom in the observation tower with 2 guests.
- B. Meetings and receptions in the main house for up to 75 people.
- C. Meetings in the observation tower for up to 10 people.
- D. Permanent restrooms constructed.

## EXHIBIT 6

### **Consistency with County Policies**

CUP No. 6618 was approved in November of 2014 with the proposed use being found consistent with Fresno County General Plan Policies. The existing development is also consistent with the following additional Fresno County General Plan Policies:

#### **ED-B.9 Cultural and Recreational 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 nation and the world.”

#### **ED-B.12 Visitor Serving Businesses**

“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 Foothill and High Sierra Visitor Serving Businesses**

“The County shall encourage additional recreational and visitor-serving development in the high Sierra and foothill areas...”

#### **ED-B.17 Destination Marketing**

“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 Tourism Job Creation**

“The County shall encourage tourism and related job creation...”

## **20. IDENTIFY PROJECT OWNERS**

Ms. Jamie Bratton, CRE #02076656  
55 Shaw Ave. Suite 102  
Clovis, CA 93612  
559.974.2377





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: James & Louella Bratton
- APPLICATION NOS.: Initial Study No. 8148 and Unclassified Conditional Use Permit Application No. 3723
- 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) (Sup. Dist.: 5) (APN: 300-370-23, 24 & 25).

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or

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. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The 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. 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

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

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

FINDING: NO IMPACT:

The site is designated as Non-Agricultural and Natural Vegetation on the 2016 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Contract.

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

FINDING: NO IMPACT:

The project is an allowed use on the property zoned for Rural Residential with a discretionary land use approval. The project site is not enrolled in Williamson Act Program.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?

- D. Result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT

The project site is not forest land or timberland. Zoned as Rural Residential land, The site is developed with a single-family residence, an observation tower, parking and related improvements. The project involves limited new and as such will have a less than significant impact on the current rural, low-density environment of the area.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan?
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

The District further stated that the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). As such, the project will not be in conflict with the applicable Air Quality Plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard or expose sensitive receptors to substantial pollutant concentrations. The project may be subject to the District Regulation VIII and rules provided by the District in the event an existing building will be renovated, partially demolished, or removed. The applicant has been advised of the District's rule which will be included as Project Notes

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

FINDING: NO IMPACT:

The project will not generate any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

#### FINDING: 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 November 22, 2021, 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. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with the provision of any Habitat Conservation Plan or Natural Community Conservation Plan for the area.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is 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. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: NO IMPACT:

The project involves limited new construction and site development which will not be subject to inefficient, wasteful, or unnecessary energy use.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-4 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of 0 to 20 percent.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is not in any identified landslide hazard area. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: NO IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. The project will not increase the net impervious surface or change the existing drainage patterns.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site is not in an area of moderately to highly expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project 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. The applicant should consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. This requirement will be included as a Project Note.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The subject property is not located in an area of moderate or high sensitivity for archaeological resources (See FCGPBR). A cultural resources assessment completed by ESR, Inc. dated August 8, 2013, for the project, found no unique paleontological or geological resources on the subject property. However, in the unlikely event that such resource is discovered during excavation, the project will be required to follow mitigation procedures.

\* **Mitigation Measures:**

1. *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.*

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated by LSA in the Air Quality and Greenhouse Gas Analysis dated February 9, 2022. Review of this application by the Air District indicated that this project, with adherence to the mitigation measure proposed by the Air District, would be in compliance with their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases. These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO<sub>x</sub> and PM<sub>10</sub> emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. Adherence to the Air District's regulations will ensure less than significant impacts on the release of greenhouse gases.

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?



FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires the following as Project Notes. The facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

The project is not located within one-quarter mile of a school. The nearest school, Solid Truth Academy, is approximately 5.3 miles east of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site.

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

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 11.8 miles south of the project site. The airport will not create safety hazard or be a source of excessive noise for the project.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. 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.

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

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.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: 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 State Water Resources Control Board (SWRCB), Division of Drinking water (DDW) for compliance with water quality standards for potable water. According to SWRCB-DDW, the proposal meets the definition of a public water system and shall be permitted as such. SWRCB-DDW 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. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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 in a water-short area of Fresno County.

