



# PLANNING COMMISSION AGENDA

Room 301, Hall of Records  
2281 Tulare Street  
Northwest Corner of Tulare & M  
Fresno, CA 93721-2198

Contact: Planning Commission Clerk  
Phone: (559) 600-4497  
Email: [knovak@co.fresno.ca.us](mailto:knovak@co.fresno.ca.us)  
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Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

## AGENDA July 26, 2018

### 8:45 a.m. - CALL TO ORDER

#### INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

1. **TENTATIVE TRACT MAP NO. 5050 – TIME EXTENSION** filed by **BILLY WELLS**, proposing to grant a third one-year time extension to exercise Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District. The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST. 5) (APN 130-031-46).

**NOTE:** *The sole purpose of the public hearing for this item is to address the time extension request.*

-Contact person, Jeremy Shaw (559) 600-4207, email: [jshaw@co.fresno.ca.ua](mailto:jshaw@co.fresno.ca.ua)

-Staff Report Included

-Individual Noticing

#### REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7359, GENERAL PLAN AMENDMENT APPLICATION NO. 552, and AMENDMENT APPLICATION NO. 3825** filed by **FRESNO HUMANE ANIMAL SERVICES**, proposing to amend the County General Plan designation for two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the subject parcels from the RR(nb) (Rural Residential, Neighborhood Beautification) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses (related to an animal hospital and

shelter). The project site is located on the east side of North Grantland Avenue between North Parkway Drive and West Tenaya Avenues, and approximately 180 feet southwest of the City of Fresno (SUP. DIST. 1) (APN 504-081-02S/03S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application (IS) No. 7359, and take action on Amendment Application (AA) No. 3825 and General Plan Amendment Application (GPA) No. 552 with Findings and Conditions.

-Contact person, Marianne Mollring (559) 600-4569, email: [mmollring@co.fresno.ca.us](mailto:mmollring@co.fresno.ca.us)

-Staff Report Included

-Individual Noticing

3. **INITIAL STUDY APPLICATION NO. 7357** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3591** filed by **GHAI MANAGEMENT, INC.**, proposing to Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot Taco Bell restaurant with drive-through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the north side of West Panoche Road approximately 1,000 feet southwest of its intersection with Interstate 5, and approximately 15 miles southwest of the nearest city limits of the City of Mendota (SUP. DIST. 1) (APN 027-190-29S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7357, and take action on Unclassified Conditional Use Permit Application No. 3591 with Findings and Conditions.

-Contact person, Jeremy Shaw (559) 600-4207, email: [jshaw@co.fresno.ca.us](mailto:jshaw@co.fresno.ca.us)

-Staff Report Included

-Individual Noticing

4. **INITIAL STUDY APPLICATION NO. 7427** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3602** filed by **AT&T MOBILITY**, proposing to allow the construction of a new unmanned wireless telecommunication facility consisting of a 110-foot-tall tower, employing a windmill design, and related ground equipment within a 2,250 square-foot fenced lease area, including new access and utility easements, on a 48.50-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on Towerline Lane, approximately 1,500 feet east of its intersection with Pittman Hill Road, and approximately two miles south of the unincorporated community of Humphreys Station (26597 Towerline Lane, Clovis, CA 93619) (Sup. Dist. 5) (APN 138-500-19). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7427, and approve Unclassified Conditional Use Permit No. 3602 with Findings and Conditions.

-Contact person, Jeremy Shaw (559) 600-4207, email: [jshaw@co.fresno.ca.us](mailto:jshaw@co.fresno.ca.us)

-Staff Report Included

-Individual Noticing

5. **VARIANCE APPLICATION NO. 4047** filed by **JOHN QUINTO**, proposing to recognize three nonconforming parcels as to front-yard setback, and allow the creation of a 15.1-acre parcel, a 21,184 square-foot parcel, 4,563 square-foot parcel, and a 19,621 square-foot parcel within the AE-160 (Exclusive Agricultural, 160-acre minimum parcel size) and RS (Rural Settlement) Zone Districts. The project site is located on the southeast corner of Orchard Drive and Dunlap Road, in the unincorporated community of Miramonte (SUP. DIST. 5) (APN 195-290-01T; 195-273-11; 195-273-03, 04, 05, 06).

-Contact person, Thomas Kobayashi (559) 600-4224, email: [tkobayashi@co.fresno.ca.us](mailto:tkobayashi@co.fresno.ca.us)

-Staff Report Included

-Individual Noticing



6. **INITIAL STUDY APPLICATION NO. 7215** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3547** filed by **BOWEN ENGINEERING AND ENVIRONMENTAL**, proposing to allow a Solid Waste Processing Facility for the recovery of materials from construction waste and demolition waste on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District. The subject parcel is located on the east side of Cedar Avenue, between American and Malaga Avenues, approximately 1,673 feet south of the nearest city limits of the City of Fresno (4664 S. Cedar Avenue) (Sup. Dist. 3) (APN 330-211-08). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7215 and take action on Classified Conditional Use Permit Application No. 3547.

-Contact person, Derek Chambers (559) 600-4205, email: [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us)

-Staff Report Included

-Individual Noticing

7 **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: [mmollring@co.fresno.ca.us](mailto:mmollring@co.fresno.ca.us)

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email [knovak@co.fresno.ca.us](mailto:knovak@co.fresno.ca.us), no later than the Monday preceding the meeting by 9:00 a.m.

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# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 July 26, 2018

**SUBJECT:** Vesting Tentative Tract Map No. 5050 - Time Extension

Grant the third one-year time extension to exercise Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

**LOCATION:** The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-031-46).

**OWNER/  
APPLICANT:** Billy Wells

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Approve the third one-year time extension request for Tentative Tract Map No. 5050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Resolution No. 12121, dated October 2, 2008 (Time Extension No.2)
5. Subdivision Review Committee Report, Staff Report and Planning Commission Resolution dated May 26, 2005
6. Applicant's letter requesting the third one-year time extension

**ENVIRONMENTAL DETERMINATION:**

The subject property is located within the boundaries of the Sierra North Regional Plan, the Shaver Community Plan, and the Lake Shaver Lake Forest Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim.

An Environmental Assessment (Initial Study No. 5124) was prepared for Tentative Tract Map Application No. 5050 under the provisions of CEQA, resulting in the determination that the Mitigated Negative Declaration was appropriate.

Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent 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.

Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

**PUBLIC NOTICE:**

Notices were sent to 82 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances

specified in the Map Act, a Tentative Map expires two years after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) which granted an automatic two-year time extension; d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; and, e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date.

Granting an extension of a Tentative Map is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot Condition the grant of extension unless the Applicant agrees to such additional Conditions. If the Applicant does not agree to such additional Conditions, the Commission may deny the extension if it finds, based on the evidence, that the project will be injurious to public health, safety or general welfare if the additional Conditions are not imposed.

#### **BACKGROUND INFORMATION:**

On May 26, 2005 the Planning Commission approved Vesting Tentative Tract Map No. 5050, Classified Conditional Use Permit No. 3084, and Initial Study Application No.5124, authorizing the development of a 22.84-acre parcel consisting of a 50-unit Planned Residential Development, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

The Planning Commission granted a first one-year time extension on August 9, 2007, which extended the life of Tentative Tract Map No. 5050 to May 26, 2008. On October 2, 2008, the Planning Commission approved a second one-year time extension, extending the life of the map to May 26, 2009. Subsequently, SB 1185 granted an automatic one-year time extension for the Tentative Map, resulting in a new expiration date of May 26, 2010. Two subsequent, two-year legislative time extensions extended the map life until May 26, 2014. Assembly Bill (AB) 116, effective July 11, 2013, and AB 1303, effective October 10, 2015 granted two additional automatic two-year time extensions for the Tentative Map extending the expiration date to May 26, 2018.

Since all automatic time extensions have been exhausted for the project, the subject request is to allow the third discretionary one-year time extension through the consideration of the Planning Commission. The Applicant filed the subject request on April 24, 2018.

#### **ANALYSIS/DISCUSSION:**

Tentative Tract Map No. 5050 was approved May 26, 2005 concurrently with Initial Study Application No. 5124 and Classified Conditional Use Permit (CUP) No. 3084, based on a determination that the required CUP findings could be made. A copy of the original Subdivision Review Committee Report, Staff Report and Planning Commission Resolution is attached as

Exhibit 5. According to the Applicant, the subject request is necessary to allow additional time due to an economic downturn affecting residential development, and a reduction in demand for, and a surplus of, housing in the Shaver Lake area.

The current time extension request was routed to the same agencies that reviewed the original project. None of those agencies identified any change in circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Staff believes the third one-year time extension for Vesting Tentative Tract Map No. 5050 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to May 26, 2019.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve the third one-year time extension for Vesting Tentative Tract Map No. 5050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

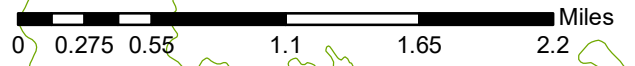
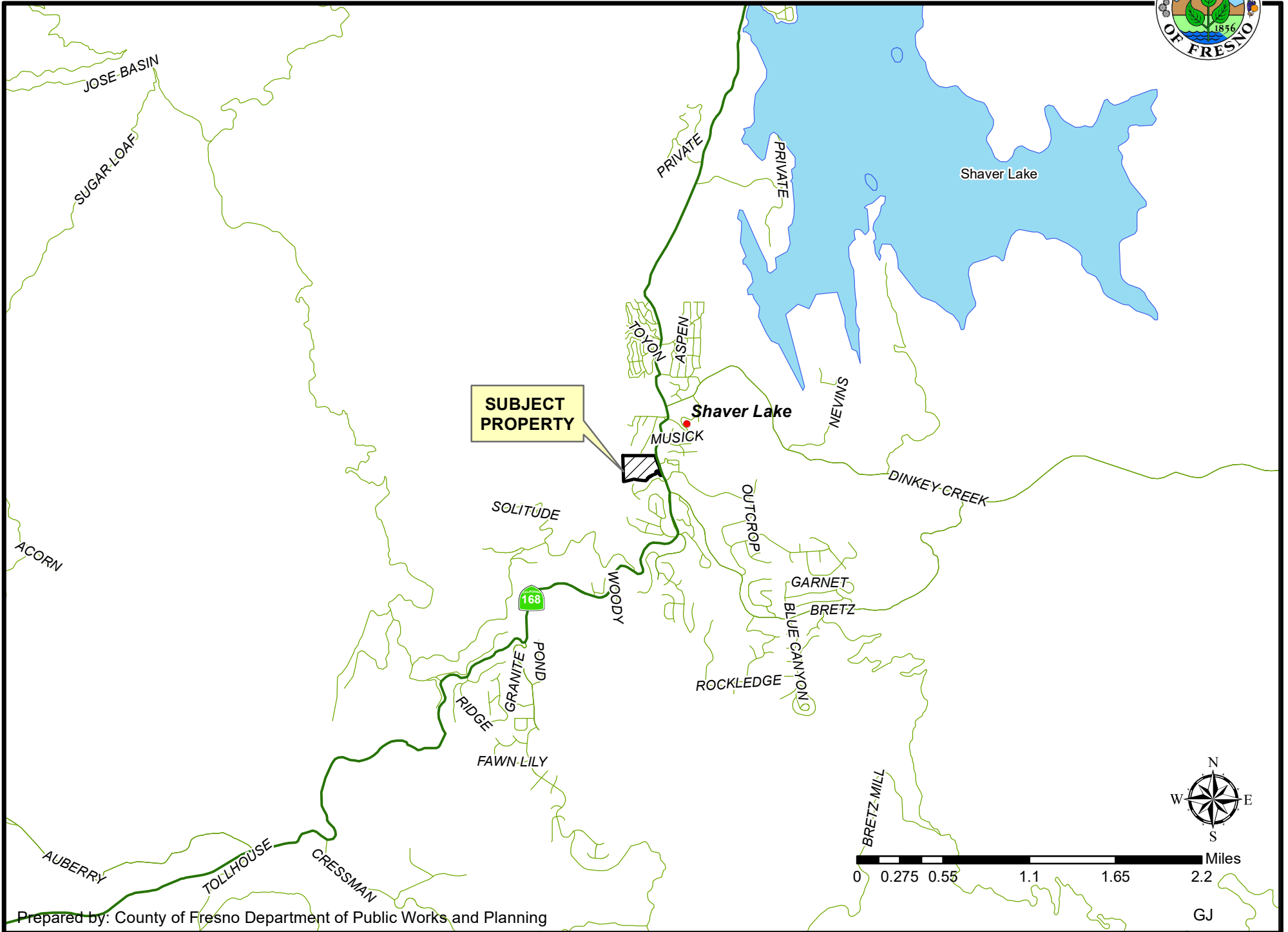
- Move to deny the third one-year time extension request for Vesting Tentative Tract Map No. 5050 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required in order to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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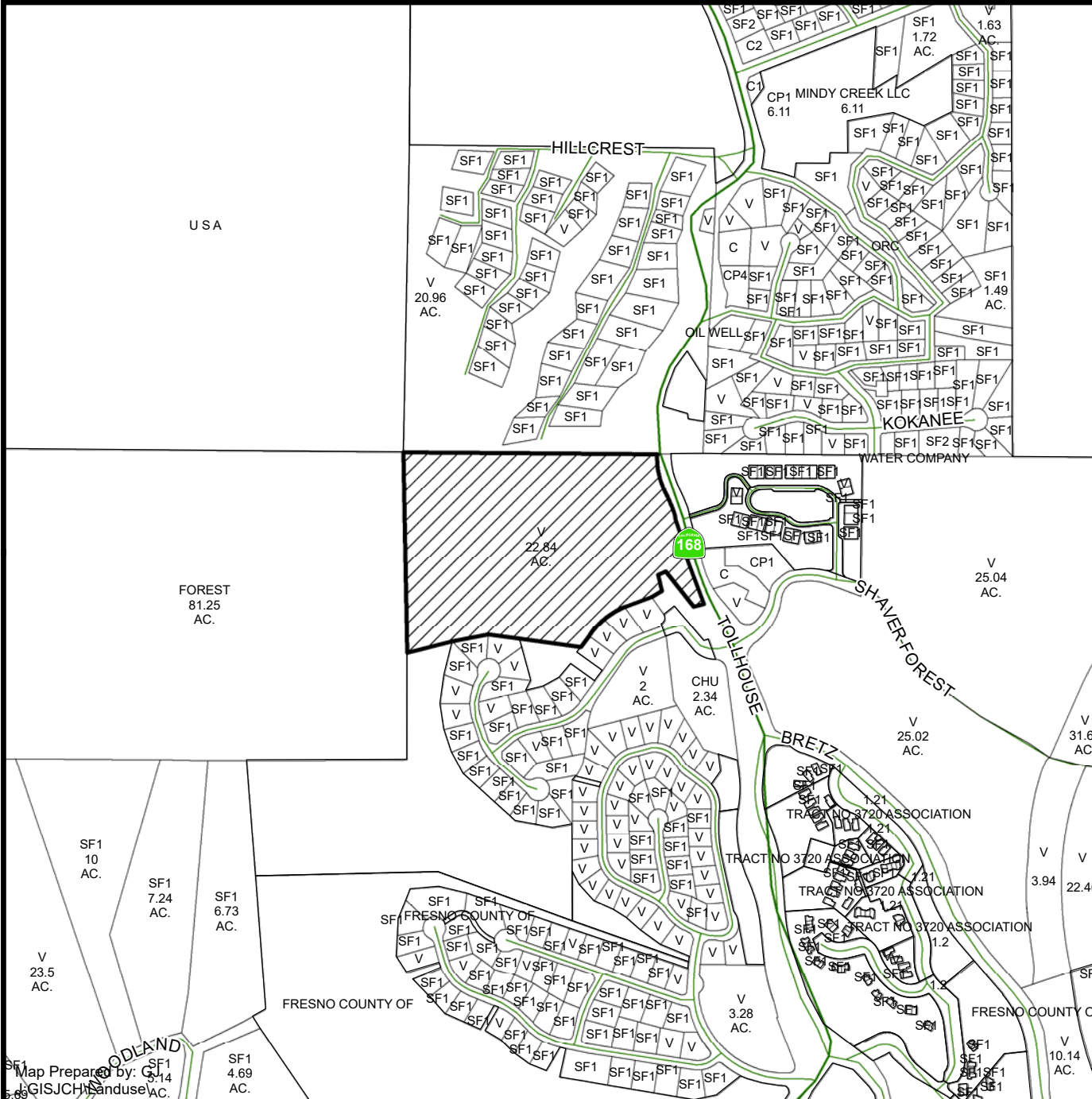
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# LOCATION MAP



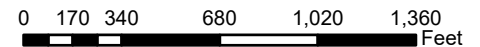
# EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
CP#	- OFFICE COMM/PROF
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

**LEGEND:**

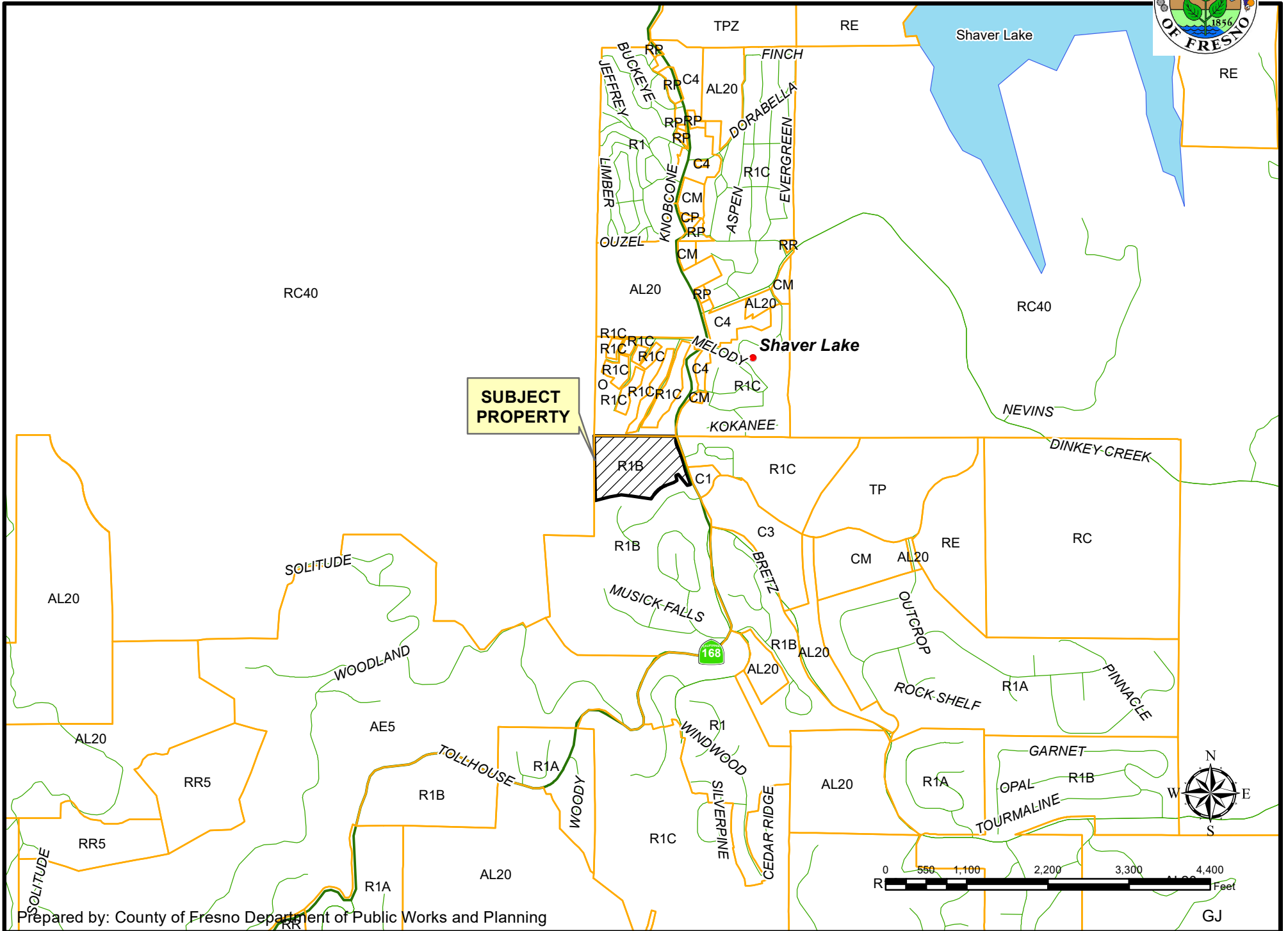
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

Map Prepared by: GIS/JCH/landuse

# EXISTING ZONING MAP





## Inter Office Memo

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DATE: October 2, 2008  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12121 – TENTATIVE TRACT MAP  
APPLICATION NO. 5050 (SECOND ONE-YEAR TIME EXTENSION)

APPLICANT: James Bratton

REQUEST: Grant a second one-year time extension for Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of State Route 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

### PLANNING COMMISSION ACTION:

At its hearing of October 2, 2008, the Commission, as part of its Consent Agenda, considered the Staff Report.

A motion was then made by Commissioner Niswander and seconded by Commissioner Milligan to approve the requested second one-year time extension for Tentative Tract Map Application No. 5050.

This motion passed on the following vote:

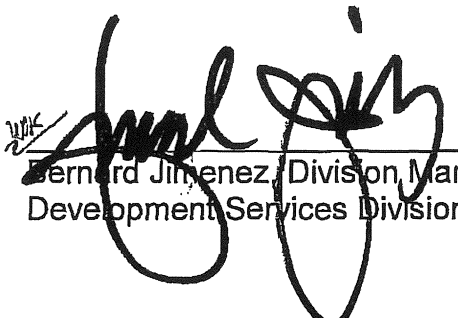
VOTING:     Yes:           Commissioners Niswander, Milligan, Acree, Errotabere,  
                                        Gill, Goodman, Woolf, Yancey

                    No:           None

                    Absent:       Commissioner Abrahamian

                    Abstain:     None

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

By:   
Bernard Jimenez, Division Manager  
Development Services Division

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## Inter Office Memo

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DATE: May 26, 2005

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124, TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084

APPLICANT: James Bratton  
OWNER: James Bratton

REQUEST: Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Classified Conditional) District.

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

### PLANNING COMMISSION ACTION:

At its hearing of May 26, 2005, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Goodman and seconded by Commissioner Milligan to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended findings of fact, and approve Tentative Tract Map Application No. 5050, including the four exception requests related to road width, road design, cul-de-sac length, and community well yield. Approval is subject to conditions listed in Exhibit "B", including additional conditions provided by the applicant requiring drip irrigation, County review of landscaping materials, dual water meters, and funding for study of supplemental water sources.

This motion passed on the following vote:

VOTING:      Yes:              Commissioner Goodman, Milligan Abrahamian, Ferguson,  
                                                                                                 Hammerstrom, Laub, Williamson

                                 No:              None

                                 Absent:        Commissioners Downing, Phillips

                                 Abstain:       None

A second motion was made by Commissioner Goodman and seconded by Commissioner Laub to adopt the Mitigated Negative Declaration prepared for the project and approve Classified Conditional Use Permit Application No. 3084, subject to the conditions in Exhibit "B".

This motion passed on the following vote:

VOTING:      Yes:              Commissioner Goodman, Laub, Abrahamian, Ferguson,  
                                                                                                 Hammerstrom, Milligan, Williamson

                                 No:              None

                                 Absent:        Commissioners Downing, Phillips

                                 Abstain:       None

CECIL LEONARDO, INTERIM DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:

  
\_\_\_\_\_  
Bernard Jimenez, Manager  
Development Services Division

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
  2. The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

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### Attachments

EXHIBIT "A"

Initial Study Application No. 5124  
Tentative Tract Map Application No. 5050  
Classified Conditional Use Permit Application No. 3084

- Staff: The Fresno County Planning Commission accepted the Staff Report dated May 26, 2005, and a summary staff presentation.
- Applicant: The applicant's representative concurred with the Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:
- Clustering of development is proposed in order to avoid wetlands, orange lupine, and damaging natural forest land.
  - A trail system and two tot lots for BBQ areas are provided for recreational use.
  - Snow will be stored in the areas between the parcels and on the tot lots.
  - All the issues identified in the two letters of concern that were received by the Department of Public Works and Planning have been taken into consideration when addressing the project.
  - Provided additional conditions to address landscaping, irrigation, dual water meters, and funding for water study. This will minimize inefficient water usage.
- Others: Two individuals presented information in support of the application and one individual requested clarification on the location of the wells for this application.
- Correspondence: Two letters were presented in opposition of the application.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5124  
Tentative Tract Map Application No. 5050  
Classified Conditional Use Permit Application No. 3084

CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084:

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.
3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Classified Conditional Use Permit shall also expire.
- \*4. To address potential impacts related to aesthetics and lighting the following shall be required.
  - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
  - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- \*5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

TENTATIVE TRACT APPLICATION NO. 5050:

A. SHAVER LAKE FOREST ROAD

NOTE: The subdivider received approval of an exception to the Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.



- \*1. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip)  
= \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip)  
= \$14,292.00

## B. INTERIOR ROADS AND CUL-DE-DACS

NOTE: The subdivider received approval of an exception to the above Subdivision Ordinance Improvement Standard that permits the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

1. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
3. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. All roads shall intersect as near to right angle as practicable.
5. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
6. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.

NOTE: The subdivider received a request that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

7. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall

include a soils report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

8. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
9. Slope easements outside of the road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

#### C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing

that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.

NOTE: The subdivider received approval of an exception to County Improvement Standard II H.7.e.5 requiring that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

8. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.
- \*10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

#### D. SEWER

1. The development shall be served by the community sewer system.
2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
3. The sewer system shall be provided with minimum size mains of 8 inches.

#### E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.

2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- \*5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

#### F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
2. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

#### G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

#### H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.

2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

- \*1 In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:
- a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
  - b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
  - c. The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
  - d. Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act



Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.

- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.
- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
  - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
  - ii.) A discussion of the importance of pet restrictions.
  - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
  - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.

- v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
  - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
  - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location, "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- \*3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
- a. Compliance with the state and federal wetland permit requirements.
  - b. Possible degradation of wetland areas from erosion and sedimentation.
  - c. Compliance with the wetland area "NO BUILD, NO DISTURB".
  - d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
  - e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- \*4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the

responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.

- \*5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- \*6 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. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.

J. OTHER CONDITIONS:

- \*1. To address potential impacts related to aesthetics and lighting the following shall be required.
  - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
  - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- \*2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential

Water Heaters). This requirement shall be noted on the design plans and specifications.

- \*3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

K. ADDITIONAL CONDITIONS SUPPLIED BY THE APPLICANT

1. Prior to recordation of the project's final map, a list of landscaping materials that may be used within Tentative Tract Map No. 5050 shall be approved by Fresno County.
2. Only drip irrigation shall be allowed within the project. A covenant running with the land shall be recorded providing notice to all buyers regarding these restrictions.
3. The applicant proposes to pay Fresno County a water fee of \$500.00 per lot for 50 lots for a total of \$25,000.00. Said funds shall be used for the research and development of supplemental water sources for eastern Fresno County of other areas as determined by Fresno County. This fee will be paid at the time of recording the final map for Tentative Tract Map No. 5050.
4. The applicant shall install dual water meters for each lot within Tentative Tract Map No. 5050. One meter will be for domestic water supply and the other meter will be for landscape irrigation purposes. All such meters shall be equipped with remove read sensors. The homeowner will be able to remotely sense and monitor their water use as will the county if it so chooses.

\* MITIGATION MEASURE – Measures 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.

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## County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
SEVERO ESQUIVEL  
INTERIM DIRECTOR

June 13, 2005

James A. Bratton  
55 Shaw Avenue, Suite 205  
Clovis, CA 93612-3819

Dear Mr. Bratton:

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124,  
TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED  
CONDITIONAL USE PERMIT APPLICATION NO. 3084

On May 26, 2005, the Fresno County Planning Commission approved with conditions the subject application. A copy of the Planning Commission resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days the Planning Commission's decision is final.

The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Sincerely

Brian Ross, Planning & Resource Analyst  
Development Services Division

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Enclosure

C: Charlie Maxwell  
Strahm Family LP  
Joe Guagliardo

### DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893  
Equal Employment Opportunity • Affirmative Action • Disabled Employer



## County of Fresno

Department of Public Works and Planning  
**CECIL LEONARDO**  
Interim Director

### **Planning Commission Staff Report Agenda Item No. 5 May 26, 2005**

**SUBJECT: Initial Study/Environmental Assessment No. 5124  
Classified Conditional Use Permit Application No. 3084**

Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

**LOCATION:** The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

Applicant: James Bratton  
Owner: James Bratton

**STAFF CONTACT: Brian Ross, Planning & Resource Analyst  
(559) 262-4324**

**Will Kettler, Principal Staff Analyst  
(559) 262-4242**

#### **RECOMMENDATION:**

Adopt Mitigated Negative Declaration prepared for Initial Study Application No. 5124, and approve Classified Conditional Use Permit Application No. 3084 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

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## **REGIONAL JOBS INITIATIVE:**

On December 3, 2003, the Board of Supervisors adopted a joint resolution of the Fresno City Council, the Clovis City Council, and the Board of Supervisors declaring their commitment to work collaboratively towards the goals of the Regional Jobs Initiative (RJI).

The mission of the RJI is to develop short and long-term comprehensive strategies aimed at creating 25,000 to 30,000 net new jobs within five years at an average salary of \$29,500, to diversify the Fresno regional economy and establish a foundation for sustainable growth to combat chronic double-digit unemployment.

If approved, this proposal should not impact the long-term objectives of the RJI for the creation of jobs in Fresno County. There may be substantial short-term job opportunities for activities associated with construction of the residential property.

## **EXHIBITS:**

1. Location Map
2. Zoning Map
3. Land Use Map
4. Site Plan (Tract Map)
5. Operational Statement
6. Required Findings for the Granting of a Conditional Use Permit
7. Correspondence

## **PROJECT DESCRIPTION / OPERATIONAL STATEMENT SUMMARY:**

Listed below are key features of the project based on information contained in the applicant's site plan (tract map) and Operational Statement (Exhibits 4 and 5).

### **Proposed Use:**

- 50 single-family residences to be placed on individual "foot-print" lots.

### **Project Site:**

- 22.84-acres

### **Existing Improvements:**

- None

**Proposed Improvements:**

- 50 single-family lots
- Interior road system
- Recreational trail and gazebo
- Community water and sewer improvements
- Drainage facilities
- Fire protection improvements

**ENVIRONMENTAL DETERMINATION:**

Initial Study No. Application 5124 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study and Mitigation Measures are included as Exhibit 5 of the staff report for Tentative Tract Map Application No. 5050.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: May 6, 2005

**PUBLIC NOTICE:**

Notices were sent to 83 property owners within one-quarter mile of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission (Exhibit 6).

The decision of the Planning Commission on a Classified Conditional Use Permit is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

- Use of Subject Property: Vacant
- Surrounding Land Uses: Single Family Residential, Condominiums, Vacant Land, Open Space



- Surrounding Parcel Sizes: 20,000 square feet to 150.00 acres
- Nearest Residence: Adjacent property to the south.
- General Plan Land Use Designation: Condominiums in the Shaver Lake Forest Specific Plan
- Zoning: R-1-B(c) (Single Family Residential, 12,500 square-foot minimum lot size, Conditional) District
- Development Standards: Minimum building setbacks to property lines (35' front, 10' side, 20' rear)
- Public Road Frontage: Tollhouse Road (State Route 168)
- Public Road Access: Shaver Forest Road via State Route 168

Proposal:

Classified Conditional Use Permit Application No. 3084 and Tentative Tract Map Application No. 5050 are being considered concurrently to allow a 50-unit Planned Residential Development. Development will take place on a 22.84 acre parcel. Overall project densities yield one dwelling per 19,898 square feet. This results in development that is lower density than the R-1-B(c) density standard of one dwelling per each 12,500 square feet of lot area. The property, as well as parcels to the immediate south, are conditional zoned, which limits the use of the subject properties to planned residential developments that will not to exceed a total of 157 single family residential units. Currently, 90 single family residential units are approved on the parcels to the south of the subject property, making the proposal conform to zoning.

