



## Planning Commission Staff Report Agenda Item No. 3 October 13, 2022

**SUBJECT:** Classified Conditional Use Permit No. 3744 and Initial Study No. 8238

Amend CUP No. 3546 for a rural commercial center to allow rental Agricultural Equipment at an existing 2.28-acre personal/recreational storage facility within the R-R (Rural Residential, 2-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the west side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (APN: 128-430-68) (30455 Auberry Rd.) (Sup Dist. 5).

**OWNER:** Standard Services, LLC.

**APPLICANT:** Dirk Poeschel

**STAFF CONTACT:** Elliot Racusin, Planner  
(559) 600-4245

Dave Randall, Senior Planner  
(559) 600-4245

### RECOMMENDATION:

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 8238 and
- Move to determine the required Findings can be made based on the analysis in the staff report and move to approve Classified Conditional Use No. 3744, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Photos
7. Applicant’s Operational Statement
8. Summary of Initial Study (IS) Application No. 8238
9. Resolution of CUP 3546

**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	No change
Zoning	RR (Rural Residential; two-acre minimum parcel size)	No change
Parcel Size	2.28 acres	No change
Project Site	Existing personal/recreational vehicle storage facility with an office and a caretaker residence on a 2.28-acre parcel in the RR Zone District.	No change
Structural Improvements	Phase I: <ul style="list-style-type: none"><li>• 1,500 square-foot caretaker’s residence with 500 square-foot office, individual septic system, parking</li><li>• 4,950 square-foot storage building (Unit-A)</li><li>• 4,650 square-foot storage building (Unit-F) with a zero-foot rear-yard setback</li></ul> Phase 2: <ul style="list-style-type: none"><li>• 4,950 square-foot storage building (Unit-B)</li></ul>	Allow for a 2,720 square foot of expansion area (open space)

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
	Phase 3: <ul style="list-style-type: none"> <li>• 4,950 square-foot storage building (Unit-C)</li> </ul> Phase 4: <ul style="list-style-type: none"> <li>• 1,600 square-foot storage building (Unit-D)</li> <li>• 2,000 square-foot storage building (Unit-E)</li> </ul>	
Nearest Residence	28 feet from the east property line	No change
Surrounding Development	Mobile home park, plant nursery, single-family residences	No change
Operational Features	<ul style="list-style-type: none"> <li>• Four-phase project</li> <li>• Storage units rented on month-to-month basis</li> <li>• Caretaker's residence and office used for business operation</li> </ul>	No change
Employees	One on-site caretaker	No change
Customers/Visitors	10 to 15 visitors per day	No change
Traffic Trips	Up to 30 one-way vehicle trips (15 round trips) per day	A minimal increase estimated to be an average of 3 daily traffic trips per day is expected
Lighting	Outdoor lighting on building exteriors and parking lot	No change
Hours of Operation	Office: 7 am to 5 pm Monday - Friday  8 am to 12 pm Saturday  Closed Sunday	No change

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

**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 9.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: August 15, 2022.

**PUBLIC NOTICE:**

Notices were sent to 58 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

Per Section 820.3.K of the Zoning Ordinance, a Classified Conditional Use Permit is required to allow a personal/recreational vehicle storage facility in the RR (Rural Residential, two-acre minimum parcel size) District subject to the provisions of Section 867 (Rural Commercial Center Development). The Zoning Ordinance was modified in 2016 to permit this use as a Rural Commercial Center.

A Conditional Use Permit for Rural Commercial Centers may be approved only if five Findings specified in Zoning Ordinance Section 873-F are made by the Board of Supervisors. Per Section 873.E.2 of the Fresno County Zoning Ordinance, the Planning Commission's action on Rural Commercial Centers is advisory to the Board. If recommended for approval, the land use item will be forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a Rural Commercial Center is final unless appealed to the Board.

**BACKGROUND INFORMATION:**

Approved in 2018, UCUP 3546 proposed to all a personal/recreational vehicle storage facility with office and a caretaker residence; second is to allow a zero-foot rear-yard setback to accommodate the proposed storage building (Unit F, Exhibit 5).

The project site is designated Foothill Rural Residential in the Sierra-North Regional Plan. An Amendment to Text (AT) No. 372 was approved on July 12, 2016 which amended Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) to permit personal/recreational vehicle (RV) storage facilities for those properties located within the Sierra-North Regional Plan and located proximate to two major roadways as so classified in the Circulation Element of the Fresno County General Plan. The subject property meets the location requirements of AT No. 372.

The following analysis addresses each of the required Findings for Conditional Use Permit (CUP) No. 3744.

**ANALYSIS/DISCUSSION:**

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

	<b>Current Standard:</b>	<b>Current Operation:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (Y/N)</b>
Setbacks	Per the Ordinance Section 840.5-E (Rural Commercial Center District)  Front: 35 feet Side: 20 feet Rear: 20 feet	Front (south): 50 feet Side (east): 47 feet Side (west): 24 feet Rear (north): 0 feet (Approved via VA 4018)	No change	Yes
Parking	Per the Ordinance Section 840.5 I.3 & 855-I.2.n, off-street parking requirements of RR Zone District shall apply: One parking space for every dwelling unit	Four parking spaces  Two parking spaces within garage for caretaker's residence	No change	Yes
Lot Coverage	Per the Ordinance Section 840.5-G, 30 percent of the total lot area	25.2 percent of the total lot area	No greater than 30 percent greater than total lot area	Yes
Separation Between Buildings	No requirement	N/A	No change	N/A
Wall Requirements	Per the Ordinance Section 840.5-H.2, a 5- to 6-foot-tall solid masonry wall shall be erected along the district boundary between a commercial and a residential district	A nine-foot-tall storage building (Unit F) along north property line to separate the proposed facility from the adjacent RR (Rural Residential)-zoned property	No change	Yes
Septic Replacement Area	100 percent for the existing system	Individual sewage disposal system	No change	Yes

Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Building sewer/septic tank: 85 feet; Disposal field: 103 feet	No change	Yes
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**Reviewing Agency/Department Comments Regarding Site Adequacy:**

**Zoning Section of the Department of Public Works and Planning:**

The proposed improvements meet the setback requirements of the RCC (Rural Commercial Center) District. Completion of a Site Plan Review is required for the project.

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 proposed improvements conform with the previously approved CUP and Variance No. 4018, which allowed a zero-foot rear-yard setback for a storage building.

CUP 3546 was approved to allow for 21,600 square feet of storage. The applicant intends to convert ten (10) of the existing mini storage units totaling 1,000 square feet and increase the footprint (2,720 square feet of open space for addition), equating to a total project area of 24,320 square feet.

The site plan improvements to the site were approved to be set back approximately 50 feet from the south property line (35 feet required), 47 feet from the east property line (20 feet required), 24 feet from the south property line (20 feet required), and zero feet from the north property line (approved via VA 4018). The proposed use will be within the allowed area.

Auberry Road (State Route 168) is identified as a Scenic Roadway in the Fresno County General Plan (Open Space Element). Under General Plan Policy OS-L.3, development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the project dimensions preclude such setback. In this case, the parcel size and configuration prohibit reasonable application of the 200-foot setback. The subject property is limited in size (2.28 acres) and irregular in shape and would be difficult to accommodate the proposed development without encroaching into the required 200-foot natural open space setback. The said setback will also be impacted by additional eight-foot right-of-way along State Route 168 (Auberry Road) as required by the California Department of Transportation. Therefore, the 50-foot setback being proposed not only meets Sierra-North Regional Plan policy but is also consistent with the flexibility identified in the General Plan Policy OS-L.3.

