



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 3 December 17, 2015

SUBJECT: Initial Study No. 6168 and Unclassified Conditional Use Permit No. 3275 – Third One-Year Time Extension

Grant a third one-year time extension to exercise Unclassified Conditional Use Permit No. 3275 which authorizes the operation of a high-intensity park, including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST. 2) (APN 579-020-09).

OWNER/APPLICANT: San Joaquin River Parkway and Conservation Trust, Inc.

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a third one-year Time Extension for Unclassified Conditional Use Permit No. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated October 20, 2011
5. Planning Commission Resolution and Staff Report dated April 10, 2014
6. Planning Commission Resolution and Staff Report dated December 11, 2014
7. Applicant's correspondence requesting a third one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 6168 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Unclassified Conditional Use Permit Application No. 3275 on October 20, 2011.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to five property owners within 1,320 feet of the subject parcel, exceeding the 300-foot minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the

Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the permit.

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) Application No. 3275 was approved by the Planning Commission on October 20, 2011 and became effective 15 days later, as prescribed by law. The Applicant filed their first one-year Time Extension request on October 8, 2013, which was approved by the Planning Commission on April 10, 2014. The approval of the first Time Extension request resulted in a new CUP expiration date of October 20, 2014.

The Applicant filed a second one-year Time Extension request on October 13, 2014, which was approved by the Planning Commission on December 11, 2014. The approval of the second Time Extension request resulted in a new CUP expiration date of October 20, 2015.

This third one-year Time Extension request was filed by the Applicant on October 9, 2015, within the time limit noted above. If this third Time Extension request is granted, the Applicant will have until October 20, 2016 to achieve substantial development of the high-intensity park.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) Application No. 3275 was originally approved on October 20, 2011, concurrently with Initial Study Application No. 6168, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting the Conditions imposed on the project. Subsequently, on April 10, 2014, a one-year Time Extension was granted which resulted in a CUP expiration date of October 20, 2014. Attached is a copy of the Planning Commission's Resolution (Exhibit 5) documenting approval of the first one-year Time Extension. Subsequently, on December 11, 2014, a second one-year Time Extension was granted which resulted in a CUP expiration date of October 20, 2015. Attached is a copy of the Planning Commission's Resolution (Exhibit 6) documenting approval of the second one-year Time Extension.

According to the Applicant's letter requesting a third one-year Time Extension (Exhibit 7), funding for development of the project was not available until a grant was provided by the San Joaquin River Conservancy and Wildlife Conservation Board in October of 2014. Further, the Applicant had to conduct the Request for Proposal (RFP) solicitation process twice in order to secure a development firm for the project. As such, the Applicant needs additional time to acquire necessary building permits and construct the project.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the Unclassified Conditional Use Permit as originally approved.

The current Time Extension request was routed to the same agencies that reviewed this project in October of 2009. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the third one-year Time Extension for Unclassified Conditional Use Permit No. 3275 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to October 20, 2016.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the third one-year Time Extension for Unclassified Conditional Use Permit No. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

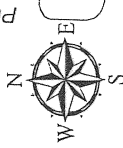
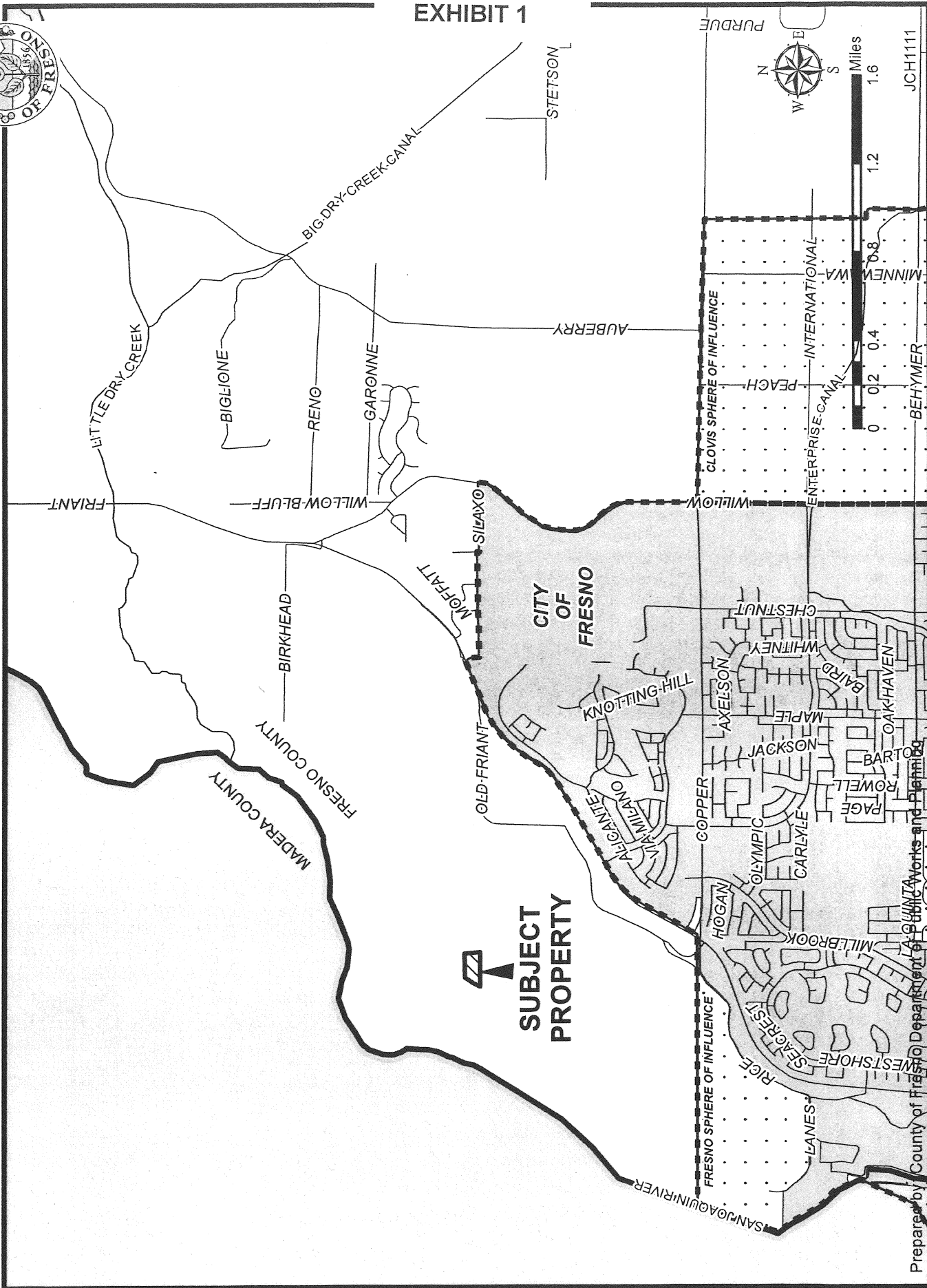
- Move to deny the third one-year Time Extension request for Unclassified Conditional Use Permit No. 3275 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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LOCATION MAP



EXHIBIT 1



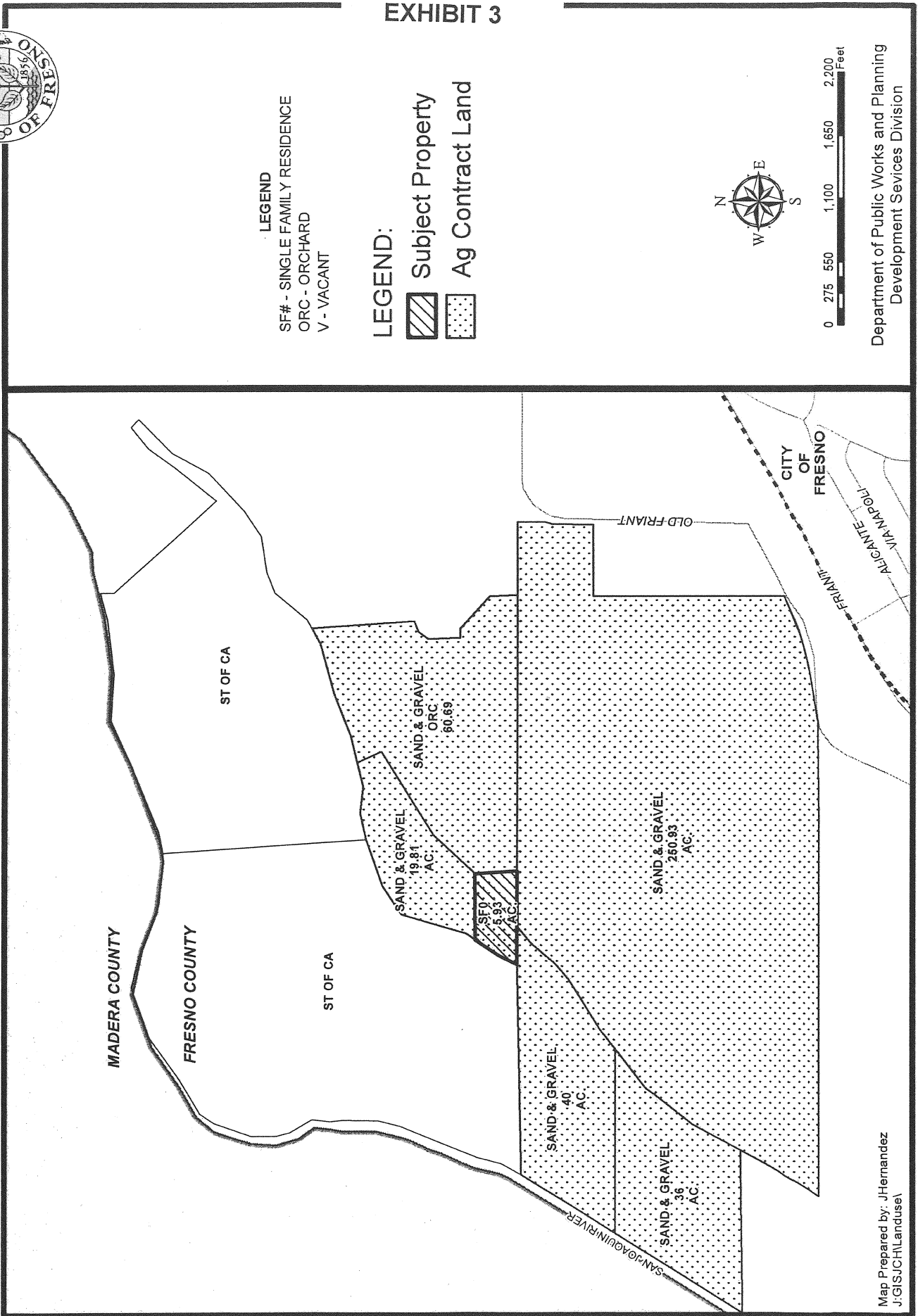
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EXISTING LAND USE MAP