The Planned Residential Development concept allows deviation of property development standards (i.e. setbacks, lot coverage, etc.) where development results in a unified, integrated whole that incorporates outstanding design features and amenities. The project will result in the following reduced standards in order to provide greater open space amenities to benefit property owners:

- Reducing lot sizes to 2,262 (designated as "foot print" lots).
- Reducing lot widths to 26 feet (80 feet required)
- Reducing lot depths to 87 feet (100 feet required)

- Reducing the front yard (35 feet required), side yard (10 feet required), and rear yard (20 feet required) setbacks to allow no setback requirements.

The applicant has also requested an exception to subdivision standards as it relates to road requirements. Those exception requests have been addressed in the Subdivision Review Committee Report.

**STAFF ANALYSIS/REQUIRED FINDINGS OF FACT:**

A Conditional Use Permit Application may be approved only if four findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission. The following analysis addresses each of the required findings:

Finding 1: *That the site for 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 the Zoning Ordinance to adjust said use with land and uses in the neighborhood.*

The subject property is located within a mountain forested area in the Shaver Lake Community. The subject property is sloped. The central portion where residential development is proposed maintains 0-15% grades. The eastern portion of the property maintains grades between 15-30% and the western portion, consisting primarily of rock outcroppings, has grades in excess of 30%. Development Engineering Section staff have reviewed the location of the building pads and roadways in relationship to the existing slopes as shown on the tract map and find that development will not exceed permitted slopes for building and road development.

The subject property is traversed by natural drainage courses. To ensure that these channels are preserved and maintained, the Development Engineering Section of the Public Works and Planning Department is recommending that provisions be made to maintain the natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of parcels adjacent to the development. The concurrent tentative tract map application addresses this concern.

The subject parcel is 22.84 acres in size. Under this request, the applicant is proposing to create 50 residential lots at approximately 2,600 square feet. The applicant's development plan avoids impacts to Wetlands, Orange Lupine, rock outcroppings, and steep slopes by preserving these areas in open space. The open space provides buffers between the houses and the overall density of the subdivision does not exceed the requirements of the R-1-B zoning. The applicant's map provides for necessary setbacks from the Wetlands and Orange Lupine areas. Analysis of the tentative tract map submitted by the applicant indicates that the

subject 22.84 acres is adequate in size and shape to accommodate the proposed 50-lot planned residential development, the interior road system, the pedestrian paths, gazebos, and small recreation area (i.e. tot lot and barbeque area).

The proposed "footprint" residential building lots are a minimum of 2,262 square feet in size. The R-1-B District requires a minimum of 12,500 square feet per lot area under normal circumstances. The Planned Development concept, however, allows departure from standard property development standards when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities.

In this case, the applicant's development proposes to group residential development around a centrally located Wetland area. The proposed development provides for recreational amenities including a pedestrian pathway and look-out gazebos located within the northwest and southwest portions of the property. Additionally, the development proposes attached garages providing for two parking spaces for each unit, which exceeds the one covered parking space requirement of the R-1-B District.

Development proposes a zero yard setbacks and smaller "foot print" lot sizes in order to cluster residential units in a manner that provides for the preservation of greater amounts of open space area including: the centrally located Wetland and smaller Orange Lupine areas, rock outcroppings, and steep slopes. Staff believes that the provisions of the planned residential development concept are achieved in this proposal.

Based upon the above findings, staff believes that Finding 1 can be made.

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

Access to the project site will be from Shaver Forest Road via State Route 168. Shaver Forest Road is classified as a local road and State Route 168 is classified as a Collector Road/Proposed Freeway in the Shaver Lake Community Plan.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact

Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5 of the staff report for Tentative Tract Map Application No. 5050).

The interior road system is being developed to serve the 50-lot residential development. The concurrent Tentative Tract Map Application No. 5050 requests exceptions to the Subdivision Ordinance that would reduce the width of proposed roads from 32 feet to 22 feet and the design for a 10 mile per hour speed. If the exceptions are granted as recommended by the Development Engineering Section, staff believes that the interior road system would be adequate to accommodate proposed traffic.

Based upon the above information, and staff's recommendation in the Subdivision Review Committee Report, staff believes that Finding 2 can be made.

Finding 3: *That the proposed use will have no adverse impact on the abutting property and surrounding neighborhood or permitted use thereof*

The subject property is designated as Condominiums in the Shaver lake Forest Specific Plan and located within a mountainous residential area. The subject site is surrounded by single-family residential development to the immediate north and south, and condominium development to the west (on the west side of SR 168). The proposal is compatible with the existing surroundings. Open space and grazing land, designated as public lands and open space in the Sierra North Regional Plan, is located to the west of the parcel.

An Initial Study was prepared for this project. The Initial Study identified a number of potential environmental impacts associated with this project. Potential impacts related to soil compaction, air, noise, biological impacts, population density, and light/glare were determined to be less than significant with mitigation measures applied. The Initial Study has recommended appropriate mitigation measures that are being incorporated as conditions of project approval. Potential impacts related to soil erosion changes in absorption rates, drainage patterns and the rate and amount of surface runoff were determined to be less than significant since they are addressed by the County Grading and Drainage Ordinance.

The project was reviewed by the San Joaquin Valley Unified Air Pollution Control District. The District indicates that the project will contribute to the overall decline in air quality due to an increase in traffic, the operation of lawn and garden equipment, and space and water heating if gas-fired appliances are used. The District indicates that the project will be subject to District rules and regulations pertaining to wood burning, residential water heaters and fugitive dust. Suggested mitigation measures have been applied as conditions of approval and have been agreed upon by the developer.

The California Department of Fish and Game has reviewed the project and has identified several potential impacts to biological resources that exist on-site. Mitigation measures have been recommended and agreed upon by the applicant to protect the centrally located Wetland and the Orange Lupine areas. Additionally, mitigation measures require continuous monitoring by a certified biologist of endangered habitat by and an educational program for homeowners to insure the preservation of animals and plant life on-site.

Fire protection services for the proposed development will be provided by the Shaver Lake Community Fire Protection District. The subject parcel is located within the California Department of Forestry "State Responsibility Area" and therefore, is subject to standards relating to building setbacks, driveway construction and gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. The California Department of Forestry did not issue any comments of concern, but has stated that development will be required in accordance with CDF requirements.

Staff has received two letters of opposition from neighboring residents. One letter states concerns about the proposed density, removal of natural resources, traffic impacts, noise impacts, and aesthetic impacts. The Initial Study prepared for this project addresses these concerns. Mitigation measures addressing these issues have been included as conditions of approval.

The second letter indicates concerns related to potential odor impacts associated with wastewater treatment. Staff has been advised by the Resources Division of the Public Works and Planning Department that the Waterworks District No. 41 wastewater treatment plant is scheduled to be expanded and renovated this summer in order to accommodate the new development and address odor problems. Both letters address concerns with water quantity, which has been addressed in the Initial Study with a mitigation measure included.

Based on the information above and with the conditions, mitigation measures, and notes imposed on the project, staff believes the proposed development will not have an adverse effect on surrounding properties and that Finding 3 can be made.

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

The subject 22.84-acre project site is designated Condominiums in the Shaver Lake Forest Specific Plan and is zoned R-1-B (Single-family residential, minimum 12,500 square foot lot size) District. Given 50 proposed units, this proposal would allow a gross density of one unit per 19,898 square feet of lot area, which is a lower density than if described at the minimum 12,500 square-foot standard.

The Open Space policies of the Specific Plan require that Condominium projects set aside sufficient open space areas for the enjoyment of the property owners and that this common open space be retained in its natural state. The Policies indicate that the open space areas should be held in common as an undivided interest and shown as "outlots" or "easements" within the subdivision.

This project proposes approximately 50%, or 11.3-acres to be preserved for open space and recreation use. This recreation space includes a designated pedestrian trail that provides for hiking around the perimeter of the development and two gazebos located within the southwest and northwest corners of the tract adjacent the trail. The open space being preserved includes a large centrally located wetlands area and an orange lupine area located in the northwest portion of the tract. The project also contains a small tot lot and barbeque area located near the development entrance.

One of the provisions in the Shaver Lake Forest Specific Plan is that subdivision shall provide an integrated pathway system. The tentative map shows that a pedestrian trail looping around the residential units. The pedestrian trail provides access to the gazebos, located on the northwestern and southwestern corners of the parcel. There are no pedestrian trails located on the adjacent subject properties. However, a condition is included requiring the trails system be continuous and that this be accessible to residents of adjoining subdivision within the area covered by the Specific Plan. This condition is consistent with requirements imposed on other approved tract maps within the Specific Plan area.

The Water Resources Policy of the Shaver Lake Forest Specific Plan requires that community sewer and water services be provided for this density of development. The applicant proposes connection to Waterworks District No. 41(WWD 41) for community water and sewer services. The applicant will utilize four water wells. A hydro-geologic report was conducted, which demonstrated that the projected yield for the above mentioned wells was 31.55 gallons per minute over a 120-day cumulative test.

The State Department of Health Services, Office of Drinking Water, which regulates the Fresno County Water Works District No. 41, reviewed the report and identified water source capacity limitations and potential impacts to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who

requested the above mentioned additional information be submitted with respect to groundwater supply.

After review by the Fresno County Resources Division and the State Department of Health Services, it was determined that prior to recordation of a final map, that an additional water well be required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.

The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an unrelated adjacent 118 space mobile home park) are required to be reduced from 31.55 gallons per minute to 23.7gallons per minute. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project. An exception request was filed by the applicant to except wells that produce less than 10 gpm. That exception request has been evaluated and approved by the Department of Public Works and Planning.

Policies related to public services and facilities in the Specific Plan are implemented through the Master Implementation Agreement. This agreement was executed in conjunction with the formation of the Shaver Lake Community Facilities District. The Implementation Agreement requires that the development of this property be subject to providing all required public facilities including community water and sewer systems, road improvements, fire protection facilities, underground utilities, school facilities, and snow removal equipment. Payment of the development fees or provision of the facilities will be required in accordance with the Implementation Agreement.

The Specific Plan identifies fuelbreaks on the western portion of the site, which are rock outcroppings, and on the eastern portion of the site, along State Route 168. The nearest residential unit to the designated fuelbrakes are approximately 40 feet. The California Department of Forestry and Fire did not express any concerns.

The Board of Supervisors has recently directed that a finding mechanism be established to provide for a minimum level of Sheriff services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A condition has, therefore, been included in the Staff Review Committee Report requiring creation of a community facilities district or

other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5).

Fresno County General Plan Policy OS-D.4 recommends that the County require protection zones and buffers around natural watercourses such as wetland areas in order protect this highly valuable wildlife habitat. The subject property contains a creek and wetland area approximately 1.52-acres in size. The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the California Department of Fish and Game. The Department has approved the applicant's design and the recommended mitigation measures that have been included to require the protection of the wetlands and the lupine.

Policy PF-1.7 of the School and Library Facilities Policies of the General Plan state that the "County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development."

The subject property is located within the Pine Ridge Elementary and Sierra Unified School Districts. These Districts have adopted a resolution requiring the payment of a construction fee. The County, in accordance with the State law that authorizes the



fee, may not issue a building permit without certification from the school district that the fee has been paid. While this project was routed to the school districts for review and comment, no comments were received.

Based on information and findings provided above, staff believes that Finding 1 can be made.

### **CONCLUSION:**

Staff believes the required findings can be made based on the factors cited in the analysis, the recommended conditions, and the notes regarding mandatory requirements. Staff, therefore, recommends that Classified Conditional Use Permit Application No. 3084 be approved.

### **PLANNING COMMISSION MOTIONS:**

#### **Recommended Motion** (approval action):

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 5124;
- Move to determine the required Classified Conditional Use Permit findings can be made and move to approve Classified Conditional Use Permit Application No. 3084 subject to recommended conditions.
- Direct the Secretary to prepare a resolution documenting the Commission's action.

#### **Alternative Motion** (denial action):

- Move to determine one or more of the required findings can not be made for the following reasons [state which finding(s) and reason(s)] and move to deny the project.
- Direct the Secretary to prepare a resolution documenting the Commission's action.

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

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.

3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Conditional Use Permit shall also expire.
- \*4. To address potential impacts related to aesthetics and lighting the following shall be required.
  - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
  - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- \*5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

\* MITIGATION MEASURE – Measures 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:**

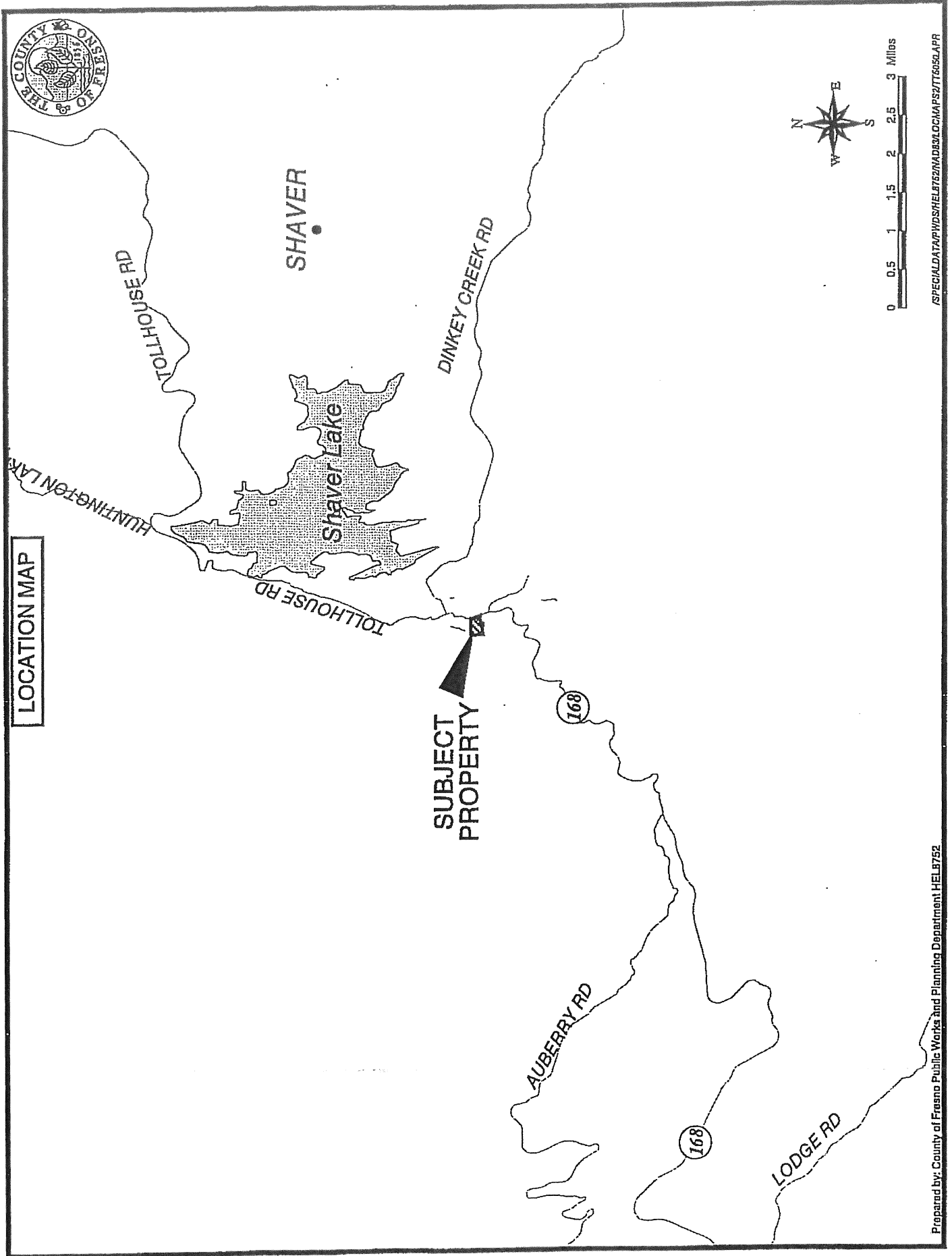
**The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.**

1. The Pine Ridge Elementary and Sierra Unified School District in which you are proposing construction has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
2. Construction activity including grading, clearing, grubbing, filing, excavation, development or redevelopment of land that results in a disturbance of five acres or more (or less than five acres if part of a larger common plan of development or sale) must secure a construction storm water discharge permit in compliance with U.S.E.P.A.'s NPDES regulations (CFR Parts 122-124, November, 1990).

3. The proposed development shall implement all applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, to reduce the release of pollutants in storm water runoff to the maximum extent practicable.

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EXHIBIT 1



Prepared by: County of Fresno Public Works and Planning Department HELB752

/SPECIALDATA/PWDSPH/ELB752/AND834/LOC/APS2/TT160504.APR

# EXISTING ZONING MAP

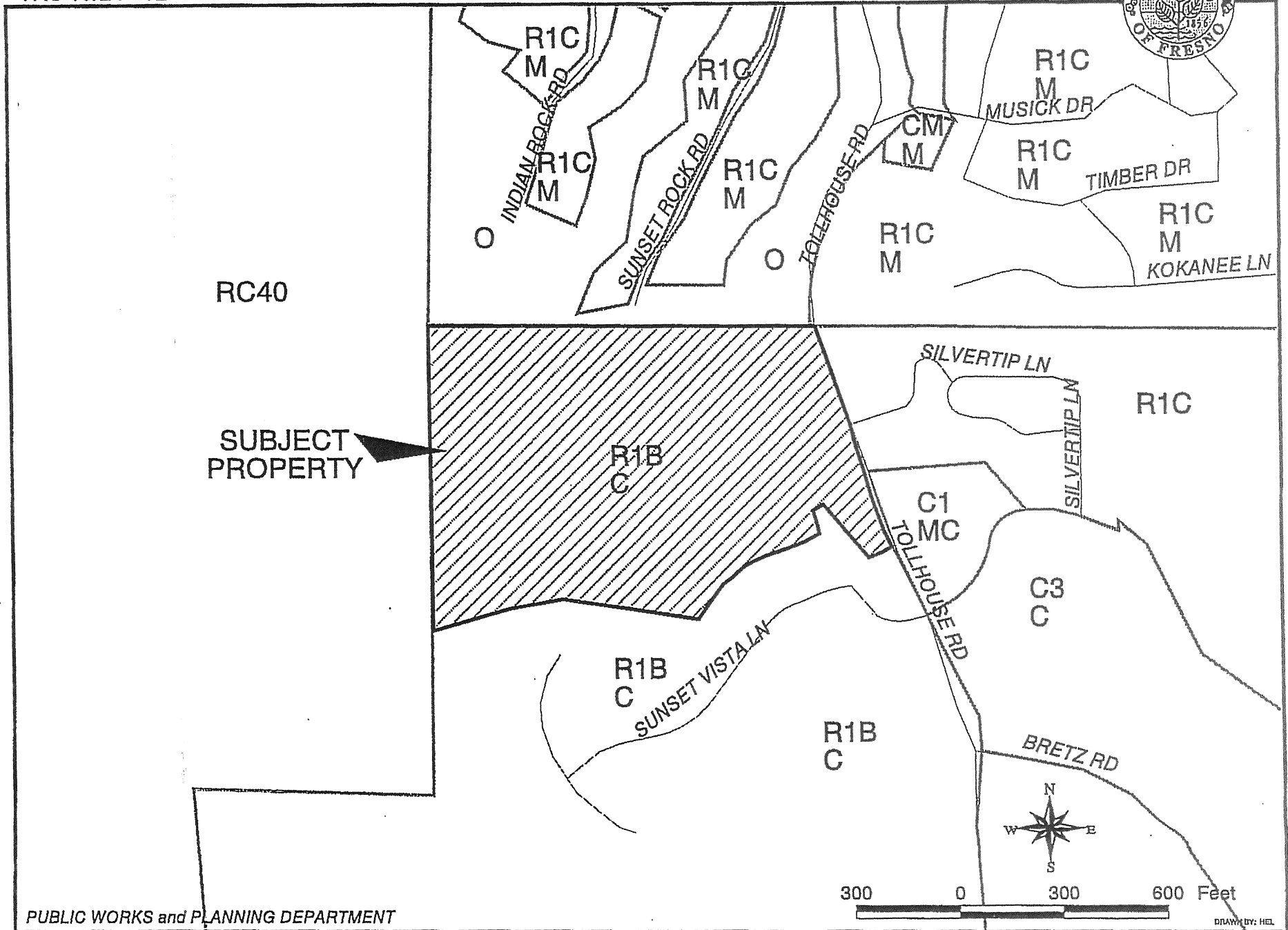
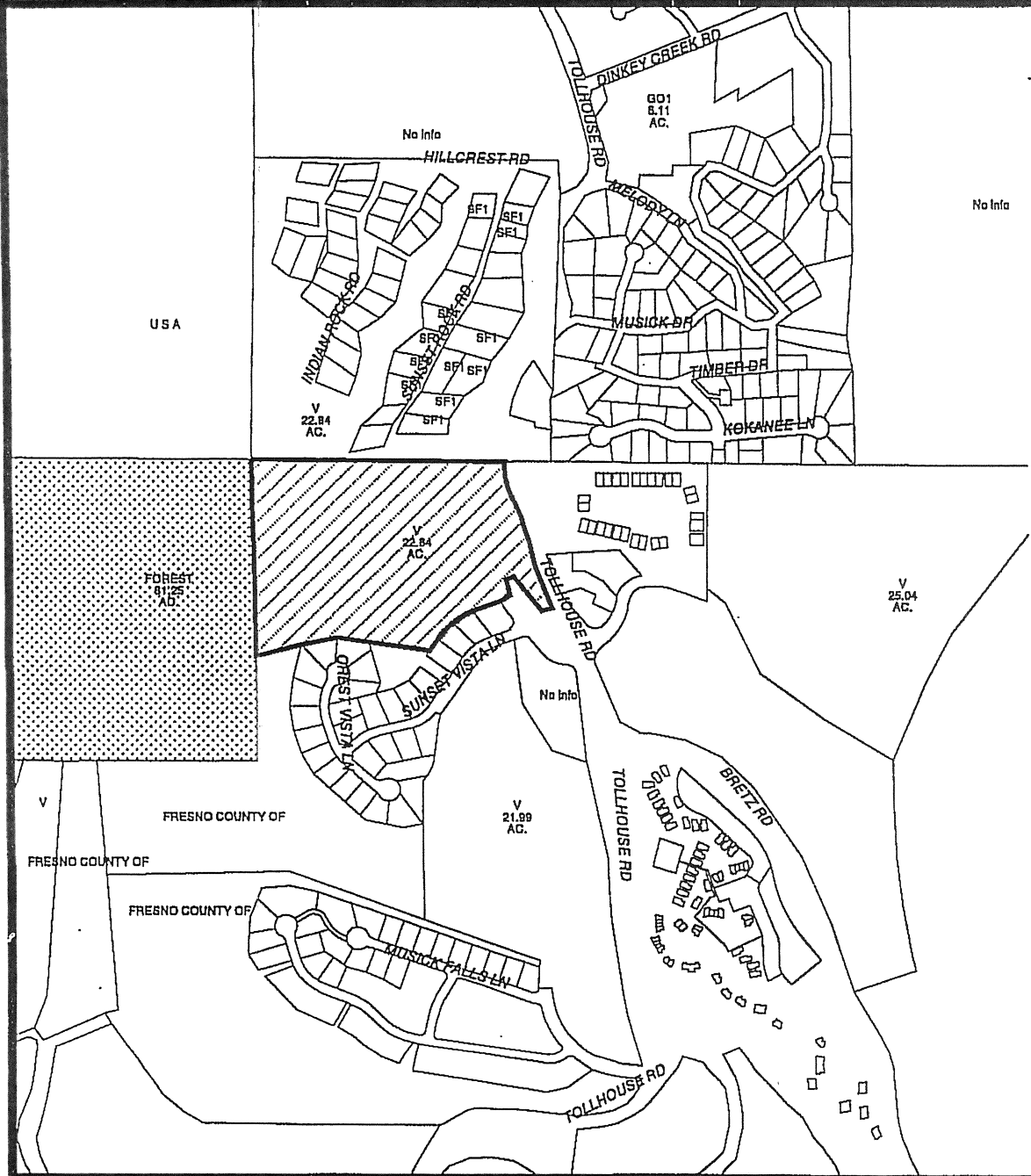


Exhibit 2 - Page 1

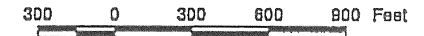
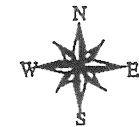
EXHIBIT 2

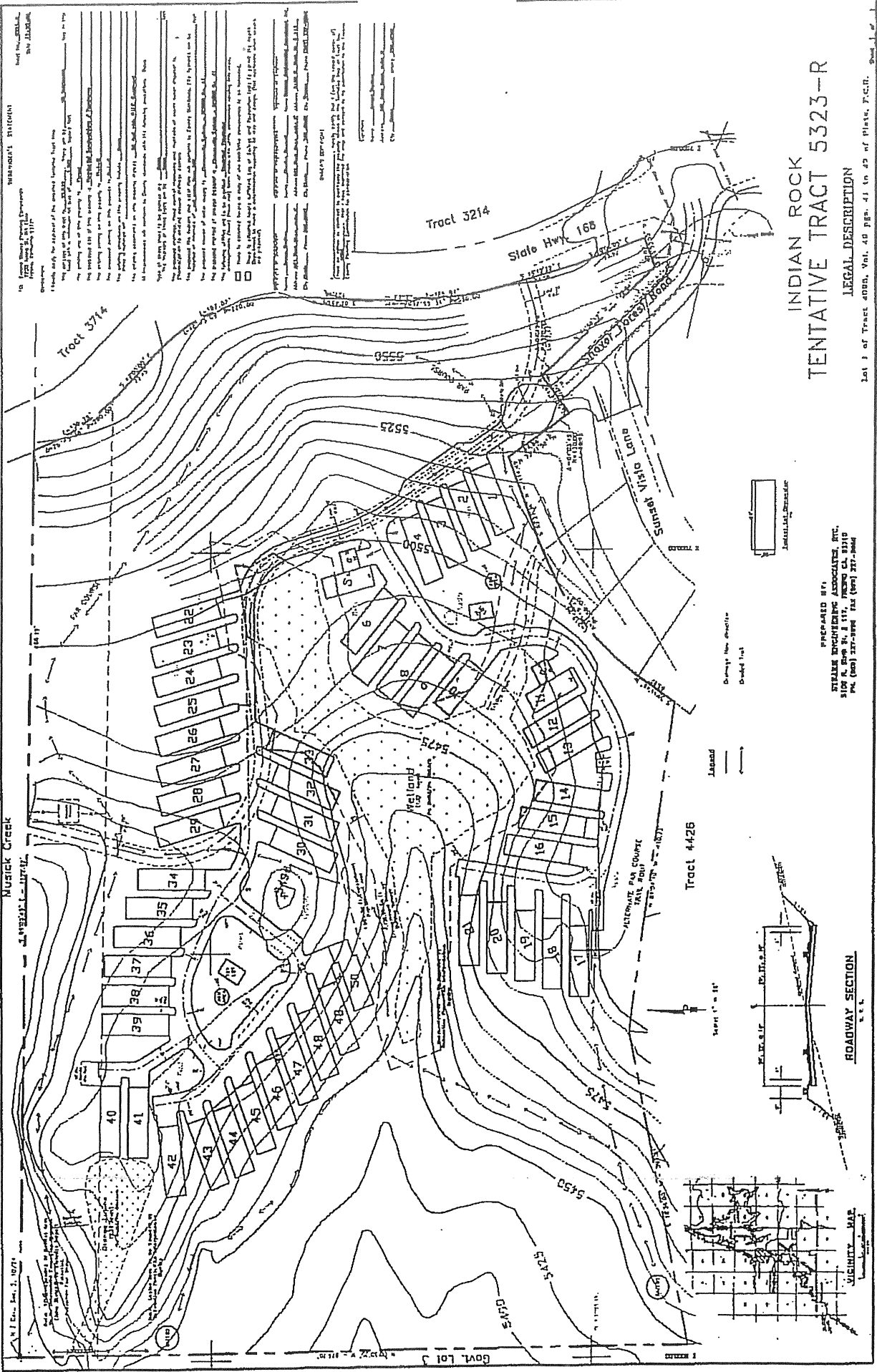
# EXISTING LAND USE MAP



Legend	
C - COMMERCIAL	
CHU - CHURCH	
CP# - OFFICE COMM. / PROF	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

 Subject Property  
 Ag Contract Land





INDIAN ROCK  
TENTATIVE TRACT 5323-R  
LEGAL DESCRIPTION

Lot 1 of Tract 4008, Vol. 40 pgs. 41 to 45 of plate, F.C.R.

PREPARED BY:  
STARK ENGINEERING ASSOCIATES, INC.  
5100 N. 2nd St., # 117, Fresno, CA 93710  
PH. (559) 337-3800 FAX (559) 337-3804

**WATERWAYS' STATUTES**  
 16. Every person who...  
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## EXHIBIT 5

### INDIAN ROCK TOWNHOMES AT SHAVER LAKE PROJECT DESCRIPTION

March 22, 2005

Applications are for a tentative tract and conditional use permit for a 50 unit, planned residential development townhome project in the R-1-B District employing private gated roads. The land use type and density is pursuant to the Shaver Lake Forest Specific Plan. Community sewer and water service is by Fresno County Waterworks District No. 41.

This project within Community Facility District No. 1 and is subject to the Interdeveloper Agreement and the Developer-County Fees Agreement for public infrastructure costs reimbursement.

Extension of Shaver Forest Road beyond Sunset Vista Lane would be as a gated entrance private road. Road width from that intersection to the first interior intersection would be 24 feet with roads beyond that point being of 20-foot width for two-way traffic and 18-foot width for one-way traffic. Common driveways (access to a building cluster) would be of 16-foot width.

The project area consists of approximately 22.8 acres, has a substantial elevation change (125 feet +/-), scenic views and a wetland area of approximately 1.52 acres. In light of these unique site opportunities, Tentative Tract 5050 is proposed to be developed as a "Planned Residential Development". As explained in §855-N.20 of the Fresno County Zoning Ordinance, "Planned Developments are intended to promote the efficient use of land through increased design flexibility and quality site planning.

In order to protect the wetlands and create a site design that takes into account the elevation changes, the following development standards are requested to be modified:

1. Lot Size

- a. The minimum lot size in the R-1-B zone district is 12,500 square feet.
- b. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot size being requested is 2,262 square feet.

2. Lot Width

- a. Interior lots
  - i. The minimum lot width in the R-1-B zone district is 80 feet.
  - ii. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot width being requested is 26 feet.



- b. Corner lots
  - i. The minimum corner lot width in the R-1-B zone district is 90 feet.
  - ii. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot width being requested is 26 feet.
- 3. Lot Depth
  - a. The minimum lot depth in the R-1-B zone district is 110 feet.
  - b. Because the proposed development is a planned development, the minimum lot size is the footprint of the building. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum lot depth being requested is 87 feet.
- 4. Front Yard Setback
  - a. The minimum front yard setback in the R-1-B zone district is 35'.
  - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum setback being requested is 0' feet.
- 5. Side Yard Setback
  - a. The minimum side yard setback in the R-1-B zone district is 10'.
  - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. However, the buildings will maintain a minimum setback of 10' from one another. Therefore, no modification to the side yard setback is being requested.
- 6. Rear Yard Setback
  - a. The minimum rear yard setback in the R-1-B zone district is 20'.
  - b. Because the proposed development is a planned development, the footprint of the building is the parcel, so there is no building setback. All other areas are held as a common interest by the Homeowner's Association. Therefore, the minimum setback being requested is 0' feet.
- 7. Roads
  - a. All roads within the project area will be maintained by the Homeowner's association.
  - b. An internal road design of 22' is requested.

The following amenities are offered as an offset to the project development modifications requested above.

- A. Two tot lots
  - a. One tot lot located in the southeast quadrant of the project area.
  - b. One tot lot located in the northwest quadrant of the project area.

- B. Two Bar-B-Que areas
  - a. One Bar-B-Que area located in the southeast quadrant of the project area.
  - b. One Bar-B-Que area located in the northwest quadrant of the project area.
- C. Protection of approximately 1.52 +/- acres of wetland areas.
- D. Creation of 25 +/- foot setback along perimeter of wetland areas.
- E. Two scenic overlook gazebos.
  - a. One gazebo to be located at the southwest quadrant of the project.
  - b. One gazebo to be located at the northwest quadrant of the project.
- F. An interpretative nature trail that circulates around and through the project.
- G. An exercise "par course" that runs around the perimeter of the project.