**Recommended Conditions of Approval:**

*Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.*

**Finding 1 Conclusion:**

Finding 1 can be made as the proposed parcel is compliant with the allowed standards and is adequate in size and shape to accommodate the proposed use.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	State Route 168 (Auberry Road); good condition	No change
Direct Access to Public Road	Yes	State Route 168 (Auberry Road); good condition	No change
Road ADT		N/A	N/A
Road Classification		State Route 168	No change
Road Width		104 feet road right-of-way (Per Caltrans standard) to accommodate 55 feet from centerline of State Route 168 (Auberry Road)	The road width is adequate to serve the proposed use
Road Surface		Paved	No change
Traffic Trips		20-30 daily one-way vehicle trips (10-15 round trips) by visitors	Negligible traffic trips asserted as per Fresno County Design Division
Traffic Impact Study (TIS) Prepared	No	No Traffic Impact Study required by the California Department of Transportation or Design Division of the Fresno County Department of Public Works and Planning	No change
Road Improvements Required		No improvements proposed	No change

**Reviewing Agency/Department Comments:**

None.

**Finding 2 Analysis:**

An existing 30-foot-wide private access easement starting at State Route 168 and running along the west and north property lines of the subject property provides access to the neighboring properties to the west and the north of the subject proposal. This easement carries limited traffic volume; dead ends at the fourth parcel to the north; and will not be obstructed by the improvements proposed by the subject proposal. The proposed additional use will not substantially increase traffic.

**Recommended Conditions of Approval:**

None.

**Finding 2 Conclusion:**

Based on the less than significant amount of traffic generated by the proposed change it is not considered to a substantially significant impact on State Route 168. The road width adequate to serve the use in addition to adherence to the operational statement.

***Finding 3:*** *That the proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare.*

**Surrounding Parcels**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
East	20.36 acres	Mobile Home Park	RE	28 feet
West	11.12 acres	Plant nursery with field growing area, greenhouse, single-family residence, barn, parking	AE-40 (c)	78 feet
South	85.18 acres	Single-Family Residence	RR	133 feet
North	5 acres	Single-Family Residence, greenhouses, retail shop	RR	30 feet

**Reviewing Agency/Department Comments:**

None.

**Finding 3 Analysis:**

The surrounding land uses include a single-family residence, greenhouses, and a retail shop to the north; a plant nursery with field growing area, greenhouse, single-family residence, barn and parking to the west; a mobile home park to the east; and a single-family residence to the south across State Route 168 (Auberry Road).

The proposed 2,720 square foot expansion of the previously approved existing mini storage facility will have less than significant visual impacts on the surrounding area.



An Initial Study prepared for the project identified potential little impacts to aesthetics. Regarding aesthetic impacts, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. In addition, the Noise Ordinance of the County of Fresno” states excessive noise between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10- Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1- Noise Regulations. Section 10-102 (b).

**Recommended Conditions of Approval:**

Adherence to the Fresno Noise Ordinance shall be followed. Any excessive noise stemming from the property shall be eliminated as to not cause a nuisance towards surrounding property members.

**Finding 3 Conclusion:**

Finding 3 can be made as based on the above information, and with adherence to Conditions of Approval and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy LU-E.1</b>  <i>(Agriculture and Land Use): Allows rural commercial centers by discretionary permit provided that they meet criteria a-h of the said Policy.</i></p>	<p>Amendment to Text (AT) No. 372 was approved on July 12, 2016 permitted a personal/recreational vehicle (RV) storage facility (Rural Commercial Centers). The project is consistent with this policy.</p>
<p><b>General Plan Policy OS-L.3.d</b>  <i>(Open Space and Conservation): Requires maintenance of a natural open space 200 feet in depth parallel to the right-of-way with the exception as identified in item 1-4 of the said Policy.</i></p>	<p>As previously determined in the analysis and subsequent approval of CUP 3546, the setback has been reduced as the irregular shape and configuration of the property precludes easily meeting a 200-foot setback. The reduced approved 50-foot setback is consistent with the flexibility identified in General Plan Policy OS-L.3 and required by the Sierra-North Regional Plan. The project is consistent with this policy.</p>
<p><b>General Plan Policy PF-C.17:</b>  <i>County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</i></p>	<p>The Water and Natural Resources Division has evaluated the attached application proposing to amend an existing CUP, staff believes the additional water use will be minimal and will not have a significant impact to water levels in the area.</p>

### **Reviewing Agency/Department Comments:**

As disused in the tables above, Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy LU-E.1 which allows rural commercial centers by discretionary permit provided that they meet criteria a-h of the said Policy. Policy OS-L.3.d requires maintenance of a natural open space 200 feet in depth parallel to the right-of-way. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project.

### **Finding 4 Analysis:**

The project is consistent with all the applicable General Plan policies as discussed above. Regarding consistency with Policy LU-E.1, modifications to Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) allow the proposed personal/recreational vehicle (RV) storage facility on the property through a discretionary land use approval were previously approved by CUP 3546. No changes to the previously approved CUP warrant further discussion concerning the Fresno County General Plan.

The consistency with General Plan Policy OS-L.3.d requiring scenic highways was revised and the required 50-foot setback was established consistent with the excepting provisions of the policy in the analysis and approval of CUP 3546.

### **Recommended Conditions of Approval:**

*None.*

### **Finding 4 Conclusion:**

Finding 4 can be made as the proposed increased land use development does not conflict with the General Plan Land Use designations or Policies.

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

### **Finding 5 Analysis:**

Proposed conditions of approval are developed based on consultation with specifically qualified staff, consultants, and outside agencies. They are developed to address specific impacts of the proposed project and are designed to address the public health, safety, and welfare. Additional comments and project notes are included to assist in identifying existing non-discretionary regulations that also apply to the project.

### **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:**

No public comment was received as of the date of preparation of this report.

## **Recommended Conditions of Approval:**

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

## **SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3744, subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

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

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 8238 and
- Move to determine the required Findings can be made based on the analysis in the staff report and move to approve Classified/Unclassified Conditional Use No. 3744, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in 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. 3744 and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 8238 and Unclassified Conditional Use Permit Application No. 3744  
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	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
2.	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
3.	Noise	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.	Applicant	Applicant/PW&P	Continuous
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.				
2.	Adherence to the Fresno Noise Ordinance shall be followed. Any excessive noise stemming from the property shall be eliminated as to not cause a nuisance towards surrounding property members.				
3.	The tools/equipment allowed is limited to the list provided in Attachment B (and like items) and other small handheld tools. The proposed Rental Display area is currently indicated on the approved SPR site plan to be replacement area for septic. The applicant is proposing the replacement area to be in the same area designated as the primary leach field. The				

EXHIBIT 1

	Engineered Design leach lines indicates 5.5 feet of depth below distribution line, which requires 13-foot clearances between trenches per Lamp Table 101.8 in the Fresno County approved LAMP.
4.	A Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to acting upon the proposal.

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

**Notes**

**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1.	It is recommended that the applicant 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.
2.	Should a new sewage disposal system be proposed, this area requires a test hole and inspection prior to the issuance of construction permits. The test hole evaluation may result in a requirement for an engineered septic system. Such a system, following an on-site investigation, must be designed and installation certified by a Professional Engineer or Registered Environmental Health Specialist who is knowledgeable and experienced in the field of onsite wastewater treatment system design and installation. The new sewage disposal system shall meet setbacks, be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.
3.	The proposed project has the potential to expose nearby residents to elevated noise levels. Adherence to the Noise Elements of the County Ordinance Code shall be followed.
4.	Facilities that 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. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> ). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
5.	Should the applicant or future property owner propose a water well, it will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. The proposed water well shall meet minimum setbacks as defined by the California Plumbing Code. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

**Notes**

7.	If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	All Conditions of Approval for any previous applications shall be implemented if not already in place.
9.	Auberry Road is also known as State Highway 168. It is not a County-maintained Road. Caltrans should be consulted regarding any requirements they may have.
10.	According to FEMA FIRM Panel 0675H, the parcel is not subject to flooding from the 100-year storm.
11.	The subject property is within the Low Water Area (Water Short Area). For any development wherein the proposed source of water is a private well, Water & Natural Resources Division should be consulted regarding any requirements they may have.
12.	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.
13.	Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the state highway right-of-way, and must be retained on-site, per County Standards.
14.	If the proposed development does not substantially increase the net impervious surface on-site 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.
15.	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.
16.	Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet x 9 feet and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also 5 feet 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.

Notes	
17.	Any proposed landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.
18.	Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.
19.	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.
20.	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.
21.	Any work done within the Caltrans state highway right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit/Clearance from Caltrans.
22.	A grading permit is required for any grading proposed with this application.