EXHIBIT 3

CUP 3275



Map Prepared by: JHernandez
J-GISJCH\Landuse\

Department of Public Works and Planning
Development Services Division

EXHIBIT 4

Inter Office Memo



DATE: October 20, 2011

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12265 - INITIAL STUDY APPLICATION NO. 6168,
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.
3275

REPRESENTATIVE: David Koehler
APPLICANT / OWNER: San Joaquin River Parkway and Conservation
Trust

REQUEST: Allow a high intensity park including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST.: 2) (APN: 579-020-09).

PLANNING COMMISSION ACTION:

At its hearing of October 20, 2011, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Ferguson and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Unclassified Conditional Use Permit Application No. 3275 with modified Conditions as listed in Exhibit "B".

EXHIBIT "A"

Initial Study Application No. 6168
Unclassified Conditional Use Permit Application No. 3275

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 20, 2011, and heard a summary presentation by staff.
- Representative: The Applicant's representative concurred with the Staff Report and recommended Conditions. She described the project and offered the following information to clarify the intended use:
- The Applicant acknowledges that the two vault toilets proposed may not be sufficient for the proposed use. As such, the Applicant is willing to construct additional vault toilets should it be necessary.
 - The Applicant has been utilizing the subject property for uses such as educational nature walks.
 - There may be alcohol present at special events such as fundraisers.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 6168
Unclassified Conditional Use Permit Application No. 3275

1. Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
2. Prior to occupancy, 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, but are not limited to: design and quantity of toilets, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
3. Documentation confirming legal site access shall be provided to the Development Engineering Section of the Department of Public Works and Planning for review and approval during the Site Plan Review process and verification of access shall occur prior to the issuance of any Building Permits.
4. The site access easement shall be improved to the standard determined necessary by a Registered Civil Engineer to meet the vehicular needs of the users of said easement, and to further provide grading and erosion control to prevent sedimentation or damage to off-site property arising out of the improvement or use of said easement. It will be the duty of the Registered Civil Engineer to attest to compliance with this Condition. Said statement to fully describe all grading work required by the Engineer to be submitted during the Site Plan Review process which has been included as a Condition of Approval. The Improvement Standard requires that Improvement Plans be submitted for review and approval by the Department of Public Works and Planning, Development Engineering Section, along with a letter from the Developer's Engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved Plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction be inspected by the County. All improvements shall be constructed prior to operation or occupancy whichever occurs first.
5. The proposed vault toilet shall be sized to meet the maximum peak demand.
6. Prior to issuance of any Building Permits, a Covenant running with the land between the County and the property owner shall be recorded requiring the vault toilet facility to be kept in a sanitary condition at all times. Failure of the property

owner to maintain the vault toilet facility in accordance with the Covenant shall allow the County to access the site and cause the demolition/removal of the vault toilet facility.

7. Toilet facilities shall not be located farther than 400 feet from any campsite.
 - *8. The Applicant shall at all times maintain the volume level of the outdoor sound amplification system in compliance with the Fresno County Noise Ordinance, Section 8.40.040 Exterior Noise Standards.
 - *9. Tree plantings shall be placed as far upland as is reasonably possible for site development and shall result in tree rows that are parallel with the river flow and shall not result in tree rows which are perpendicular to flood flows.
 - *10. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
 - *11. In the event that cultural resources are unearthed during grading 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 determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.
- * MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 October 20, 2011

SUBJECT: Initial Study Application No. 6168
Unclassified Conditional Use Permit Application No. 3275

Allow a high intensity park including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST.: 2) (APN: 579-020-09).

Representative: David Koehler
Applicant / Owner: San Joaquin River Parkway and Conservation Trust

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

Chris Motta, Senior Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 6168; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3275 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have any substantial effect on job creation.

EXHIBITS:

1. Location Map
2. Surrounding Zone Map
3. Land Use Map
4. Site Plan
5. Floor Plans with Elevations
6. Applicant's Submitted Operational Statement
7. Summary of Initial Study Application No. 6168
8. Required Findings Necessary for the Granting of a Conditional Use Permit Application as specified in Zoning Ordinance Section 873

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture / San Joaquin River Corridor Overlay	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	N/A
Parcel Size	5.93 acres	N/A
Project Site	Vacant	High intensity park comprised of an amphitheater, camping and picnic areas, dock for launching non-motorized watercraft, shade structure, storage shed, vault toilet restroom, gravel circulation area
Structural Improvements	None	Amphitheater, dock, shade structure, storage shed, vault toilet restroom
Nearest Residence	One-half mile to the northeast	No change

Criteria	Existing	Proposed
Surrounding Development	Single-family residences; sand and gravel extraction; residential subdivisions within the City of Fresno	No change
Operational Features	N/A	High intensity park for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), special events comprised of educational workshops, fundraisers, and private parties
Employees	N/A	Five full-time employees
Visitors	N/A	<p><u>Camping:</u> up to 35 daily (June through August)</p> <p><u>Canoe Launch:</u> up to 16 on weekends (April through October)</p> <p><u>Day Camps:</u> up to 100 on weekdays (June through August)</p> <p><u>Field Trips:</u> up to 80 on weekdays (March through June / September through October)</p> <p><u>Nature Walks:</u> up to 25 on weekends (September through May)</p> <p><u>Restoration Activities:</u> up to 30 on weekends (year-round)</p> <p><u>Special Events:</u> up to 200 monthly (March through October)</p>

Criteria	Existing	Proposed
Traffic Trips	N/A	Up to four daily one-way bus trips (two round-trips) year round; up to 50 total daily one-way employee and visitor trips (25 round-trips) year round
Lighting	N/A	Vault toilet building exterior
Hours of Operation	N/A	<u>Canoe Launch:</u> 7:00 a.m. – 9:00 p.m. <u>Day Camps:</u> 8:00 a.m. – 5:00 p.m. <u>Field Trips:</u> 8:00 a.m. – 3:00 p.m. <u>Nature Walks:</u> 6:00 a.m. – 4:00 p.m. <u>Restoration Activities:</u> 7:00 a.m. – 6:00 p.m. <u>Special Events:</u> 7:00 a.m. – 10:00 p.m.

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

ENVIRONMENTAL ANALYSIS:

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

Notice of Intent of Negative Declaration publication date: September 23, 2011.

PUBLIC NOTICE:

Notices were sent to five property owners within 300 feet of the subject property satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified CUP Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 8).

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

ANALYSIS / DISCUSSION:

Finding 1: *Adequacy of the Site*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 50 feet Side: 75 feet Rear: 170 feet	Yes
Parking	Two parking spaces for the disabled, 52 standard parking spaces	Nine parking spaces for the disabled, 182 standard spaces at the Coke Hallowell Center for River Studies located one-half mile southeast of the project site	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum	20 feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	N/A (vault toilet)	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A (vault toilet)	N/A

Reviewing Agency/Department Comments regarding Site Adequacy:

Zoning Section of the Development Services Division: Proposed improvements satisfy the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review (SPR) is suggested to ensure compliance with Development Standards.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements meet minimum building setback requirements of the AE-20 Zone District. Additionally, in regard to off-street parking, the Zoning Ordinance requires one parking space to be provided for every 5,000 square feet of active recreational area within a park and at least one parking space to be provided for the disabled for every 40 standard parking spaces required. As the proposed high intensity park encompasses 5.93 acres (258,311 square feet), 52 standard parking spaces and two parking spaces for the disabled are required for the proposed use. However, transportation of visitors to the project site will be provided by the Applicant from the existing Coke Hallowell Center for River Studies which is owned and operated by the Applicant and is located approximately one-half mile southeast of the project site. The Coke Hallowell Center for River Studies has 182 standard parking spaces and nine parking spaces for the disabled. Based on the above information and with adherence to a SPR, which shall be required as a Condition of Approval, staff believes the site is adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

- *Prior to occupancy, 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, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.*

Conclusion:

Finding 1 can be made.