Significant open space is realized through clustering of the units. Each unit would be provided a two-car garage with additional parking at locations throughout the project for overflow/guest parking. Common area, roadways and building exterior maintenance would be by a properly constituted homeowners association that would be subjected to County and Department of Real Estate approvals.

Development of the project would be in phases. Site improvements would be constructed in two phases with the southerly area being Phase 1 and the northerly area being Phase 2. Building construction would be building-by-building.

Varying elevations and floor plan modifications may be employed for best site fit (split-level, living area over, living area under configurations) as warranted and as dictated by market conditions.

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## EXHIBIT 6

### REQUIRED FINDINGS NECESSARY FOR GRANTING A CONDITIONAL USE PERMIT APPLICATION

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.

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RECEIVED  
MAR 21 2005

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

March 17, 2005

Fresno County Planning Commission  
Mr. Brian Ross  
2220 Tulare Street  
Fresno, CA 93721

Re: Initial study application 5124  
Tentative Tract Application No. 5050  
Use Permit application no. 3084 by James Bratton

Dear Sirs;

This letter is to state that we are strongly opposed to the above referenced application to re-zone this parcel in order develop 50 residential lots of 2262 sf on 22.84 acres verses the currently allowable R-1-B 12,500 sf minimum lot size. Additionally, we are also opposed to allowing the construction of a 50 unit planned residential development in this area as well. Unfortunately we will be out of state for the hearing or we would attend. The following are my brief feelings regarding this manner.

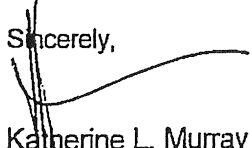
Our lot, purchased two years ago is adjacent to the subject property. We purchased this lot due to the amazing views of the Fresno Valley, the view of Indian Rock, and the beautiful natural granite outcroppings and trees in this area. I feel that increasing the density more than FIVE TIMES what is currently allowable would A) not fit with the surrounding developments, (we bought our property in an area of nice homes and spacious lots, next to an equally beautiful property with the same zoning, assuming the forthcoming development would be similar to our area) and B) would not capitalize on the amazing natural resources found in this area. Generally, condos and/or tract housing is not designed to be site adapted in order to fit the geological intricacies of a specific property. Rather the property is destroyed to fit the maximum number of units in an area to make the most money. In general building 50 units with 2-3 specific floor plans/models would cause a lot of trees to be removed, and just building the infrastructure would be detrimental to this parcel of land. The view of Indian rock might now be through the obscure bathroom window of an end unit. And we might be looking at asphalt shingle roofs, T111 siding, and a parking lot full of cars vs. beautiful custom homes designed to fit and optimize the existing landscape and natural resources of this area. I feel this property was zoned as it was to protect the property and the serene beauty of this area.

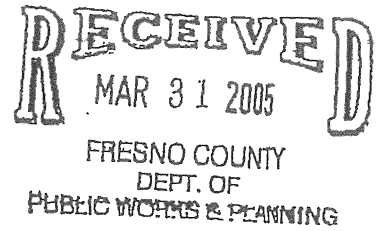
Additionally, developing this many units in the area would cause traffic impacts, noise impacts, tree removal, and view shed issues, which would all be required to be mitigated by the applicant.

I am aware that the Shaver Lake area needs some more affordable housing/rental units, but the developer should find a parcel of land zoned for this purpose in order to maintain the quaint, serene nature of Shaver Lake and the surrounding areas. Developing this parcel according to it's existing zoning will still be profitable to the owner. To go from cabins, and mountain homes to a bunch of condos just doesn't seem right, especially on this parcel of land.

Thank you for your time, and please keep us informed of any further development issues on this parcel.

Sincerely,

  
Katherine L. Murray  
1411 Sierra Drive  
Arroyo Grande, CA 9342



March 29, 2005

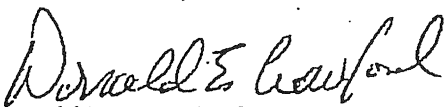
Re: Application No. 5124  
Tentative Tract Application No. 5050  
Classified Conditional Use Permit Application No. 3084  
Filed by James Bratton

Dear Sir or Madam:

1. We have a cabin at 41571 Sunset Rock Road, Shaver Lake. The above tract will require water for the houses and landscaping that we have a deep concern. We have water concerns for ourselves so do not want to be experiencing additional difficulties.
2. We were told that the existing sewage system would not be added on. It was full. The exhaust fan on the current system can not keep up with the odor produced now during peak property use.

Thank you for taking our letter into consideration.

Yours truly,

  
Donald E. Crawford  
2655 W. Robinwood  
Fresno, CA 93711  
559-432-3838



# County of Fresno

Department of Public Works and Planning  
**CECIL LEONARDO**  
Interim Director

## Subdivision Review Committee Report Agenda Item No. 5 May 26, 2005

**SUBJECT:** Initial Study/Environmental Assessment No. 5124  
Tentative Tract Application No. 5050.....

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

**LOCATION:** The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

Applicant: James Bratton  
Owner: James Bratton

**STAFF CONTACT:** Brian Ross, Planning & Resource Analyst  
(559) 262-4324

Will Kettler, Principal Staff Analyst  
(559) 262-4242

### RECOMMENDATION:

Approve the Mitigated Negative Declaration prepared for Initial Study Application No. 5124 and approve Tentative Tract Application No. 5050 with recommended findings and conditions, and direct the secretary to prepare a resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Land Use Map
3. Surrounding Zoning
4. Tentative Tract Map
5. Summary of Initial Study Application No. 5124 and Mitigation Measures
6. Exception Requests

**PROJECT DESCRIPTION SUMMARY:**

Listed below are key features of the project based on information contained in the application and tentative tract map (Exhibit 4).

**Proposed Use:**

- 50 single-family residences to be placed on individual "foot-print" lots.

**Project Site:**

- 22.84-acres

**Existing Improvements:**

- None

**Proposed Improvements:**

- 50 single-family lots
- Interior road system
- Recreational trail and gazebo
- Community water and sewer improvements
- Drainage facilities
- Fire protection improvements

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 5124 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study and Mitigation Measures are included within Exhibit 5.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: March 4, 2005.

**PUBLIC NOTICE:**

Notices were sent to 83 property owners within 1,250 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS / BACKGROUND INFORMATION:**

A Tentative Tract Map application may be approved only if five findings specified in the Subdivision Map Act are made. These findings are included in the body of the staff report.

Conditional Use Permit Application No. 3084 proposing to allow a 50-unit planned residential development on this site has been submitted concurrently with the Tract Map. The Tentative Tract Map application cannot be approved without approval of the Conditional Use Permit. The Planning Commission's decision is final unless appealed to the Board of Supervisors.

**KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

Date of Subdivision Review Committee Meeting:	December 16, 2005
Subdivider:	James Bratton
Engineer:	Strahm Engineering Associates, Inc.
Location:	The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane.
Nearest City Limits:	The site is located within the unincorporated community of Shaver Lake.
Number of Acres:	22.84
Number of Residential Lots:	50
Minimum Lot Size:	2,262 square feet



Proposed Source of Water:	Community Water System – Fresno County Waterworks District No. 41
Proposed Means of Sewage Disposal:	Community Sewer System – Fresno County Waterworks District No. 41
Drainage:	Channeling to existing natural drainage courses off site.
General Plan Designation:	Mountain Residential
Zoning on Subject Property:	R-1-B (See Existing Zone Map, Exhibit 3)
Surrounding Zoning:	R-1-B(c), R-1-C, C-1-M(c), RC-40, and O Districts.
Proposed Use:	Single-family residential
Land Use on Subject Property:	Vacant
Surrounding Land Use:	Single-family residences, condominiums, and Open Space

**ANALYSIS / DISCUSSION:**

Finding 1: General Plan Consistency

The subject 22.84-acre project site is designated Condominiums in the Shaver Lake Forest Specific Plan and is zoned R-1-B (Single-family residential, minimum 12,500 square foot lot size) District. Given 50 proposed units, this proposal would allow a gross density of one unit per 19,898 square feet of lot area, which is a lower density than if described at the minimum 12,500 square-foot standard.

The Open Space policies of the Specific Plan require that Condominium projects set aside sufficient open space areas for the enjoyment of the property owners and that this common open space be retained in its natural state. The Policies indicate that the open space areas should be held in common as an undivided interest and shown as "outlots" or "easements" within the subdivision.

This project proposes approximately 50%, or 11.3-acres to be preserved for open space and recreation use. This recreation space includes a designated pedestrian trail that provides for hiking around the perimeter of the development and two gazebos located within the southwest and northwest corners of the tract adjacent the trail. The open space being preserved includes a large centrally located wetlands area and an orange lupine area located in the northwest portion of the

tract. The project also contains a small tot lot and barbeque area located near the development entrance.

One of the provisions in the Shaver Lake Forest Specific Plan is that subdivision shall provide an integrated pathway system. The tentative map shows that a pedestrian trail looping around the residential units. The pedestrian trail provides access to the gazebos, located on the northwestern and southwestern corners of the parcel. At this time, there are no pedestrian trails located on the adjacent subject properties. However, a condition is included requiring the trails system be open to the public. This condition is consistent with requirements imposed on other approved tract maps within the Specific Plan area.

The Water Resources Policy of the Shaver Lake Forest Specific Plan requires that community sewer and water services be provided for this density of development. The applicant proposes connection to Waterworks District No. 41 (WWD 41) for community water and sewer services. The applicant will utilize four water wells. A hydro-geologic report was conducted, which demonstrated that the projected yield for the above mentioned wells was 31.55 gallons per minute over a 120-day cumulative test.

The State Department of Health Services, Office of Drinking Water, which regulates the Fresno County Water Works District No. 41, reviewed the report and identified water source capacity limitations to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who requested the above mentioned additional information be submitted with respect to groundwater supply.

After review by the Fresno County Resources Division and the State Department of Health Services, it was determined that prior to recordation of a final map, that an additional water well be required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.

The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an unrelated adjacent 118 space mobile home park) are required to be reduced from 31.55 gallons per minute to 23.7 gallons per minute. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project.

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The Specific Plan identifies fuelbreaks on the western portion of the site, which are rock outcroppings, and on the eastern portion of the site, along State Route 168. The nearest residential unit to the designated fuelbreaks are approximately 40 feet. The California Department of Forestry and Fire did not express any concerns.

The Board of Supervisors has recently directed that a finding mechanism be established to provide for a minimum level of Sheriff services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A condition has, therefore, been included requiring creation of a community facilities district or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents.

The policies of the Transportation and Circulation Element of the General Plan state that the County will, as conditions of development, require dedication of right-of-way and road improvements as necessary to ensure that roads will safely serve expanding development. Access to the subject property is from Shaver Forest Road via Tollhouse Road (State Highway 168).

The California Department of Transportation (Caltrans) and the Fresno County Public Works Department, Design Division determined potential impacts to the local road system through the Initial Study prepared for this project. A Traffic Impact Study (TIS) was prepared by TPG Consulting, Inc. that determined the extent of road improvements to be required based upon the cumulative effect of this project on the local road system and based upon projected development into the year 2025. These improvements include the signalization at the State Route 168 and Ockenden Ranch Road intersection; the signalization at the State Route 168 and Bretz Mill Road intersection; and the installation of a left-turn pocket on the southbound leg of State Route 168 at the Bretz Mill Road intersection.

The Design Division and Caltrans reviewed the TIS and determined it was acceptable. The applicant has agreed as mitigation to pay the project's pro-rata share of the cost of all required traffic improvements. Further discussion of traffic impacts can be found in the Initial Study discussion (Exhibit 5).

Fresno County General Plan Policy OS-D.4 recommends that the County require protection zones and buffers around natural watercourses such as wetland areas in order protect this highly valuable wildlife habitat. The subject property contains a creek and wetland area approximately 1.52-acres in size. The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the California Department of Fish and Game. The Department has approved the applicant's design and the recommended mitigation measures that have been included to require the protection of the wetlands and the lupine.

Policy PF-1.7 of the School and Library Facilities Policies of the General Plan state that the "County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development."

The subject property is located within the Pine Ridge Elementary and Sierra Unified School Districts. These Districts have adopted a resolution requiring the payment of a construction fee. The County, in accordance with the State law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. While this project was routed to the school districts for review and comment, no comments were received.

Based on information and findings provided above, staff believes that Finding 1 can be made.

#### Finding 2: Suitability of Site

The subject property is located within a mountain forested area in the Shaver Lake Community. The subject property is sloped. The central portion where residential development is proposed maintains 0-15% grades. The eastern portion of the property maintains grades between 15-30% and the western portion, consisting primarily of rock outcroppings, has grades in excess of 30%. Development Engineering Section staff have reviewed the location of the building pads and roadways in relationship to the existing slopes as shown on the tract map and find that development will not exceed the 15% grade, which is permitted for building and road development.

Surrounding parcels range in size from less than one acre to 150 acres. Several of the larger parcels to the east are vacant. Residential properties to the north and south consist one to three acre parcels.

The subject property is traversed by natural drainage courses. To ensure that these channels are preserved and maintained, the Development Engineering Section of the Department of Public Works and Planning Department is recommending that provisions be made to maintain the natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of parcels adjacent to the development.

The parcels are 2,262 square feet. However, the proposal meets the density in the R-1-B district as the significant portion of the project is reserved as open space. There are also open space buffers between the residential units

Provision must also be made to detain additional runoff generated from this tract within facilities acceptable to the Director of the Public Works and Planning Department in order to insure that peak flows in natural drainage channels are not increased. Conditions have been recommended to require a grading and drainage plan be submitted to address these issues. In addition, Development Engineering has requested a mitigation measure to require storm water to go through a settling pond located on-site before being discharged off-site.

Based on information and findings provided above, staff believes that Finding 2 can be made.

### Finding 3: Environmental Effects

The County Subdivision Ordinance requires that the design of the subdivision or proposed improvements not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

An Initial Study (Exhibit 5) identified a number of potential environmental impacts associated with this project. Potential impacts related to soil compaction, air, noise, biological impacts, population density, and light/glare were determined to be less than significant with mitigation measures applied. Impacts related to soil compaction, air, and noise impacts were identified as potential impacts related to construction activity. Mitigation measures have been recommended by the air district and included in the initial study that puts limitations of construction equipment. Impacts related to biological impacts and the wetlands located on the site have been addressed through mitigation measures and conditions. Potential impacts related to soil erosion changes in absorption rates, drainage patterns and the rate and amount of surface runoff were determined to be less than significant since they are addressed by the County Grading and Drainage Ordinance.

The project was reviewed by the San Joaquin Valley Unified Air Pollution Control District. The District indicates that the project will contribute to the overall decline in air quality due to an increase in traffic, the operation of lawn and garden equipment, and space and water heating if gas-fired appliances are used. The District indicates that the project will be subject to District rules and regulations pertaining to wood burning, residential water heaters and fugitive dust. Suggested mitigation measures have been applied as conditions of approval and have been agreed upon by the developer.

The California Department of Fish and Game has reviewed the project and has identified several potential impacts to biological resources that exist on site. Mitigation measures have been recommended and agreed upon by the applicant to protect the centrally located Wetland and the Orange Lupine areas. Additionally, mitigation measures require continuous monitoring by a certified biologist of endangered habitat by and an educational program for homeowners to insure the preservation of animals and plant life on site.

Based upon the above, staff believes Finding 3 can be made and that this subdivision will not cause substantial environmental damage or substantially injure fish or wildlife .

#### Finding 4: Public Utilities and Easements

The subdivision design is required to accommodate any easements acquired by the public at large for access through or use of the property. Water Works District No. 41 has an existing 150-foot wide public utilities easement that runs north and south through the western portion of the property. The easement also contains electrical transmission lines. Water Works District No. 41 indicates that the proposed subdivision and development of the property will not interfere with this easement.

All proposed utilities be placed underground in accordance with County requirements. Easements for these utilities will be required as conditions of this map approval. County standards require that any existing overhead utilities within the tract, or within the street right-of-way adjacent to the tract, be removed and placed underground. Conditions have been recommended that all new and existing utilities in the tract, or within the street right-of-way adjacent to the tract, be placed underground in accordance with the provisions of the Subdivision Ordinance.

Neither the design nor the type of improvements will conflict with easements acquired by the public at-large for access through or use of the property. Therefore, staff believes that Finding 4 can be made.

## Finding 5: Public Health

The proposed subdivision will be served by Water Works District No. 41. The District will provide water and sewer services and facilities for the proposed subdivision. A "will serve" letter has been provided to the applicant subject to the mitigation measures as recommended in the Initial Study. One of these measures is that an additional well be provided by the applicant with a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. The tested well shall not have a significant impact on existing wells.

The Fresno County Fire Protection District has reviewed the proposed project and indicates that the project site is located within the California Department of Forestry "State Responsibility Area" and is subject to special fire protection measures. These mandatory standards relate to building setbacks, driveway construction, gating, display of street addresses, disposal of flammable vegetation, water supply facilities for fire protection, and roof materials. These requirements will be addressed through the final map process and at the time of building permit issuance. The California Department of Forestry had no concerns related to the project.

The applicant is required to enter into an implementation agreement, that will require public facilities including community water and sewer systems, road improvements, fire protection facilities, underground utilities, school facilities, and snow removal equipment.

Based upon the fact that an adequate level of public services and facilities are available to serve this tract, staff believes Finding 5 can be made.

### **CONCLUSION:**

Staff believes that all of the required findings can be made and recommends approval of the project subject to the recommended conditions of approval:

### **PLANNING COMMISSION MOTIONS:**

#### **RECOMMENDED MOTION (Approval Action)**

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5124.
- Adopt findings noted in the Subdivision Review Committee Report and approval Tentative Tract Map Application No. 5050, subject to conditions and notes as stated below.

- Direct the secretary to prepare a resolution documenting the Commission's action.

#### ALTERNATIVE MOTION (Denial Action)

- Deny Tentative Tract Map Application No. 5050 as proposed.
- Direct the secretary to prepare a resolution documenting the Commission's action.

#### CONDITIONS AND NOTES

##### A. SHAVER LAKE FOREST ROAD

1. The segment of the road from State Route 168 to the entrance gate shall be reconstructed to Case A-2a standard with 36 feet of base and pavement.

NOTE: The subdivider requests that an exception to the above Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.

#### Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In response to Findings 1 and 2, the applicant states that the existing Shaver Forest Road was constructed to a width of 28 feet. This road width was constructed to not only serve the Musick Ridge Subdivision, but to also serve the subject 50 unit tract. The applicant points out that the subdivision to the south of the project was previously granted an exception that allowed a 28-foot wide road.

The Development Engineering Section has reviewed the exception request. They have indicated that based upon the fact that this subdivision is a gated community (no public access) that does not provide for additional road extensions to serve development on adjacent properties



and that the road was previously allowed with the 28-foot width as a part of the construction of Tract No. 4426, Development Engineering has no objection to this exception. Therefore, staff believes Findings 1 and 2 can be made.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

In reference to Findings 3 and 4, the applicant states that similar requests have been granted for other residential projects in the Shaver Lake area and that findings made that the requests would not be injurious to or prevent the logical development of property in the immediate area."

The Fresno County Development Engineering Section has reviewed the exception request and has no objection if a condition is applied that addresses safety concerns to restrict parking along the primary access road from State Route 168 to the access gate.

Staff believes the required findings can be made for the exception to allow the access road from SR 168 to the entrance gate to remain as a 28 foot wide access road. The condition related to this exception shall read as follows:

a) *Parking along the primary access road from the connection of SR 168 to the gate shall be prohibited.*

- \*2. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip) = \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip) = \$14,292.00

B. INTERIOR ROADS AND CUL-DE-DACS

1. All interior roads shall be constructed to a 25 MPH public road standard in accordance with County Improvement Standards Case A-1a with 32 feet of base and pavement.

NOTE: The subdivider requests that exceptions to the above Subdivision Ordinance Improvement Standards be granted to permit the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In reference to Findings 1 and 2, the applicant states that due to the relatively large wetland area, rock outcroppings, and some slope limitations, building the interior roads to County Standards would not be feasible given these road development constraints.

The Development Engineering Section has reviewed this exception request and has commented that since the subdivision will be a private gated community with no public access, it would be appropriate to permit construction of the road to meet the County's private road (A-15) and SRA standards. Generally, to meet SRA standards, the County has allowed gated communities to construct to the County's private road standards for those subdivisions located east of the Friant Kern Canal.

Per the County's private road standard, a pavement width of 22 feet can accommodate up to 60 units. Development Engineering is requesting that a condition be included to improve the private road to a public road structural section for design purposes.

While the County's private road standard requires a centerline radius of 75 feet minimum, SRA regulations allow a centerline radius of 59 feet minimum. A condition shall be included to require the 59 foot minimum

centerline radius for all roads within the tract.

With the limitation in the road width to private road standards, the applicant needs to provide adequate backing space from the garage area of each unit. The County's parking lot standards require a minimum of 29 feet from the edge of the structure to the edge of pavement. While the applicant's site plan generally meets this requirement, a condition shall be included to require a modification of the proposed AC dike curbing extending from the garage unit.

The Development Engineering Section has recommended two acceptable alternatives. One is to construct the dike away from the corner of the garage at a 45-degree angle back to the travel way. The other is to provide a 5-foot offset from the edge of the garage to provide a backing space width in excess of the garage width.

Since the outlot width is generally limited to the width of the travel way, there is not sufficient pavement width to permit parking on the interior roads, except at those locations shown on the site plan where the roadway is proposed to be widened to permit parking. All other areas along the roadway shall be signed for "no parking."

After analysis, staff concurs with the applicant and believes that the mountainous terrain, in addition to the wetlands, creates a unique physical situation that is unique circumstance not common among other parcels. Therefore, staff believes Findings 1 and 2 can be made subject to conditions.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

In reference to Findings 3 and 4, the applicant stated that "similar requests have been granted for other projects in the Shaver Lake area with an apparent determination that the requests would not be injurious to or prevent the

logical development of property in the immediate area.”

Staff concurs with the applicant and does not believe that the reduced width of the interior roads will be detrimental to public health and welfare and contrary to the General plan.

Staff believes the required findings can be made for the exceptions to allow the interior roads to be 22 feet in width and built to a 10 mile per hour design speed. Conditions related to this exception shall read as follows:

- a) The private road shall be improved to a public road structural section for design purposes
  - b) All roads must have a centerline radius of a minimum of 59 feet.
  - c) The proposed AC dike curbing extending from the garage unit shall be modified. The Development Engineering Section has recommended two acceptable alternatives. One is to construct the dike away from the corner of the garage at a 45-degree angle back to the travel way. The other is to provide a five-foot offset from the edge of the garage to provide a backing space width in excess of the garage width.
2. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
  3. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
  4. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the “queuing theory” to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
  5. All roads shall intersect as near to right angle as practicable.
  6. Street and regulatory signs and markings shall be included in the

design in accordance with County Standards.

7. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
8. All cul-de-sac streets longer than 500 feet shall have an additional fire hydrant installed at the end of the street. Cul-de-sac roads longer than 500 feet are not allowed without a design exception approved by the Director of Public Works and Planning. The cul-de-sac lengths also exceed SRA requirements. An exception to SRA standards requires that emergency access easements be provided to connect the cul-de-sac to a public road.

NOTE: The subdivider requests that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

In reference to Findings 1 and 2, the applicant states that "roads will not be constructed across the wetlands. In addition there are also rock outcroppings that impinge on the project area. Therefore, in order to develop the property it is necessary that one of the cul-de-sacs exceed the length provided. However, additional fire hydrants will be provided and there will be a turn-around to accommodate fire trucks.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM4175 Musick Falls.

Under the SRA standards, cul-de-sac lengths of up to 800 feet are permitted for parcels less than one acre without the need to construct an emergency access. The two cul-de-sacs do not appear to exceed this SRA standard. However, SRA regulations require that a turnaround be

constructed at the end of the cul-de-sac. A condition shall be included to require the construction of these turnarounds at the cul-de-sac ends.

Consistent with the County's ordinance code for cul-de-sac lengths in excess of 300 feet, a condition shall be included to require the construction of a fire hydrant at the end of the cul-de-sac.

Due to the limited construction space, staff believes Findings 1 and 2 can be made subject to the condition mentioned above.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare.*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

Staff believes that if the condition mentioned above is applied, then the exception request will not be contrary to the General Plan nor be detrimental to public health and welfare. The condition related to this exception shall read as follows:

a) The applicant is required to construct a turnaround at the end of the cul-de-sacs

9. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a soils report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.
10. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of the Department of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
11. Slope easements outside of the road right-of-way shall be provided where needed.

12. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
13. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.
8. County Improvement Standard II H.7.e.5 requires that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

NOTE: The subdivider requests an exception to this standard to permit three wells that produce less than 10 gallons per minute to be included for a community water system.

Analysis of Required Findings:

Finding 1: *That there are exceptional circumstances or conditions that affect said property or the reasonable use thereof.*

Finding 2: *That the exception is necessary to preserve a substantial property right and permit the enjoyment thereof.*

The applicant has provided the following information in support of Findings 1 and 2:

"The wells in question were analyzed using the Fresno County II-H criteria. This criteria requires a well to be pumped for a minimum of 30 days and then extrapolating the well yield out 120 days. This stringent test provides a "worst case" well yield scenario and pumping capacities. All wells analyzed in the aforementioned Larsen reports were pumped for more than 100 days and found to be sustainable.

The long-term benefit to the CSA if the above wells are accepted into the system will be approximately 7.7 gpm with a short-term benefit of 31.55 gpm of what is considered to be the current "shortfall" for the CSA.

The developer of Tentative Tract 5050 is developing in a manner that is consistent with the Shaver Lake Specific Plan and the Shaver Lake Forest Plan. To that end, the developer has conducted the requisite studies and has provided evidence to the county regarding the sustainability of the water supply for the project. The imposition of the policy not accepting wells that produce less than 10 gpm was adopted well after the subject project was submitted. The Schmidt studies indicate said wells can provide for the long-term water demand of the area. Moreover, other wells with yields less than 10 gpm have been accepted for use by other CSAs in Fresno County."

As a point of correction, the reports furnished to the County Geologist were prepared by Ken Schmidt & Associates and Strahm Engineering. However, the numbers presented in the applicant's statement regarding well yield of 31.5 gpm are correct. The 7.7 gpm represents the 25% reduction factor that was applied to the well yields in accordance with County practice.

The Resources Division of the Department of Public Works and Planning and the County Geologist have reviewed this exception request. As indicated by the applicant, the Shaver Lake area has



been experiencing low production for new community wells. In response to this, the Office of Drinking Water of the State Department of Health has recently evaluated Waterworks District 41. Based on this evaluation, the agency has established a minimum flow of 0.3 gallons per minute per dwelling unit for new lots in the District that are less than 36,000 square feet in size, and 0.5 gallons per minute for lots larger than 36,000 square feet. The subject application proposes a subdivision of 50 parcels, all of which will be smaller than 36,000 square feet. This results in a total requirement of 15.0 gallons per minute for the tract.

The yield from four wells will be dedicated to Fresno County Waterworks District 41 to meet the needs of the proposed tract. Pump test data for these wells was provided to the County Geologist. The four wells are located in the Kings River watershed and produce a yield of 31.5 gpm. Based upon the County Geologist's most recent analysis, yield from these wells has proven to be sustainable over multiple years of testing, with the presented data reflecting the worst case for each well over the testing periods. The Resources Division has therefore indicated that the Division has no objection to the granting of this exception.

Finding 3: *That the granting of the exception will not be detrimental to the public health and welfare:*

Finding 4: *That the granting of the exception will not be injurious to prevent the logical development of other property in the immediate area.*

The applicant has provided the following information in support of Findings 3 and 4:

"Granting the proposed exception request will result in the short-term provision of approximately 31.55 gallons of water per minute to the meet the needs of the CSA and the provision of approximately 7.7 gallons of water over the long term. Providing the additional water will benefit the CSA and, as a result, should be considered a benefit to the public safety, health and welfare.

The proposed development is consistent with both the Shaver Lake Specific Plan and the Shaver Lake Forest Plan which has been in place for over 25 years. Not granting the exception request will actually be counter to the logical development of the property in the immediate area."

The County Geologist has reviewed the subject application for compliance with the water policies of the General Plan and has considered this exception request.

The General Plan policies include requirements that the water supply for a discretionary project is adequate and sustainable. The General Plan further provides that if the use of groundwater will have physical impacts beyond the boundary of the project in question, these impacts shall be mitigated. The Geologist comments that the pump test data and the location of the four wells proposed to serve the project provide evidence that the water policies of the General Plan can be met. The Geologist indicates that the data shows that the wells are capable of producing a consistent yield, and he therefore has no objection to the requested variance from the community well standard.

Staff believes the required findings can be made for this exception request.

9. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.
- \*10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

#### D. SEWER

1. The development shall be served by the community sewer system.

2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
3. The sewer system shall be provided with minimum size mains of 8 inches.

E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.
2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- \*5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
2. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.
2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

- \*1. In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:
  - a) The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
  - b) Prior to the start of ground disturbance activities associated with

the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.

- c) The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
- d) Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.
- d) Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f) To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g) The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.

- h) Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
  - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
  - ii.) A discussion of the importance of pet restrictions.
  - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
  - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.
  - v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
  - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
  - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
- 2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location", "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- \*3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
  - a) Compliance with the state and federal wetland permit requirements.

- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the wetland area "NO BUILD, NO DISTURB".
- d) Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
- e) A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- \*4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.
- \*5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- \*6. 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. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.

J. OTHER CONDITIONS:

- \*1. To address potential impacts related to aesthetics and lighting the following shall be required.
  - a) Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
  - b) All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- \*2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential Water Heaters). This requirement shall be noted on the design plans and specifications.
- \*3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.
- 4. The proposed pedestrian trail shall be open to the public.

\* MITIGATION MEASURE – Measures 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:**

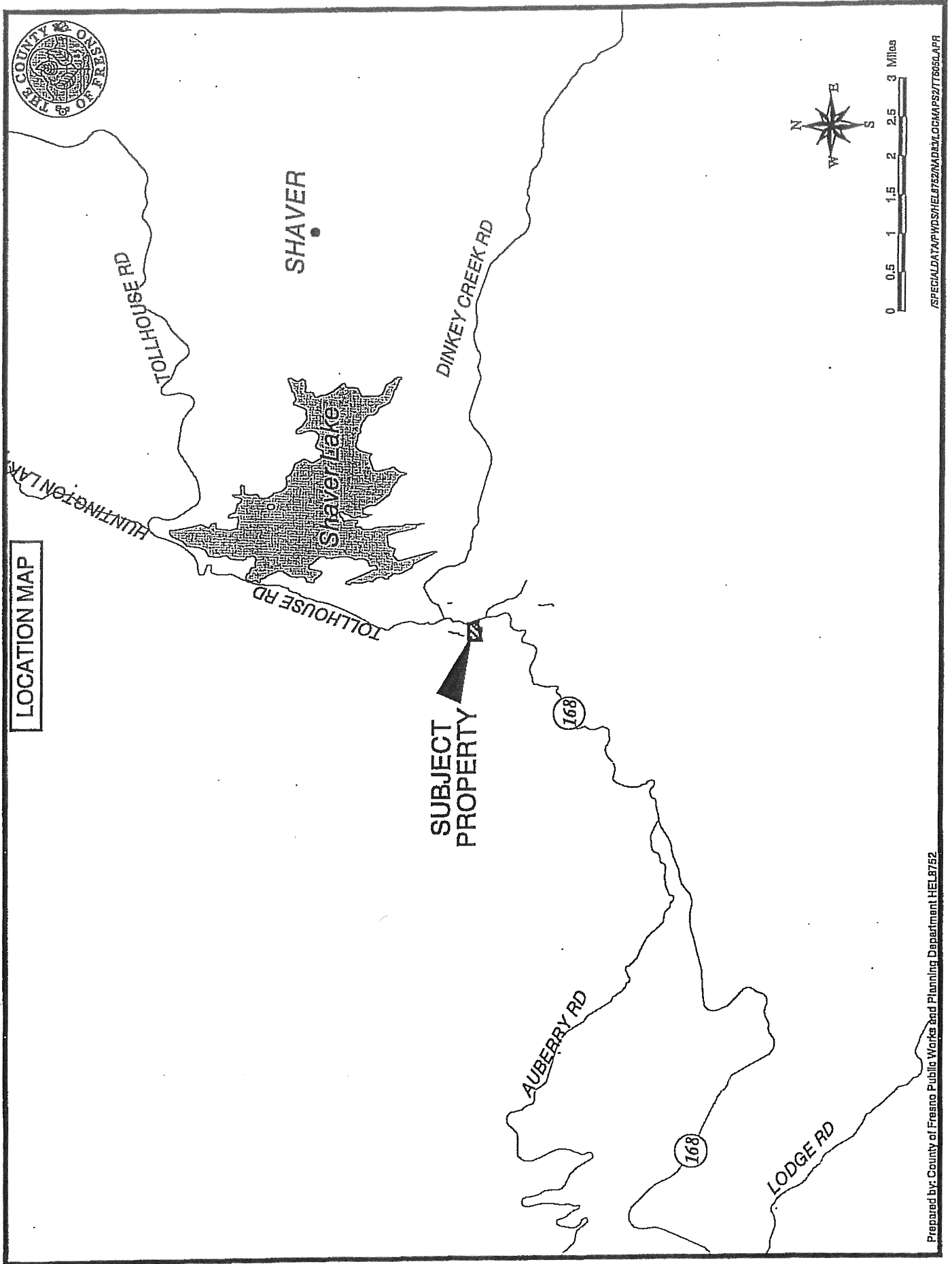
The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.