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# LOCATION MAP

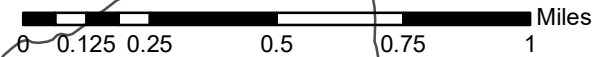
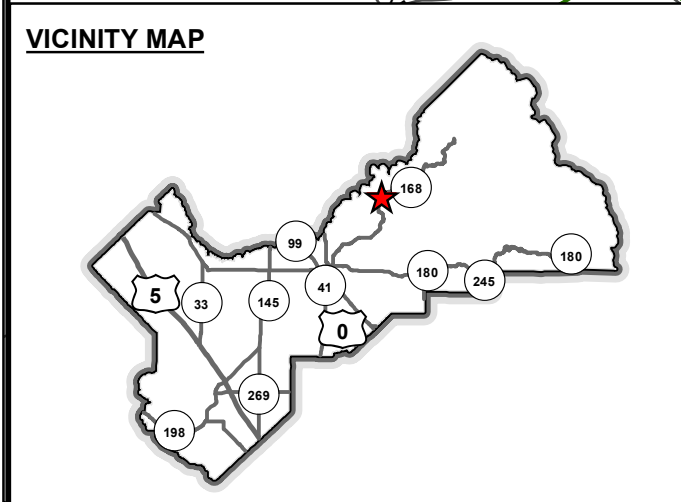
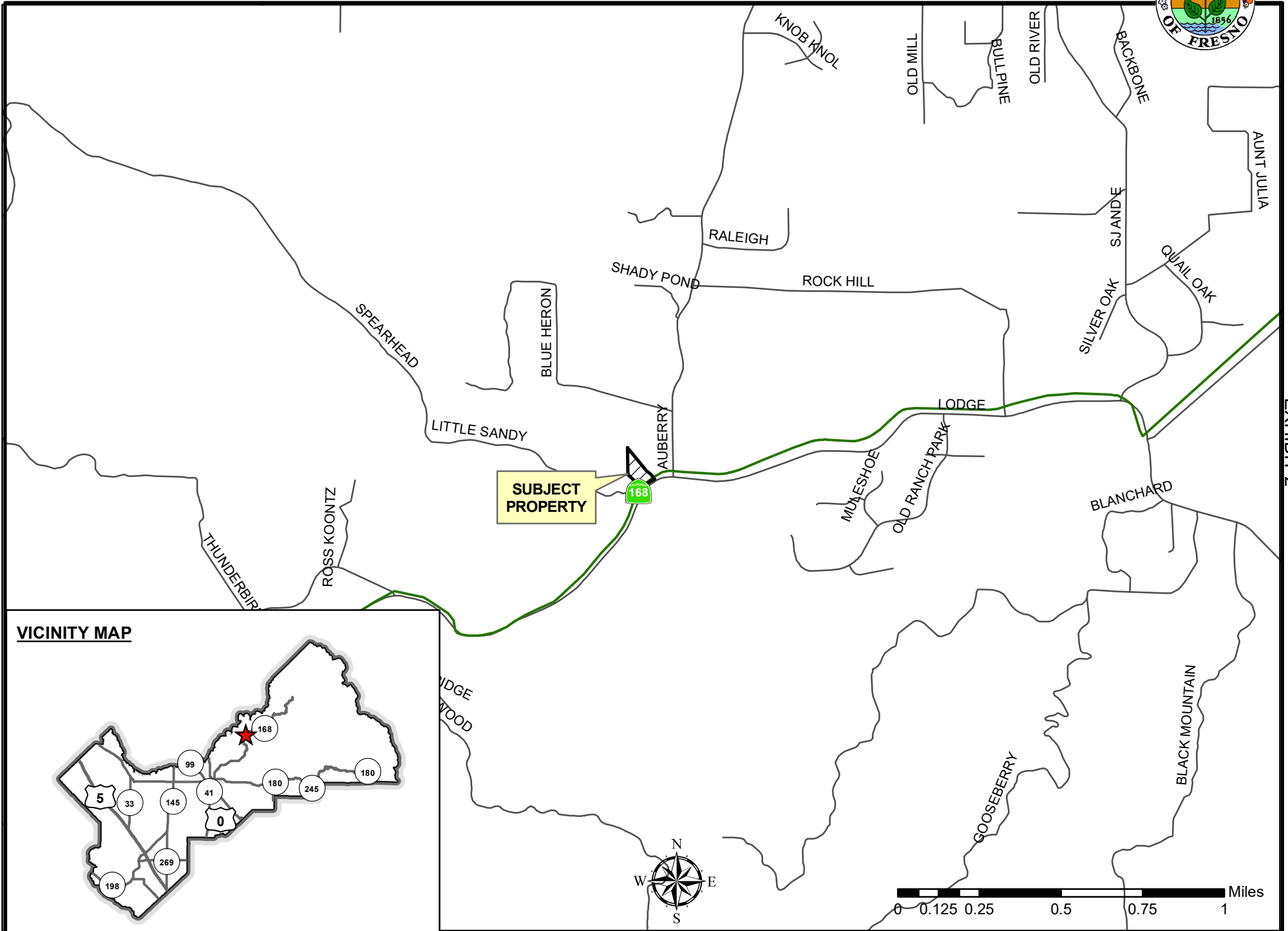
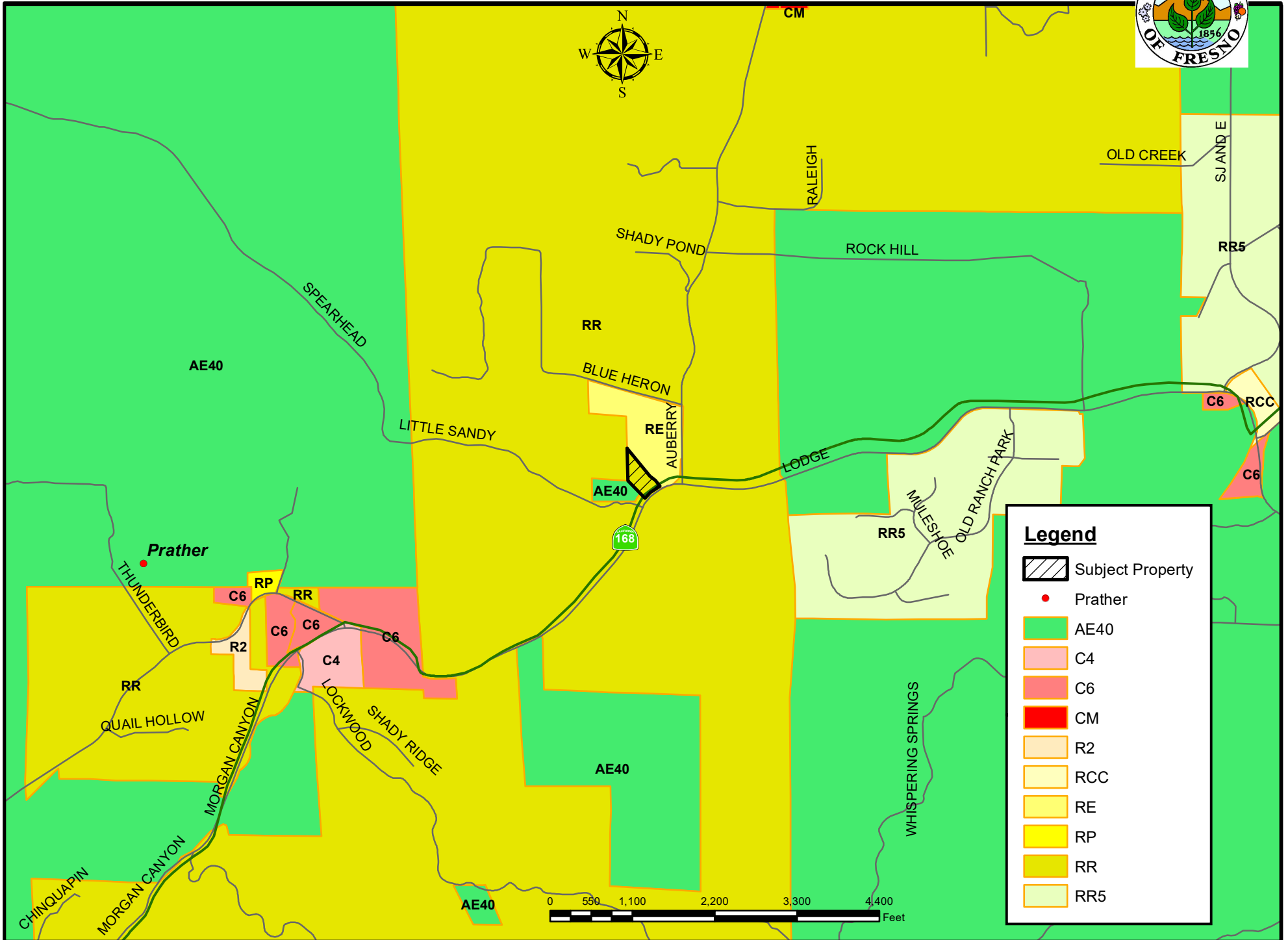