Finding 2: *Adequacy of Streets and Highways*

		Existing Conditions	Proposed Operation
Private Road	Yes	Non-exclusive access easement: unpaved 40 feet wide	No change
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	No	N/A	N/A
Road ADT		N/A	N/A
Road Classification		N/A	N/A
Road Width		Non-exclusive access easement: 40 feet	No change

		Existing Conditions	Proposed Operation
Road Surface		Non-exclusive access easement: unpaved	No change
Traffic Trips		N/A	Up to four daily one-way bus trips (two round-trips) year round; up to 50 total daily one-way employee and visitor trips (25 round-trips) year round
Traffic Impact Study (TIS) Prepared	No	N/A	None required as the proposal will not generate more than 100 daily trips or ten peak hour trips (peak hour trips defined as 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.)
Road Improvements Required		N/A	None required

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

Design Division: No concerns with the proposal as vehicular traffic generated by the proposed use is below the threshold of 100 daily trips or ten peak hour trips which would require preparation of a TIS. Peak hour trips are defined as 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

Road Maintenance and Operations Division: No concerns with the proposal.

Development Engineering Section of the Development Services Division: The site access easement shall be improved to the standard determined necessary by a Registered Civil Engineer to meet the vehicular needs of the users of said easement, and to further provide grading and erosion control to prevent sedimentation or damage to off-site property arising out of the improvement or use of said easement. It will be the duty of the Registered Civil Engineer to attest to compliance with this Condition. Said statement to fully describe all grading work required by the Engineer to be submitted during the SPR process which has been included as a Condition of Approval. The Improvement Standard requires that Improvement Plans be submitted for review and approval by the Department of Public Works and Planning, Development Engineering Section, along with a letter from the Developer's Engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved Plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction be inspected by the County. All improvements shall be constructed prior to operation or occupancy whichever occurs first.

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

Analysis:

According to the Operational Statement provided by the Applicant, the existing access easement which allows the subject parcel to be accessed from Old Friant Road does not extend to the northeast corner of the subject parcel as proposed on the Site Plan. As such, verification of legal site access shall be provided to the Development Engineering Section of the Development Services Division for review and approval prior to the issuance of any Building Permits. This requirement has been included as a Condition of Approval and will be reviewed for approval during the SPR process which has also been included as a Condition of Approval. According to the Development Engineering Section of the Development Services Division, the existing unpaved non-exclusive access easement needs to be improved to a standard that will both support vehicular use resultant of the project, and will prevent the improvement and use of the access easement from affecting adjoining properties. This requirement has been included as a Condition of Approval and will also be reviewed for approval during the SPR process. Based on the above information, and with adherence to the Conditions of Approval described above, staff believes the non-exclusive access easement and Old Friant Road will be adequate to accommodate the proposed use.

Recommended Conditions of Approval:

- *Documentation confirming legal site access shall be provided to the Development Engineering Section of the Department of Public Works and Planning for review and approval during the Site Plan Review process and verification of access shall occur prior to the issuance of any Building Permits.*
- *The site access easement shall be improved to the standard determined necessary by a Registered Civil Engineer to meet the vehicular needs of the users of said easement, and to further provide grading and erosion control to prevent sedimentation or damage to off-site property arising out of the improvement or use of said easement. It will be the duty of the Registered Civil Engineer to attest to compliance with this Condition. Said statement to fully describe all grading work required by the Engineer to be submitted during the Site Plan Review process which has been included as a Condition of Approval. The Improvement Standard requires that Improvement Plans be submitted for review and approval by the Department of Public Works and Planning, Development Engineering Section, along with a letter from the Developer's Engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved Plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction be inspected by the County. All improvements shall be constructed prior to operation or occupancy whichever occurs first.*

Conclusion:

Finding 2 can be made.

Finding 3: *Adverse Effects Upon Surrounding Properties*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	19.81 acres	Sand and gravel extraction	AE-20	None

Surrounding Parcels				
South:	40.00 acres	Sand and gravel extraction	AE-20	None
East:	60.69 acres	Sand and gravel extraction	AE-20	None
West:	158.50 acres	Vacant	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Department of Agriculture: No concerns with the proposal.

Water/Geology/Natural Resources Section of the Development Services Division: No water related concerns in regard to the proposal, as the subject parcel is not located in a water short area and water usage for the proposal will be less than 1,000 gallons per day.

California Department of Public Health, Drinking Water Field Operations Branch: This proposal constitutes a public water system classified as a Transient Non-Community Water System which requires permitting by the California Department of Public Health. The Applicant shall submit a permit application, Technical Report and application fee to the California Department of Public Health prior to construction of the proposed water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and Federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the California Department of Public Health. The Applicant shall also demonstrate to the California Department of Public Health that the well proposed to provide drinking water meets drinking water standards. These requirements have been included as project Notes.

Development Engineering Section of the Development Services Division: According to FEMA FIRM Panel 1020H, a westerly portion of the subject parcel is in a designated floodway and the remainder of the subject parcel is in Flood Zone AE. Any work performed within the Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. The U.S.G.S. Quad Map shows that the San Joaquin River runs through the subject parcel. Any improvements proposed near the river such as the proposed dock shall be reviewed and approved by the State Lands Commission. A Grading Permit or Voucher shall be required for any grading activity resultant of this proposal, and any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on-site per County Standards. These requirements have been included as project Notes. An Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to Development Engineering staff for review and approval. This requirement has been included as a project Note and shall be reviewed for approval during the SPR process which has been included as a Condition of Approval.

Fresno Metropolitan Flood Control District (FMFCD): Planting of trees within designated floodways and flood zones may create obstructions to water flow. Any future tree planting shall be as far upland as possible. Further, any future tree planting shall not result in tree rows which are perpendicular to flood flows, and shall be parallel with the flow of the river. These requirements have been included as a Mitigation Measure. If construction associated with this

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

California Regional Water Quality Control Board: If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the U.S. Army Corps of Engineers, and a Section 401 Water Quality Certification may be needed from the Central Valley Regional Water Quality Control Board to ensure that discharges will not violate water quality standards. This requirement has been included as a project Note.

Fresno County Department of Public Health, Environmental Health Division: The proposed vault toilet shall be sized to meet the maximum peak demand and shall be properly maintained. The property owner shall execute a Covenant with the County of Fresno which stipulates the proper maintenance of the vault toilet facility and assures that it will be kept in a sanitary condition at all times. Failure of the property owner to maintain the vault toilet facility in accordance with the Covenant shall allow the County to access the site and cause the demolition/removal of the vault toilet facility. These requirements have been included as Conditions of Approval. The Applicant shall maintain the volume level of the proposed outdoor amphitheater in compliance with the Fresno County Noise Ordinance. This requirement has been included as a Mitigation Measure. Any wells that exist within the project area that are not intended for use by the project shall be properly destroyed. The Applicant shall apply for and obtain a permit to destroy water wells from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. This requirement has been included as a project Note.

Building and Safety Section of the Development Services Division: Toilet facilities shall not be located farther than 400 feet from any campsite. This requirement has been included as a Condition of Approval.

Fresno County Fire Protection District: All resultant development shall comply with the 2007 California Code of Regulations Title 24, and that subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval. This requirement has been included as a project Note.

San Joaquin Valley Air Pollution Control District (Air District): This proposal is subject to Air District Rule 9510 (Indirect Source Review). Additionally, the project may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). These requirements have been included as project Notes.

U.S. Department of the Interior, Fish and Wildlife Service and California Department of Fish and Game: Upon review of this proposal by the U. S. Department of the Interior, Fish and Wildlife Service, said Agency commented that the federally-listed as threatened California Tiger Salamander (CTS) may be present at the project site. In response, the Applicant provided a letter from Live Oak Associates, Inc. which stated that the project site is not a suitable habitat for CTS. The letter from Live Oak Associates, Inc. was referred to the United States Fish and Wildlife Service, which did not express any additional concerns related to the project. This letter was also referred to the California Department of Fish and Game, which also did not express any concerns.

Analysis:

This proposal entails the establishment of a high intensity park on a 5.93-acre parcel to be utilized by the Applicant for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), and special events comprised of educational workshops, fundraisers, and private parties. The subject parcel is located in a predominantly vacant area which has been previously utilized for sand and gravel extraction, and the western property line of said parcel abuts the San Joaquin River. There are few agricultural and residential land uses within the vicinity of the project site, and residential subdivisions are located approximately one mile to the southeast within the City of Fresno.

The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis. A limited number of physical improvements are proposed and the design and configuration of the improvements are not anticipated to impact the aesthetic character of the area. Considering the location of the subject parcel in a predominately undeveloped area, and the distances between the project site and neighboring developments, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.

Recommended Conditions of Approval:

- *Tree plantings shall be placed as far upland as is reasonably possible for site development and shall result in tree rows that are parallel with the river flow and shall not result in tree rows which are perpendicular to flood flows.*
- *The proposed vault toilet shall be sized to meet the maximum peak demand.*
- *Prior to issuance of any Building Permits, a Covenant running with the land between the County and the property owner shall be recorded requiring the vault toilet facility to be kept in a sanitary condition at all times. Failure of the property owner to maintain the vault toilet facility in accordance with the Covenant shall allow the County to access the site and cause the demolition/removal of the vault toilet facility.*
- *The Applicant shall at all times maintain the volume level of the outdoor sound amplification system in compliance with the Fresno County Noise Ordinance, Section 8.40.040 Exterior Noise Standards.*
- *Toilet facilities shall not be located farther than 400 feet from any campsite.*

- All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
- In the event that cultural resources are unearthed during grading 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 determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.

Conclusion:

Finding 3 can be made.