1. The Pine Ridge Elementary and Sierra Unified School District in which you are proposing construction has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.
2. Construction activity including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of five acres or more (or less than five acres if part of a larger common plan of development or sale) must secure a construction storm water discharge permit in compliance with U.S.E.P.A.'s NPDES regulations (CFR Parts 122-124, November, 1990).
3. The proposed development shall implement all applicable Best Management Practices (BMPs) presented in the Construction Site and Post-Construction Storm Water Quality Management Guidelines, to reduce the release of pollutants in storm water runoff to the maximum extent practicable.

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EXHIBIT 1





ISPECIALDATAP\WDS\HEL752\NAD\EX\OD\MAPS\277605L.APR

Prepared by: County of Fresno Public Works and Planning Department HEL752

# EXISTING LAND USE MAP

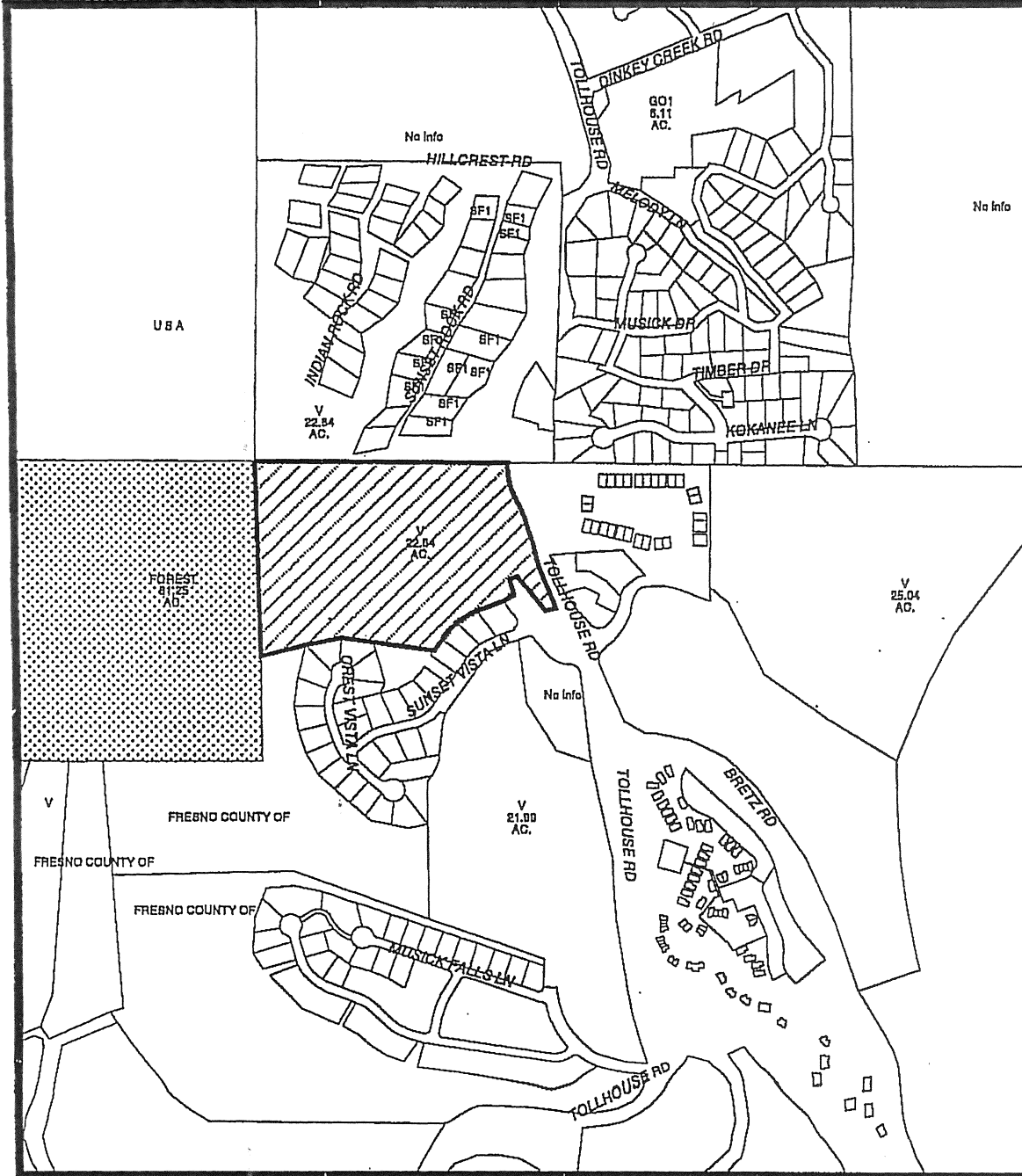


Legend	
C - COMMERCIAL	
CHU - CHURCH	
CP# - OFFICE COMM. / PROF	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

	Subject Property
	Ag Contract Land



300 0 300 600 900 Feet



# EXISTING ZONING MAP

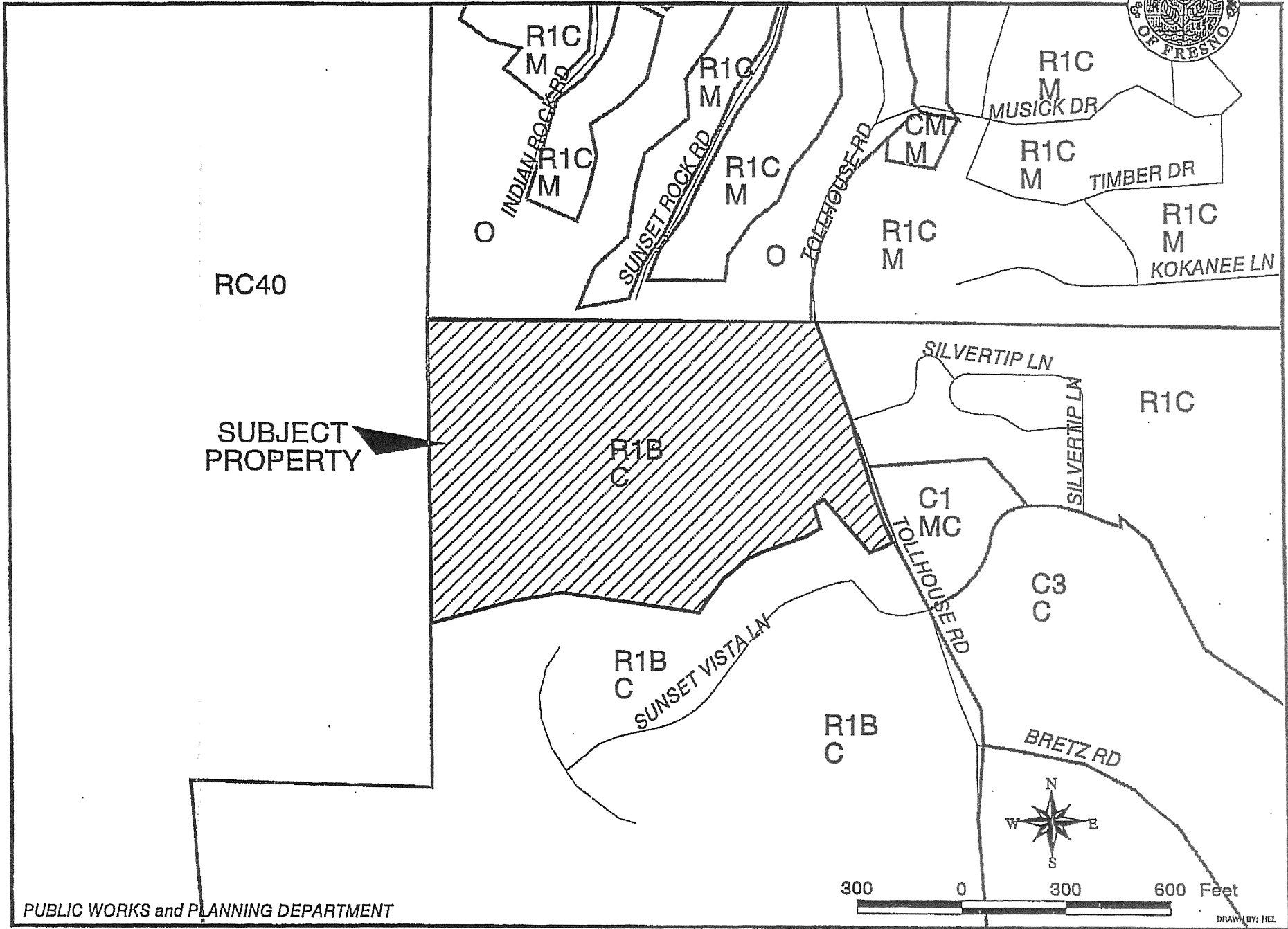
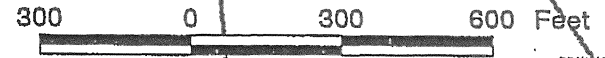
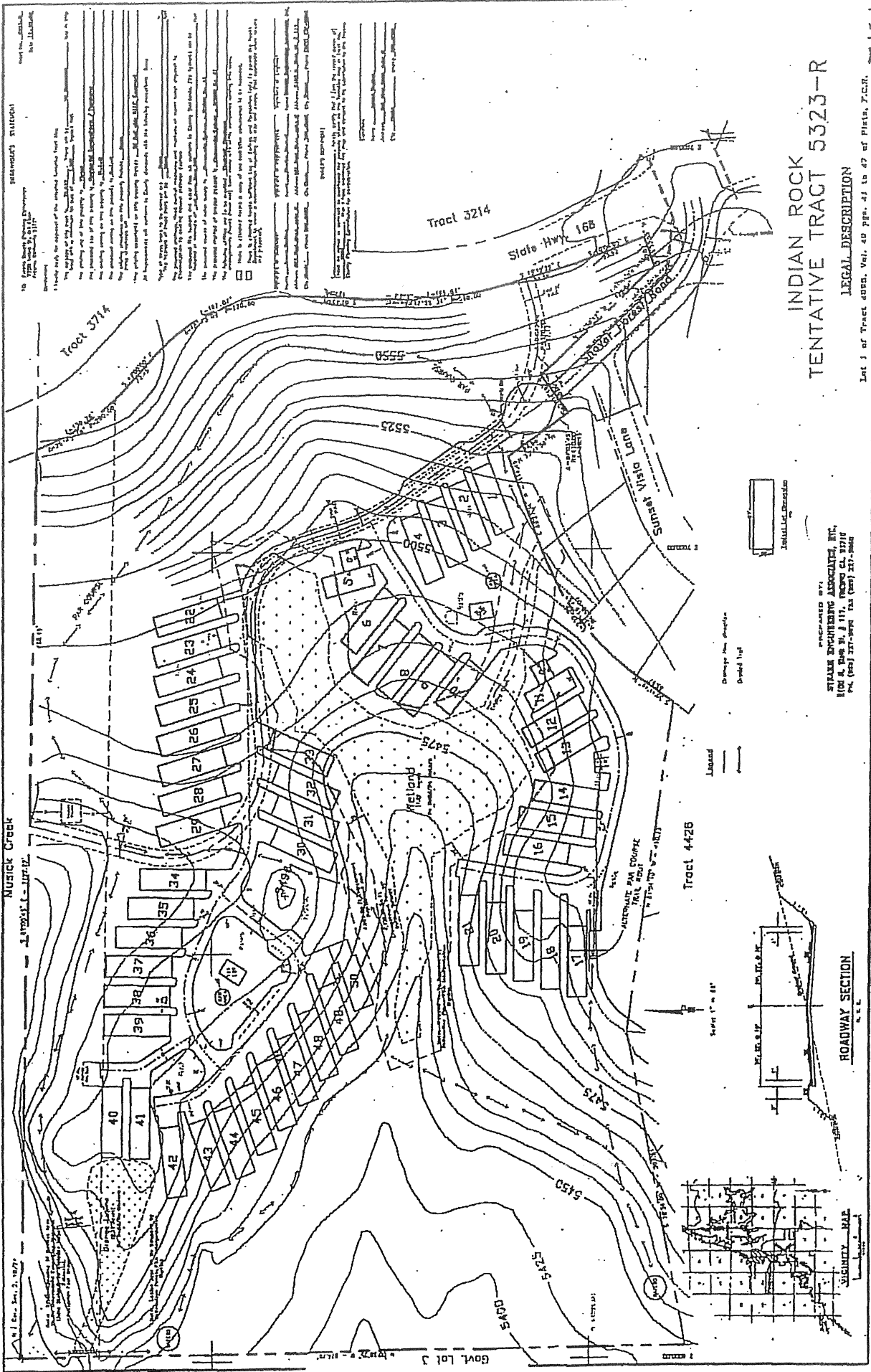


Exhibit 3 - Page 1

EXHIBIT 3





1. The engineer has prepared this map from the original field notes and the original survey data. It is not intended to be used as a legal document.

2. The engineer has not conducted a field inspection of the property shown on this map.

3. The engineer has not conducted a title search for the property shown on this map.

4. The engineer has not conducted a survey of the property shown on this map.

5. The engineer has not conducted a survey of the property shown on this map.

6. The engineer has not conducted a survey of the property shown on this map.

7. The engineer has not conducted a survey of the property shown on this map.

8. The engineer has not conducted a survey of the property shown on this map.

9. The engineer has not conducted a survey of the property shown on this map.

10. The engineer has not conducted a survey of the property shown on this map.

## EXHIBIT 5

### EVALUATION OF ENVIRONMENTAL IMPACTS

Initial Study Application No. 5124  
Tentative Tract No. 5050  
Conditional Use Permit No. 3084  
(James Bratton)

#### PROJECT DESCRIPTION

To allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

To allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

#### LOCATION

The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (APN: 130-031-46) (SUP. DIST.: 5).

#### I. AESTHETICS

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

FINDING – Less than Significant Impact with Mitigation Incorporated: *The project proposes to create 50 single-family residential lots in the Shaver Lake region. Surrounding the subject property are the following: residential development to the north and south; Highway 168 and commercial development to the east; and rock outcroppings and the Sierra Natural Forest to the west, where there are views and vistas of the mountainous surroundings. The development, however, will not terminate any views and vistas as there are open space buffers between the residential development and the parcel's borders. There are also open space buffers surrounding the wetlands, streams, rock outcroppings, and Highway 168.*

*There are no historic buildings or scenic highways located on the site. In order to mitigate impacts related to the aesthetic appeal of the residential development, natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on the exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure. Compliance with the measure will reduce potential impact to less than significant level*

- 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 Impacts with Mitigation Incorporation: The project will result in the creation of new sources of light and glare in the area by the addition of 50 new homesites. The impact is not expected to be significant because the surrounding area is developed with similar uses and lighting. Potential light and glare impacts were mitigated to a less than significant impact by requiring all lighting to be hooded and directed as to not shine towards adjacent property and public streets.*

## **II. AGRICULTURAL RESOURCES**

- a) **Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;**
- b) **Would the project conflict with existing agricultural zoning or Williamson Act contracts; or**
- c) **Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

*FINDING –No Impact: The proposed project is located on a parcel in the R-1-B Zone District, and is designated as Condominiums in the Shaver Lake Forest Specific Plan. According to the Fresno County Important Farmland Map, the parcel is not located on prime agriculture land. In addition, the land, as well as the surrounding parcels, are currently not used for farmland. Therefore, there are no impacts related to agriculture land.*

## **III. AIR QUALITY**

- a) **Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- b) **Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**

- 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?
- e) Would the project create objectionable odors affecting a substantial number of people?

**FINDING – Less than significant Impact with Mitigation Incorporation:** *The entire San Joaquin Valley is classified non-attainment for ozone and fine particulate matter (PM10). This project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Although this project alone would not generate significant air emissions, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley. A concerted effort shall be made to reduce project-related emissions and mitigate potential impacts. The San Joaquin Valley Air Pollution District indicated the project is subject to the regulations and rules noted below. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. These requirements were incorporated into the project as mitigation measures and were accepted by the applicant:*

*Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a residential project is 10.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.1). A compliance assistance bulletin has been enclosed for the applicant. A template of the District's Dust Control Plan is available at:*

*<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>*

*Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.*

*Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.*



*Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.*

*Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:*

*§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments. Beginning January 1, 2004,*

*5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.*

*5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.*

*5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.*

*More information about Rule 4901 can be found at our website- [www.valleyair.org](http://www.valleyair.org). For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at 230-5968.*

*Rule 4902 (Residential Water Heaters) limits emission of NOx from residential developments.*

*The Air District has also suggested additional energy-conserving measures to assist in further reducing air quality impacts. These suggestions – which include landscaping, pedestrian and cycling infrastructure, construction activity measures, and reduction of vehicular traffic – were provided to the applicant and are included as project notes.*

## **VI. 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?**
- 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 CDFG or USFWS?**

**FINDING - Less than Significant Impact with Mitigation Incorporated:** *The proposed 22.84-acre site is located in an area of wildlife and wetlands. The Department of Fish & Game indicated the project could result in the following impacts:*

1. *Loss and/or degradation of streams and associated wildlife resources.*
2. *Loss and/or degradation of wetland.*
3. *Loss and/or degradation of riparian habitat.*
4. *Interference with daily and seasonal animal movement and migration patterns.*
5. *Disturbance to native wildlife from people and domestic pets.*
6. *Introduction of non-native invasive species.*
7. *Interference with night-active species from project related light.*
8. *The "take" of State and/or habitat of federally listed threatened species and/or habitat upon which they depend.*

*A comprehensive biological resources survey and wetlands determination report was prepared for the project by John C. Stebbins, Biological Consultant, on December 10<sup>th</sup>, 2002 entitled "Biological and Wetlands Resources Report for Proposed Indian Rock Project Area". The Report was routed and reviewed by the Department of the Army - Corps of Engineers, the California Department of Fish & Game (CDFG) and the U.S. Department of Interior, Fish & Wildlife Services (USFWS).*

*The Department of Army – Corps of Engineers concurred with the Biological and Wetlands Report and issued an Approved Jurisdictional Determination. The CDFG and USFWS reviewed the report and the following mitigation measures are required:*

1. *The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the Final Map and shall remain in their natural state. The Final Map shall state that ground disturbance activities, (e.g. trading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050, or cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement*

*shall be recorded as a covenant running with the land as part of the Final Map process.*

2. *Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.*
3. *The Orange Lupine areas shall be fenced with a permanent fence 42 inches in height to further prevent disturbance within the outlot area. The type of fence design and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish and Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.*
4. *Prior to the start of any construction, which includes grading or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John C. Stebbins, a Clean Water Act Section 404 Permit if required, shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.*
5. *Prior to any authorized project-related disturbance to the streams or stream crossing for access purposes, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-1603 et. Seq.*
6. *To address potential impacts related to erosion, prior to recordation of the Final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.*
7. *The "Indian Rock Interpretive Trail System" shall maintain a minimum 50-foot setback from both of the outlots containing the Wetlands and Orange Lupine areas. Portions of the trail system shall include an "Interpretive Trail Signage" to educate residents of the value of the wetlands and the orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis, to allow the "Interpretive Trail System" to interact with the protected areas.*

8. *Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval a brochure or other educational materials that discuss human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain at a minimum:*
  - i.) *Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.*
  - ii.) *A discussion of the importance of pet restrictions.*
  - iii.) *A discussion of the value to wildlife of minimizing outdoor lighting.*
  - iv.) *A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.*
  - v.) *A discussion on the prohibition of hunting and the use of firearms anywhere in the project area.*
  - vi.) *A discussion on the prohibition of feeding wildlife anywhere in the project area.*
  - vii.) *A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the breeding and nesting season of May through August.*
9. *Prior to recordation of the Final Map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&R) for review and approval Association.*
10. *The Homeowners' Association shall retain a qualified professional biologist to evaluate the site on an annual basis including:*
  - i.) *Compliance with the state and federal wetland permit requirements*
  - ii.) *Possible degradation or wetland areas from erosion and sedimentation.*
  - iii.) *Compliance with the wetland area "NO BUILD, NO DISTURB".*

- iv.) *Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".*
- v.) *A description of the environmental conditions at the time of the evaluation.*

*The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.*

- 11. *The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Department of Public Works and Planning and the California Department of Fish and Game for a period of 10 years. After 10 years of reporting by the biologist, the Homeowners' Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish and Game that the Homeowners' Association committee is responsible to assume this duty for perpetuity.*
- 12. *The subdivider with the qualified professional biologist through the CC&R's shall be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish and Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording of the final map. There after it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any noncompliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.*

*In addition to the mitigation measures, the design of the tract includes a 25-foot building setback area around the perimeter of the designated wetland area. A few of the proposed building lots will encroach upon the building setback area however the applicant included an encroachment replacement area. The CDFG reviewed the tract design and approved the design as presented for the project. Implementation of the measures will reduce potential impacts to a less than significant level.*

- 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?

*FINDING – Less than Significant Impact with Mitigation Incorporated: The U.S. Army Corp of Engineers verified the wetlands identified in the Biological and Wetlands Resources Report prepared by John Stebbins dated December 10, 2002. According to the Wetland Delineation, the subject property has approximately 1.52-acres of waters of the United States, which includes the wetland area and the existing creek located in the middle of the subject property. Several mitigation measures design to protect the wetland areas were incorporated into the project. The measures require establishing a no construction / no ground disturbance environmental sensitive area, compliance with Section 404 of the Clean Water Act as required and compliance with the California Department of Fish and Game Code 1600-1603. Compliance with the mitigation measures will reduce potential impacts to a less than significant level.*

- 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?**
- e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

*FINDING – Less than Significant Impact with Mitigation Incorporation: The subject property has 1.52-acres of wetlands, which includes an existing creek. General Plan Policy OS-D.4 states that the county shall require riparian protection zones around natural watercourses and shall recognize that these areas provide highly valuable wildlife habitat. Riparian protection zones shall include the bed and bank of both low- and high- flow channels and associated riparian vegetation, the band of riparian vegetation outside the high-flow channel, and buffers of 100 feet in width as measured from the top of the bank of un-vegetated channels and 50 feet in width as measured from the outer edge of the drip line of riparian vegetation.*

*The project has been designed to avoid the wetland area as well as provide a continuous buffer around the wetland area approximately 25 feet wide. The project proposal was reviewed by the CDFG, who as a Trustee Agency under the California Environmental Quality Act approved the applicant's design provided that the additional mitigation measures, addressing the protection of the wetlands and the lupine are adhered too.*

- 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 with Mitigation Incorporation: There are no adopted Habitat Conservation Plan in the project area. Please see above regarding the County's General Plan Policies related to wildlife resources.*

## **V. CULTURAL RESOURCES**

- a) **Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?**
- b) **Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?**
- c) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- d) **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

*FINDING – Less than Significant Impact with Mitigation Incorporated: According to County records, the community surrounding Shaver Lake is located in a high-level sensitive archeological area. In addition, rock outcroppings are located on the subject parcel, however, development will not occur within 100 feet of the rock outcropping. The Southern San Joaquin Valley Information Center did not require a Cultural Resource Study. An archeological survey was conducted in 1992 for the area surrounding Tentative Tract No. 4551 (Granite Ridge II), which concluded that no cultural resources were located on the site.*

*A mitigation measure was included in the project stating that 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. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

## **VI. GEOLOGY AND SOILS**

- a) **Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:**
  - i) **Rupture of a known earthquake?**
  - ii) **Strong seismic ground shaking?**

iii) **Seismic-related ground failure, including liquefaction?**

iv) **Landslides?**

*FINDING – No Impact: According to the California Geological Survey website, there are no known earthquake fault zones located within the Shaver Lake area. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides.*

b) **Would the project result in substantial erosion or loss of topsoil?**

*FINDING – Less than Significant Impact with Mitigation Incorporation: The CDFG and the Development Engineering Section of the Fresno County Department of Public Works and Planning identified potential impacts related to erosion. A mitigation measure that was accepted by the applicant requiring the preparation of an erosion plan prior to recording the final map was incorporated into the project. Implementation of the mitigation measure will reduce potential erosion impact to a less than significant level.*

c) **Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

d) **Would the project be located on expansive soils creating substantial risks to life or property?**

*FINDING – No Impact: During the analysis, it has been determined that the soils are suitable for residential development, and that landslides, lateral spreading, subsidence, liquefaction, collapse, and loss of life will not occur. The Shaver Lake Forest Specific Plan and the Fresno County Important Farmland Map did not identify potential soil problems.*

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 – No Impact: The proposal will hook up to community sewer and water services by Fresno County Waterworks District No. 41.*

## **VII. HAZARDS AND HAZARDOUS MATERIALS**

a) **Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**

b) **Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**



- c) **Would the project emit hazardous materials within ¼ mile of a school?**

FINDING - No Impact: *The project will not result in the production, usage or transportation of hazardous materials. The proposal is not located within ¼ mile of a public or private school.*

- d) **Would the project be located on a hazardous materials site?**

FINDING - No Impact: *The project is not located on a hazardous materials site.*

- e) **Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?**

- f) **Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?**

FINDING - No Impact: *The project is not located with an airport land use plan or within two miles of a public use airport or in the vicinity of a private airstrip.*

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING - No Impact: *The project will not impair implementation 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 – Less than Significant Impact: *The proposal will create 50 residential lots in a designated "State Responsibility Area". The California Department of Forestry indicated that the subject parcel is located within the California Department of Forestry "State Responsibility Area" and therefore, is subject to design standards relating to building setbacks, driveway construction and gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. These standards are design to reduce potential impacts related to wildland fires and are mandatory.*

### VIII. 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 with Mitigation Incorporation: The project proposed discharging stormwater into existing natural channels. A drainage report was submitted by the applicant and reviewed by Development Engineering Section of the County's Department of Public Works and Planning, Road Maintenance and Operation Division. Development Engineering is requiring that all storm water go through a settling pond located on-site before being discharged off-site. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure.*

- 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 with Mitigation Incorporated: The applicant proposes connection to Waterworks District No. 41(WWD 41) for community water and sewer services. The applicant will utilize well numbers 15, 16, 19, and 33. A hydro report was conducted, labeled "Results of 1997 Pump Tests on Shaver Lake Forest Wells", demonstrated that the projection yield for the above mentioned wells was 31.55 gpm over a 120-day cumulative test.*

*The State Department of Health Services, Office of Drinking Water, who regulates the WWD 41 system, reviewed the report and identified water source capacity limitations and potential impacts to groundwater quantity as potential impacts. This concern was also raised by the County Geologist who requested the above mentioned additional information be submitted with respect to groundwater supply.*

*After careful review between the Fresno County Resources Division, who were collaboratively working with the State, determined that, prior to recordation of final map, an additional well is required to be connected to WWD 41. The additional well is required to have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius are required to be monitored to determine if there is any influence/draw down on the surrounding wells.*

*The Resources Division also determined that the cumulative well yield for the four wells located on two subject sites (which includes this project as well as an un-related adjacent 118 space mobile home park) are required to be reduced from 31.55gpm to 23.7gpm. Therefore, only 78 water equivalent dwelling units (EDUs) are credited to the developers for both subject sites. As verified from the applicant, 50 of those 78 water EDUs will be used for TT 5050. A mitigation measure requiring construction of an additional well for the benefit of Water Works District 41 prior to recordation of the Final Map was accepted by the applicant and incorporated into the project, thus reducing potential groundwater quantity impacts to a less than significant level.*

- 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 situation on or off site?
- 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?
- e) Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

**FINDING – Less than Significant with Mitigation Incorporated:** *A drainage report was provided to Fresno County Development Engineering indicated that storm water from this tract will drain to the existing natural channels. After reviewing the report, Development Engineering required that all storm water go through a settling pond located on-site before being discharged off-site. This requirement was included as a mitigation measure into the project and will reduce potential stormwater impacts to less than significant.*

- f) Would the project otherwise substantially degrade water quality?

**FINDING – No Impact:** *The proposal will connect to Waterworks District 41. The Health Department issued no concerns related to water quality.*

- g) Would the project place housing within a 100-year floodplain?
- h) Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?
- i) Would the project expose persons or structures to levee or dam failure?
- j) Would the project inundation by seiche, tsunami or mudflow?

**FINDING - No Impact:** *The project is not located in a 100-year flood zone nor threatened by a seiche, tsunami or mudflow.*

## **IX. LAND USE AND PLANNING**

- a) Will the project physically divide an established community?
- b) Will the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project?

- c) **Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?**

*FINDING – No Impact: The proposal is in the R-1-B district and is designated Condominiums in the Shaver Lake Forest Specific Plan. Creating a planned residential development of 50 single family residential homes is consistent with the present zoning and land use designation. The proposal will not physically divide a community or conflict with any land use policy. The proposal is not located in a habitat conservation plan or natural community conservation plan.*

#### **X. MINERAL RESOURCES**

- a) **Would the project result in the loss of availability of a known mineral resource?**
- 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 analysis.*

#### **XI. NOISE**

- a) **Would the project result in exposure of people to severe noise levels?**

*FINDING – Less than Significant Impact with Mitigation Incorporated: The proposal has the potential to generate additional noise from the construction activity associated with the development of 50 residential units. Potential noise impacts resulting from the construction of the proposed development would be short-term and not considered significant. A mitigation measure limiting construction related activities to the hours of 7a.m. to 6 p.m. was accepted by the applicant and incorporated into the project. Compliance with the mitigation measures will reduce potential impacts to less than significant.*

- b) **Would the project result in ground borne vibration?**

*FINDING - No Impact: The project will not subject persons to ground vibration.*

- c) **Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?**
- d) **Would the project result in a substantial temporary or periodic increase in ambient noise levels?**

FINDING – Less Than Significant Impact with Mitigation Incorporated: *As indicated above the project will result in a temporary increase in noise level due to construction. To mitigate potential noise impact a mitigation measure was included in the project restricting construction activity from 7 a.m. to 6 p.m.*

- e) **Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?**
- 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 near an airport or private airstrip.*

## **XII. POPULATION AND HOUSING**

- a) **Would the project induce substantial population growth either directly or indirectly?**
- b) **Would the project displace substantial numbers of existing housing?**
- c) **Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?**

FINDING – Less than Significant: *The project will create 50 additional residential units that is estimated to bring an addition 100-200 people into the Shaver Lake Community. The proposal, however, will not trigger a need for residential communities in other parts of the community.*

## **XIII. PUBLIC SERVICES**

- a. **Would the project result in physical impacts associated with the provision of new public services in the following areas:**
  - (i.) **fire protection**
  - ii.) **police protection**
  - (iii) **schools**
  - (iv) **parks**
  - (v) **other public facilities?**

FINDING – Less than Significant: *The project has the potential to physically impact public services with the creation of 50 new residential homes. The applicant is required*

*to follow all the emergency access guidelines set by the Fresno County Sheriff's office and the Shaver Lake Volunteer Fire Department in order to adequately provide public services, emergency access, and community facilities.*

*The Sierra Unified School District and the Pineridge Elementary School District did not issue any comments of concerns related to the project. The payment of school development fees will be required prior to the issuance of building permits.*

*The proposal is not located in or adjacent to a public park or recreation facility. Impacts related to public facilities are not considered significant.*

#### **XIV. RECREATION**

- a) **Would the project increase the use of existing neighborhood and regional parks?**
- b) **Would the project require expansion of recreational facilities?**

*FINDING - No Impact: No impact on recreational resources were identified in the analysis. Furthermore, the proposal includes a pedestrian trail that will be utilized by the residents.*

#### **XV. TRANSPORTATION / CIRCULATION**

- a) **Would the project result in increased vehicle or traffic congestion?**
- b) **Would the project exceed the established level of service standards?**

*FINDING – Less than Significant with Mitigation Incorporated: The project has the potential to significantly increase traffic along SR 168 with the addition of residential units. A Traffic Impact Study was prepared by TPG Consulting, Inc. The study indicated that the State Route (SR) 168 at Bretz Mill Road intersection and the SR 168 at Ockenden Road Intersection will require a left-turn channel. Caltrans and the County's Design Division reviewed the requested traffic study and commented that the applicant will need to enter into a pro-rata share agreement for the two left turn pockets on SR 168. Caltrans has specified the amount and requires that the agreement be executed prior to the final approval of the map. This requirement was accepted by the applicant and incorporated into the project as a mitigation measure. The pro-rata share is as follows:*

*SR 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip) = \$7,769.00*

*SR 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip) = \$22,061.00*

- c) **Would the project result in a change in air traffic patterns?**

FINDING - No Impact: *The project will not change or alter air traffic patterns.*

- d) **Would the project substantially increase traffic hazards due to design features?**

FINDING – Less than Significant: *With the above mentioned mitigation measure (pro-rata share with Caltrans), impacts related to traffic hazards due to design features are considered less than significant.*

- e) **Would the project result in inadequate emergency access?**

FINDING - No Impact: *Existing emergency access will be maintained and is required to follow the guidelines of the Shave Lake Community Fire Department and the Fresno County Sheriff's Department.*

- f) **Would the project result in inadequate parking capacity?**

FINDING - No Impact: *Parking on the project site will be provided on each residential lot. No additional parking is required.*

- g) **Would the project conflict with adopted plans, policies or programs supporting alternative transportation?**

FINDING - No Impact: *Caltrans did not express any complaint or concern with programs and policies related to alternative transportation plans.*

## **XVI. UTILITIES AND SERVICE SYSTEMS**

- a) **Would the project exceed wastewater treatment requirements?**

FINDING – No Impact: *The project is located in Waterworks District No. 41. The Resources Division issued the applicant a will serve letter requiring connection to District 41 services. The Resources Division further stated the proposed project would not generate any significant environmental impacts related to its wastewater treatment facility.*

- b) **Would the project require construction of new water or wastewater treatment facilities?**

FINDING – Less than Significant Impact: *With the above mentioned mitigation measure (additional well connection to Waterworks District 41, see section VIII B), impacts related to new water or wastewater treatment facilities are less than significant.*

- c) **Would the project require construction of new storm water drainage facilities?**

FINDING - Less than Significant Impact with Mitigation Incorporated: The project will not require the construction of a new storm water drainage system however, as indicated above in VIII Hydrology and Water Quality c), d), and e), storm water will need to be divert to an on-site settling pond before being discharged off-site.