EXHIBIT 2



EXHIBIT 3  
**EXISTING ZONING MAP**



**Legend**

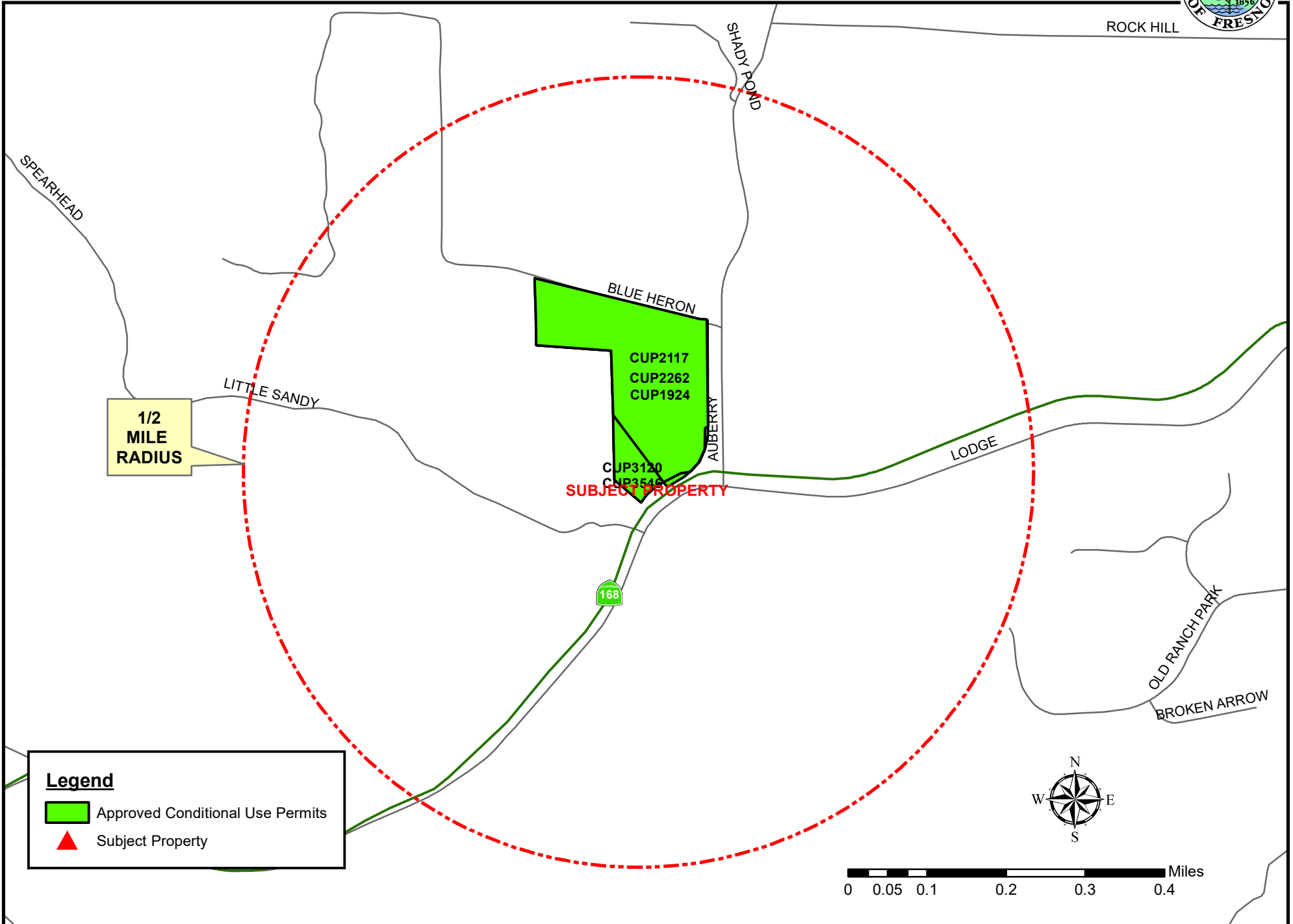
- Subject Property
- Prather
- AE40
- C4
- C6
- CM
- R2
- RCC
- RE
- RP
- RR
- RR5