Finding 4: *General Plan Consistency*

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-C.2: County shall accommodate agricultural activities with incidental homesites, recreational uses, sand and gravel extraction, and wildlife habitat and open space areas within the San Joaquin River Corridor Overlay.	This proposal entails the establishment of a high intensity park on a 5.93-acre parcel to be utilized by the Applicant for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), and special events comprised of educational workshops, fundraisers, and private parties. The proposal is consistent with this Policy.
General Plan Policy LU-C.3: County may allow by discretionary permit commercial activities needed to serve San Joaquin River Parkway visitors.	This proposal has been made by the San Joaquin River Parkway and Conservation Trust in order to establish a high intensity park to be utilized by San Joaquin River Parkway visitors for educational and recreational purposes. The proposal is consistent with this Policy.
General Plan Policy LU-C.7: County shall require a buffer of at least 150 feet and screening vegetation as necessary to address land use compatibility issues.	As the nearest residence is located approximately one-half mile northeast of the project site, the proposal is consistent with this Policy.
General Plan Policy LU-C.8: County shall take into consideration the presence of floodways and FEMA-designated flood plains in determining the location of future developments within the San Joaquin River Parkway area. Any development sited in a designated flood plain shall comply with	Easterly portions of the project site are located within Flood Zone AE and westerly portions are located within a floodway. Any work performed within the Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. With adherence to this

Relevant Policies:	Consistency/Considerations:
applicable regulatory requirements.	requirement which has been included as a project Note, the proposed use is consistent with this Policy.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area and anticipated water usage will be less than 1,000 gallons per day. The proposal is consistent with this Policy.
General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to following Criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.	With regard to Criteria “a”, although the project will not exclusively serve the surrounding agricultural area, the proposed high intensity park will provide opportunities for education, recreation and wildlife habitat management which are outdoor in nature and best suited to an area of undeveloped land. With regard to Criteria “b”, the subject parcel is classified as Non-agricultural and Natural Vegetation on the Fresno County Important Farmland Map (2008), and is not being utilized for agricultural cultivation. With regard to Criteria “c”, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no water related concerns in regard to the proposal as the subject parcel is not located in a water short area and anticipated water usage will be less than 1,000 gallons per day. Further, with adherence to the recommended Conditions of Approval, Mitigation Measures and project Notes identified in the IS prepared for this project, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. With regard to Criteria “d”, this proposal is located approximately one and a quarter mile west of the City of Fresno, which has the ability to provide an adequate workforce. The proposal is consistent with these Criteria.

Reviewing Agency Comments:

Policy Planning Section of the Development Services Division: The subject parcel is designated Agriculture in the General Plan and is located within the San Joaquin River Corridor Overlay. Policy LU-C.2 provides for recreational uses, wildlife habitat areas and open space areas within the San Joaquin River Corridor Overlay. Policy LU-C.3 provides that commercial uses needed to serve San Joaquin River Parkway visitors may be allowed by discretionary permit within the San Joaquin River Corridor Overlay. Policy LU-C.7 requires a buffer of at least 150 feet between recreational facilities within the San Joaquin River Corridor Overlay and residential uses. Policy LU-C.8 requires developments within the San Joaquin River Corridor Overlay which are located in designated floodplains to comply with applicable regulatory requirements. Policy LU-A.3 allows for certain non-agricultural uses by means of a discretionary use permit.

Analysis:

This proposal entails the establishment of a high intensity park to be utilized by San Joaquin River Parkway visitors for educational and recreational purposes. Based on the analysis provided above, staff believes the project is consistent with the Fresno County General Plan. Applicable Policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting the Unclassified CUP Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified CUP Application No. 3275 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6168; and

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3275, subject to the Conditions and Notes listed below; 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. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended 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, subject to modifications required by the Site Plan Review.
2. Prior to occupancy, 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, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
3. Documentation confirming legal site access shall be provided to the Development Engineering Section of the Department of Public Works and Planning for review and approval during the Site Plan Review process and verification of access shall occur prior to the issuance of any Building Permits.
4. The site access easement shall be improved to the standard determined necessary by a Registered Civil Engineer to meet the vehicular needs of the users of said easement, and to further provide grading and erosion control to prevent sedimentation or damage to off-site property arising out of the improvement or use of said easement. It will be the duty of the Registered Civil Engineer to attest to compliance with this Condition. Said statement to fully describe all grading work required by the Engineer to be submitted during the Site Plan Review process which has been included as a Condition of Approval. The Improvement Standard requires that Improvement Plans be submitted for review and approval by the Department of Public Works and Planning, Development Engineering Section, along with a letter from the Developer's Engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved Plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction be inspected by the County. All improvements shall be constructed prior to operation or occupancy whichever occurs first.
5. The proposed vault toilet shall be sized to meet the maximum peak demand.
6. Prior to issuance of any Building Permits, a Covenant running with the land between the County and the property owner shall be recorded requiring the vault toilet facility to be

kept in a sanitary condition at all times. Failure of the property owner to maintain the vault toilet facility in accordance with the Covenant shall allow the County to access the site and cause the demolition/removal of the vault toilet facility.

7. Toilet facilities shall not be located farther than 400 feet from any campsite.
- *8. The Applicant shall at all times maintain the volume level of the outdoor sound amplification system in compliance with the Fresno County Noise Ordinance, Section 8.40.040 Exterior Noise Standards.
- *9. Tree plantings shall be placed as far upland as is reasonably possible for site development and shall result in tree rows that are parallel with the river flow and shall not result in tree rows which are perpendicular to flood flows.
- *10. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
- *11. In the event that cultural resources are unearthed during grading 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 determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.

* MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

NOTES:

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

1. Contact the Building and Safety Section of the Department of Public Works and Planning, Development Services Division at (559) 600-4540 regarding permits for construction.
2. The Applicant shall submit a permit application, Technical Report and application fee to the California Department of Public Health prior to construction of the proposed water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and Federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the California Department of Public Health. The Applicant shall also demonstrate to the California Department of Public Health that the well proposed to provide drinking water meets drinking water standards.
3. According to FEMA FIRM Panel 1020H, portions of the project site are in Flood Zone AE which is subject to the 100-year storm. Any work performed within Flood Zones shall

conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.

4. Any improvements proposed near the San Joaquin River such as the proposed dock shall be reviewed and approved by the State Lands Commission.
5. A Grading Permit or Voucher shall be required for any grading activity resultant of this proposal.
6. Any additional run-off generated by development cannot be drained across property lines or into the County right-of-way, and must be retained on-site per County Standards.
7. An Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to Development Engineering staff for review and approval prior to permit issuance. This requirement shall be reviewed for approval during the Site Plan Review process.
8. If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
9. If the project will involve the discharge of dredged or fill material into navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the U.S. Army Corps of Engineers, and a Section 401 Water Quality Certification may be needed from the Central Valley Regional Water Quality Control Board to ensure that discharges will not violate water quality standards.
10. Any wells that exist within the project area that are not intended for use by the project shall be properly destroyed. The Applicant shall apply for and obtain a permit to destroy water wells from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 Contractor. Contact the Water Surveillance Program at (559) 445-3357 for more information.
11. The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy.

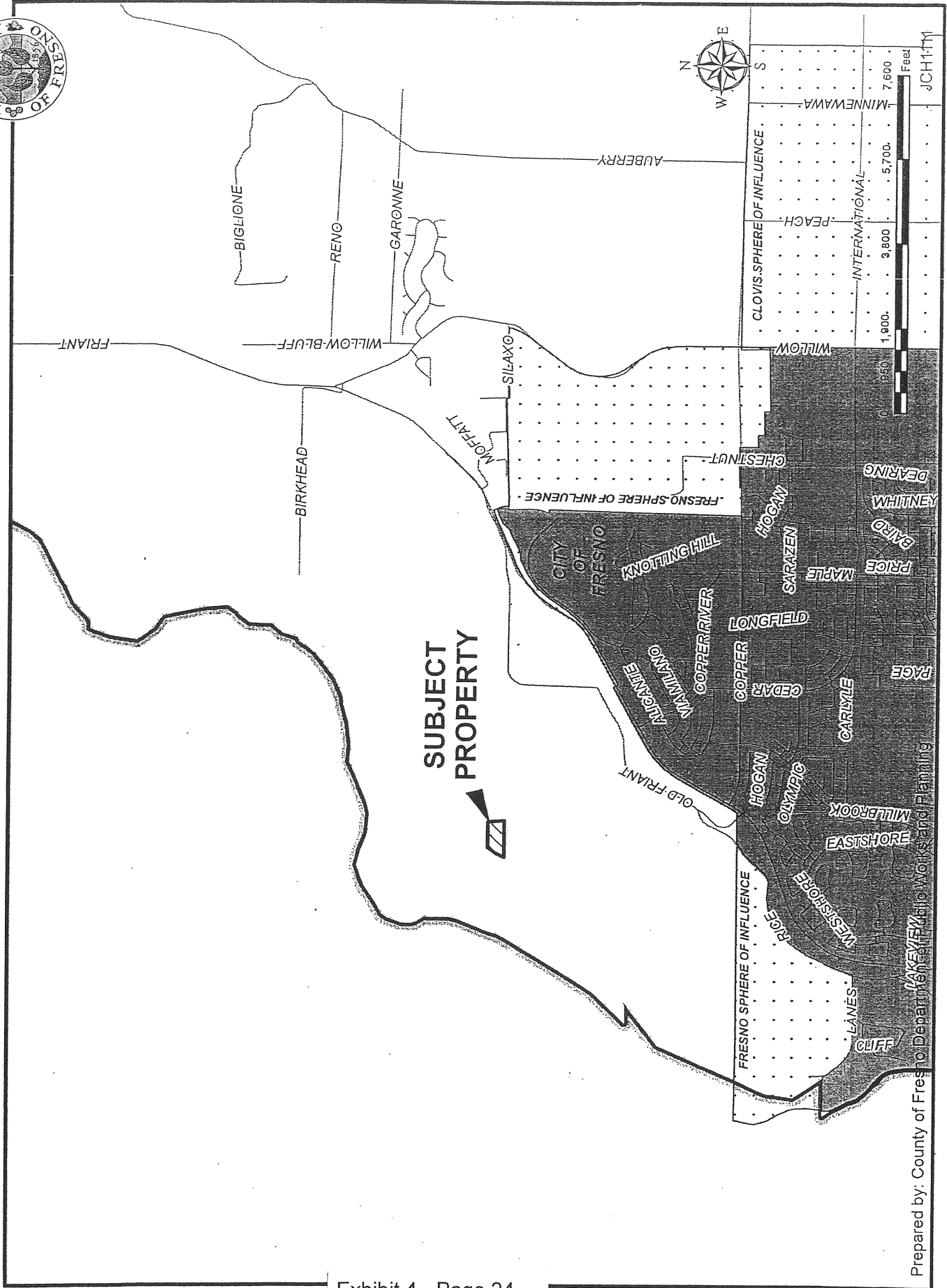
12. The Applicant shall adhere to the following Rules and Regulations set by the San Joaquin Valley Air Pollution Control District:

- A. Rule 9510 – Indirect Source Review
- B. Regulation VIII – Fugitive PM10 Prohibitions
- C. Rule 4102 – Nuisance
- D. Rule 4601 – Architectural Coatings
- E. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations
- F. Rule 4002 – National Emission Standards for Hazardous Air Pollutants

DC:mac

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LOCATION MAP



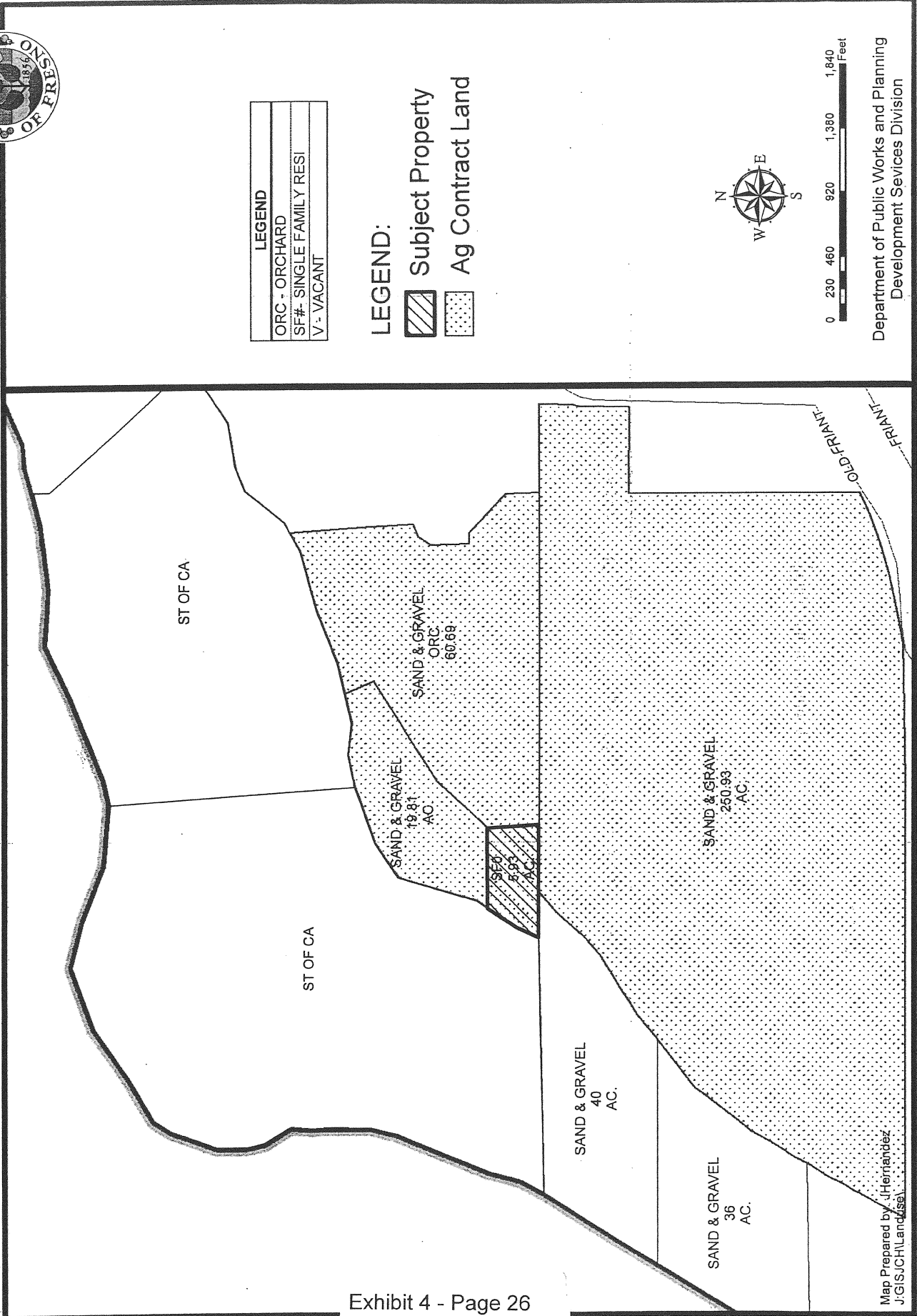
Prepared by: County of Fresno, Department of Public Works and Planning

JCH11-11



EXISTING LAND USE MAP

CUP 3275

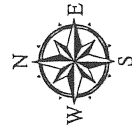


LEGEND	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESI	
V - VACANT	

LEGEND:

Subject Property

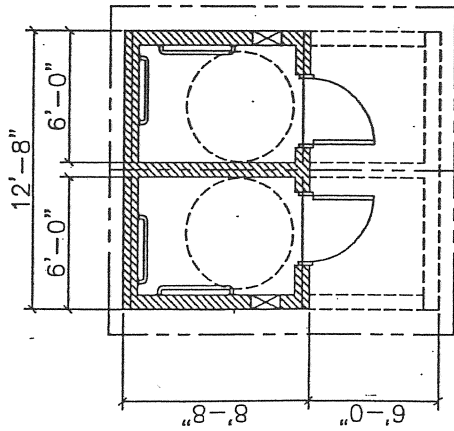
Ag Contract Land



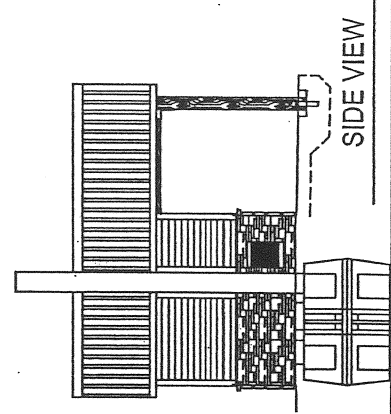
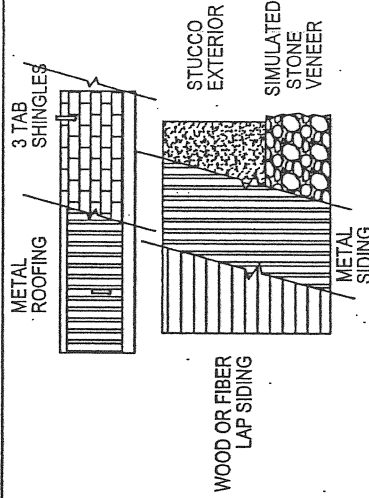
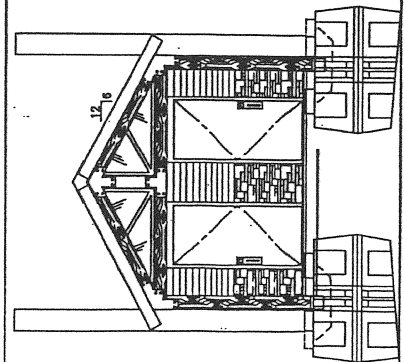
Department of Public Works and Planning
Development Services Division

SST Aspen Pioneer Double Restroom - (12'-8" x 8'-8")

NTS - PRELIMINARY NOT FOR CONSTRUCTION



FLOOR PLAN



18240 NORTH BANK ROAD - ROSEBURG, OR 97470
 (541) 496-3541 info@romtec.com
 www.romtec.com

MODEL:

1018

DATE

04/01/04

REVISIONS

DATE

BY

DRAWN BY:

FB

SHEET NO.

A2.1

OPERATIONAL STATEMENT

OWL HOLLOW

1. Nature of the Operation

A. Project Site

The project site for the proposed Owl Hollow moderate intensity park consists of 5.93 acres and includes the following parcel:

- APN 579-020-09 (5.93 acres; AP-673)

B. Overall Education and Recreational Plan

The overall plan for use of the Owl Hollow area is river-themed education and recreation, focusing on the San Joaquin River watershed. Programs will be provided seasonally for school aged children, families, and adults.

C. Specific Uses and Programs

1. Nature Walks for small groups of families and adults
2. Launching and take out point for canoe trips
3. School field trips
4. Summer day camps
5. Occasional overnight camping as part of an interpretive program (no public camping)
6. Wildlife habitat management
7. Native plant restoration site
8. Small events such as private parties, fundraisers and educational workshops.

2. Operational Time Limits

Programs will occur 7 days per week seasonally, with different programs scheduled at different times of the year as detailed below.