- d) **Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?**
- e) **Would the project be served by a landfill with sufficient permitted capacity?**
- f) **Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING - No Impact: The project was reviewed by the Resources Division, who indicates that the project will not result in significant solid waste related impacts.

#### **XVII. 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 with Mitigation Incorporated : *As indicated in Section IV. Biological Resource and Section V. Cultural Resources noted above, potential impacts to these resources were addressed by incorporating mitigation measures into the project design to reduce the potential to a less than significant level.*

- b) **Does the project have impacts that are individually limited, but cumulatively considerable?**

FINDING – Less than Significant Impacts: *The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). The project would contribute to the overall decline in air quality due to increase traffic and ongoing operational emissions. The Air District indicated that the project is subject to several of its adopted mandatory rules and regulations design to reduce emissions throughout the San Joaquin.*

- 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 impacts on human beings were identified in the analysis.*

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Initial Study 5124, Tentative Tract Map No. 5050, and Conditional Use Permit 3084, staff has concluded that the project will not have a significant effect on the environment with the proposed mitigation measures and conditions of approval. It has been determined that there would be no impacts to agricultural resources, hazards and hazardous materials, land use and planning, mineral resources, and recreation. Potential impacts related to housing and public services were determined to be less than significant. Potential impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, public services, transportation and utilities were determined to be less than significant with incorporation of mitigation measures that were accepted by the applicant and incorporated into the project.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

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Mitigation Measures  
Initial Study Application No. 5124  
Tentative Tract Map Application No. 5050  
Conditional Use Permit Application No. 3084  
(James Bratton)

The following mitigation measures have been specifically applied to mitigate potential adverse environmental effects identified in the above environmental document. A change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. These mitigation measures must be included as project conditions and be identified with an asterisk (\*) so they can be readily identified as mandatory mitigation measures for this project.

- \*1. To address potential impacts related to aesthetics and lighting the following shall be required:
  - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
  - b. All lighting shall be hooded and directed so as to not illuminate adjacent properties and public streets.
- \*2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential Water Heaters). This requirement shall be noted on the designed plans and specifications.
- \*3. In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins, dated December 10, 2002, the following measures shall be required:
  - a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the Final Map and shall remain in their natural state. The Final Map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map Application No. 5050,

or cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with the land as part of the Final Map process.

- b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
- c. The Orange lupine areas shall be fenced with a permanent fence 42 inches in height to further prevent disturbance within the outlot area. The type of fence design and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish and Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
- d. Prior to the start of any construction, which includes grading or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John C. Stebbins, a Clean Water Act Section 404 Permit shall be obtained if required, from the United States Department of the Army Corp of Engineers and if required, a Clean Water Act Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.
- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purposes, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the Final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System" shall maintain a minimum 50-foot separate from both of the outlots containing the Wetlands and Orange Lupine areas. Portions of the trail system shall include an "Interpretive Trail Signage" to educate residents of the value of the wetlands and the orange Lupine on the project site.

Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis, to allow the "Interpretive Trail System" to interact with the protected areas.

- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval a brochure or other educational materials that discuss human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain at a minimum:
  - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
  - ii.) A discussion of the importance of pet restrictions.
  - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
  - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.
  - v.) A discussion on the prohibition of hunting and the use of firearms anywhere in the project area.
  - vi.) A discussion on the prohibition of feeding wildlife anywhere in the project area.
  - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the breeding and nesting season of May through August.
- 4. Prior to recordation of the Final Map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&R) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location, Wetlands Area", "Orange Lupine Area", streams and tributaries, streams and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&R shall be the responsibility of the Homeowners' Association.
- \*5 The Homeowners' Association shall retain a qualified professional biologist to evaluate the site on an annual basis including:
  - a. Compliance with the state and federal wetland permit requirements.

- b. Possible degradation or wetland areas from erosion and sedimentation.
- c. Compliance with the wetland area "NO BUILD, NO DISTURB".
- d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
- e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowner's Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- \*6. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Department of Public Works and Planning and the California Department of Fish and Game for a period of 10 years. After 10 years of reporting by the biologist, the Homeowners' Association committee shall then assume the responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish and Game that the Homeowners' Association committee is responsible to assume this duty for perpetuity.
- \*7. The subdivider with the qualified professional biologist through the CC&R's shall be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish and Game identifies as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording of the final map. There after it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any noncompliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- \*8. In the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and any archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and

disposition. If such remains are Native America, the Coroner must notify the Native American Commission within 24 hours.

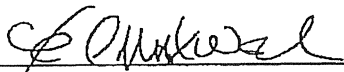
- \*9. Prior to recordation of the Final Map on an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.
- \*10. To address potential impacts related to storm water drainage, all storm water shall go through a settling pond located on-site before being discharged off-site.
- \*11. Potential noise impacts shall be addressed by limiting construction related activities to the hours of 7:00 a.m. and 6:00 p.m.
- \*12. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with the California Department of Transportation for the specified amount as follows:

State Route 168 / Bretz Mill Road Intersection:

17 trips - \$456.00 per trip = \$7,769.00 / pro-rata share

State Route 168 / Ockenden Road Intersection:

18 trips - \$794.00 per trip = \$14,292.00/ pro-rata share

  
\_\_\_\_\_  
James Bratton  
CBB Construction  
c/o Charles Maxwell

4-15-05  
\_\_\_\_\_  
Date

## EXHIBIT 6

Tentative Tract 5050  
Indian Rock  
Exception Request  
March 16, 2005

### Applicant

Mr. James Bratton  
CBB Construction

### Representative

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Avenue, Suite 200  
Fresno, California 93721  
559-445-0374

### Property Location

Tentative Tract No. 5050

### Background/Request

The subject property consists of approximately 22.837 +/- acres of property located in the Shaver Lake Forest (Timberwine) Specific Plan area and is located approximately 2 miles south of Shaver Lake. The property is situated in an area that is heavily forested and has significant changes of grade. The proposed project will be a planned residential development consisting of 50 units. As such, the streets within the project will be privately maintained. Access to the site is from Shaver Forest Road which is 26' wide. Due to the elevation of the subject property, approximately 5,500 feet above sea level, the property experiences snowfall. Therefore, in order to provide for the plowing of the roads, it is necessary to provide snow storage areas.

The roadway system under consideration will serve Tentative Tract No. 5050 and consists of a private road system that will serve two different portions of the project. A gated entrance will be provided to the property. One road segment will travel in a northerly direction and then to the west and serve approximately 29 units and is approximately 1,060 feet in length. The second road segment will travel to the west and serve 21 units and is approximately 720 feet in length. The proposed street width is 22'. These streets are designed to meet the needs of the 50 housing units proposed within this subdivision.

### Exception Request

The applicant requests exceptions to the following design standards that were identified in a memo from Frank Daniele to Brian Ross dated April 22, 2004:

#### A.1

Construction of Shaver Forest Road from State Highway 168 to the project entrance at a County Improvement Standard Case A-2a with 36 of base and pavement.

B.1

Requirement to construct interior roads to a public road standard (County Improvement Standards Case A-1a) with 32 feet of base and pavement.

B.8

Limiting the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

Exception Findings

1. *There are exceptional or extraordinary circumstances or conditions that affect said property or the reasonable use thereof;*

A.1

The existing Shaver Forest Road was constructed to a width of 28'. This road was constructed to not only serve the Musick Ridge Subdivision which is immediately to the south of the subject property, but the proposed 50 unit tract proposed in TTM 5050. The design requirements for the road should have taken into account the proposed development. Requiring the developer of this property to have to go in and acquire additional right of way and construct additional road width is unreasonable.

B.1

The project area has a relatively large wetlands area, as well as area of biobotanical significance that must not only be protected, but also require significant development setbacks for construction. Protecting these areas, together with the extraordinary setbacks that are required, greatly constrain the ability to develop a road system per the county's standards. Moreover, the roads in question are proposed to be privately owned and maintained. The traffic on the roads will be limited to the residents and guests of the proposed development. The project is generally isolated in that other projects will not share the proposed project's circulation system.

Due to the elevation of the project, rain and snow will materially impact the daily use of project roads. In addition, the project's mountainous location, road grades and design constraints will also impact safe vehicular travel. These environmental circumstances necessitate slower vehicular speeds for safety purposes which can be achieved with the proposed changes in development standards.

The requested exception will minimize the amount of cut needed to accommodate the road, as well minimize the number of trees that must be removed.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3714-Silver Tip and TTM 2599-Bretz Condominiums.



B.8

Roads will not be constructed across the aforementioned wetlands. In addition there are also rock outcroppings that impinge on the project area. Therefore, in order to develop the property it is necessary that one of the cul-de-sacs exceed the length provided. However, additional fire hydrants will be provided and there will be a turn-around to accommodate fire trucks.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM 4175 Musick Falls.

2. *That the exception is necessary for the preservation of a substantial property right and permit the enjoyment thereof.*

A.1

The existing subdivision to the south of the project area was allowed to be developed with Shaver Forest Road designed as a 28' road. At the time this road was designed and accepted by the county it was known that the proposed project would take access from this road. The property owners to the south have been allowed to develop their property with the current road design. Requiring the applicant for TTM 5050 to widen the road is unreasonable.

B.1

The project area has a relatively large wetlands area, as well as an area of biobotanical significance that must not only be protected, but also require significant development setbacks for construction. Protecting these areas, together with the extraordinary setbacks that are required, greatly constrain the ability to develop a road system per the county's standards. Moreover, the roads in question are proposed to be privately owned and maintained. The traffic on the roads will be limited to the residents and guests of the proposed development. The project is generally isolated in that other projects will not share the proposed project's circulation system.

Due to the elevation of the project, rain and snow will materially impact the daily use of project roads. In addition, the project's mountainous location, road grades and design constraints will also impact safe vehicular travel. These environmental circumstances necessitate slower vehicular speeds for safety purposes which can be achieved with the proposed changes in development standards. The requested exception will minimize the amount of cut needed to accommodate the road, as well minimize the number of trees that must be removed.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3714-Silver Tip and TTM 2599-Bretz Condo

B.8

Roads will not be constructed across the aforementioned wetlands. In addition, there are also rock outcroppings that impinge on the project area. Therefore, in order to develop the property it is necessary that one of the cul-de-sacs exceed the length provided. However, additional fire hydrants will be provided and there will be a turn-around to accommodate fire trucks.

The requested exception is consistent with the exception requests that were made for, and granted to, TTM 3825-Cedar Ridge, TTM 4426 Musick Ridge, and TTM 4175 Musick Falls.

3. *That the granting of the exception will not be materially detrimental to the public safety, health and welfare:*

See #1 above.

4. *That the granting of the exception will not be injurious to or prevent the logical development of property in the immediate area.*

Similar requests have been granted for other projects in the Shaver Lake area with an apparent determination that the requests would not be injurious to or prevent the logical development of property in the immediate area of those requests. Similarly, these requested exceptions will only impact the residents within TTM 5050. Therefore, no impacts will occur on adjoining properties.

April 24, 2018

County of Fresno  
Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

Subject: Extension of Life of TT 5050 Indian Rock, Shaver Lake, CA 93664

To whom it may concern,

Please consider this letter as a request to extend the life of TT 5050 Indian Rock. This extension is being requested for the following reasons:

- The past economic downturn has impacted residential development throughout the Central Valley. Although the economy is showing improvement, the recovery is slow and the area continues to be impacted.
- Rising interest rates. Rates are expected to continue to increase through 2020.
- Current glut of lots available in the Shaver Lake area. Zillow.com currently lists numerous lots for sale.

Should you need additional information or to discuss this request, please contact me at (559) 974-9515

Sincerely,

Billy Wells



**Property Owner and Applicant**

Billy Wells  
10072 N. Ponderosa Drive  
Fresno, CA  
(559) 974-9515



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 July 26, 2018

**SUBJECT:** Initial Study Application No. 7359, General Plan Amendment Application No. 552 and Amendment Application No. 3825

Amend the County General Plan designation for two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the subject parcels from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses related to an animal hospital and shelter.

**LOCATION:** The subject property is located on the east side of North Grantland Avenue between North Parkway Drive and West Tenaya Avenue, and approximately 180 feet southwest of the City of Fresno (SUP. DIST. 1) (APN 504-081-02S/03S).

**OWNER:** Wesclo, LP  
**APPLICANT:** Fresno Humane Animal Services

**STAFF CONTACT:** Marianne Mollring, Senior Planner  
Initial Study/Amendment Application Information  
(559) 600-4569

Mohammad Khorsand, Senior Planner  
General Plan Amendment Application Information  
(559) 600-4239

Chris Motta, Principal Planner  
(559) 600-0422

**RECOMMENDATION:**

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7359; and
- Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 552 amending the County General Plan by re-designating two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial as the second General Plan Amendment Cycle in 2018; and
- Recommend that the Board of Supervisors approve Amendment Application (AA) No. 3825 to rezone two adjacent parcels totaling 4.15 acres from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal shelter/animal hospital and associated uses; and
- Direct the Secretary to prepare a Resolution forwarding GPA No. 552 and AA No. 3825 to the Board of Supervisors with a recommendation for approval, stating that the proposed changes to the County General Plan and rezoning request are consistent with the Fresno County General Plan.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Land Use Map
4. Existing Zoning Map
5. Uses Allowed Under the Current Zoning
6. Use Allowed Under the Proposed Zoning
7. Summary of Initial Study Application No. 7359
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Residential	Limited Industrial
Zoning	R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District	M-1(c) (Light Manufacturing, Conditional) Uses limited to an animal hospital and shelter
Parcel Size	2.09 acres (APN 504-	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
	081-03S) 2.06 acres (APN 504-081-02S)	
Project Site	Vacant	Amend the County General Plan by re-designating two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the site from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to the M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses (uses related to an animal hospital and shelter).
Structural Improvements	None	No Change
Nearest Residence	150 feet west of the project site	No Change
Surrounding Development	Social lodge, churches, elementary school, and single-family residences	No change
Operational Features	None	See "Project Site" above
Employees	N/A	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Customers/Supplier	N/A	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Traffic Trips	None	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Lighting	None	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Hours of Operation	N/A	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.

### Setback, Separation and Parking

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	R-R Zone District: Front: 35 feet Sides: 20 feet Rear: 20 feet	M-1 Zone District: Front: 15 feet Sides: 15 feet Rear: 15 feet	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Parking	One (1) parking space for every dwelling unit	One (1) off-street space for each two (2) permanent employees	No direct change proposed. Rezoning would allow by-right development of an animal hospital/shelter.
Lot Coverage	No requirement	No requirement	N/A
Separation between Buildings	Six-foot minimum	No requirement	N/A
Wall Requirements	No wall requirement	Six-foot-high solid masonry wall	N/A
Septic Replacement Area	100 percent for the existing system	City of Fresno sewer system	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	City of Fresno water system	Yes

### Circulation and Traffic

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Grantland Avenue; Excellent condition	No change
Direct Access to Public Road	Yes	N/A	N/A
Road ADT		7,500	No change
Road Classification		Arterial	No change

		Existing Conditions	Proposed Operation
Road Width		20 feet east of section line	No change
Road Surface		Asphalt paved; pavement width 21.4 feet	No change
Traffic Trips		None	Increase associated with development
TIS Prepared	Yes	N/A	TIS required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		Excellent condition	No change

### Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	2.01 acres	Church	R-R	None
South	2.05 acres	Vacant/Social Lodge	R-R	960 feet
East	3.0 acres	Vacant/SR 99	R-R	None
West	2.01 acres	Single-family residence, Church	R-R	150 feet

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

### ENVIRONMENTAL ANALYSIS

Initial Study Application No. 7359 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7. The Initial Study has been revised to delete Mitigation Measure 2, under Section I Aesthetics. The six-foot masonry wall is required by the M-1 (Light Industrial) Section of the Zoning Ordinance.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 8, 2018.

### PUBLIC NOTICE:

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



Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors (BOS) will be scheduled as close to the Commission’s action as practical to make the final decision on the General Plan Amendment and rezoning request. Staff is currently targeting a Board of Supervisors hearing date in September 2018. Once scheduled, a separate notice of that hearing will be provided to the Applicant, surrounding property owners and other interested parties.

**PROCEDURAL CONSIDERATIONS:**

A General Plan Amendment and rezoning (Amendment Application) are legislative acts requiring final action by the Board of Supervisors. A decision by the Planning Commission in support of General Plan Amendment and rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a General Plan and rezoning, however, is final unless appealed to the Board of Supervisors.

**BACKGROUND INFORMATION:**

The subject property currently has a General Plan designation of Rural Residential and is zoned R-R(nb) (Rural Residential, Neighborhood Beautification Overlay). The zoning was enacted on August 31, 1976 by the County Board of Supervisors (Amendment Application No. 2870) during a broad-scale rezoning associated with the update of the County General Plan, which involved rezoning a large portion of land west of the City of Fresno from agricultural zoning to the R-R Zone District and changing the underlying General Plan designation to Rural Residential. The rezoning extended west to Grantland Avenue, and the subject parcels (which are located on the east side of Grantland Avenue and thus within that new Rural Residential area) were encompassed within the rezoning and re-designation.

The project site is located in an area of mixed uses including residential, school, churches, vacant land, and a social lodge. The area to the west of the parcel across Grantland Avenue is zoned R-R and is developed with single-family residences, a church, and an elementary school. The property to the north is a church; to the east is a vacant parcel and State Route 99; and south is vacant land and a social lodge, all zoned R-R. Further south is a single-family residential neighborhood within the City of Fresno, and to the southwest is the Herndon-Barstow Elementary School. The subject parcels are currently vacant.

Other non-residential land uses approved in the vicinity include:

<b>Application No.</b>	<b>Project Description</b>	<b>Status</b>	<b>Date of Action</b>
Conditional Use Permit (CUP) No. 3234	Allow a church, 6343 N. Grantland (APN 504-040-65)	Planning Commission Approved	2/3/2009
CUP No. 2289 CUP No. 2601	Allow a social club, 6176 N. Grantland (APN 504-081-07S)	Planning Commission Approved	10/9/1986 1/20/1993
CUP No. 1861	Allow a church, 6438 N. Grantland (APN 504-081-01S)	Planning Commission Approved	4/8/1981

Under the subject proposal, the Applicant is proposing to amend the County General Plan by re-designating two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the parcels from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses (uses related to an animal hospital and shelter).

Although the proposed General Plan Amendment and Rezone applications would allow establishing an animal hospital/shelter as a by-right use, the development of the subject site into an allowed use would require approval of a Site Plan Review to ensure compliance with the development standards of the proposed M-1(c) Zone District.

**ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:**

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-F.29, criteria a, b, c, d: County may approve rezoning requests for new industrial development, provided that the project’s operational measures protect public health, safety, and welfare; project provides adequate off-street parking; project maintains non-objectionable use areas adjacent to abutting properties; and project limits the industry’s size, time of operation, or length of permit.	The subject site (two adjacent parcels totaling 4.15 acres) is not developed. The rezoning will allow an animal hospital/shelter by right. The proposal is consistent with Policy LU-F.29.
General Plan Policy LU-F.30: County shall generally require community sewer and water services for industrial development.	The proposed parcels will be required to connect to City of Fresno services at the time of development. No concerns relating to sewer and water services were expressed by the Fresno County Department of Public Health, Environmental Health Division.
General Plan Policy LU-F.31: To the extent feasible, the County shall require that all industrial uses located adjacent to planned non-industrial areas or roads carrying significant non-industrial traffic be designed with landscaping and setbacks comparable to the non-industrial area.	The proposed Mitigation Measures, Conditions of Approval, and mandatory Site Plan Review will ensure compatible landscaping and setbacks consistent with the surrounding Rural Residential Zone District.
General Plan Policy LU-F.32: Since access to industrial areas by way of local roads not designed for industrial traffic is generally inappropriate, the County may require facility design, traffic control devices, and appropriate road closures to eliminate this problem.	Any development proposed for the site will be required to provide street improvements to City of Fresno standards, including sidewalk, curb and gutter, and a Class II bicycle lane. The Conditional M-1 Zoning limits the use to an animal hospital/shelter, with limited, non-industrial traffic generation.
General Plan Policy LU-F.33: The County shall require that permanent parking facilities permitted within designated	Any development proposed for the site will be required to provide on-site parking conforming to the M-1(c) Zone District standards and be

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>industrial areas be designed to be compatible with the surrounding land use patterns.</p>	<p>approved through Site Plan Review.</p>
<p>General Plan Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p> <p>General Plan Policy LU-G.14: The County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable city/county memorandum of understanding.</p>	<p>This application was referred to the City of Fresno for processing and annexation. The City of Fresno declined annexation and released the application for processing by the County on May 23, 2017.</p>
<p>General Plan Policy TR-A.7: County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.</p> <p>General Plan Policy TR-A.8: County shall ensure that land development that affects roadway use or operation, or requires roadway access to plan, dedicate, and construct required improvements is consistent with the criteria in the Circulation Diagram and Standards section of the General Plan.</p>	<p>This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning. The project required a Traffic Impact Study (TIS) to determine requirements and traffic mitigation.</p> <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the total existing right-of-way east of the section line for the portion of Grantland Avenue which fronts the subject property is 20 feet. Due to this portion of Grantland Avenue being classified as an Arterial, the minimum right-of-way required for Grantland Avenue is 53 feet east of the section line. Any future development activity will be required to provide full right-of-way and street improvements to City of Fresno standards.</p>

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Rural Residential in the General Plan. The Applicant is proposing to rezone the subject property from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to the M-1(c) (Light Manufacturing, Conditional) Zone District to allow a proposed animal hospital/shelter and related facilities. The M-1 Zone District is a compatible zone district for land designated Limited Industrial within the General Plan.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Grantland Avenue is classified as an Arterial with an existing 20-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial right-of-way east of the section line is 53 feet. According to FEMA FIRM Panel 1535H, the subject property is not subject to flooding from the 100-year storm. According to the U.S.G.S. Quad Maps, there are existing natural drainage channels traversing the subject parcel. Easements may be required by the appropriate agency.

All work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveways onto Grantland Avenue. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher is required for any grading that has been done without permit and any grading proposed with this application. This information has been included under Project Notes.

Fresno Irrigation District (FID): FID's active Epstein No. 48 pipeline runs northwesterly and traverses the north and eastern portions of the subject property in a 40-foot-wide perpetual and exclusive easement, recorded November 21, 1979, as Document Number 143033, Official Records of Fresno County, crosses Grantland Avenue approximately 100 feet north of the subject property and will be impacted by the future development. This section of pipe was installed in 1979 (37 years old) as 48-inch diameter Cast in Place Monolithic Concrete Pipe (CIP-MCP). CIP-MCP is a non-reinforced monolithic pipe that is easily damaged, extremely prone to leakage and does not meet FID's minimum standards for developed (residential, industrial, commercial) parcels or urban areas. FID has an Agreement for Substitution of Pipeline of this section of Epstein No. 48, which runs with the land, requiring the pipeline to be upgraded with a new 48-inch diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) with appurtenant structures in accordance with FID standards upon development of the parcels.

FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited, to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities. FID requires that the Applicant/developer submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID. This information has been included under Project Notes.

Fresno County Department of Public Health, Environmental Health Division: The Applicant will be required to submit an acoustical analysis, prepared by a qualified acoustical consultant, which must address the potential impacts to nearby noise-sensitive receivers from the operation of the proposed project. The analysis shall take into account noise coming from the parking lot area, and Fresno County Noise Ordinance Standards for daytime and nighttime.

The Applicant has completed this requirement. The Fresno County Department of Public Health, Environmental Health Division reviewed the Acoustical Analysis provided by WJV Acoustics, Inc. and recommends that future development adhere to the recommendations of the Acoustical Analysis.

State Water Resources Control Board: The proposal requires a “will-serve” letter from the City of Fresno. The Environmental Health Division will not permit the proposed facility due to its close proximity to the City of Fresno.

The Applicant has completed this requirement and provided the County with a will-serve letter from the City of Fresno and with Fresno County Local Agency Formation Commission (LAFCo) approval for the service connections.

San Joaquin Valley Air Pollution Control District: The proposed project would equal or exceed 20,000 square feet of medical office space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review). The Applicant is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval.

The Applicant has completed this requirement. The San Joaquin Valley Air Pollution Control District approved the Air Impact Assessment submitted for this project and determined that the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

Fresno Metropolitan Flood Control District (FMFCD): The subject site will be required to pay the FMFCD drainage fees at the time of any development based on the fee rates in effect at that time. FMFCD requires that the storm drainage patterns for the development conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline. Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). This information has been included under Project Notes.

City of Fresno: The City of Fresno General Plan designates the subject site for Commercial Business Park, which would correspond to the BP (Business Park) Zone District. The City's BP Zone District does not permit the proposed animal shelter use. The Applicant shall agree not to oppose inclusion in any future annexation by the City of Fresno regarding the subject property.

The Applicant shall construct all street frontage improvements along the project frontage of Grantland Avenue per City of Fresno standards, including any dedications of required right-of-way for those improvements. This has been included as a Condition of Approval.

Zoning Section, Water and Natural Resources Division, and Building and Safety Section of the Fresno County Department of Public Works and Planning; California Department of Fish and Wildlife; Table Mountain Rancheria; and Fresno County Fire Protection District: No concerns.

#### **Analysis:**

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject site (two adjacent parcels totaling 4.15 acres) is currently designated Rural Residential in the County General Plan and zoned R-R(nb) (Rural

Residential, Neighborhood Beautification Overlay) in the County Zoning Ordinance.

A Memorandum of Understanding (MOU) between the County and the City of Fresno, as well as General Plan Policy LU-G.1, require that applications for new urban development within the City's Sphere of Influence be referred to the City for annexation. In response to Fresno County Referral No. 982, on May 23, 2017, the City elected not to annex the parcel and released the project to the County to process. County staff also consulted with the City of Fresno during its review of the project in order to evaluate potential impacts on transportation, public facilities, and other factors. Staff at the City of Fresno indicated there were no immediate concerns with the proposed rezoning and that the Applicant would need to address street frontage improvements, and public water and wastewater connections at the time of development.

The current request is to change the land use designation on the project site from Rural Residential to Limited Industrial. The General Plan lists the M-1 Zone District as being compatible with the proposed Limited Industrial land use designation.

The project area encompasses two adjacent parcels totaling 4.15 acres and is currently undeveloped. Industrial use is not compatible with the Rural Residential land use designation and R-R zoning on the parcel. The subject proposal would amend the County General Plan by re-designating the site from Rural Residential to Limited Industrial and rezoning from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and related uses.

An Initial Study (IS) prepared for this proposal has identified that there would be no impacts to Agricultural and Forestry Resources, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation. Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise have been determined to be less than significant. Potential impacts relating to Aesthetics, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant with compliance with the Mitigation Measures listed in Exhibit 1.

In order to ensure compatibility of an animal hospital/shelter with the existing Rural Residential neighborhood and adjacent uses, Mitigation Measures and Conditions of Approval (Exhibit 1) have been included in this project requiring: landscape improvements along the Grantland frontage; hooded and directed lighting; height limit of 35 feet on structures; and street improvements, sidewalk, and bicycle lane on Grantland Avenue. A six-foot-high solid masonry wall along the property lines is a requirement of the M-1 Zone District when adjacent to residentially-zoned property.

Identified mandatory project requirements (Project Notes), as discussed in this staff report, would more appropriately apply to any future development on the property, subject to mandatory Site Plan Review as specified in Section 874 of the County Zoning Ordinance.

Given the above discussion, staff believes the proposal is consistent with the County General Plan.

**RECOMMENDED CONDITIONS OF APPROVAL:**

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

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Staff believes that amendment to the County General Plan from Rural Residential to Limited Industrial and the proposed rezone from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District is consistent with the Fresno County General Plan and recommends approval of General Plan Amendment No. 552 and Amendment Application No. 3825, subject to the Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7359; and
- Recommend that the Board of Supervisors approve General Plan Amendment No. 552 amending the County General Plan by re-designating two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial as the second General Plan Amendment cycle in 2018; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3825 to rezone two adjacent parcels totaling 4.15 acres from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses (uses related to an animal hospital and shelter); and
- Direct the Secretary to prepare a Resolution forwarding General Plan Amendment Application No. 552 and Amendment Application No. 3825 to the Board of Supervisors with a recommendation for approval, stating that the proposed changes to the County General Plan and rezoning request are consistent with the Fresno County General Plan.