EXHIBIT 3



EXHIBIT 4  
**APPROVED CONDITIONAL USE PERMITS  
WITHIN A HALF MILE RADIUS**

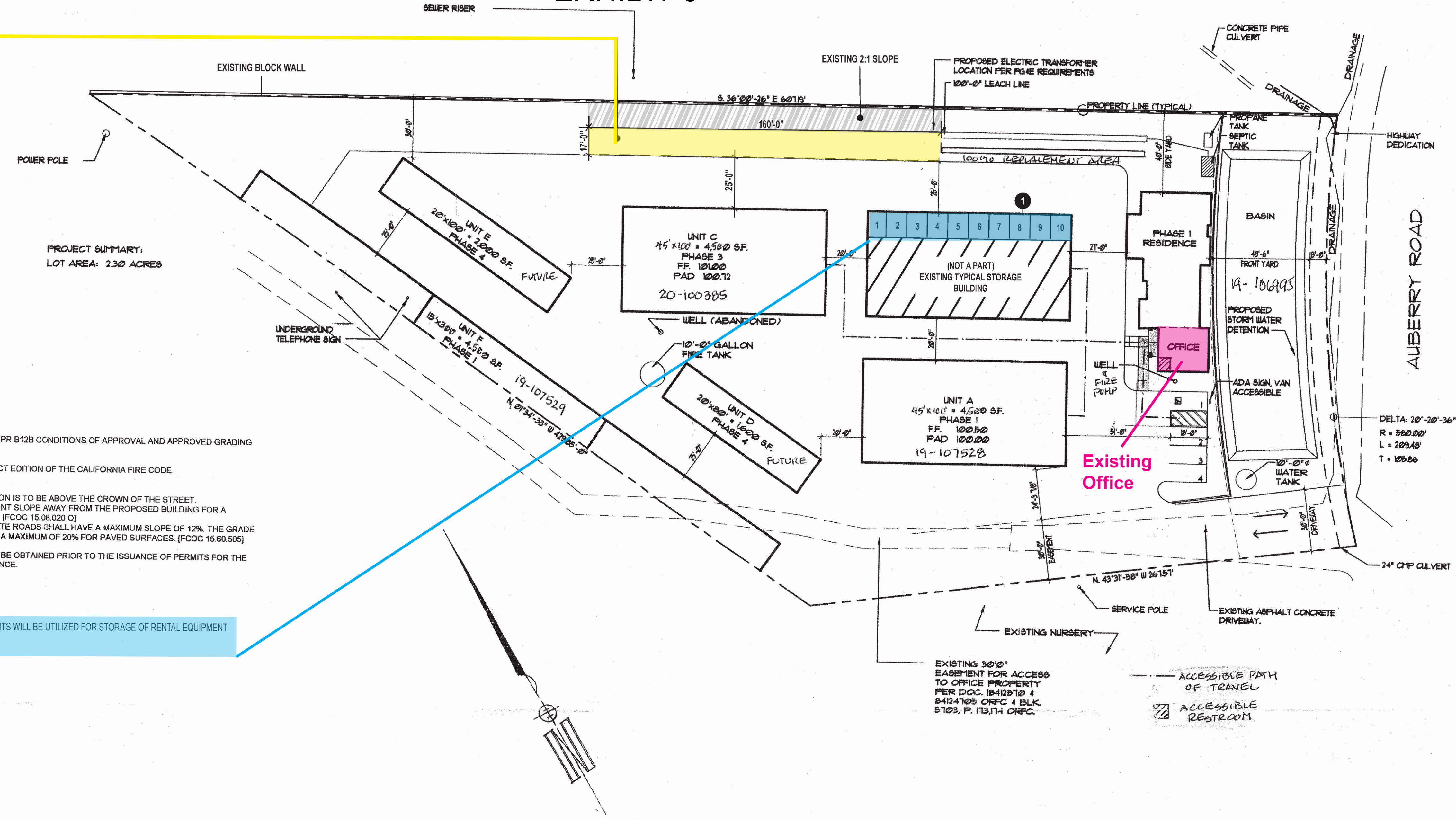
CUP 3744





# EXHIBIT 5

EXTERIOR RENTAL DISPLAY (NOT TO SCALE)  
 160'  
 17' = 2,720 SQ. FT.



- PROJECT NOTES:**
1. GRADING - COMPLY WITH SPR B12B CONDITIONS OF APPROVAL AND APPROVED GRADING PLAN / PERMIT.
  2. COMPLY WITH THE CORRECT EDITION OF THE CALIFORNIA FIRE CODE.
  3. SITE DRAINAGE PLANS:  
 A. FINISH FLOOR ELEVATION IS TO BE ABOVE THE CROWN OF THE STREET.  
 B. PROVIDE A TWO PERCENT SLOPE AWAY FROM THE PROPOSED BUILDING FOR A MINIMUM OF FIVE FEET. (FDOC 15.08.020 O)  
 C. DRIVEWAYS AND PRIVATE ROADS SHALL HAVE A MAXIMUM SLOPE OF 12%. THE GRADE MAY BE INCREASED TO A MAXIMUM OF 20% FOR PAVED SURFACES. (FDOC 15.60.505)
  4. A SEPARATE PERMIT MUST BE OBTAINED PRIOR TO THE ISSUANCE OF PERMITS FOR THE NEW CARETAKER'S RESIDENCE.

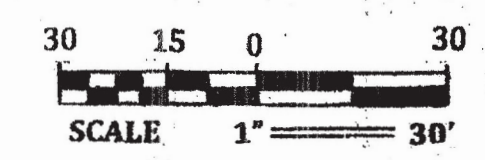
**ITEM KEY**

1 10' - 10' X 10' STORAGE UNITS WILL BE UTILIZED FOR STORAGE OF RENTAL EQUIPMENT, CONTAINING 1,000 SQ. FT.

**SITE NOTES:**

Chemical toilet to be provided on site during construction.  
 Provide 2% min. slope away from structure for a min. of 5'.  
 Driveways and private roads shall have a maximum slope of 12%.  
 Install street address numeral at least 4" high with min. 1/2" stroke on contrasting background clearly visible from the street.  
 No on-site water retention.  
 No drainage to adjacent property.  
 Changes from the approved plans during the course of construction shall cause construction to be suspended until such time as the plans can be amended by the designer and submitted to the County for review and approval.  
 The Construction Waste Management Plan must be finalized prior to occupancy.  
**APPLICABLE CODES:**  
 2016 CBC, 2016 CRC, 2016 CEC, 2016 CMC, 2016 CPC, 2016 CEC, 2016, CPC  
 Fresno County Ordinance Code Title 15

## SITE PLAN



**OWNER:** Standard Services LLC  
 P.O. Box 235  
 Prather, CA 93651  
 (805) 526-2382

**ENGINEER:** Kyle Pope  
 1250 Sunnyside Ave. Ste. 105  
 Clovis, CA 93611  
 (559) 385-5110

SHEET INDEX	
SHEET NO.	DESCRIPTION
SP-1	SITE PLAN
SP-2	SURVEY PLAN
SP-3	GRADING PLAN
A-1	ELEVATIONS UNITS A,B,C
A-2	FLOOR PLAN UNITS A,B,C
S-1.1	FOUNDATION UNITS A,B,C
E-1	ELECTRICAL PLAN
F-1	UNIT F

**PROJECT STATISTICS**  
 APN: 128-430-68  
 Zoning: RR  
 Type of Construction Residence: VB  
 Type of Construction Metal Bldgs: IIB  
 Occupancy Residence: B  
 Occupancy Metal Bldg: S  
 Occupancy Load = 1  
 Soils bearing capacity = 2,000 psf  
 Concrete design strength = 2,500 psi  
 Material live loads residence = 18  
 Material dead loads residence = 15.5  
 Material live loads metal bldgs. = 2 psf  
 Material dead loads metal bldgs. = 20 psf  
 Soil site class = D  
 Seismic importance factor = 1.0  
 Spectral response accelerations = 0.229  
 Spectral response coefficients = 0.568  
 Seismic design category = D

Do Not Scale off of These Drawings

EXHIBIT 5

PROPOSED METAL BUILDING FOR:  
**STANDARD SERVICES LLC**  
 PRATHER, CA  
 30455 AUBERRY ROAD

**CONTRACTOR:**  
 M.E. MYLES COMPANY, INC.  
 Lic. # 541816  
 Prather, CA (559) 526-2382

SP-1









EXHIBIT 6 Page 2



EXHIBIT 6 Page 3





DRAFT



**Conditional Use Permit Amendment  
Proposed Equipment and Tool Rental**

**Operational Statement  
July 21, 2022**

**Applicant:**

Mr. Mark Myles  
Standard Services, LLC  
P.O. Box 235  
Prather, CA 93651

**Representative:**

Ms. Maria Spera  
Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721  
(559) 445-0374

**Location:**

30455 Auberry Rd. / Please see the attached aerial map

**APN/Acreage:**

128-430-68 / 2.28 ± Ac.

**Land Use Designation:**

Agriculture

**Zoning:**

RR (Rural Residential) – Residential Commercial Center

**Request:**

Amend Conditional Use Permit No. 3546 to allow for a 2,720 +/- sq. ft. expansion of the area within the existing mini storage facility to be used for rental and incidental sales of ag equipment and tools.

**Background Information**

The applicant requests an amendment to the previously approved Conditional Use Permit No. 3546 which allowed for the existing mini storage facility. The amendment would allow for addition of 2,720 sq. ft. of net new rental area within the previously approved

mini storage facility of 21, 600 sq. ft. Site Plan Review No. 8128 was approved after Conditional Use Permit No. 3546.

Since the devastating occurrence of the wildfires in the foothills area and other factors, the applicant has determined the need for the Prather residents to rent agricultural tools and related equipment. Currently, local residents must travel into Clovis or Fresno to rent equipment for these purposes. For that reason, the project is a trip saver.

There are two (2) areas the applicant wishes to display the ag equipment. The applicant plans to convert ten (10) of the existing mini storage units which are measured at 10'x10', totaling 1,000 sq. ft. The second area will be a paved outdoor area of 2,720 +/- sq. ft. (17'x160'). Please see Attachment "A" – Site Plan for more details.

### **PROJECT SQUARE FOOTAGE SUMMARY**

Existing Mini Storage	21, 600 sq. ft.
-1,000 of converted mini storage units	20,600 sq. ft.
+2,720 new ag storage area	
<b>New Project Area</b>	<b>24,320 sq.ft.</b>

The equipment stored within the existing mini storage units and outdoor area will consist of plate compactors, rototillers, cultivators, landscaping tools, drills, augers, chainsaws, and similar sized equipment.

#### **1. Project Operations:**

The applicant will be renting ag equipment and selling small items such as saw blades, gloves, chain saw chains etc.

#### **2. Operational Time Limits**

The existing mini storage hours will not change. The equipment rental will operate from 7am to 5pm Monday through Friday; 8am to 12 noon on Saturday and closed Sundays.