The Water and Natural Resources Division (WNRD) 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 February 2022. WNRD 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. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The United States Geological Survey (U.S.G.S) map shows that 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. The proposed development on the site is not within the setback area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100-year storm. The proposed project does not propose to develop or disturb the area within Flood Zone A. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the application to indicate that the project will conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The project site is 3- 5 miles from the urbanized portions of the County adjacent to the City of Clovis.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The project has been reviewed and determined to be consistent with applicable Policies of the General Plan & Sierra-North Regional Plan.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of any mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public

use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*Per Fresno County Noise Ordinance and the City of Fresno Municipal code, the proposed project has the potential to expose nearby residents to elevated noise levels. Fresno County Environmental Health Division reviewed the Acoustical Study that was prepared by ESR, Inc. on September 5, 2013, for CUP 3388. Fresno County Environmental Health Division determined on September 17, 2013, that the study was adequate and that the project would have a less than significant effect on the environment. Any noise exposure resulting from the proposed use inside a commercial building to the nearest residential dwelling, located 1,064 feet west from the commercial project, would be less than significant.*

*"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location (Chapter 10- Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1- Noise Regulations. Section 10-102 (b).*

\* **Mitigation Measures:**

*Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.*

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not result in an increase of housing, nor will it otherwise induce population growth.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County Fire Protection District (District), the project may require annexation into the Community Facilities District No. 2010-01. These requirements will be included as Project Notes.

- 2. Police protection?

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

The scale of the project is not significant enough to cause an increase in demands for service that would require additional facilities or service resources.

## XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project does not involve residential development which may increase demand for neighborhood and regional parks, or other recreational facilities in the area. The project may be considered a recreational facility but is an enhancement to the public environments and does not physically interact or detract from other facilities or adversely impact the environment.

## XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project has the potential to impact traffic along North Auberry Road and back to Copper Avenue; however, with adherence to the Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division, said impacts will be less than significant. Further details of the VMT Analysis and TMP can be found in the VMT Impact Analysis provided by Peters Engineering Group. In addition, all other conditions of approval for CUP 3388 shall remain applicable.

\* **Mitigation Measure**

- 1. *Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated October 27, 2021 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.*
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
  - D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant will be required to adhere to the Traffic Management Plan prepared by Peters Engineering, which includes the requirement to install directional signs to ensure that traffic does not back up along Auberry Road.

\* **Mitigation Measure**

- 1. *See Section XVII.B*

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno on addressing potential cultural resources. No requests for consultation were received and no concerns were expressed by reviewing tribal governments. As no evidence was supplied to verify presence of tribal cultural resources and in considering the subject sites past use as agricultural production and supportive of the adjacent dairy, there is minimal likelihood that a cultural resource is present on the subject site. A mitigation measure shall be implemented to properly address a cultural resource in the unlikely event that such a resource is unearthed during ground-disturbing activities associated with the project.

\* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C. Mitigation Measure #1

**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project will involve the construction of new restrooms. No other wastewater facilities are planned. The project will also entail the construction of a lighting, speakers, parking,



and a walking path. There are no major electrical, gas or telecommunications distribution facilities proposed with this application.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is anticipated to use approximately 4,464 gallons of water per day during operation of the facility, which will be supplied by an onsite well. The Water and Natural Resources Division conducted a water evaluation for the proposed project and determined that the water supply is adequate to support the project. Additionally, the subject parcel is not located within an area of the county defined as being a water short area.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Wastewater is processed on site not by a service provider, see discussion in Section VII. E. GEOLOGY AND SOILS above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The solid waste generated by the project include 1 cubic yard per day of regular solid waste. All solid wastes and recyclables will be sent to local land-fill site through regular trash collection service.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or

- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is already improved with structures that are proposed to be utilized with the subject operation. In addition, there are additional structures proposed with this project. The project will not substantially degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project will have no impact on biological or cultural resources. It would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will be subject 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. The project involves limited new development. As such, no cumulatively considerable impacts relating to Agricultural and Forestry Resources, or Air quality were identified in the project analysis.

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

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon Initial Study No. 8148 prepared for Classified Conditional Use Permit Application No. 3723, 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 agriculture and forestry resources, mineral resources, population and housing, or recreation. . .
- Potential impacts related to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, utilities and service systems, and wildlife have been determined to be less than significant.
- Potential impacts related to biological resources, cultural, and tribal cultural resources, noise, and transportation have been determined to be less than significant with Mitigation Measures incorporated into the project.

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

MP:

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