**Alternative Motion** (Denial Action)

- Determine that the proposed request to amend the Fresno County General Plan from Rural Residential to Limited Industrial, and rezone from the R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow an animal hospital/shelter and associated uses is inconsistent with the General Plan (state basis for inconsistency) and deny General Plan Amendment No 552 and Amendment Application No. 3825; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

MM:ksn

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7359, General Plan Amendment Application No. 552, and Amendment Application No. 3825**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	Landscaping, consisting of trees and shrubs, shall be planted and maintained along the Grantland Avenue frontage of the project. A detailed landscape plan, prepared by a licensed Landscape Architect, shall be submitted for review and approval as part of the mandatory Site Plan Review process for this project. All landscaping shall be planted prior to final occupancy of the development. The landscaping and the irrigation system shall be maintained as long as the facility is in operation.	Applicant	Applicant/ Public Works and Planning	Prior to final occupancy
2.	Aesthetics	All lighting shall be hooded and directed as to not shine toward adjacent property and public streets.	Applicant	Applicant/ Public Works and Planning	Ongoing
3.	Hydrology and Water Quality	The project shall connect to the City of Fresno sewer and water services.	Applicant	Applicant/ Public Works and Planning/ City of Fresno Public Utilities Department	Prior to final occupancy
4.	Transportation/ Traffic	The project shall add transition paving between Tenaya Avenue and the southern project boundary and north of the project based on a 45 MPH speed as recommended in the Traffic Impact Study.	Applicant	Applicant/ Public Works and Planning	Prior to final occupancy
5	Transportation/ Traffic	The project shall implement a Class II Bike Lane facility along its frontage on Grantland Avenue as recommended in the Traffic Impact Study.	Applicant	Applicant/ Public Works and Planning	Prior to final occupancy

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

**EXHIBIT 1**



<b>Conditions of Approval</b>	
1.	The M-1 (Light Industrial) uses allowed on the property shall be limited to Animal Hospitals and Shelters, subject to the Property Development Standards in Section 843.5 except as modified for building height and setbacks below.
2.	No buildings or structures shall have a height greater than 35 feet.
3.	On-site development shall provide front-yard (Grantland Avenue) landscaping. The Requirements of Section 820.5-E, (Rural Residential Zone District, Yards) shall apply for the front-yard, side-yard, and rear-yard setbacks for development in this M-1(c) Zone District.
4.	Prior to development, the project shall construct all street frontage improvements along the project frontage of Grantland Avenue, per City of Fresno standards, including any dedications of required right-of-way for those improvements.
5.	<p>Fresno Irrigation District (FID) Facility (Epstein No. 48 Pipeline) partially exists on the project site and shall be protected prior to any County approval action on any grading and drainage plans, or construction and landscaping plans; the County shall route said plans to FID for review and comment. The County shall consider FID input with the intent to ensure that proposed development will not endanger the structural integrity of the pipeline or result in drainage patterns that could adversely affect the on-site FID facilities. FID easements shall be shown on all plans submitted to the County for review.</p> <ul style="list-style-type: none"> <li>a) Footings and retaining walls shall not encroach into the FID easement and all soil and stockpile shall be kept outside of the easement.</li> <li>b) Large earthmoving equipment (paddle wheel scrapers, graders, and excavators) shall be prohibited within the FID easement.</li> <li>c) Prior to development, the Project Developer shall coordinate with FID concerning Note No. 15 listed under "Notes" which addresses Agreement No. 143033 recorded on December 10, 1979 (Book 7427, Page 961). Prior to issuance of final occupancy, the Project Developer shall provide evidence to the County that the terms of this Agreement have been satisfied through either pipeline replacement as stipulated, or entering into a revised agreement between FID and the property owner to supersede the 1979 Agreement with new terms satisfactory to both the Project Developer and FID.</li> </ul>

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
2.	A grading permit or voucher is required for any grading that has been done without permit and any grading proposed with this application. Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
3.	Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

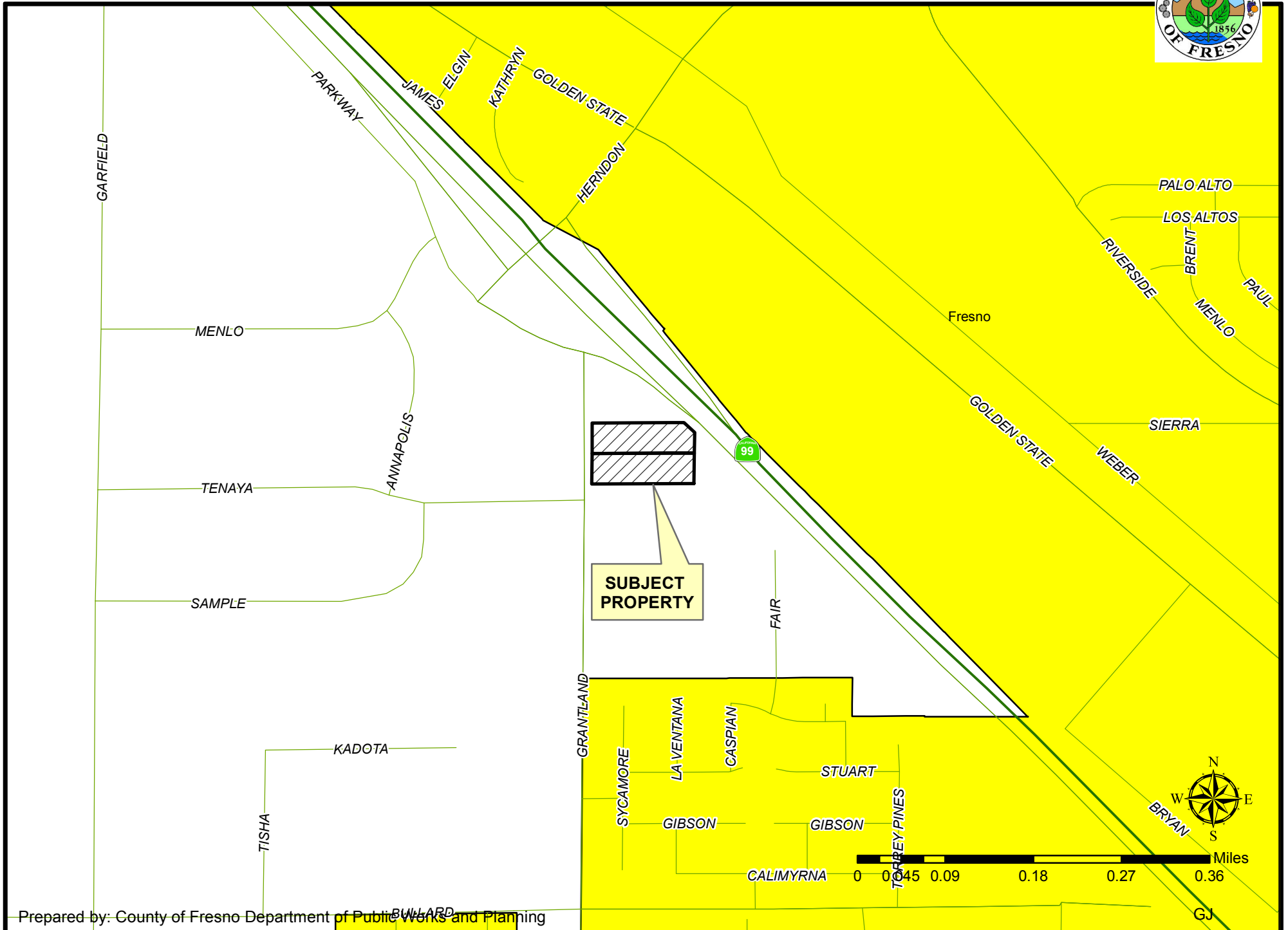
<b>Notes</b>	
4.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
5.	If not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway.
6.	If not already present, 10' x 10' corner cutoffs will need to be improved for sight distance purposes at the driveway onto Grantland Avenue.
7.	The property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
8.	The proposed development encompasses two legal lots; a parcel merger of said lots is required in order to conform to all zoning requirements, prior to development.
9.	A Site Plan Review will be required to be submitted to and approved by the Fresno County Department of Public Works and Planning prior to the issuance of any permits in the M-1 Zone District.
10.	The subject site will be required to pay the Fresno Metropolitan Flood Control District drainage fees at the time of any development based on the fee rates in effect at that time. Current drainage fees for development are estimated to be \$54,410.
11.	The Fresno Metropolitan Flood Control District (District) requires that the storm drainage patterns for the development conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area. Construction requirements will be addressed with future entitlements on the property that may include street reconstruction.
12.	The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability the Fresno Metropolitan Flood Control District to operate and maintain the canal or pipeline.
13.	Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction.
14.	As part of the mandatory Site Plan Review Process, new development on this parcel shall be submitted to the San Joaquin Valley Unified Air Pollution Control District to determine if an Indirect Source Review application is required.

<b>Notes</b>	
15.	<p>Fresno Irrigation District's (FID's) active Epstein No. 48 pipeline runs northwesterly and traverses the north and eastern portions of the subject property, in a 40-foot-wide perpetual and exclusive easement, recorded November 21, 1979 as Document Number 143033, Official Records of Fresno County, and crosses Grantland Avenue approximately 100 feet north of the subject property. The southern 15 feet of this easement is on the subject property. The terms of this Agreement include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) FID's right of ingress to and egress from the easement over and across the real property of the Owners in a covenant and agreement that no building, fence or other structure shall be constructed, and no trees, vines or shrubs shall be planted or maintained upon the easement without the consent of FID.</li> <li>b) Should the property described in the Agreement, be developed in either commercial or residential use, the existing 48" inside diameter irrigation pipeline shall be replaced, at the Property Owner's expense, with a 48" inside diameter, rubber gasketed reinforced concrete pipeline as may be required by FID.</li> </ul>
16.	<p>All abandoned wells and septic systems located on the property shall be destroyed by a licensed contractor under permit by the County of Fresno.</p>

MM:ksn

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# LOCATION MAP



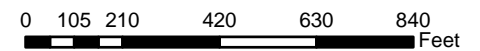
# EXISTING LAND USE MAP



LEGEND	
ORC	- ORCHARD
C	- COMMERCIAL
CHU	- CHURCH
LODGE	
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

# EXISTING ZONING MAP

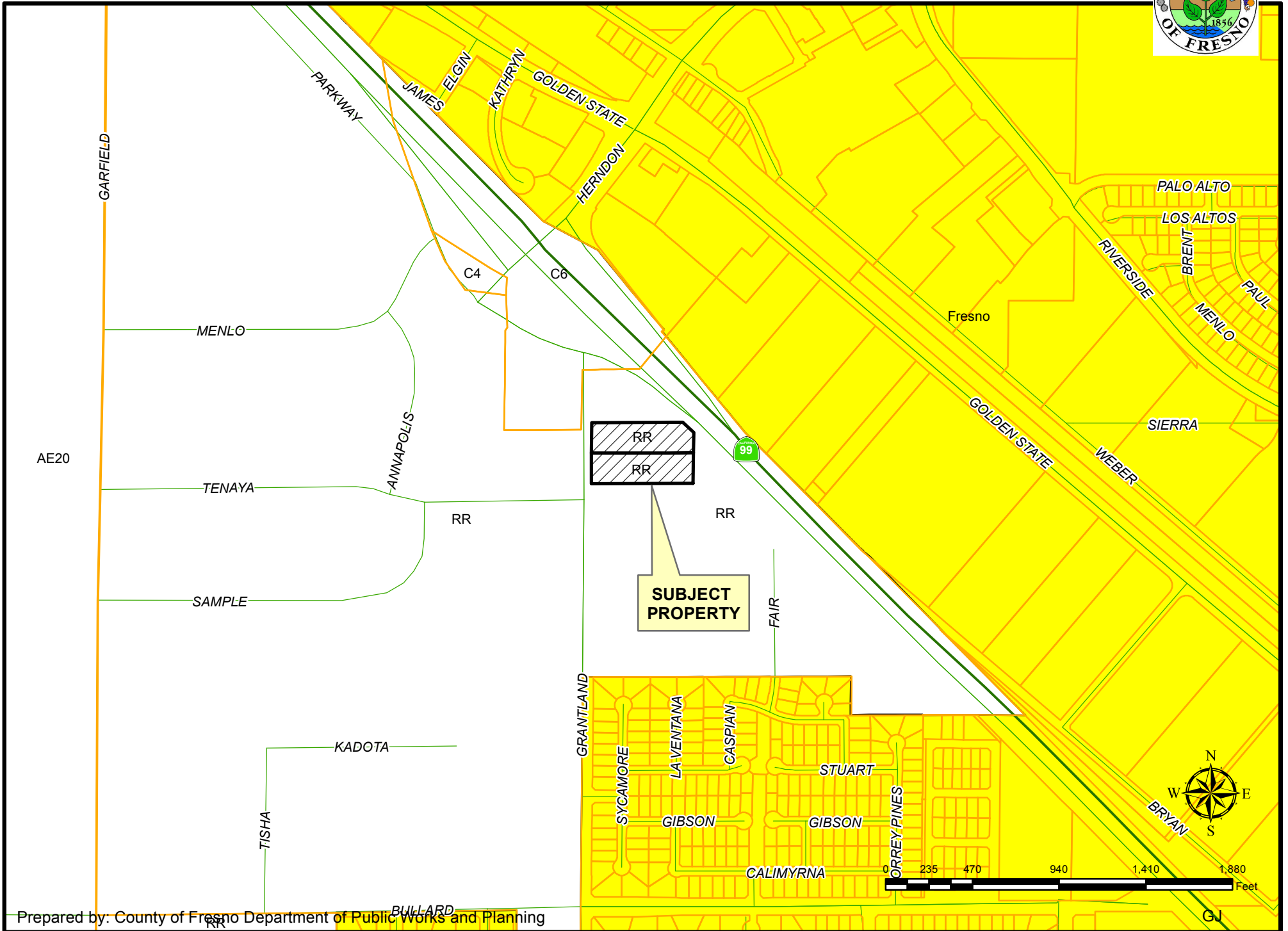


EXHIBIT 5  
Amendment Application No 3825

Uses Allowed Under the existing R-R (Rural Residential) Zone District

The following uses shall be permitted in the "R-R" District. All uses shall be subject to the property development standards in Section 820.5.:

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings including servant's quarters, accessory living quarters, garages and farm buildings.
- C. Agricultural crops, greenhouses, fruit trees, nut trees and vines.
- D. Bovine animals, horses, sheep, and goats where the lot area is thirty-six thousand (36,000) square feet or more and provided that the number thereof shall not exceed a number per each thirty-six thousand (36,000) square feet equal to four (4) adult animals in any combination of the foregoing animals and their immature offspring with not more than three (3) adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six (6) immature bovine or equine animals or combination thereof where no adult animals are kept per each thirty-six thousand (36,000) square feet. Where the lot is less than thirty-six (36,000) square feet in area, but twenty thousand (20,000) square feet or greater in area, horses may be maintained for personal use in a number not to exceed two (2) animals with their offspring less than one (1) year of age.
- E. Dogs and cats as domestic pets only (limited to three (3) or fewer animals four (4) months of age or older).
- F. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
- G. Mobilehome occupancy, not more than one (1) mobilehome per lot, subject to the provisions of Section 856.
- H. Signs subject to the provisions of Section 820.5-K.
- I. Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- J. Storage or parking of boats, trailers, recreational vehicles, or commercial vehicles, limited to the private non-commercial use by the occupants of the premises.
- K. The keeping of rabbits and other similar small furbearing animals for domestic use on a lot containing not less than thirty-six thousand (36,000) square feet.
- L. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H and similar organizations. In no case shall the poultry facility be kept or maintained on a lot containing less than thirty-six thousand (36,000) square feet.
- M. The sale of agricultural products produced upon the subject property.
- N. Day nursery - small.
- O. Plant nurseries limited to the sale of agricultural products produced on the property.

EXHIBIT 6  
Amendment Application No 3825

Uses Allowed Under the M-1 (c) (Light Industrial, Conditional) Zone District

Uses permitted "by right" shall be limited to:

- Animal Hospitals and Shelters





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Fresno Humane Animal Services
- APPLICATION NOS.: Initial Study Application No. 7359, General Plan Amendment Application No. 552 and Amendment Application No. 3825
- DESCRIPTION: Amend the County General Plan designation for two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the subject parcels from the RR (nb) (Rural Residential, Neighborhood Beautification) Zone District to the M-1(c) (Light Manufacturing, conditional) Zone District to allow an animal hospital/shelter and associated uses (uses limited to an animal hospital and shelter).
- LOCATION: The project site is located on the east side of North Grantland Avenue between North Parkway Drive and West Tenaya Avenues, and approximately 180 feet southwest of the City of Fresno (SUP. DIST. 1) (APN 504-081-02S/03S).

### 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?

FINDING: NO IMPACT:

The subject parcel is located along Grantland Avenue, and west of State Route 99, which is not a State Scenic Highway. No scenic vistas or scenic resources were identified near the property.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is located adjacent to mixed uses including churches, an elementary school, single-family residences, a social club, State Route 99, and vacant land. The General Plan designates this area for Rural Residential uses. The proposed zoning, M-

1(c), is not consistent with the current General Plan designation and a General Plan amendment is being processed concurrently for a Limited Industrial land use designation. Landscaping will be required along the west side of the subject site as a condition of approval to minimize any aesthetic impacts and to conform to the neighborhood beautification overlay in the adjacent Rural Residential Zone District. Additionally, as required by County Ordinance Section 843.5-H.1, a six (6) foot high solid masonry wall shall be erected along the property lines adjacent to Rural Residential Zone Districts. As a Condition of Approval, buildings on this site shall be limited to a maximum of 35 feet in height, in keeping with the building height restrictions in the surrounding Rural Residential Zone District.

\* **Mitigation Measure(s)**

1. *Landscaping, consisting of trees and shrubs, shall be planted and maintained along the Grantland Avenue frontage of the project. A detailed landscape plan, prepared by a licensed Landscape Architect, shall be submitted for review and approval as part of the mandatory Site Plan Review process for this project. All landscaping shall be planted prior to final occupancy of the development. The landscaping and the irrigation system shall be maintained as long as the facility is in operation.*
2. ~~*A six (6) foot high solid masonry wall shall be erected along the property lines (north, east, and west, which are the district boundaries between the "M-1" District and the Rural Residential District). The required wall shall be reduced in height to three (3) feet within the front yard setback area. (Omitted, as required under Fresno County Zoning Ordinance Section 843.5.H)*~~

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The allowed use may result in the creation of new sources of light and glare in the area. The nearest neighboring residential unit is located on the opposite side of North Grantland Avenue, approximately 150 feet west of the closest property line. Potential light and glare impacts will be mitigated to a less than significant impact by requiring that all outdoor lighting be hooded and directed so as not to shine towards adjacent properties and public streets.

\* **Mitigation Measure(s)**

3. *All outdoor lighting shall be hooded, directed, and permanently maintained as not to shine towards adjacent properties and public roads.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: NO IMPACT:

The project proposes to rezone land that has been designated as Farmland of Local Importance by the Department of Conservation's Important Farmland 2014 map, however, it is not prime farmland, unique farmland or farmland of statewide importance. The parcel is not under a Williamson Act Contract. The current zoning on the parcel is Rural Residential, which is a designation for very low density residential development and is permitted limited agricultural uses. There is no impact on prime or unique farmlands, or conflicts with Williamson Act Contracts.

- 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 forestland or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project is not located in a forestland or a timberland preserve.

- 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 project site is not zoned for Timberland Production, or near any sites so zoned. Adjacent land is zoned Rural Residential, land to the north is zoned for Commercial uses, and land to the east and south of the project is urbanized and within the city limits of the City of Fresno. The application does not propose any changes to the environment that could result in the conversion of farmland or forestland to non-agricultural or non-forest use.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

In order to determine if this project would conflict with or obstruct implementation of the Air Quality Plan, the cumulative impact of the project's contribution to the existing violation of air quality standards within the San Joaquin Valley Air Basin was considered. The Air Impact Assessment, approved by the San Joaquin Valley Air Pollution Control District on February 8, 2018, determined that the mitigated baseline emissions for construction and operation will be less than two tons NOx per year and two tons PM10 per year. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. The closest sensitive receptors are a single-family residence located approximately 150 feet west of the project site and Herndon-Barstow Elementary School located approximately 500 feet southwest of the project site. The project is not considered a sensitive receptor and has not identified any uses that would be potentially significant sources of toxic emissions.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project has the potential to cause objectionable odors from the use as an animal hospital and shelter. The project has been designed to contain odor by site design and operations. Proper cleaning and sanitation protocols are designed to keep odor inside and out to a minimum. In the proposed shelter, animal waste would be cleaned and disposed of immediately in flushing basins plumbed into each kennel building. Outdoor kennels and exercise areas will be concrete with drains, which will be sanitized daily with a safe and effective accelerated hydrogen peroxide disinfectant to eliminate bacteria and odor. Deceased animals will be stored in a large self-contained cooler and picked up weekly. A state-of-the-art HVAC system throughout the shelter will provide 100% filtered air circulation at a rate of 12 air changes per hour, which is specifically designed to reduce odor and disease.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods beyond the project's site boundaries. The potential for diesel odor impacts is therefore less than significant.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California National Diversity Database (CNDDDB) does not list any candidate, sensitive, or special-status species at the project site. Historically, the property has alternated between vacancy and agricultural uses. Its proximity to the City of Fresno and other urbanized uses reduces the probability that there is habitat to support special-status species. This project was routed to the California Department of Fish and Wildlife Service and the U.S. Department of Fish and Wildlife Service. Neither agency expressed concerns that the proposed project would have an adverse impact on any habitats, natural communities, or local plans, policies and regulations.

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

There are no natural wetlands within or adjacent to the subject parcel.

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

FINDING: NO IMPACT:

The subject parcel is not located within an applicable Natural Community Conservation Plan or Habitat Conservation Plan. The rezoning request does not conflict with any local policies or ordinances protecting biological resources

## 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; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The site is not in an archeological sensitive area and the subject property and surrounding area have been historically used and are currently used for agricultural, elementary school, limited farming, and residential purposes and have been previously disturbed. This project was forwarded to Table Mountain Rancheria, Dumna Wo Wah, Picayune Rancheria, and Santa Rosa Rancheria Tachi Yokut. None of the tribes requested consultation on this project. No unique paleontological resources, sites, or unique geological features were identified by any of the reviewing agencies.

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  - 1. Rupture of a known earthquake?
  - 2. Strong seismic ground shaking?
  - 3. Seismic-related ground failure, including liquefaction?
  - 4. Landslides?

FINDING: NO IMPACT:

The subject parcel is not located along a known fault line according to the most recent Alquist-Priolo Earthquake Fault Zoning Act maps. According to the Fresno County General Plan Background Report (FCGPBR), the project site is not located in an area at substantial risk of Seismic Hazard or Landslide Hazards per Figures 9-5 and 9-6 of the Fresno County General Plan Background Report.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not in an area at risk of erosion according to Figure 7.3 of the Fresno County General Plan Background Report (FCGPBR). The Development Engineering Section of the Fresno County Department of Public Works and Planning indicated that a Grading Permit or Voucher will be required for any grading proposed with this application.

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

FINDING: NO IMPACT:

The project is not located in an area of steep slopes per Figure 7-2 (FCGPBR) or in an area of expansive soils, per Figure 7-1 (FCGPBR). The project site is not at risk of seismic hazards, per discussion above. The project site is not located in an area of risk of on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse as identified in the (FCGPBR).The project was reviewed by the Water and Natural Resources Division, which did not express any concerns relating to any of the above listed hazards, associated with the subject application.

- 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: NO IMPACT:

The project will be required to connect to the City of Fresno sewer system for service.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Approval of this General Plan Amendment and rezone application would allow new uses on the subject parcel. However, development and operation of the proposed facility must be in compliance with existing San Joaquin Valley Air Pollution Control District

regulations, which are designed to reduce project emissions to a less than significant level.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The rezone will allow, by right, an animal hospital and shelter that may require the routine transport, use, or disposal of hazardous materials; however, such uses will be restricted by the California Health and Safety Code, which will reduce the impact of such use and potential accidental releases to less than significant. The project will be subject to the requirements of the State of California Code of Regulations, the State of California Plumbing and Building Codes, State of California Health and Safety Code, and the County of Fresno Ordinance Code Title 9 – Animals.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Herndon-Barstow Elementary School is located approximately 500 feet southwest of the project site. The rezone will allow, by right, an animal hospital and shelter that may require the routine transport, use, or disposal of hazardous materials; however, such uses will be restricted by the California Health and Safety Code, which will reduce the impact of such use and potential accidental releases to less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the Environmental Protection Agency's Superfund Enterprise Management System revealed no Superfund sites along North Grantland Avenue. Review of the County's Certified Unified Protection Agency's (CUPA) list of hazardous materials generators revealed a number of such locations in the vicinity of the subject parcel: E-Z Trip, 1/4 mile north of the project, is a storage facility for motor vehicle fuel; The Trestle, 1/4 mile northeast of the project is a closed restaurant Hazardous Waste Generator; and ARCO AM/PM, 1/4 mile north of the project, is a storage facility for motor vehicle fuel. These nearby generators are in compliance with CUPA regulations and will not have adverse impacts on employees which may be hired when the subject parcel is developed. There were no records of the subject parcels having been designated as a hazardous materials site.



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

FINDING: NO IMPACT:

The project site is not located within an airport land use plan and is 2.5 miles west of Sierra Sky Park.

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

FINDING: NO IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

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

FINDING: NO IMPACT:

The project site is not in an area at risk of wildland fires.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- 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 WITH MITIGATION INCORPORATED:

These parcels shall connect to the City of Fresno for sewer and water services and will not impact the local groundwater table. A condition of approval will be placed on the project, which will require that all abandoned wells and septic systems are properly destroyed by a licensed contractor, which will further protect groundwater quality and quantity.

\* **Mitigation Measure(s)**

4. *The project shall connect to the City of Fresno sewer and water services.*

- 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 storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no streams or rivers in the vicinity of the project site. The site is located within Fresno Metropolitan Flood Control District's (FMFCD's) Drainage Area "EM." Storm runoff produced by land development is controlled through a system of pipelines and storm drainage retention basins. At the time of development, FMFCD will collect the pro-rata share for construction of necessary flood control improvements. Until the public facilities are built, the applicant will be required to comply with Fresno County regulations, which require that stormwater run-off is retained on site.

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

FINDING: NO IMPACT:

This application does not approve any development. By-right industrial uses which will be allowed on this parcel upon approval of the proposed amendment and rezone are further limited by the conditional nature of the zoning requested by the applicant and the required Site Plan Review, which will ensure compliance with all existing regulations. Certain uses would require the approval of discretionary applications, which would be subject to a separate CEQA review.

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

FINDING: NO IMPACT:

The project site is not located within a 100-year flood prone area as designated on the latest Flood Insurance Rate Map, FIRM Panel 1535H. No housing is proposed as part of this application.

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

FINDING: NO IMPACT:

The subject parcel is not located in an area at risk of inundation by levee or dam failure, according to Figure 9-8 (FCGPBR). The parcel is not located near a body of water that would be subject to tsunami or seiche and is not located in an area of steep slopes, which could cause mudflow.

## X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This application proposes to change the land use designation from Rural Residential to Limited Industrial and the zoning from R-R (Rural Residential) to M-1(c) (Light Manufacturing, conditional) on two parcels totaling 4.15 acres. The neighborhood is typified by mixed uses and the limits of this project correspond to the property limits of the two parcels, therefore, approval will not divide an established community.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project; or
- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This application proposes to change the zoning of this parcel from R-R to M-1(c) and the General Plan designation from Rural Residential to Limited Industrial, for the use of an animal hospital and shelter. The subject parcels are within the City of Fresno Sphere of Influence. Per the Memorandum of Understanding (MOU) between the County and the City of Fresno and General Plan Policy, this project was referred to the City of Fresno for possible annexation and development within the City. However, the City of Fresno declined to annex the parcels and pursuant to the Memorandum of Understanding between the City and the County, the County accepted the subject General Plan Amendment and rezone application processing. The proposed zoning is compatible with the proposed General Plan Amendment. In addition, the project is adjacent to Grantland Avenue, which is a designated arterial roadway, incorporates on-site parking, and the project is designed with landscaping and setbacks comparable to the adjacent Rural Residential neighborhood.

There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to this project.

## 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. The project site is not located in a Mineral Resources Area as identified in Figure 7-7 (FCGPBR).

## XII. NOISE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Acoustical Analysis was prepared for this project by WJV Acoustics, dated April 23, 2018, to determine if noise generated by an animal hospital and shelter would comply with applicable Fresno County noise standards. The analysis was based on the proposed use, preliminary site plan, operational statement, and data obtained by WJV Acoustics at the project site. Existing sources of noise within and adjacent to the project site are dominated by traffic noise associated with State Route 99 and North Grantland Avenue, and exceed the County's applicable exterior noise level standard. Representative data, collected from a similar animal shelter, included all noise sources in the vicinity of that operation, including traffic. With sensitive receptors located over 150 feet from noise-generating operations at the proposed use, the analysis concluded that the proposed use would comply with Fresno County noise level requirements without the need for mitigation measures, and would not exceed the existing ambient noise levels.

While barking is an inevitable issue in any animal shelter environment, kennel areas have been designed to reduce noise levels and to prevent excessive barking along the perimeters; exterior kennels do not directly face residential areas, and dogs may be confined to interior kennels overnight. In addition, the required six (6) foot high solid masonry wall (*Mitigation Measure 2, Aesthetics*) along the property lines of this development will provide additional sound attenuation.

Noise impacts associated with facility construction are expected to be temporary and will be subject to the County Noise Ordinance, which is enforced by the Fresno County Public Health Department.

- 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 near an airport and is 2.5 miles from the Sierra Sky Park, and therefore will not be impacted by airport related 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:

No housing is proposed with this application and the project site is currently vacant land. The project is a General Plan Amendment and rezoning to allow an animal hospital and shelter. The land is currently vacant and no housing or people will be displaced as a result of the project. The nearest off-site residential dwelling is located approximately 150 feet west of the proposed animal shelter.

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

FINDING: NO IMPACT:

The project has been reviewed by the North Central Fire Protection District and Fresno County Sheriff's Department, which expressed no concerns with the proposal. There are no parks within the project site vicinity and the nearest school is Herndon-Barstow Elementary School, located approximately 500 feet southeast of the proposed site. The project is an animal hospital and shelter and will not generate new students or increase the need for parks or other public facilities.

## XV. RECREATION

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

FINDING: NO IMPACT:

The proposal is not located on or near a public park and will not require expansion of recreational facilities.

## XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Traffic Impact Study (TIS) was prepared by JLB Traffic Engineering, Inc., dated April 16, 2018. Data provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, was used to estimate the number of trips anticipated to be generated by uses that would be allowed in the proposed M-1(c) Zone District. The study estimated a maximum of 266 daily trips, 37 AM peak hour trips, and 53 PM peak hour trips, based on development of the entire 4.15-acre site.

Study of the existing conditions show that the intersection of Grantland Avenue and Parkway Drive operates at an acceptable LOS during both peak periods.

In the Existing plus Project condition, the intersection of Grantland and Parkway will be operating at an acceptable LOS C or better in both AM and PM Peak hours. In the 20-Year Cumulative without Project, the intersection of Grantland and Parkway will be performing at an unacceptable LOS F during the AM Peak hours with a delay of 90.5 seconds and LOS C during the PM Peak Hours with a delay of 22.0 seconds. In the 20-Year Cumulative with Project, the intersection of Grantland and Parkway will be

performing at an unacceptable LOS F during the AM Peak hours with a delay of 91.5 seconds and LOS C during the PM Peak Hours with a delay of 22.7 seconds.

Increase in delay of 5.0 seconds or more would be considered a significant impact. The project's added traffic does not exacerbate the intersection delay by 5.0 seconds or more. In this case, the project's traffic will increase the overall intersection delay by 1.0 seconds, so the impact will be less than significant.

The existing storage capacity for the northbound left-turn lane is projected to exceed that available for the AM peak period in the Near Term plus Project Traffic Conditions scenario. The TIS states that while there are no constraints to increasing the storage capacity of this movement, it is recommended that this movement be monitored.

The TIS recommended the project proponent participate in a fair-share for improvements at the intersection of Grantland and Parkway to bring the intersection to an acceptable LOS. A fair-share for the recommended improvements at the intersection will not be required for this project based on the project's less than significant impact to the intersection. The TIS also recommended the Project add transition paving between Tenaya Avenue and the southern project boundary and north of the project based on a 45 MPH design speed and that that the Project implement a Class II Bike Lane facility along its frontage on Grantland Avenue to mitigate traffic/transportation impacts.

\* **Mitigation Measure(s)**

5. *The project shall add transition paving between Tenaya Avenue and the southern project boundary and north of the project based on a 45 MPH speed as recommended in the Traffic Impact Study.*
6. *The project shall implement a Class II Bike Lane facility along its frontage on Grantland Avenue as recommended in the Traffic Impact Study.*

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

FINDING: NO IMPACT:

The project site is not within the area of any clear zone or other imaginary surface of a public use airport as described under FAR Part 77 or in the vicinity of a private airstrip.

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

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The TIS determined that approval of this application would not exacerbate the intersection delay at Grantland and Parkway Avenues by 5.0 seconds or more, resulting in a less than significant impact. As mitigation measures the project will be required to add transition paving between Tenaya Avenue and the southern project boundary and north of the project based on a 45 MPH design speed and implement a Class II Bike Lane facility along its frontage on Grantland Avenue. In addition, the project will construct a sidewalk along its Grantland Avenue frontage.

\* **Mitigation Measure(s)**

*(See Mitigation Measures 5 and 6 above)*

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 new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The City of Fresno has sufficient capacity to accept wastewater from this site, has adequate capacity to provide water services, and has provided a will-serve letter to the County. The Local Agency Formation Commission has approved the service connection.