#### **3. Number of Visitors**

For the previously approved CUP No. 3546, Caltrans estimated the mini storage facility will generate 40 PEAK trips per day. Please see traffic discussion below.

#### **4. Employees**

An on-site caretaker residence exists for the mini storage. Only one (1) employee is necessary to run the operation.

#### **5. Service and Delivery Vehicles**

There are no service or delivery vehicles.



**6. Site Access**

The existing access point provides both ingress and egress. Caltrans approved the project access point and deemed it safe. No changes to site access are necessary.

**7. Parking**

Per the previously approved SPR No. 8128, the site provides 4 parking stalls with one of the stalls being ADA compliant. No change to the parking as proposed or required.

**8. Goods sold on site**

Only ag related equipment will be rented. Some very small goods such as saw blades, gloves, chain saw chains, etc. will be sold.

**9. Equipment List**

As previously mentioned, typical plate compactors, rototillers, cultivators, landscaping tools, drills, augers, chainsaws, and similar sized equipment will be rented. Please see Attachment "B" for more details regarding the equipment.

**10. What supplies or materials are used and how are they stored?**

See description provided above.

**11. Does the use cause an unsightly appearance? Or cause noise, glare, dust or odor? If so, explain how this will be reduced or eliminated.**

The use will not cause an unsightly appearance.

**Noise**

The project site is located adjacent to Auberry Rd. The noise environment at the site and in the surrounding area results preliminary from vehicular traffic along Auberry Rd. The proposed outdoor equipment area is expected to omit very minimal noise. Any future noise produced will be mitigated by the block wall located at the eastern part of the subject property which will service as a noise barrier to the mobile home park adjacent to the site. Only light maintenance such as oil and spark plug changes etc. will occur on the equipment to be rented.

**Glare**

All lighting is shielded or otherwise directed to keep the lighting on-site and not adversely impact adjacent properties.

**Dust**

No dust will be omitted from the project site as this site is fully paved and landscaped.

**Odor**

No odor will be omitted from the project site.

**12. Solid and liquid waste**

There will be no change to the solid waste generated. The site will be serviced by a municipal solid waste collection company.

**13. Water Consumption**

Water consumption will not change.

**14. Signage**

All signage will be addressed per Fresno County sign standards.

**15. Will existing buildings be used or will new buildings be constructed?**

As previously mentioned, the applicant plans to convert ten (10) of the existing 10' x 10' mini storage units which total 1,000 sq. ft. In those converted units, the applicant will store smaller rental equipment. See Attachment "A" for more details.

**16. Outdoor Lighting**

All lighting is shielded or otherwise directed to keep the lighting on-site and not adversely impact adjacent properties.

**17. Landscaping & Fencing**

The site is nicely landscaped. The site has an existing block wall on the east side of the property. The remaining property lines are fenced with chain link.

**18. Other information that will provide a clear understanding of the project**

**Existing Traffic**

CUP No. 3546 was approved with projected traffic counts estimated to generate 4 PEAK trips per hour or 40 TOTAL DAILY trips. The projected traffic counts were prepared by Caltrans and presented in public hearing testimony.

CUP No. 35046 was approved for a total of 21,600 sq. ft. of mini-storage facility. The Institute of Transportation Engineers (ITE) Land Use Code 151 estimates *Mini - Warehouse* generates 1.51 daily trips per 1,000 sq. ft. of gross building area.

Therefore, the ITE estimates the existing mini storage facility would generate 32.61 TOTAL DAILY trips (1.51 trips x 21.60/1,000 sq. ft. = 32.61 TOTAL DAILY trips). The ITE estimate is very similar but less than the Caltrans calculation of project traffic. Based on daily project gate counts, the existing mini storage is generating 8.7 total trips per day.

**New Project Traffic**

The Institute of Transportation Engineers (ITE) Land Use Code 811 does not estimate daily trip generation for *Construction Equipment Rental Stores*. The ITE does estimate *Construction Equipment Rental Stores* will generate 1.05 PM PEAK trips per 1,000 sq. ft. of gross building area or **2.85 NEW TOTAL DAILY PM PEAK TRIPS** (1.05 DAILY PM PEAK trips x 2.72/1,000 sq. ft = 2.85 TOTAL DAILY PEAK trips per day).

ITE estimates are not available for daily equipment rental facilities. As mentioned above, based on daily project gate counts, the existing mini storage is generating 8.7 total trips per day. To be conservative, it is assumed the proposed (combined) project will generate 10 in bound and 10 outbound trips; 10 employee related trips and 6 delivery related trips for a total of 36 total daily trips. Note that the equipment rental component will be closed at 12 noon Saturday.

**PROJECT TRAFFIC TRIPS SUMMARY**

	<b>SQUARE FOOTAGE</b>	<b>PM PEAK TRIPS</b>	<b>TOTAL DAILY TRIPS</b>
Originally Approved Mini Storage	21,600	4(1)	32.61 (1)
New Equipment Rental Area	+2,720	+2.85	Not Available
Total Project Mini Storage + Rental	24,320	6.69	36

(1) Caltrans estimated 4 PM Peak and 40 TOTAL DAILY project trips.

In summary, the proposed project will generate 2.85 net new DAILY PM PEAK trips. Therefore, the estimated trips for the proposed combined ag equipment rental and mini storage use is insignificant. In addition, as verified by actual project gate counts, the estimated total project daily trips are also insignificant and likely overstated.

## ATTACHMENT B

### Ag Equipment Rental Detail List

July 21, 2022

The following equipment will be available for rental with approval of Conditional Use Permit No. 3744. *(Please note that the images provided are for illustrative purposes).* The smaller rental equipment items will be stored within the ten (10) storage units allocated for the proposed use or inside the existing office. Larger equipment will be stored within the 2,720 sq. ft. outdoor display area (please see site plan for more details). All rental transactions will take place within the existing storage rental facility office.

- Plate compactors



- Rototillers



- Cultivators



- Landscaping tools such as: weed eaters, lawn mowers, shovels, rakes, hedgers, edgers, trimmers, hand tools, etc.



- Drills for all different job types, etc.
- Augers



- Chainsaws



- Equipment for household projects and repairs such as: tile saws, drain snakes, wrenches, etc.



- Small cement mixers



- Battery operated man lifts



- Small utility trailers



under 20ft in length

Also available will be:

Compressors, concrete finishing machine and generators



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

**APPLICANT:** Dirk Poeschel

**APPLICATION NOS.:** Initial Study Application No. 8238, Classified Conditional Use Permit Application No. 3744

**DESCRIPTION:** Amend CUP No. 3546 for a rural commercial center to allow rental Agricultural Equipment at an existing 2.28-acre personal/ recreational storage facility within the R-R (Rural Residential, 2-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the west side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (APN: 128-430-68) (30455 Auberry Rd.) (Sup Dist. 5).

### 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: NO IMPACT:**

Surrounding uses include a mobile home park, nursery, single-family residential units and vacant lands. The area is surrounded by mostly flat terrain with scenic views of the Sierra Mountains to the east. The proposed development is located on the north side of Auberry Road and will not interfere with the view of the mountains for travelers along Auberry Road.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

Auberry Road (State Route 168) is identified as a Scenic Roadway in the Fresno County General Plan (Open Space Element). Under General Plan Policy OS-L.3, development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the project dimensions preclude

such setback. In this case, the parcel size and configuration prohibit reasonable application of the 200-foot setback. The subject property is limited in size (2.28 acres) and irregular in shape and would be difficult to accommodate the proposed development without encroaching into the required 200-foot natural open space setback. The said setback will also be impacted by additional eight-foot right-of-way along State Route 168 (Auberry Road) as required by the California Department of Transportation. Therefore, the 50-foot setback being proposed not only meets Sierra-North Regional Plan policy but is also consistent with the flexibility identified in the General Plan Policy OS-L.3.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The increased storage area is not expected to result in a significant impact towards publicly accessible vantage points. As per the applicant's operational statement and review of the parcel, the site has an existing block wall on the east side and chain link fence surrounding the property line of the property effectively shielding the agricultural equipment from view. Other forms of landscaping provide a natural barrier further obscuring any unsightly views.