<u>Activity</u>	<u>Months</u>	<u>Hours</u>
Nature Walks.....	September- May.....	6am – 4pm
Canoe Launch.....	April-October	7am – 9pm
Field Trips	March-June, September-October.....	8am – 3pm
Day Camps.....	June-August.....	8am – 5pm
Camping	June-August.....	1pm – 12pm
Restoration Activities.....	All Year	7am – 6pm
Special Events	March-October*	7am – 10pm

*The frequency of special events is estimated to be one per month. Visitors will be directed to park off site at our nearby facilities and will either walk or be shuttled to the site by bus or van.

3. Number of Visitors

Use of the facility will be seasonal and only accessible to the public during supervised activities. Field trips, restoration activities, camping and special events will occur occasionally as scheduled. An occasional overnight camp as part of an educational program will be set up on the open space area north of the shade structure and disassembled the following day. Visitors will only occupy the grounds within the above operational time limits.

<u>Activity</u>	<u>Number</u>	
Nature Walks	25	(primarily weekends, typically April-October)
Canoe Launch	16	(primarily weekends, typically April-October)
Field Trips	80	(primarily weekdays in fall and spring)
Day Camps	100	(primarily weekdays in summer, typically June-August)
Camping	35	(primarily summer, typically June-August)
Restoration Activities	30	(primarily weekends in fall to early spring)
Special Events	200	(estimate one per month, March through October, primarily on weekends or late evenings)

4. Number of Employees on the Property

All employees will work primarily out of the River Parkway Trust's nearby Headquarters building and there will be no regular employee presence on the property. Staff members are included in the visitors count above and will work within regular program hours.

5. Vehicles and Parking

Public Parking for special events will be at the Coke Hallowell Center for River Studies (River Center) and transportation to the site will be provided by bus or van. The parking diagram for the River Center is provided in Exhibit B. The turnaround will be surfaced with compacted and water permeable gravel or decomposed granite. The number in the "frequency" column below counts the trip to Owl Hollow and the trip back to the River Center.

<u>Vehicle Type</u>	<u>Number</u>	<u>Frequency</u>
Bus turnaround provided to transport school children	1 each day*	2
Golf Cart to transport equipment	1 each day*	2-4
Limited parking for staff or canoe tour shuttling	5 each day*	5

*During seasonal activities such as field trips and day camps.

6. Access to the Site

Access to the site is facilitated via Old Friant Road and an unpaved road access easement. Access is controlled by a locked gate before entering the road access easement off of Old Friant Road. The road access easement shown in the site plan does not currently extend to the second entryway to parcel 579-020-09 in the Northeastern corner. An access easement will be negotiated with Vulcan Materials Company, Western Division.

7. Equipment to be used

Equipment will include gardening tools and equipment used to maintain a lawn activity area and for restoration activities. Canoes will be used at the site but will be stored at our nearby Headquarters located at the Coke Hollowell Center for River Studies.

8. Supplies and Materials

Supplies and materials will be stored in an on site storage building indicated on the site plan. Supplies include items required for the maintenance and upkeep of the site such as trash bins, toilet paper and gardening equipment. Hand soap and paper towels for hand washing will be kept on site and restocked daily during our summer programs and as necessary during occasional off season programs by program staff prior to on site events. Educational equipment for day camps will also be stored in the storage building.

9. Liquid and Solid Wastes

Recycling, compost and trash bins will be available for every event and will be hauled out of the site by pickup truck weekly or daily as needed during summer camp activities. The bins will be stored in an on site storage building when not in use. Trash and recycling will be disposed of in their respective containers at our nearby Headquarters at 11605 Old Friant Road and hauled out by a solid waste disposal agency contracted by the San Joaquin River Parkway & Conservation Trust, Inc. (River Parkway Trust). Compost materials will be added to the compost pile at the Headquarters and eventually used in the landscape. The toilet vaults will be sealed, reinforced and conform to California Health and Safety Codes. Please see attached buoyancy calculations. Waste water from the hand washing station and the drinking fountain will be drained into the vault. The vault toilets will be pumped out by a sanitation company, such as Sequoia Pumping, contracted by the River Parkway Trust. Pumping and disposal of vault contents will initially occur three times between May and October when the site is most visited. Adjustments to the schedule will be made according to program attendance and site use. The procedures for pumping and flushing of the vault are as followed:

1. The waste is pumped into a waste hauling vehicle.
2. The vault is hosed down with water and the waste water produced pumped out into the waste hauling vehicle.
3. The waste is hauled and disposed of at the Fresno County waste water treatment plant by the sanitation contractor.

During the permitting process prior to the installation of the well, portable toilets and hand washing stations will be rented from the United Site Service Company. Waste accumulated in the portable toilets and hand washing stations will be removed weekly during summer activities by the same company.

10. Water Usage

A well to supply the site with water is indicated on the site plan and will be used for a hand washing station and drinking fountain. The proposed well pump will operate using either solar power or electrical connection. The River Parkway Trust is currently working to obtain the necessary permits for a Transient Non-community Water System. Portable hand washing stations and toilets will be rented during seasonal programs from United Site Service until

permitting and well installation is completed. During this time, drinking water for programs will be transported from the River Center in water coolers and replenished as necessary throughout the day.

11. Property Improvement

At this time there are no existing buildings in the site. The following describes the planned improvements:

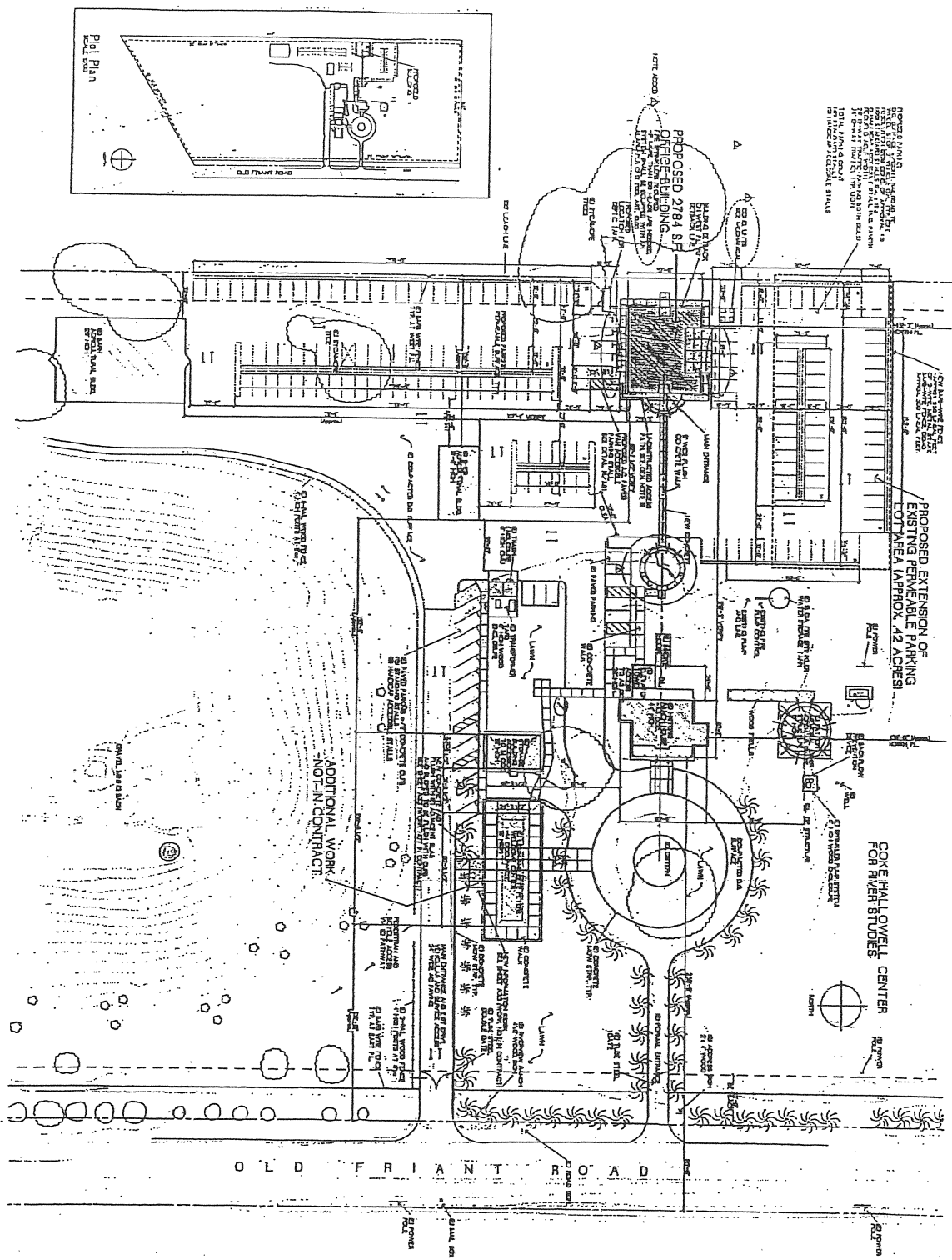
- APN 579-020-09 (5.93 acres; AP-673) - The site plan indicates the installation of three prefabricated structures which include: a shade structure, vault toilets and storage shed. Example elevation drawings of the prefabricated buildings are included in this packet. The shade structure will be open on all sides and provide a shaded area for group activities and picnic tables. Next to the proposed vault toilet will be a hand washing station and drinking fountain. The proposed storage shed will store educational, landscaping and camp related supplies. The plan also includes the construction of a small outdoor amphitheater. This proposed amenity is indicated in the site plan and will consist of a set of concrete benches installed into the grade of the slope. A well pump and 10,000 gallon water tank are proposed in order to supply the site with water. Two new decomposed granite or crushed gravel roads are proposed including a turnabout by the river that will be accessible to canoe hauling vehicles and an upper road that will facilitate vehicles shuttling visitors to and from the River Center. The proposed wheelchair ramp will provide access from the upper road to the bottom of the slope. The proposed cove next to the new turnabout will be graded to allow for the installation of a dock once necessary permits are acquired from the Army Corps of Engineers and the Department of Fish and Game.