\* **Mitigation Measure(s)**

*(See Mitigation Measure 4, Hydrology and Water Quality)*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in Fresno Metropolitan Flood Control District's Storm Drainage and Flood Control Master Plan. Development of this site will be subject to a pro-rata share for flood drainage improvements in this area. The mandatory Site Plan Review required of all development on these parcels will ensure that improvement plans are submitted to FMFCD and that fees are paid.

- 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 WITH MITIGATION INCORPORATED:



The applicant will connect to the City of Fresno for water services and the City has provided a will-serve letter to the County. The Local Agency Formation Commission has approved the service connection.

\* **Mitigation Measure(s)**

*(See Mitigation Measure 4, 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:

The applicant will connect to the City of Fresno for sewer services, which system has adequate capacity to serve this project.

- 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 impacts to landfills or statutes and regulations pertaining to solid waste were identified in the course of the analysis. The American Avenue Landfill has sufficient capacity to serve this project.

## 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: NO IMPACT:

The project site has been historically used for light farming purposes and does not provide an area of habitat for special-status plants or animals and does not contain any riparian habitat or other natural waters. The parcel is similarly not located in an area which is known to be sensitive to archeological finds and no Tribal Government requested consultation regarding potential resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulatively considerable impacts were identified for Aesthetics, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems; however, these impacts will be mitigated with compliance to the Mitigation Measures listed in Section I, IX, and XIV.

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

FINDING: NO IMPACT:

No environmental impacts which could cause substantial adverse effects on human beings were identified in the course of this analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for General Plan Amendment No. 552 and Amendment Application No. 3825, 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, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise have been determined to be less than significant. Potential impacts relating to Aesthetics, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems have determined to be less than significant with compliance with the Mitigation Measure listed in Section I, IX, and XIV.

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.

MM

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7359</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Marianne Mollring Senior Planner	Area Code: 559	Telephone Number: 600-4569	Extension: N/A
Applicant (Name): Fresno Humane Animal Services	Project Title: General Plan Amendment No. 552, Amendment Application No. 3825		
Project Description: Amend the County General Plan designation for two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial and rezone the subject parcels from the RR (nb) (Rural Residential, Neighborhood Beautification) Zone District to the M-1(c) (Light Manufacturing, conditional) Zone District to allow an animal hospital/shelter and associated uses (uses limited to an animal hospital and shelter)..			
Justification for Negative Declaration:  Based upon the Initial Study prepared for General Plan Amendment No. 552 and Amendment Application No. 3825, 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, Cultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation.  Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Noise have been determined to be less than significant. Potential impacts relating to Aesthetics, Hydrology and Water Quality, Transportation/Traffic, and Utilities and Service Systems have determined to be less than significant with compliance with the Mitigation Measure listed in Section I, IX, and XIV.  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.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 8, 2018		Review Date Deadline: Planning Commission – July 26, 2018	
Date:	Type or Print Signature: Chris Motta Principal Planner	Submitted by (Signature): Marianne Mollring Senior Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 July 26, 2018

**SUBJECT:** Initial Study Application No. 7357 and Unclassified Conditional Use Permit Application No. 3591

Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot Taco Bell restaurant with drive-through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the north side of W. Panoche Road approximately 1,000 feet southwest of its intersection with Interstate 5, and approximately 15 miles southwest of the nearest city limits of the City of Mendota (Sup. Dist. 1) (APN 027-190-29S).

**OWNER:** Hewittson Limited Partnership  
**APPLICANT:** Ghai Management, Inc.

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7357; and
- Approve Unclassified Conditional Use Permit Application No. 3591 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan, Floor Plan and Elevations
6. Applicant's Operational Statement
7. Master Development Site Plan for the Northwest Quadrant I-5/Panoche Road Interchange
8. Summary of Initial Study Application No. 7357
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture/Interstate 5 and Panoche Road Major Commercial Interchange/Westside Freeway Corridor Overlay	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size)	No change
Parcel Size	0.58 acres	No change
Project Site	Vacant	A 1,823 square-foot Taco Bell restaurant with drive-through service and related site improvements including 19 on-site parking spaces; a three-foot-tall masonry wall and decorative split rail fence along the site perimeter; concrete sidewalk along the western property boundary; trash enclosure at west end of the parking area; landscaping at designated locations per the Applicants submitted Landscape Plan

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Structural Improvements	None	See Project Site above
Nearest Residence	Approximately one half-mile southwest	No change
Surrounding Development	Interstate freeway commercial development	No change
Operational Features	N/A	A new 1,823 square-foot Taco Bell restaurant with drive-through service; operating between 6:00 a.m. and 12:00 a.m. (midnight) seven days per week
Employees	N/A	25-35 Employees
Customers	N/A	300-500 depending on day of the week
Traffic Trips	ADT (Average Daily Traffic) trips of 3,200 on Panoche Road west of the Interstate 5 southbound ramps	An additional 121 peak-hour trips per day
Lighting	N/A	Light fixtures attached to building exterior
Hours of Operation	N/A	6:00 AM to 12:00 AM (Drive-through)  6:00 AM to 10:00 PM (Dining room)  Seven days per week, year-round

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

**PUBLIC NOTICE:**

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County

Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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.

**BACKGROUND INFORMATION:**

The project site is located on a vacant parcel within an existing commercial interchange development on the north side of Panoche Road and westerly adjacent to the Interstate 5 and Panoche Road southbound ramps. Per Section 860.C of the Zoning Ordinance, a Master Plan and Conditional Use Permit must be approved for each quadrant of the Commercial Interchange. According to General Plan Policy LU-D.1, the County may designate interchanges along Interstate 5 as either major or minor commercial centers; there are three existing major and two minor interchanges along the Interstate 5 corridor. Policy LU-D.4 states that the County shall generally limit development at major and minor commercial interchanges to one square-mile of land centered on the freeway interchange structure.

Per General Plan Policy LU-D.5, the County shall allow commercial uses only in areas designated as major and minor commercial interchanges, subject to the Provisions of Section 860 of the County Zoning Ordinance (Regulations for Inter-State Freeway Interchange Commercial Development). Additionally, both major and minor commercial interchanges shall allow for a range of commercial, service, agriculturally-related, and value-added agricultural uses serving the needs of freeway users and the agricultural community.

The County Board of Supervisors approved Conditional Use Permit No.1013 on January 4, 1972, establishing an Interstate Freeway Commercial Development Master Plan for the four quadrants of the Panoche Road and Interstate 5 Commercial Interchange Area. The subject parcel is located in the northwest quadrant of the Commercial Interchange, and was created by Parcel Map No. 7851, recorded on April 28, 2003, as a 0.58-acre portion of Parcel “C”. Tentative Parcel Map No. 8751 was approved on October 12, 2017; once a final Parcel Map is recorded, the subject 0.58-acre parcel will be separate from Parcel C.

This proposal entails the development of a 1,823 square-foot Taco Bell restaurant with drive-through service. The proposed restaurant would take access from Panoche Road via a private access road along the northerly boundary of the subject parcel; there is no vehicular access proposed from Panoche Road.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	N/A	N/A	Yes
Parking	N/A	19 parking spaces	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		within the required 4,106 square feet of parking area, per the Zoning Ordinance	
Lot Coverage	No requirements	1,823 square-foot building	Yes
Space Between Buildings	No requirements	N/A	N/A
Septic Replacement Area	100 Percent	The project will connect to a community sewer system operated by I-5 Property Services, Inc.	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	The project will connect to a public water system operated by I-5 Property Services, Inc.	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

Site Plan Review Section of the Fresno County Department of Public Works and Planning:

(1) Per Fresno County Zoning Ordinance Section 860 E.4, Section 836.5 I.1a, and Section 855 I. 2h; there shall be at least one parking space for every hundred (100) square feet of gross floor area. 18 parking spaces, one of which shall be a van-accessible Americans with Disabilities Act (ADA) stall, are required.

(2) Per Fresno County standards, 29-foot backup clearance shall be provided for all parking stalls.

(3) One (1) off-street loading space shall be provided for all commercial uses.

(4) ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. These spaces must be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so the disabled person does not have to cross the driveway into the parking lot.

(5) A site plan showing parking dimensions, back-up space, width of aisles, turn around radius, etc. shall be submitted to confirm parking requirement compliance. A Fresno County parking requirement package may be sent to the Applicant if requested.



(6) The driveway should be a minimum of 24 feet and a maximum of 35 feet in width and should be asphalt concrete paved as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of driveway(s) off the edge of the ultimate right-of-way shall be concrete or asphalt concrete.

(7) Outdoor lighting should be hooded and directed away from adjoining property and public roads.

(8) Yards shall be adequate in width and depth to provide for planned landscaping and to ensure safe sign distance for interchange traffic.

(9) Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.

(10) All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agriculture) Zone District.

A Site Plan Review shall be submitted to the Fresno County Department of Public Works and Planning, for approval by the Director 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, grading and drainage, fire protection, and control of lighting.

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

**Analysis:**

Staff review of the revised site plan demonstrates that the subject parcel is adequate to accommodate the proposed development which includes the construction of a 1,823 square-foot Taco Bell restaurant with drive-through service, subject to Site Plan Review approval.

Section 855 I of the Zoning Ordinance requires one parking space for each 100 square feet of gross floor area for restaurants. This proposal includes the provision of 10 parking spaces, which is consistent with the Zoning Ordinance.

Staff finds that the project site is adequate in size and shape to accommodate the proposed use with adherence to the included Mitigation Measures, Conditions of Approval and Project Notes

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Good	No change
Public Road Frontage	Yes	The subject parcel has frontage on Panoche Road, however there is no direct access from the County right-of-way	No change
Direct Access to Public Road	No	Access to Panoche Road is via a private road (Road "A") that connects with Panoche Road to the south of the commercial development	The proposed drive-through restaurant will take access via a private road labeled (Farm access road) on the site plan, that connects with Panoche Road via Road "A" immediately southwest of the project site
Road ADT		Panoche Road: 3,200	See Traffic Trips below
Road Classification		Collector	No change
Road Width		Panoche Road: 62.5 feet	No Change
Road Surface		Asphalt concrete	No change
Traffic Trips		3,200 ADT on Panoche Road	121 additional peak-hour trips per day (estimate)
Traffic Impact Study (TIS) Prepared	Yes	See above conditions	Applicant will be required to pay fair share of mitigation fees for traffic-related impacts to Panoche Road
Road Improvements Required		Excellent condition	Applicant will be required to add curb and gutter improvements including the replacement of the existing concrete dike, along Panoche Road, across the subject property frontage

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

California Department of Transportation: Ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps, and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Given the proposed direction of the drive through, the Applicant should provide a screening fence to ensure that the headlights of cars queuing in the drive through do not impair the visibility of drivers along Panoche Road.

Design Division of the Fresno County Department of Public Works and Planning: In order to determine impacts to County roadways and intersections, a traffic impact study will be required for this project.

There is an existing curb running along the subject parcel's frontage on Road A/Farm Access Road Easement, which is in poor condition and should be replaced.

Panoche Road is classified as a Collector road with an existing 126-foot right-of-way, a paved width of 62.5 feet, with paved shoulders and an asphalt dike. Panoche Road has an Average Daily Traffic (ADT) count of 3,200 with a Pavement Condition Index (PCI) of 99.6 and is in excellent condition. There is an asphalt dike along Panoche Road across the subject parcel frontage. The dike is in very poor condition and missing along several sections, which allows surface drainage to flow onto the subject parcel. The existing dike should be replaced and curb and gutter improvements should be added to the subject parcel.

The asphalt dike running along Panoche Road shall be removed and replaced. The new asphalt dike shall be constructed along Panoche Road along the subject parcel frontage and tie into the existing concrete curb and gutter. The new asphalt dike shall be six-inch, type A, per 2015 Caltrans State Standard Plan Specification A87B.

The proposed development shall provide new curb and gutter improvements along Road A/ Farm Access Road Easement. All concrete improvements shall be constructed to Fresno County Standard Plan Specifications and the most current ADA requirements.

Setbacks for any new improvements should be based upon the ultimate road right-of-way of Panoche Road. An engineered grading and drainage plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely affecting adjacent properties.

Any work done within the County road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Panoche Road is classified as a Collector road with an existing 63-foot right-of-way north of the centerline along the parcel frontage, per the Plat Book. According to Precise Plan Line Serial No. 83, sheet No. 2 of 4, the ultimate right-of-way width north of the centerline along the parcel frontage is 63 feet. Panoche Road is a County-maintained road and records indicate that this section of Panoche Road, from Interstate 5 to one quarter-mile southwest of Interstate 5, has an Average Daily Traffic (ADT) count of 3,200, a paved width of 62.5 feet, and a structural section of .13 feet AC and is in excellent condition.

According to FEMA, FIRM Panel 1950H, the subject parcel is not subject to flooding from the one-percent-chance (100-year) storm event.

Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained on site or disposed of per County Standards. An Engineered Grading and Drainage Plan is required to show how additional storm

water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

Any proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards.

The subject parcel is located within the State Responsibility Area (SRA) boundary, and any driveway construction and access should be developed in accordance with the applicable SRA Fire Safe Regulations.

A Grading Permit or Voucher is required for any grading proposed with this application.

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

**Analysis:**

A Traffic Impact Study was prepared for this project and submitted to the Department of Public Works and Planning on December 15, 2017 as required by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, to assess the project's potential impacts to County and state roadways and intersections.

A Traffic Impact Study was prepared by Peters Engineering dated December 15, 2017. After revisions recommended by the County, a final version dated April 19, 2018 was submitted. Traffic counts were performed on a weekend between Friday evening and Sunday night at the following locations: Panoche Road west of the I-5 southbound ramps; between the I-5 southbound and northbound ramps; and east of the I-5 northbound ramps. Peak traffic counts occurred in the mid-afternoon on Sunday. Observed traffic counts at the above-listed locations were 10,314 on Saturday and 15,235 on Sunday. The highest traffic volumes were observed on Panoche Road, west of I-5, and the second highest between the north and southbound ramps.

The conclusions of the Traffic Impact Study were that the warrants (criteria) for installing traffic signals or stop controls were not met, considering the limited duration of potentially congested conditions, which were observed on Sunday afternoon of the study period. However, the Applicant will be required to provide for a fair share of the cost of future installation of traffic controls at the intersection of Panoche Road and Road A, at such time as the criteria for placement of traffic controls are met.

Based on the above information, and with adherence to the included Mitigation Measures. Staff believes West Panoche Road and the Farm Access Road Easement are adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	1.33 acres	Gas station and drive-through restaurant	AE-40	None
South	24.18 acres	Gas stations, restaurant and vacant land	AE-40	Approximately 3,200 feet southwest
East	2.62 acres	Hotel and restaurant, currently not in operation	AE-40	None
West	0.98 acre	Gas station with convenience store	AE-40	None

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained on site per County Standards. An engineered grading and drainage plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

Fresno County Department of Public Health, Environmental Health Division: Prior to the issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to the start of operations, the Applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.

Fresno County Fire Protection District: The proposed development shall comply with California Code of Regulations Title 24-Fire Code. The proposed development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

San Joaquin Valley Air Pollution Control District: In compliance with District Rule 9510, the Applicant was required to submit an Air Impact Assessment (AIA) application to the District prior to applying for final discretionary approval.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The 0.58-acre subject parcel is currently vacant and is designated for commercial development according to the Approved Master Plan for the Interstate 5 and Panoche Road Commercial Interchange. Once developed, the site will contain a 1,823 square-foot restaurant with drive-through service, with indoor and outdoor seating areas, and paved on-site parking. The proposed improvements are to be consistent in design and appearance with the existing commercial development.

The Initial Study prepared for this project proposal identified potential impacts related to Aesthetics, Cultural Resources, and Transportation and Traffic, which shall be addressed with the Mitigation Measures listed in Exhibit 1.

Based on the above information, and with adherence to the included Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy LU-D.4 - The County shall generally limit development at major or minor commercial interchanges to one square-mile of land centered on the freeway interchange structure.	The subject proposal is consistent with this policy
Policy LU-D.5 - The County shall allow commercial uses only in the areas designated as major and minor commercial interchange subject to the provisions of the County Zoning Ordinance Section 860.	The subject parcel is located within the Panoche Road/Interstate 5 Major Commercial Center
Policy LU-D.6 - The County shall require commercial interchange development to be designed to achieve aesthetic excellence and incorporate considerations for noise contours abutting traffic ways, architectural cohesiveness and signing restraints.	The Applicant will be required to undergo the Site Plan Review process and be approved, which will address compliance with such requirements as building setbacks, landscaping, and compatibility with surrounding development and signage.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy TR-A.7 - The County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.	Included Mitigation Measures require the Applicant to pay a pro-rata share of cost for future traffic-related off-site improvements.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture and is within the Panoche Road and Interstate 5 Major Commercial Interchange, and within the Westside Freeway Corridor Overlay in the Fresno County General Plan. The subject parcel is not restricted under an Agricultural Land Conservation (Williamson Act) Contract.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

As discussed in the Background Section, the subject parcel is located within the Westside Freeway Corridor Overlay and within a Major Commercial Interchange according to the General Plan. As such, the subject parcel is designated for commercial development in accordance with the applicable General Plan Policies listed in the above table, as they apply to such development. Based on staff's analysis and supporting agency/department comments, the proposed use is consistent with these policies.

Based on these factors, the proposed 1,823 square-foot Taco Bell restaurant with drive-through service is consistent with the applicable General Plan policies.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3591, subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes.

## **PLANNING COMMISSION MOTIONS:**

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

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7357; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3591 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3591; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

JS:ksn

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**Mitigation Monitoring and Reporting Program  
Initial Study (IS) Application No. 7357/Unclassified Conditional Use Permit (CUP) Application No. 3591  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing; duration of operation
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground disturbance
3.	Transportation/ Traffic	To address future long-term cumulative traffic impacts identified by the project's Traffic Impact Study, the Applicant/Operator shall be responsible for preparing a traffic analysis for the intersection of Panoche Road and private Road A subsequent to occupancy/opening day and to occur at the approximate one-year anniversary of commencing operations. The Applicant shall provide the traffic analysis to the Fresno County Department of Public Works and Planning at the conclusion of the initial one-year operational period to document changed traffic volumes and determine warrants for intersection control measures.  Should the traffic analysis indicate that the warrants for an all-way stop are met, the Applicant shall install an all-way stop control at the intersection of West Panoche Road and Private Road A.	Applicant	Applicant/PW&P/ California Department of Transportation	Prior to issuance of building permits

**EXHIBIT 1**

		<p>Should the traffic analysis indicate warrants for an all-way stop are not be met at the conclusion of the one-year operational period, the Applicant/Operator will be responsible for future participation in the proportionate share (8.60 percent) for installing an all-way stop control at the intersection of West Panoche Road and Road A in conjunction with existing businesses and future development serviced by private Road A for the northwest quadrant of the Panoche Road/I-5 Interstate Interchange.</p> <p>Note: Due to the length of time that may elapse between opening day and realization of signal warrants, the Applicant/future operator may conduct additional traffic analyses to re-examine the proportionate share amount. As Road A is a private road, shared installation costs shall be between existing and future operators in the northwestern quadrant.</p>			
4.	Transportation/ Traffic	<p>To address project-related traffic impacts as identified by the California Department of Transportation (Caltrans), the Applicant shall enter into a "Traffic Mitigation Agreement" with the California Department of Transportation to ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps, and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).</p>	Applicant	Applicant/PW&P/ California Department of Transportation	When observed traffic volumes have met the warrants for installation of traffic controls
5.	Transportation/ Traffic	<p>To prevent headlights from vehicles in the drive through from impairing the visibility of traffic along Panoche Road, the proposed drive through shall be screened by a fence that is architecturally consistent with the surrounding development. Examples of acceptable screening include a wooden rail fencing, a low-profile solid wall, or other barrier deemed acceptable to the Department of Public Works and Planning.</p>	Applicant	Applicant/PW&P	Prior to operation
<b>Conditions of Approval</b>					
1.	Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval.				
2.	The existing asphalt dike running along Panoche Road across the parcel frontage shall be removed and replaced. A new asphalt dike shall be constructed along Panoche Road fronting the subject parcel and tie into concrete curb and gutter improvements. The new asphalt dike				

	shall be six-inch Type A, per 2015 Caltrans State Standard Plan Specification A87B.
3.	The proposed development shall provide new concrete curb, gutter and sidewalk improvements along Road A and the Farm Access Road Easement. All concrete improvements shall be constructed to Fresno County Standard Plan specifications and the most current ADA requirements.
4.	The proposed development shall be subject to the Site Plan Review process, and a complete site plan shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to, design of parking and circulation, grading and drainage, fire protection, and control of lighting.
5.	Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complimentary to the building design and materials.

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

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Unclassified Conditional Use Permit No. 3591 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections shall be required for all on-site improvements. Buildings and or facilities providing a Public Use must comply with the accessibility requirements of Chapter 11B of the California Building Code. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for information.
3.	Setbacks for all improvements along Panoche Road shall be based upon the ultimate right-of-way. No additional right-of-way is required at this time.
4.	Any work done within the County road right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division.
5.	<ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan shall be provided to show how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher shall be obtained for any grading proposed with this application.</li> <li>• The property shall be developed in accordance with State Responsibility Area (SRA) Fire Safe Regulations as they apply to driveway construction and access.</li> <li>• Any proposed parking areas shall comply with the Fresno County Off-Street Parking Design Standards.</li> <li>• Any additional runoff generated by the proposed development of this site must be retained on site per County Standards.</li> </ul>
6.	This project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Prior to issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operation, the Applicant shall apply for and

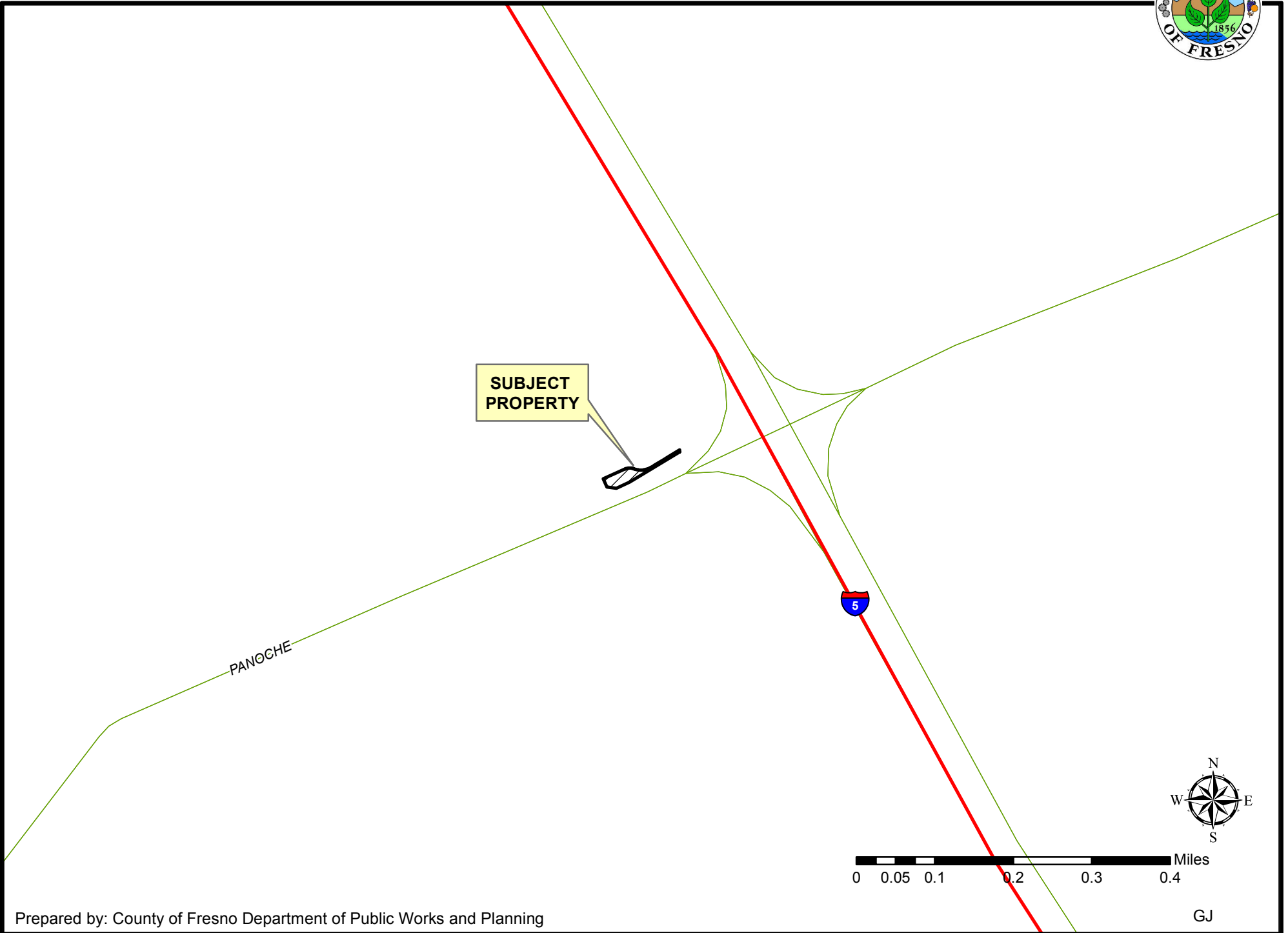
**Notes**

	obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3557 for more information.
8.	The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.

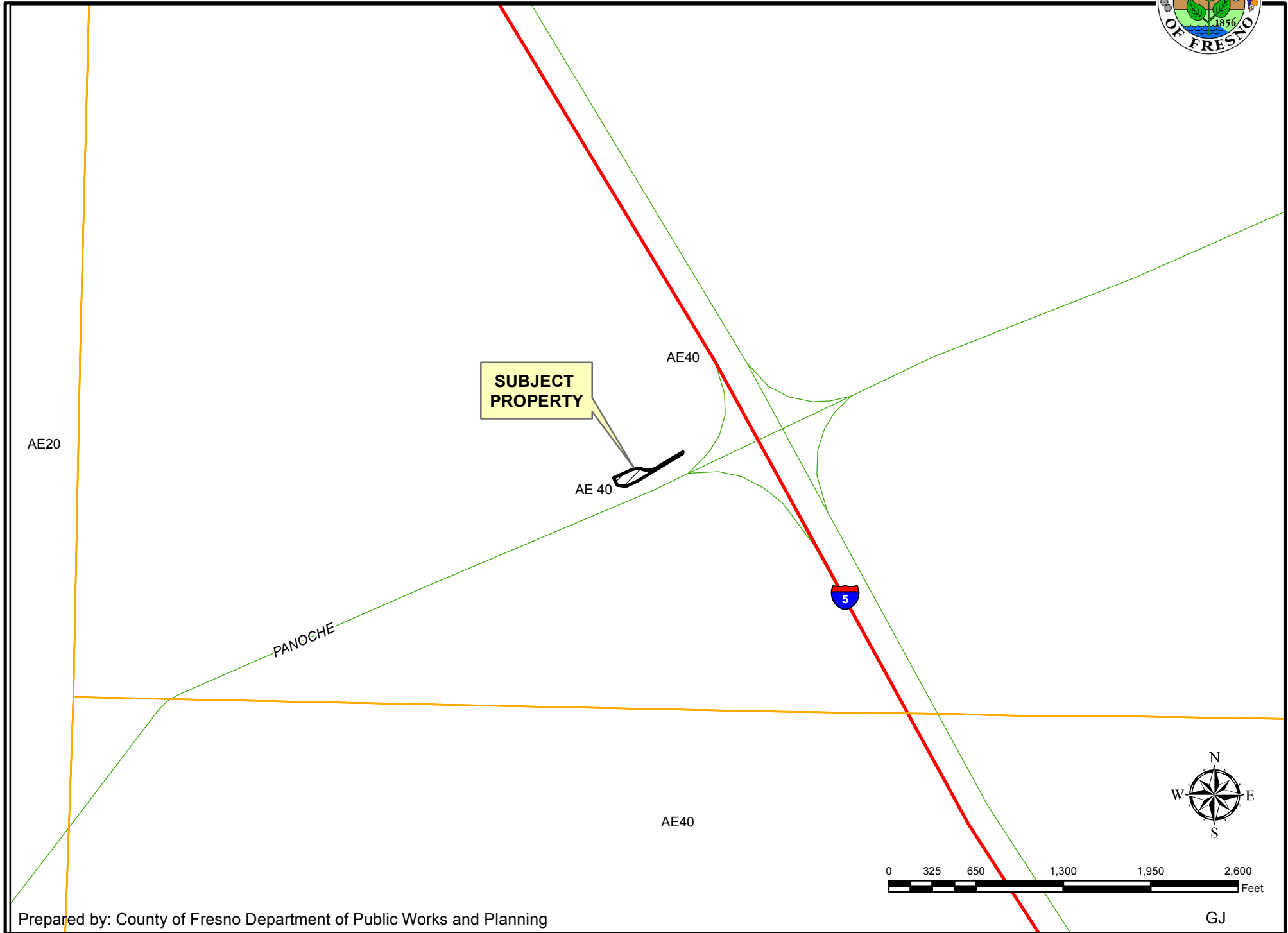
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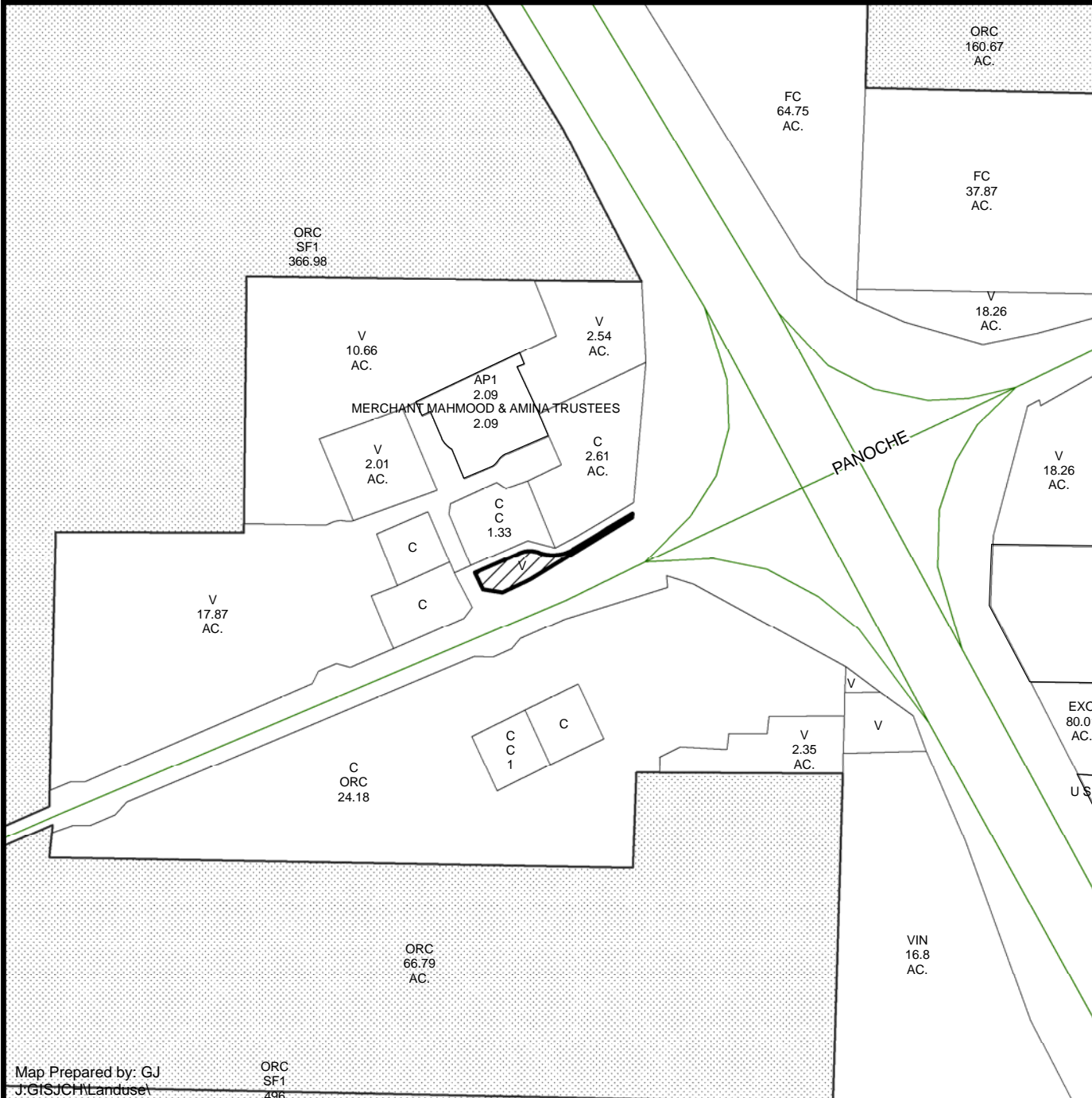
# LOCATION MAP