- 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 include installation of outdoor lighting on the buildings and in the parking area. To minimize any light and glare impacts resulting from this proposal, a mitigation measure would require that all lighting shall be hooded and directed 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:

Per the 2016 Fresno County Important Farmland Map, the subject parcel is designated "D" Urban and Built-Up Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: NO IMPACT:

The subject parcel is zoned for residential use. The subject parcel is not subject to a Williamson Act Contract. The project will not conflict with the existing zoning for agricultural use and would not conflict with the Williamson Act Contract.

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

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

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land or timberland, and therefore will not result in the loss of forest land or the conversion of forest land or farmland to incompatible uses.

- 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: LESS THAN SIGNIFICANT IMPACT:

The proposed project will be placed on an existing disturbed site. Given its limited scope, this proposed project is not expected to significantly affect farmland nor forest.

### 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; or
- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been routed to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comment. The SJVAPCD did not express concern with the project to indicate that the project would result in a conflict with an applicable Air Quality Plan or result in cumulatively considerable net increase of any criteria pollutant. Project construction is anticipated to result in minor temporary increases in criteria pollutants, however, the minor increases resulting from construction are not anticipated to result in a significant impact.

Per the Applicant's Operational Statement, increase in construction is anticipated to be temporarily generate criteria pollutants, this generation is not expected to be long-term or in an occasional use where a cumulatively considerable net increase of criteria pollutants would occur.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the clearing of vegetation and grading of the proposed equipment area. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease areas.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use.

#### 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not adverse effect, either directly or through habitat modifications, on any species as the proposed project is within a developed area, and therefore will have a less than significant impact on habitat.

- 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; or

FINDING: NO IMPACT:

According to the National Wetlands Inventory mapper web application, the project site does not contain wetlands. The project will not be located or affect any wetlands. No riparian habitat or other sensitive natural community was identified on the project site.

- 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; or

FINDING: NO IMPACT:

The project does not cut off movement of the site for any wildlife resident. No migratory wildlife corridor or native wildlife nursery site was identified on the project site.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The proposed project will allow for the expansion of a previously approved 21,600 square foot mini storage facility by increasing the storage capacity by 2,720 square feet for purposes of renting equipment. Reviewing Agencies and Departments did not identify a local policy or ordinance adopted for the protection of a biological resource that would conflict with the project proposal. No Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plans were identified as conflicting with the project proposal.

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:

No reviewing Agencies and Departments express concern with the project to indicate that a cultural or historical resource is present on the site and would be affected by the project proposal. However, a mitigation measure will be implemented in the event that a cultural resource is identified during ground-disturbing activities related to project development. The proposed project doesn't have significant ground disturbance and is going to be implemented in the existing towers imprint. The follow mitigation measure should be implemented in the case any cultural resources are found or unearthed during construction.

\* **Mitigation Measure(s)**

1. *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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-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; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No specific information was provided regarding the fuel efficiencies of the off road construction time frame, however given the nature of the project, it is not anticipated to have a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation.

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?

FINDING: NO IMPACT:

The project site does not contain any active earthquake faults. The project area is designated as Seismic Design Category C in the California Geological Survey and the project construction will be subject to the Seismic Zone 3 Standards. The project will not expose people or structures to seismic or landslide hazards.

- 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the FCGPBR, the project site is located in a probabilistic seismic hazard zone with a 40-60 percent peak horizontal ground acceleration. The FCGPBR also suggests that soil types within County are not conducive to liquefaction due to soils being either too coarse or too high in clay content. Additionally, the project proposal will be an unmanned structure reducing the risk of loss, injury or death. Reviewing Agencies and Departments did not express any concerns with regards to seismic-related ground failure

- 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Figure 9-6 of the FCGPBR, the project is an area of shallow subsidence landslide hazard area. The project will be built within existing facilities imprint and be set to the California Building Code standards. Review Agencies and Departments did not express any concerns with regards to landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed development will result in compaction and over covering of soil due to the construction of buildings (storage building, caretaker residence/office) and parking and circulation areas. Changes in topography and erosion could also result from grading for the project.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) an Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties; 2) a Grading Permit or Voucher shall be required for any grading proposed with this application; and 3) any additional runoff generated by the proposed development shall be retained on site per County Standards. Included as Project Notes, these requirements will be addressed through Site Plan Review recommended as a Condition of Approval.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-6 of the FCGPBR. The project site is located in an identified shallow subsidence area. Although the FCGPBR identifies this area as being in a shallow subsidence area, the U.S. Geological Survey (USGS) maintains a map of areas of land subsidence in California. Based on the map provided by the USGS, the project site is not located in an area of recorded subsidence. The project will be built to current California Building Code Standards and will account for soil conditions of the proposed site. Additionally, the operational aspects of the proposal will not increase the amount of groundwater usage which has been identified as a key factor in land subsidence. As the project is located in the identified shallow subsidence area, considering the standards and regulations in place, the operational aspects of the proposal, and USGS records stating that the project site is not located in recorded land subsided areas, the project will have a less than significant impact.

- 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; or

FINDING: NO IMPACT:

According to Figure 7-1 of the FCGPBR, the project site is not located on identified areas having 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; or

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

FINDING: NO IMPACT:

The operational characteristics of the proposal will not require a septic system or alternative wastewater disposal system to be installed. No unique paleontological or unique geologic features were identified on the project site.

## 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; or
- 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:

According to the applicant's Greenhouse Gas Emissions Analysis, the project is expected to result in minor increases to greenhouse gas emissions during the construction of the project, however once construction is complete, pre-project conditions would return. No excessive pollutant concentrations are expected to be generated by the proposed use as the equipment used will run with all applicable pollution control devices built per California energy conservation standards. Operation of the facility is not anticipated to result in continuous greenhouse gas emissions where an impact could occur. Reviewing Agencies and Departments did not identify any conflicts with the project and an applicable plan, policy or regulation adopted for the purpose of reducing emissions 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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site nor would it create a significant hazard to the public or the environment. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or

FINDING: NO IMPACT:

The project site is not located within one-quarter mile of an existing or proposed school. For reference, Western Christian Academy is located approximately 0.40-miles south of the site. As noted, the project is not anticipating use of any hazardous materials which would not emit hazardous emissions within one-quarter mile of a school.

- 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; or

FINDING: NO IMPACT:

According to the NEPA Assist Database, the project site is not located on a listed hazardous materials site and the project would not result or create a significant hazard to the public or the environment.

- 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; or

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Tophan Ranch Auberry Airport, is approximately 3.5 miles north of the site.

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

FINDING: NO IMPACT:

The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. The project will not conflict with an emergency response or evacuation plan.

- 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 project is located within the SRA (State Responsibility Area) boundary. The proposed development will be subject to applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.

The subject proposal also includes a zero-foot side yard setback for storage the proposed buildings.

The Fresno County Fire Protection District reviewed the proposal, and given a 30-foot wide access easement that runs along north and west property lines providing buffer between the buildings and the improvements on the adjacent property, expressed no concerns with the request for a zero-foot side yard setback.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will utilize an on-site domestic water well and was routed to the State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW) for comments on water quality requirements for the proposal. According to SWRCB – DDW, the proposed facility will not meet the definition of a public water system, with only 2 EE and 10 to 15 daily visitors estimated and therefore, they expressed no concerns with the project.

The Regional Water Quality Control Board also reviewed the proposal and identified no impact on groundwater quality.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

FINDING: NO IMPACT:

The proposed project will not violate any water quality standards during construction, nor will it generate any waste discharge that would otherwise degrade surface water quality or violate quality standards or waste discharge requirements. The project will not affect groundwater supplies or recharge as no use of groundwater is proposed.

- 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:

According to the U.S.G.S. Quad map, there are no existing natural drainage channels adjacent to or running through the subject property.

As noted above in Section VI. B. Geology and Soils, any additional runoff generated by the proposed development will be retained on site per County Standards, an Engineered Grading and Drainage Plan will be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties, and a Grading Permit or Voucher may be required for any grading proposed with this application.