12. Outdoor Lighting and Sound Amplification

Light sound amplification from portable equipment may be used occasionally for group events. Any usage of sound amplification equipment will follow the guidelines for sound amplification associated with the San Joaquin River Parkway's unclassified CUP (Application No. 3164). Minimal security lighting around the restroom may be used but only for occasional evening events.

13. Landscaping

An activity area will include a sprinkler irrigated open lawn of native or drought tolerant grasses. The surrounding grounds will be maintained with plants of the native riparian and upland habitat on a drip irrigation system. The existing almond orchard will be maintained; however, the age of the almond orchard has resulted in diminished productivity and a high mortality rate. If the trees were to be removed, the area would be transitioned into an upland wildlife habitat or agricultural demonstration area to enhance the educational value of the land.



Site Plan
A1.1

David M. Koehler Administration Building

davis **sanchez**

EXHIBIT B

1000 North 10th Street, Suite 100
 Phoenix, AZ 85004
 Phone: (602) 258-8888
 Fax: (602) 258-8889
 Website: www.davis-sanchez.com



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: San Joaquin River Parkway and Conservation Trust
- APPLICATION NOS.: Initial Study Application No. 6168 and Unclassified Conditional Use Permit Application No. 3275
- DESCRIPTION: Allow a high intensity park including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter miles west of the nearest city limits of the City of Fresno (Sup. Dist.: 2) (APN.: 579-020-09).

I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the establishment of a high intensity park on a 5.93-acre parcel to be utilized by the Applicant for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), and special events comprised of educational workshops, fundraisers, and private parties. The subject parcel is located in a predominantly vacant area which has been previously utilized for sand and gravel extraction, and the western property line of said parcel abuts the San Joaquin River. There are few agricultural and residential land uses within the vicinity of the project site, and residential subdivisions are located approximately one mile to the southeast within the City of Fresno.

DEVELOPMENT SERVICES DIVISION

The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis. A limited number of physical improvements are proposed and the design and configuration of the improvements are not anticipated to impact the aesthetic character of the area. Considering the location of the subject parcel in a predominately undeveloped area, and the distances between the project site and neighboring developments, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal will utilize outdoor lighting that has the potential of generating new sources of light and glare in the area. All outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

FINDING: NO IMPACT:

The subject parcel is not located on forest land, is classified as Nonagricultural and Natural Vegetation on the Fresno County Important Farmland Map (2008), and is not being utilized for agricultural cultivation. The subject parcel is currently enrolled under Agricultural Land Conservation Contract No. 673. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, Development Services Division, high intensity parks are not a compatible use with the Contract. However, as a 20-acre minimum

parcel size is required by Agricultural Land Conservation Contract No. 673, the Contract will be non-renewed by the County due to the 5.93-acre size of the subject parcel.

III. AIR QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Air Pollution Control District (Air District) which commented that the project is subject to District Rule 9510 (Indirect Source Review). Additionally, the project may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules which will be listed as project Notes indicating mandatory requirements will reduce air quality impacts of the subject project to a less than significant level.

IV. BIOLOGICAL RESOURCES

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

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a Tree Preservation Policy or Ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state Habitat Conservation Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Upon review of this proposal by the United States Fish and Wildlife Service, said Agency commented that the federally-listed as threatened California Tiger Salamander (CTS) may be present at the project site. In response, the Applicant provided a letter from Live Oak Associates, Inc. which stated that the project site is not a suitable habitat for CTS. The letter from Live Oak Associates, Inc. was referred to the United States Fish and Wildlife Service, which did not express any additional concerns related to the project. This letter was also referred to the California Department of Fish and Game, which also did not express any concerns. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) The movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located within an area designated to be highly sensitive for archeological resources. The proposal was routed to the California Information Center which did not express any concerns with the project. Nevertheless, in the event that cultural resources are unearthed during grading or construction, 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a level of insignificance.

* **Mitigation Measure(s)**

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

VI. GEOLOGY AND SOILS

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

1. Rupture of a known earthquake?
 - (a.) Strong seismic ground shaking?
 - (b.) Seismic-related ground failure, including liquefaction?
 - (c.) Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This requirement will be included as a project Note and shall be reviewed for approval during the Site Plan Review (SPR) process which will be included as a Condition of Approval. Conditions of the SPR may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

According to the Fresno Metropolitan Flood Control District, the planting of trees within designated floodways and flood zones may create obstructions to water flow. As the subject parcel is located in a floodway and in Flood Zone AE, mitigation will be included requiring any future tree planting to be as far upland as possible. Further, any future tree planting shall not result in tree rows which are perpendicular to flood flows, and shall be parallel with the flow of the river. With adherence to this mitigation measure and the aforementioned requirement for an Engineered Grading and Drainage Plan, potential erosion impacts will be reduced to a level of insignificance.

This proposal was referred to the State Office of Drinking Water which indicated that the planned facility is classified as a transient non-community water system. As the facility must be permitted by this agency for drinking water, the Applicant will need to consult with the Office of Drinking Water for any specific regulations or requirements regarding provision of drinking water to the site. This requirement will be included as a project Note.

* **Mitigation Measure(s)**

1. *Tree plantings shall be placed as far upland as is reasonably possible for site development and shall result in tree rows that are parallel with the river flow and shall not result in tree rows which are perpendicular to flood flows.*

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

There will be a vault toilet restroom constructed to serve the proposed use. According to the Fresno County Department of Public Health, Environmental Health Division, the vault toilet shall be sized to meet the maximum peak demand. This requirement will be included as a Condition of Approval. No other concerns were expressed by reviewing Agencies in regard to soils or wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

- B. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III.E of this analysis will reduce air quality impacts of the subject proposal to a less than significant level. The project represents a relatively low-impact use that will for the most part not generate emissions or utilize large amounts of fossil fuels.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division, has reviewed this proposal and expressed no concerns related to hazardous materials. Further, staff notes that the proposed use does not entail the processing or handling of hazardous materials. Additionally, there are no schools within one-quarter mile of the project site. A Condition of Approval will be included requiring that toilet facilities shall not be located farther than 400 feet from any campsite.

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

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

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

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan.

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

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area and water usage for the proposal will be less than 1,000 gallons per day.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: NO IMPACT:

No additional housing is proposed with this project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, FEMA FIRM Panel 1020H indicates that the subject parcel is in Flood Zone AE which is subject to the 100-year storm. Any work performed within the Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This requirement will be included as a project Note. Also, see proposed mitigation under Section VI.B Geology and Soils.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located in a predominately vacant and undeveloped area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Agriculture in the Fresno County General Plan and is located within the San Joaquin River Corridor Overlay. Policy LU-C.2 provides for recreational uses, wildlife habitat areas and open space areas within the San Joaquin River Corridor Overlay. Policy LU-C.3 provides that commercial uses needed to serve San Joaquin River Parkway visitors may be allowed by discretionary permit within the San Joaquin River Corridor Overlay. Policy LU-C.7 requires a buffer of at least 150 feet between recreational facilities within the San Joaquin River Corridor Overlay and residential uses. Policy LU-C.8 requires developments within the San Joaquin River Corridor Overlay which are located in designated floodplains to comply with applicable regulatory requirements.

With regard to Policies LU-C.2 and LU-C.3, as this proposal entails a high intensity park to be utilized by San Joaquin River Parkway visitors for educational and recreational purposes; the proposed use is consistent with these Policies. With regard to Policy LU-C.7, as the nearest residence is located approximately one half mile northeast of the project site, the proposed use is consistent with this Policy. With regard to Policy LU-C.8, easterly portions of the project site are located within Flood Zone AE and westerly portions are located within a floodway. Any work performed within the Flood Zone shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. With adherence to this requirement which will be included as a project Note the proposed use is consistent with this Policy.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis. California Tiger Salamander (CTS) concerns were addressed in a July 6, 2010 analysis provided by the Applicant's Biologist.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or

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

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis.

XII. NOISE

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Fresno County Department of Public Health, Environmental Health Division, inclusion of a mitigation measure requiring the applicant to maintain the volume level of the outdoor amphitheater in compliance with the Fresno County Noise Ordinance will reduce possible negative noise impacts resultant of this proposal to a less than significant level.

* **Mitigation Measure**

1. *The applicant shall at all times maintain the volume level of the outdoor sound amplification system in compliance with the Fresno County Noise Ordinance, Section 8.40.040 Exterior Noise Standards.*

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

FINDING: NO IMPACT:

The project site is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

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

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

FINDING: NO IMPACT:

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

XIV. PUBLIC SERVICES

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

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Additionally, any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a project Note.

2. Police protection

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

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

XV. RECREATION

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

FINDING: NO IMPACT:

This proposal entails the establishment of a high intensity park on a 5.93-acre parcel to be utilized by the Applicant for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), and special events comprised of educational

workshops, fundraisers, and private parties. Said use will add additional recreational opportunities for the area.

XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the establishment of a high intensity park on a 5.93-acre parcel to be utilized by the Applicant for launching canoes and other non-motorized watercraft, school field trips, summer day camps, wildlife habitat management, native plant restoration, overnight camping by invitation (no public camping), and special events comprised of educational workshops, fundraisers, and private parties. Transportation of visitors to the site will be provided by the Applicant from the existing Coke Hallowell Center for River Studies which is owned and operated by the Applicant and is located approximately one half mile southeast of the project site. The proposed use will generate four daily one-way bus trips and a total of 50 daily one-way employee and visitor trips year round. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic related concerns in regard to the number of vehicular trips generated by the use.

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

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

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

FINDING: NO IMPACT:

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project.

- E. Would the project result in inadequate emergency access; or

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

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or

restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IV Biological Resources.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3275, 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, greenhouse gas emissions, hazards and hazardous materials, mineral resources, population and housing, and recreation.

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

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

DC
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REQUIRED FINDINGS NECESSARY FOR GRANTING
A CONDITIONAL USE PERMIT APPLICATION
AS SPECIFIED IN ZONING ORDINANCE SECTION 873

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.
2. That the site for 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.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

EXHIBIT 5

Inter Office Memo



DATE: April 10, 2014

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12427 – FIRST ONE-YEAR TIME EXTENTION
FOR INITIAL STUDY APPLICATION NO. 6168 and UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3275

APPLICANT: San Joaquin River Parkway & Conservation
Trust, Inc.

OWNER: San Joaquin River Parkway & Conservation
Trust, Inc.

REQUEST: Grant a one-year Time Extension to exercise
Unclassified Conditional Use Permit
Application No. 3275 which authorizes the
operation of a high-intensity park, including an
outdoor amphitheater, camping and picnic
areas, a shade structure, and launch area for
non-motorized watercraft on a 5.93-acre parcel
in the AE-20 (Exclusive Agriculture, 20-acre
minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of
Old Friant Road, approximately 930 feet west
of its intersection with Friant Road,
approximately one and a quarter mile west of
the nearest city limits of the City of Fresno
(SUP. DIST.: 2) (APN: 579-020-09).

PLANNING COMMISSION ACTION:

At its hearing of April 10, 2014, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

A motion was then made by Commissioner Rocca and seconded by Commissioner Zadourian to approve the requested one-year time extension for Unclassified Conditional Use Permit Application No. 3275.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 1 April 10, 2014

SUBJECT: Initial Study Application No. 6168 and Unclassified Conditional Use Permit Application No. 3275 – One-Year Time Extension

Grant a one-year Time Extension to exercise Unclassified Conditional Use Permit application No. 3275 which authorizes the operation of a high-intensity park, including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST.: 2) (APN: 579-020-09).

Representative: David Koehler
Applicant / Owner: San Joaquin River Parkway and Conservation Trust, Inc.

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

Bill Carlson, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

DEVELOPMENT SERVICES DIVISION

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated October 20, 2011
5. Applicant's correspondence requesting a first one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration prepared for Initial Study No. 6168 was approved by the Planning Commission, in accordance with the California Environmental Quality Act (CEQA), with approval of Unclassified Conditional Use Permit Application No. 3275 on October 20, 2011.

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

PUBLIC NOTICE:

Notices were sent to eight property owners within 1,320 feet of the subject property, exceeding the 300-foot minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4), one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the permit.

Unclassified Conditional Use Permit Application No. 3275 was approved by the Planning Commission on October 20, 2011 and became effective 15 days later, as prescribed by law. The Applicant filed the current time extension request on October 8, 2013, within the time limit noted above. If this first time extension request is granted, the Applicant will have until October 20, 2014 to achieve substantial development of a high-intensity park.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit Application No. 3275 was originally approved on October 20, 2011, concurrently with Initial Study Application No. 6168, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting Conditions imposed on the project.

According to the Applicant's letter requesting a one-year time extension, the current economic recession has negatively affected the availability of funding for project development. As such, the Applicant needs additional time to secure the necessary funds for the project.

Approval of a time extension request for an Unclassified Conditional Use Permit is appropriate if circumstances beyond the control of the applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the Unclassified Conditional Use Permit as originally approved.

The current time extension request was routed to the same agencies that reviewed this project on October 23, 2009. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to October 20, 2014.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's Action.

Alternative Motion (denial action)

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit Application No. 3275 (state reasons for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

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EXHIBIT 6

Inter Office Memo

DATE: December 11, 2014

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12476 – SECOND ONE-YEAR TIME EXTENSION FOR INITIAL STUDY APPLICATION NO. 6168 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3275

OWNER/APPLICANT: San Joaquin River Parkway & Conservation Trust, Inc.

REQUEST: Grant a second one-year time extension to exercise Unclassified Conditional Use Permit Application No. 3275 which authorizes the operation of a high-intensity park, including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST.: 2) (APN: 579-020-09).

PLANNING COMMISSION ACTION:

At its hearing of December 11, 2014, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

A motion was then made by Commissioner Rocca and seconded by Commissioner Borba to approve the requested one-year time extension for Classified Conditional Use Permit Application No. 3275.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Consent Agenda Item No. 2 December 11, 2014

SUBJECT: Initial Study Application No. 6168 and Unclassified Conditional Use Permit Application No. 3275 – Second One-Year Time Extension

Grant a second one-year time extension to exercise Unclassified Conditional Use Permit Application No. 3275 which authorizes the operation of a high-intensity park, including an outdoor amphitheater, camping and picnic areas, a shade structure, and launch area for non-motorized watercraft on a 5.93-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of Old Friant Road, approximately 930 feet west of its intersection with Friant Road, approximately one and a quarter mile west of the nearest city limits of the City of Fresno (SUP. DIST.: 2) (APN: 579-020-09).

Applicant/Owner: San Joaquin River Parkway and Conservation Trust, Inc.

Representative: Sharon Weaver

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a second one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated October 20, 2011
5. Planning Commission Resolution and Staff Report dated April 10, 2014
6. Applicant's correspondence requesting a second one-year time extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration prepared for Initial Study No. 6168 was approved by the Planning Commission in accordance with the California Environmental Quality Act (CEQA), with approval of Unclassified Conditional Use Permit Application No. 3275 on October 20, 2011.

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

PUBLIC NOTICE:

Notices were sent to seven property owners within a quarter mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the CUP. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four one-year time extensions for a CUP when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the CUP.

Unclassified Conditional Use Permit (CUP) Application No. 3275 was approved by the Planning Commission on October 20, 2011 and became effective 15 days later, as prescribed by law. The Applicant filed their first one-year time extension request on October 8, 2013, which was approved by the Planning Commission on April 10, 2014. The approval of the first time extension request resulted in a new CUP expiration date of October 20, 2014.

The Applicant filed this second one-year Time Extension request on October 13, 2014, within the time limit noted above. If this second Time Extension request is granted, the Applicant will have until October 20, 2015 to achieve substantial development of a high-intensity park.

ANALYSIS/DISCUSSION:

Unclassified Conditional Use Permit (CUP) Application No. 3275 was originally approved on October 20, 2011, concurrently with Initial Study Application No. 6168, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting Conditions imposed on the project. Subsequently, on April 10, 2014, a one-year time extension was granted which resulted in a CUP expiration date of October 20, 2014. Attached is a copy of the Planning Commission's Resolution (Exhibit 5) documenting approval of the first one-year time extension.

According to the Applicant's letter requesting a second one-year Time Extension (Exhibit 6), funding for development of the project was not available until a grant was provided by the San Joaquin River Conservancy and Wildlife Conservation Board in October of 2014. As such, the Applicant needs additional time to acquire necessary building permits and construct the project.

Approval of a time extension request for a CUP is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved.

The current Time Extension request was routed to the same agencies that reviewed this project on October 23, 2009. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the second one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to October 20, 2015.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the second one-year Time Extension for Unclassified Conditional Use Permit Application No. 3275; and
- Direct the Secretary to prepare a Resolution documenting the Commission's Action.

Alternative Motion (denial action)

- Move to deny the second one-year Time Extension request for Unclassified Conditional Use Permit Application No. 3275 (state reasons for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

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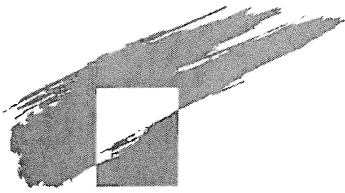


EXHIBIT 7

San Joaquin River
Parkway and
Conservation Trust, Inc.

September 17, 2015

Mr. Alan Weaver, Director
Department of Public Works and Planning
County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721

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Christopher A. Brown
General Counsel

Sharon Weaver
Executive Director

RE: Extension request for CUP 3275 Owl Hollow


Dear Mr. Weaver:

I'm writing to request a third 1-year extension on Conditional Use Permit 3275 for Owl Hollow. A copy of the Planning Commission's resolution on the CUP is attached.

After receiving a grant from the San Joaquin River Conservancy last fall, the Trust went through an RFP process for engineering and design services. We did not receive any responses to our first RFP, and had to issue a second RFP in early Spring. We contracted with Blair, Church and Flynn Consulting Engineers in April and began work within a few weeks.

Final design is well underway, but we will not be able to submit the project for County approval prior to the expiration of our current CUP extension. For this reason we are requesting a third and hopefully final one-year extension on our CUP for the site.

Thank you for your consideration of this request. If you have any questions or need additional information, please contact me at sweaver@riverparkway.org or 559-248-8480 extension 105.

Sincerely,

Sharon Weaver
Executive Director

cc: Derek Chambers, Fresno County Planner



CREATING AND PROTECTING THE SAN JOAQUIN RIVER PARKWAY

11605 Old Friant Road • Fresno, California 93730-9701 • 559.248.8480 • Fax 559.248.8474 • www.riverparkway.org