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

FINDING: NO IMPACT:

The project site is not located near a body of water of sufficient size to cause seiche (such as a large lake) or tsunami (such as the ocean). Figure 9-6 shows that the parcel is not located in an area of moderate or high landslide hazard and local topography is generally flat. There will be no impacts to risk of seiche, tsunami, or mudflow based on the parcel's location.

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

FINDING: NO IMPACT:

The subject application does not include provisions for the use of water on site, and no such use is anticipated. No sanitary facilities or potable water supplies are required. Project runoff will be retained on site or disposed of per County standards.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest unincorporated community of Prather is approximately 3,838 feet west of the project site.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project site is designated for Foothill Rural Residential in the Sierra-North Regional Plan. An Amendment to Text (AT) No. 372 was approved on July 12, 2016 which amended Section 867 of the Fresno County Zoning Ordinance (Rural Commercial Centers) to permit personal/recreational vehicle (RV) storage facilities for those properties located within the Sierra-North Regional Plan located proximate to two major roadways as so classified in the Circulation Element of the Fresno County General Plan. The subject property is one of those properties authorized for a personal/recreational vehicle (RV) storage facility by AT 372.

Policy LU-E.1 of the General Plan allows rural commercial centers by discretionary approval provided that they meet certain criteria a – h of the said policy. This Policy is met based on the approval of AT 372 as described above. The project also meets General Plan Policy OS-L.3, which requires that development on scenic highways adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the project dimensions preclude such setback. In this case, the parcel size and configuration prohibits a 200-foot setback to accommodate the proposed development without encroaching into the required setback. Therefore, the 50-foot setback being proposed is consistent with the flexibility identified in General Plan Policy OS-L.3 as well as required by the 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:

No mineral resource impacts were identified in the project analysis. The project site is not located in a mineral resources area identified in Figure 7-7 (FCGPBR).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Once construction is completed, the project operations are not expected to substantially increase the amount of noise compared to the existing operation. A minor increase in noise may occur due to the additional operating equipment but is not expected to exceed noise standards brought forth in the Fresno County Noise Ordinance, provided that noise-generating construction activity should be limited to the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. The Fresno County Department of Public Health, Environmental Health Division has reviewed the project proposal and did not express any concerns with regards to noise.

- 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; or

FINDING: NO IMPACT:

The project site is not located near an airport. The nearest airport, Tophan Ranch Auberry Airport, is approximately 3.5 miles north of the site.

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:

No housing is proposed to be added or displaced with this application nor will the project significantly increase population growth in the area. The project will not displace housing or necessitate the construction of housing elsewhere.

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;
2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project as reviewed by the Fresno County Fire Protection District (CalFire) will require compliance with the California Code of Regulations Title 24 – Fire Code, and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The project may also be subject to joining the Community Facilities District (CFD) before plans are submitted to the Fresno County Fire Protection District. Included as Project Notes, these requirements will be addressed through Site Plan Review recommended as a Condition of Approval.

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 would not result in the need for new or expanded recreational facilities.

## 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); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement (Obtained from the previously approved CUP), the project is expected to generate approximately 20 to 30 one-way visitor trips (60 round trips) per day. In January 2019, the Natural Resources Agency certified the Office of Planning and Research's (OPR) proposed revisions, which resulted in the creation of Section 15064.3 of the CEQA Guidelines. OPR created a Technical Advisory (December 2018) (TA) as guidance for evaluating vehicle miles traveled (VMT) impacts. With the anticipated number of daily trips generated during construction and daily trips associated with operation, the project will generate less than 110 trips per day and can be assumed under guidance of the TA that the project would result in a less than significant impact.

The project site fronts State Route 168 (Auberry Road). According to the California Department of Transportation (Caltrans) the site is planned for an ultimate road right-of-way of 110 feet (the existing right-of-way is 94 feet). Caltrans requires an irrevocable offer of dedication of right-of-way of eight (8) feet to accommodate 55 feet from the dedicate centerline of the road. This requirement will be included as a Condition of Approval.

The Design Division of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns regarding traffic impact on county roadways.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or

FINDING: NO IMPACT:

The project will not change the existing road geometry.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project design or access to indicate that a hazard due to design features or inadequate emergency access will result from the project. The project will pose less than significant impacts affecting existing roadways, therefore emergency access will not be affected.

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:

Participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno in addressing potential tribal cultural resources occurring on the project site. No notified California Native American Tribe expressed concern with the project and did not enter into consultation. The subject parcel has been previously disturbed. No reviewing Agency or Department provided comments to indicate that a listed or eligible historical resource is located on the project site. A Mitigation Measure will be implemented to establish procedure for the addressing of a tribal cultural resource, should it be identified during ground disturbing activities related to the project.

\* **Mitigation Measure(s)**

*1. 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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## 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; or

FINDING: NO IMPACT:

The project does not propose relocating nor constructing new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Reviewing Agencies and Departments did not identify any significant environmental effects as a result of the project.

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

FINDING: NO IMPACT:

The proposed use would not utilize water resources for the operation and would not have an impact on water supplies.

- 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; or

FINDING: NO IMPACT:

The project does not propose the development of a wastewater treatment system and would not have employees onsite where wastewater generation would occur. Therefore, the project does not necessitate a wastewater treatment provider.

- 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?

s



FINDING: NO IMPACT:

The project will not require wastewater treatment, utilize any local water source, generate any solid waste, except that which would be incidental to construction, and would be required to be removed and disposed of at any appropriate landfill, or other facility authorized to handle such construction waste. Additionally, the project will be required to comply with all applicable regulations pertaining to the reduction of solid waste.

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: NO IMPACT:

As depicted in the 2007 Fresno County Fire Hazard Severity Zones in LRA Map, produced by the California Department of Forestry and Fire Protection, the project site is not located within a very high fire hazard severity zone or within a State Responsibility Area (SRA).

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: LESS THAN SIGNIFICANT IMPACT:**

No impacts on biological resources were identified in the project analysis. Impacts on cultural resources have been reduced to a less than significant level with the Mitigation Measure discussed above in Section V. A. B. C. D. The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a wildlife species and would not cause a wildlife population to drop below self-sustaining levels.

- 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:**

The project will adhere to permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, and the California Code of Regulations Fire Code. The only cumulatively considerable impacts identified in the analysis were Aesthetics and Cultural Resources. Those impacts have been reduced to a less than significant level with the Mitigation Measures discussed above in Section I. D. and Section V. A. B. C. D.

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

**FINDING: NO IMPACT:**

The project has been determined to not result in substantial adverse effect on human beings.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for 8238 Unclassified Conditional Use Permit Application No. 3744, 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 agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, mineral resources, noise, population and housing, and recreation.

Potential impacts related to geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

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

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## EXHIBIT 1



# County of Fresno

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

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

DATE: March 16, 2017

TO: Board of Supervisors

FROM: Planning Commission

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

APPLICANT: Mark Myles

OWNER: Mark Myles

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

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

**PLANNING COMMISSION ACTION:**

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

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

This motion failed on the following vote:

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

A second motion was made by Commissioner Mendes and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit and its associated Variance to waive building setback requirements and approve Classified Conditional Use Permit No. 3546 and Variance No. 4018 and direct the Secretary to prepare a Resolution recommending approval of the subject applications to the Board of Supervisors subject to the Mitigation Measures and Conditions of Approval listed in Exhibit B.

This motion passed on the following vote:

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

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

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services Division

Attachments

EJ:CWM:jem  
G:\4360Devs&Pln\ADMIN\BOARD\Board Items\2017\5-16-17\CUP 3546; VA 4018\CUP 3546; VA 4018 AI Exhibit 1 (Reso).docx

EXHIBIT "A"

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

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

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

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

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

Others:

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

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

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



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

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

## EXHIBIT B

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

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

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

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

EXHIBIT 9 Page 7

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

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

EA:ksn

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EXHIBIT "C"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

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

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

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

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



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

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**May 16, 2017**

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

Agenda No. 16.

Public Works & Planning

File ID: 17-0416

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

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

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