# EXISTING ZONING MAP



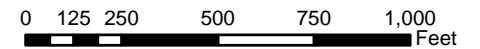
# EXISTING LAND USE MAP



LEGEND	
SF#	- SINGLE FAMILY RESIDENCE
C	- COMMERCIAL
EXO	- EXOTIC CROP
FC	- FIELD CROP
ORC	- ORCHARD
V	- VACANT
VIN	- VINEYARD
AP1	- APARTMENT

### LEGEND:

-  Subject Property
-  Ag Contract Land



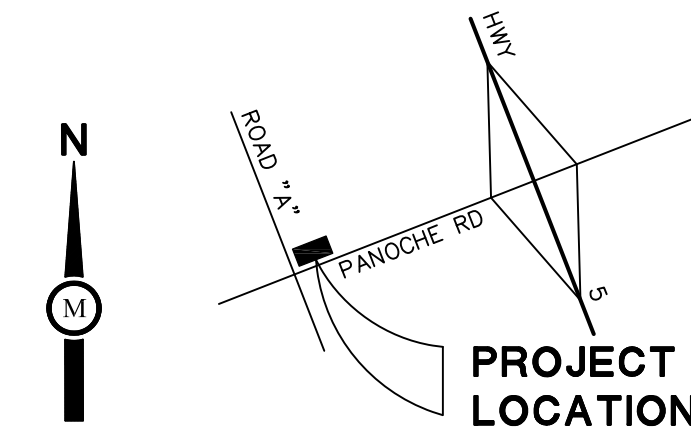
Department of Public Works and Planning  
Development Services Division



# Proposed Taco Bell Restaurant

FIREBAUGH, CALIFORNIA 93622

COUNTY OF FRESNO



VICINITY MAP  
NOT TO SCALE

**LOT DATA:**

PARCEL SIZE:	POR, PARCEL "C" 25,265 SF (0.58 AC)
ZONED:	AE-40 EXCLUSIVE AGRICULTURAL
EXISTING USE:	VACANT - UNDEVELOPED
PROPOSED USE:	RESTAURANT WITH DRIVE THRU

**SITE COVERAGE:**

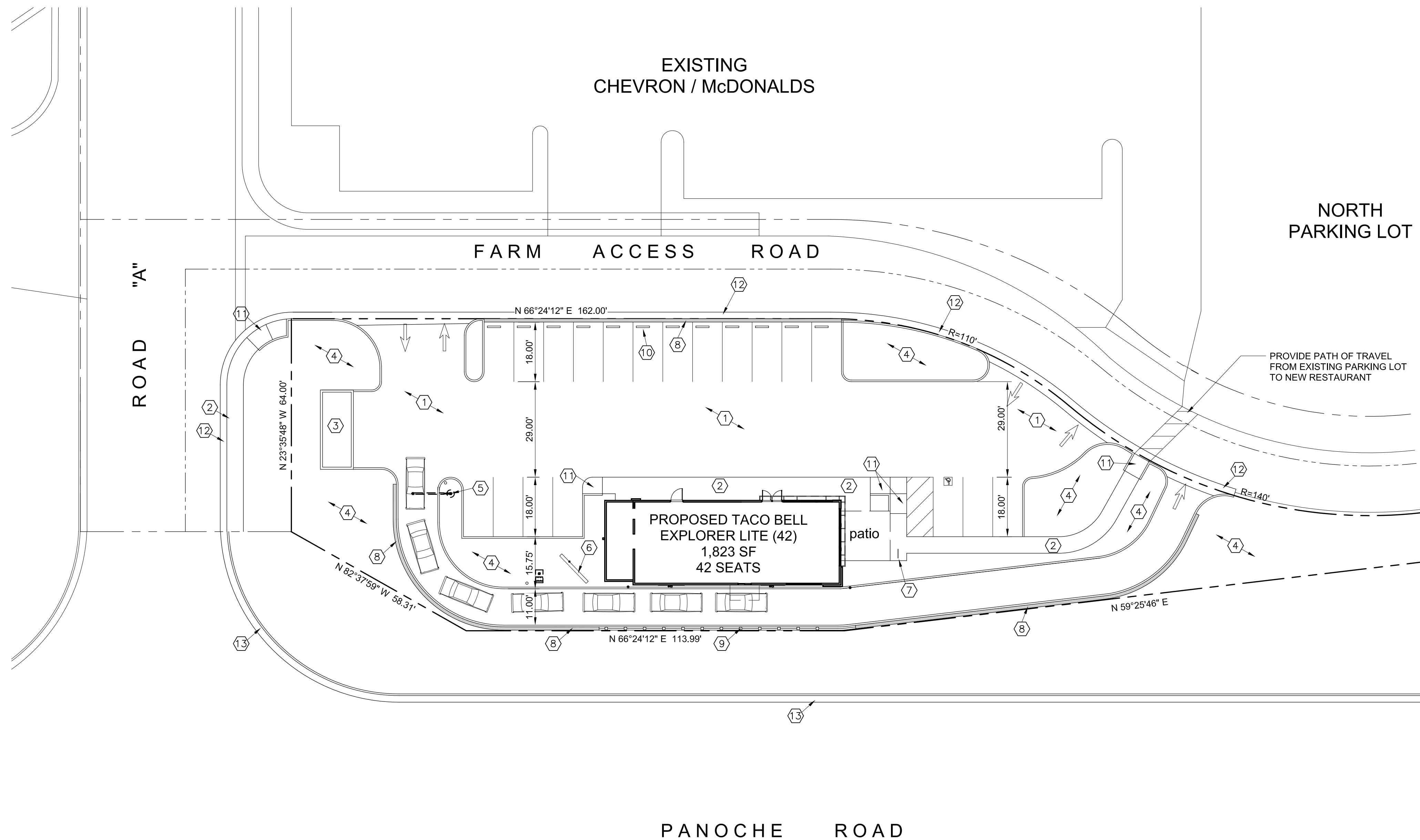
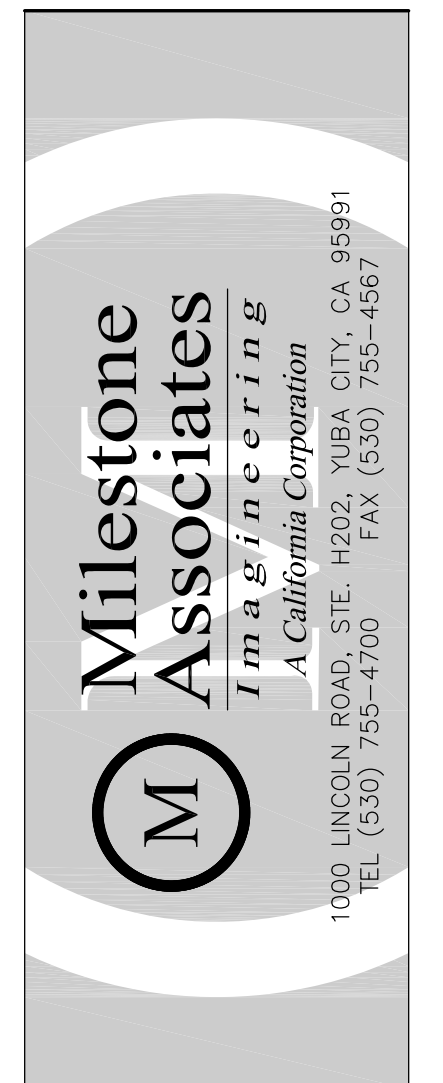
BUILDING COVERAGE:	1,823 SF (7.2%)
LANDSCAPE AREA:	8,842 SF (35.0%)
PAVED SURFACE AREA:	14,600 SF (57.8%)

**PARKING DATA:**

REQUIRED:	TACO BELL (1,823 SF) (1 SPACE PER 100 SF)	= 18 SPACES
REQUIRED:		18 SPACES
PROVIDED:	STANDARD SPACE (9'x18')	18 SPACES
	ACCESSIBLE SPACE (9'x18')	1 SPACES
PROVIDED:		19 SPACES

**CONSTRUCTION NOTES**

- ① NEW ASPHALT CONCRETE PAVEMENT
- ② NEW PORTLAND CEMENT CONCRETE SIDEWALK
- ③ NEW TRASH ENCLOSURE
- ④ NEW LANDSCAPE AREA
- ⑤ NEW CLEARANCE SIGN
- ⑥ NEW MENU ORDER BOARD
- ⑦ NEW BIKE RACK
- ⑧ NEW 3' HIGH MASONRY WALL
- ⑨ NEW 3' HIGH DECORATIVE SPLIT-RAIL FENCE
- ⑩ NEW CONCRETE WHEELSTOP
- ⑪ NEW ADA RAMP
- ⑫ NEW CONCRETE CURB & GUTTER
- ⑬ NEW ROADWAY IMPROVEMENTS ALONG PANOCHÉ ROAD TO BE FINALIZE PER CALTRANS REQUIREMENTS AT BUILDING PERMIT PHASE



CONTRACT DATE:  
BUILDING TYPE: EXP. LITE SMALL42  
PLAN VERSION: MAY 2017  
SITE NUMBER:  
STORE NUMBER:

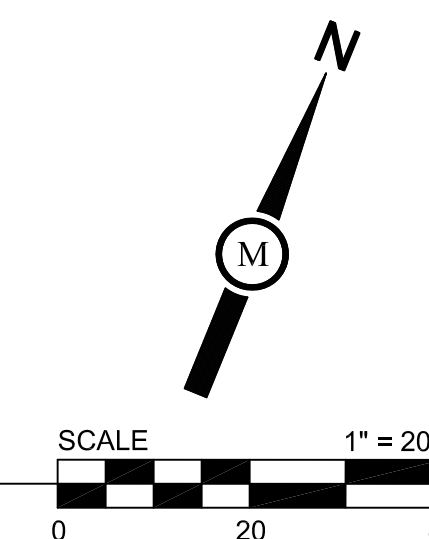
TACO BELL  
PANOCHÉ ROAD  
FIREBAUGH, CA



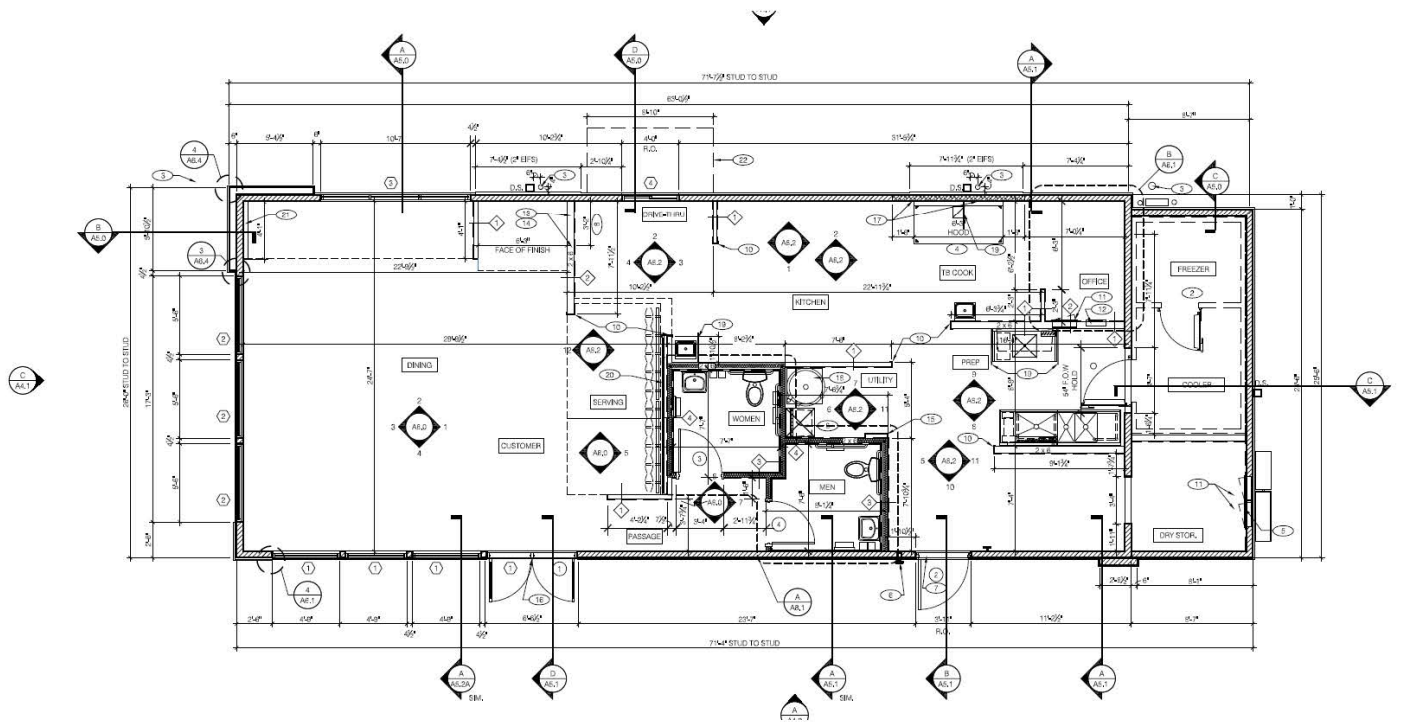
**SITE PLAN**

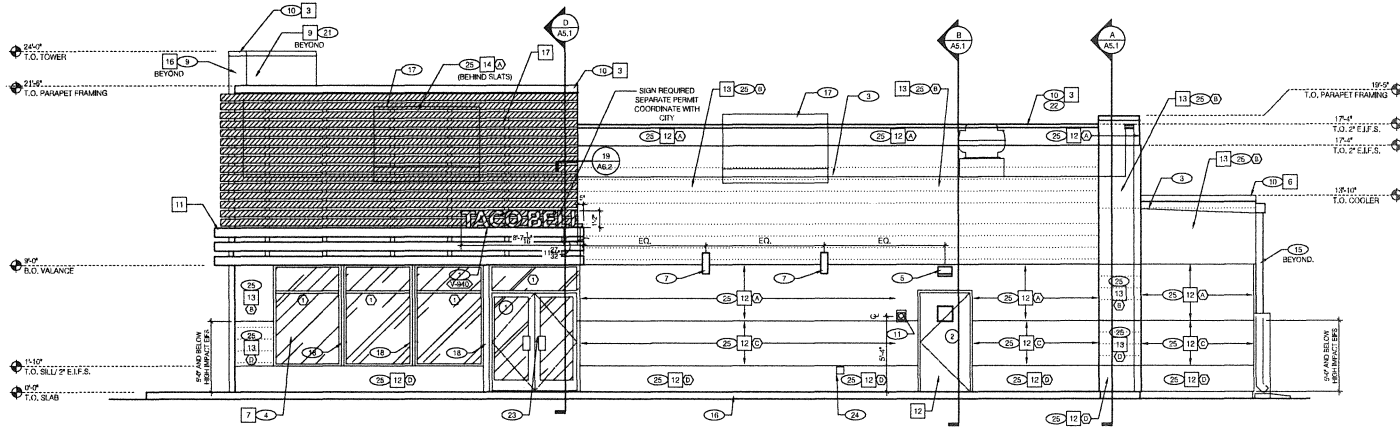
**DD1**

SITE PLAN

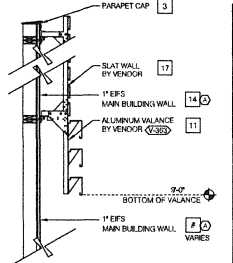




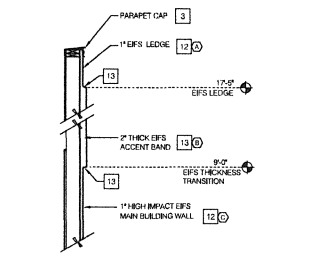




RIGHT SIDE ELEVATION 1/4"=1'-0" A



SLAT WALL COLOR TRANSITION N.T.S. I



EIFS THICKNESS COLOR TRANSITION N.T.S. G

MISCELLANEOUS  
 A. SEE SHT AT 1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.  
 SEALERS (REFER TO SPECS):  
 A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.  
 B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL OF WINDOWS.  
 C. APPLY NEOPRENE GASKET (CONT.) BETWEEN BUILDING & CANOPY.  
 CRITICAL DIMENSIONS:  
 A. REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/ BUILDING ELEMENTS DIMENSIONS.  
 NOTE: NO EXTERIOR SIGNS ARE WITHIN THE SCOPE OF WORK COVERED BY THE BUILDING PERMIT APPLICATION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE INSTALLATION OF ALL EXTERIOR SIGNS AND INSTALLATION OF REQUIRED BLOCKING AND ELECTRICAL CONNECTIONS FOR FINAL APPROVED SIGNS.

GENERAL NOTES F

- 1 BASE THICKNESS - 1" THICK EIFS.
- 2 BASE THICKNESS - 2" THICK EIFS.
- 3 BASE THICKNESS - 1" THICK EIFS WITH HIGH IMPACT MESH (ONLY WHERE NOTED. SEE DETAIL 20A.2).
- 4 BASE THICKNESS - 2" THICK EIFS WITH HIGH IMPACT MESH (ONLY WHERE NOTED. SEE DETAIL 20A.2).

E.I.F.S. THICKNESS N.T.S. B

NOTE: SIGNAGE UNDER SEPARATE PERMIT

QTY	ITEM DESCRIPTION	ELEC
2	18" W x 24" H x 4" D LOGO BELL + FACE LIT	X
3	18" W x 14" H CHANNEL LETTER - WHITE	X
1	DRIVE-THRU CANOPY - 4' W x 8' D x 8' H	X

SIGN SCHEDULE N.T.S. C

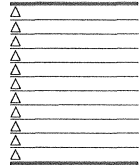
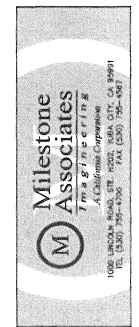
SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR	CONTACT INFORMATION
1	CANOPY RAFTER BEAM PAINT	SHERWIN WILLIAMS	SW5022 WOODSCAPES BLACK ALDER			SHERWIN WILLIAMS, BRAD HARRINGTON, 216-343-6188 (PHONE), BRAD.HARRINGTON@SHERWIN.COM (EMAIL)
2	CANOPY COLUMN PAINT	SHERWIN WILLIAMS	SW 7062 ROCK BOTTOM			
3	PARAPET CAP (TOWER)	DUROLAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7069 "IRON CHE"	DUROLAST, LEE OGBE, 800-434-3876 (PHONE)
4	PARAPET CAP (FRONT)	DUROLAST	SHERWIN WILLIAMS SW6812 "MILKHAUSE PURPLE" EGG SHELL (P-4)			
5	PARAPET CAP COLOR	DUROLAST	REGAL WHITE (FACTORY FINISH)			
6	PARAPET CAP (COOLER)	DUROLAST	GALVALUME PLUS (FACTORY FINISH)			
7	STOREFRONT WINDOWS	TBD	CLEAR ANODIZED			
8	PIPE BOLLARDS	STREET SMART	YELLOW - 1/4" THICK PLASTIC COVER (AUS.FOSTMAN.COM) OR EQUAL			
9	PARAPET BACK HOODING	DUROLAST	THE COLOR SHALL BE FACTORY COLORED "TAN" - EQUAL ALTERNATE ALLOWED.			DUROLAST, LEE OGBE, 800-434-3876 (PHONE)
10	PAVING PATIO ROOF, COOLER WALL	REFRIDGE	3-020X PREWEATHERED GALVALUME			
11	VALANCE COLOR	SIGN VENDOR	SW 7034 "STATUS BRONZE" (EQUAL)			
12	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 7067 "CITYSCAPE"	LG/TUSAN	NA8-0011	SHERWIN WILLIAMS, BRAD HARRINGTON, 216-343-6558 X115 (PHONE), BRAD.HARRINGTON@SHERWIN.COM
13	ACCENT COLOR	SHERWIN WILLIAMS	SW 8008 "PAVER WHITE"	LG/TUSAN	NA8-0010	
14	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6631 "CLEMATIS"			EIFS CONTACT: STD. CORR.; CHUCK DUFFIN, 949-494-2992 (PHONE), 949-494-2995 (FAX), CDFIN@STDCORR.COM
15	NOT USED					
16	METAL PANELS	WESTERN STATES METAL WORKS	1 1/2" ALUMINUM RUST WALL PANELS			WESTERN STATES METALWORKS, RUSTY PAUL, RUSTY@METALWORKS.COM - WWW.METALWORKS.COM
17	SLAT WALL	SIGN VENDOR	WOOD LIKE FINISH - TBD BY VENDOR			

EXTERIOR FINISH SCHEDULE H

NOT USED N.T.S. E

- 1 BUILDING SIGN BY VENDOR. REQUIRES ELECTRICAL. SEE ELECTRICAL PLANS.
- 2 DRIVE THRU WINDOW. SEE SHEET A1.0 AND A1.1.
- 3 DASHED LINE INDICATES ROOF BEYOND.
- 4 STOREFRONT, TYPICAL. REFER TO SHEET A1.1.
- 5 WALL PACK LIGHT FIXTURE.
- 6 SWITCH GEAR PAINT TO MATCH WALL.
- 7 LIGHT SOURCE. ALUM. BOTTOM OF FIXTURES MOUNTING BRACKET WITH EIFS RECAL. CHANGES IN EIFS THICKNESS.
- 8 ASSUME 0FT LANE SLIPSPACES IS 4" BELOW THE FINISH FLOOR. REFER TO GRADING & SITE PLAN.
- 9 TOWER WITH METAL PANEL FINISH.
- 10 PARAPET COPING. IF DURO-LAST EDGE TRIMS USED, USE THE DURO-LAST PRE-FINISHED EDGE TRIM. SEE DETAIL 20A.2.
- 11 COOL FILLER VALVE & COVER. SEE DETAIL SPA.2.2B.
- 12 DRIVE-THRU CANOPY BY OTHERS.
- 13 GAS SERVICE.
- 14 WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
- 15 SCUPPER COLLECTION AND INSTANTIAL CATCH DOWNSPOUT #14.
- 16 CONCRETE CURB.
- 17 RTU BEYOND. PAINT TO MATCH MAIN BUILDING COLOR.
- 18 BREAK METAL COVER OVER WOOD STUDS TO MATCH STOREFRONT. SEE SPA.1
- 19 OVERFLOW SCUPPER. SEE ROOF PLAN.
- 20 BOLLARD
- 21 SINGLE MEMBRANE ROOFING.
- 22 IF THE DURO LAST PARAPET CAP TRIM IS USED IT SHALL NOT BE PAINTED.
- 23 STOREFRONT DOOR. REFER TO DOOR SCHEDULE.
- 24 HOSE REEL LOCATION. REFER TO PLUMBING AND DETAIL SPA.2
- 25 EIFS (TYP). SEE 2.6.7.8 & 18A.0.3.

KEY NOTES D



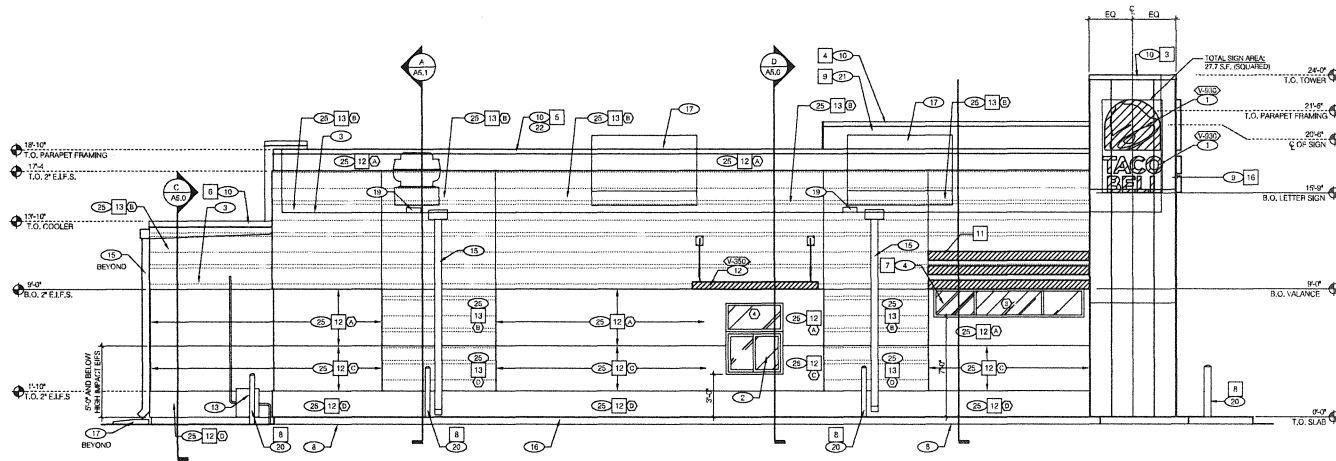
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 PLAN VERSION: MAY 2017  
 SITE NUMBER:  
 STORE NUMBER:

TACO BELL  
 PANOCHE ROAD  
 FREEMAN, CA

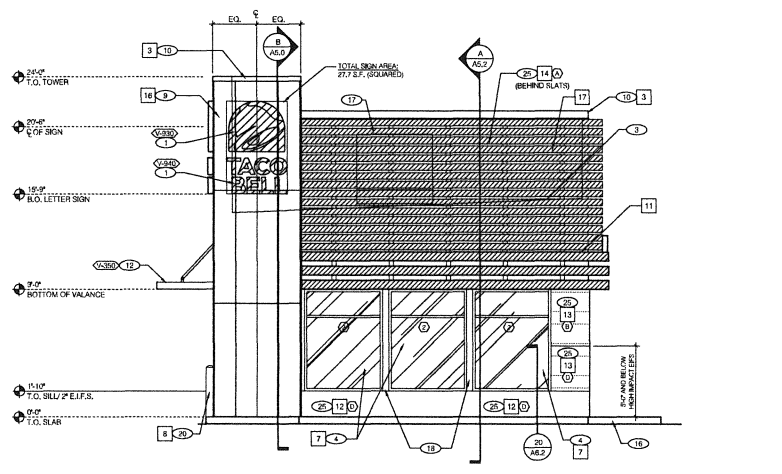


EXTERIOR ELEVATIONS

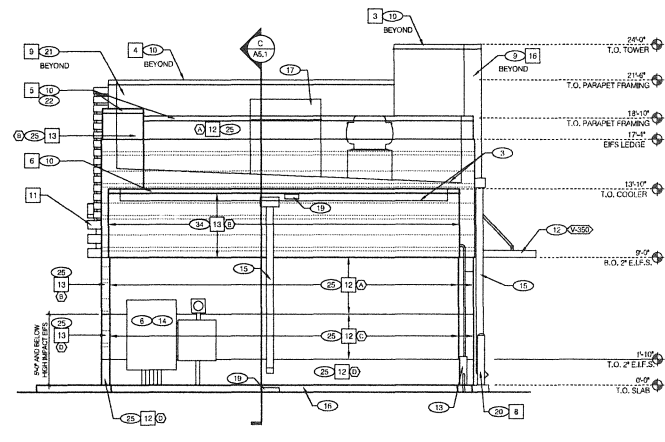
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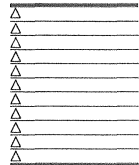
LEFT SIDE ELEVATION 1/4" = 1'-0" A



FRONT ELEVATION 1/4" = 1'-0" C



REAR ELEVATION 1/4" = 1'-0" B



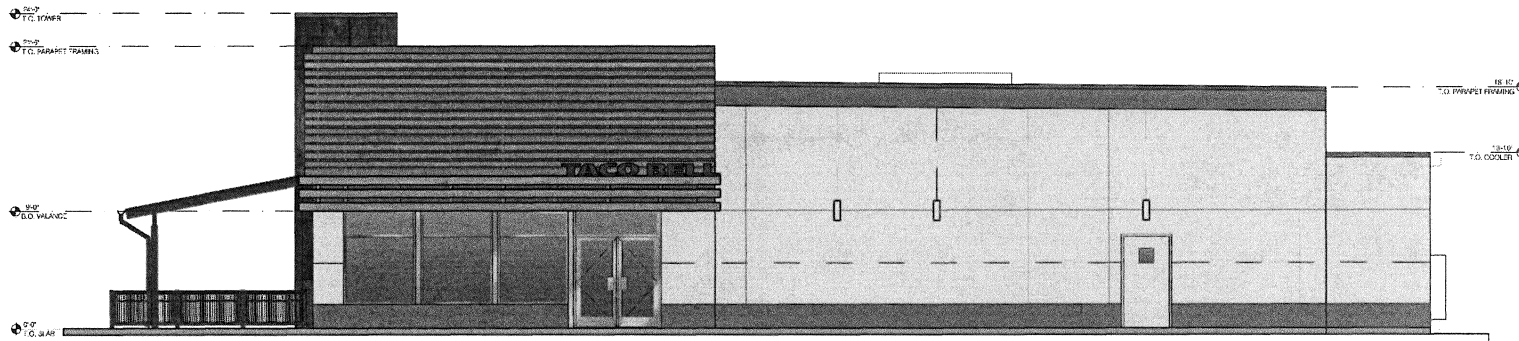
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PLAN VERSION: MAY 2017  
SITE NUMBER:  
STORE NUMBER:

TACO BELL  
PANACHE ROAD  
FRESNO, CA

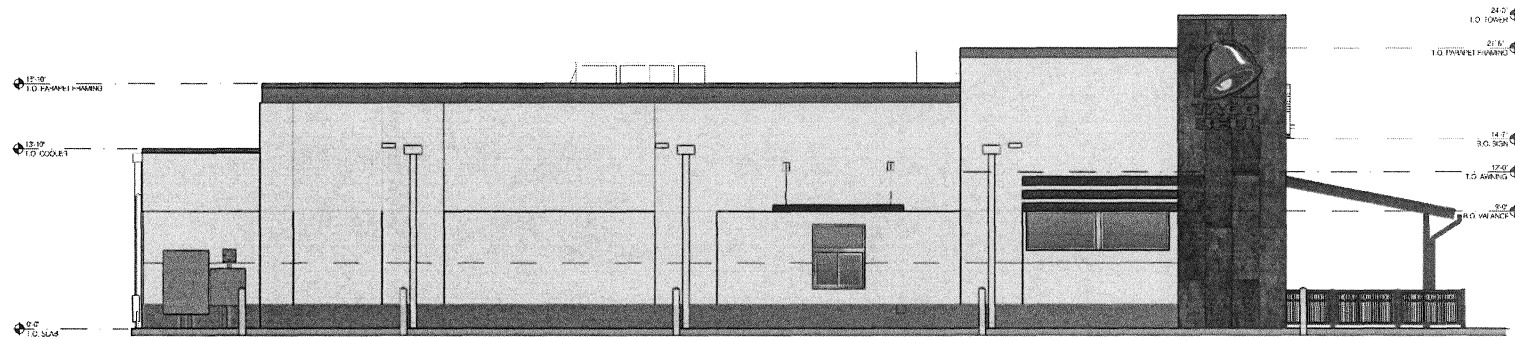


EXPLORER LITE  
SMALL/L2  
EXTERIOR  
ELEVATIONS

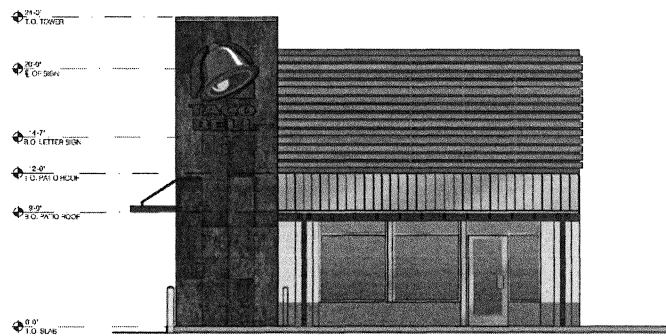
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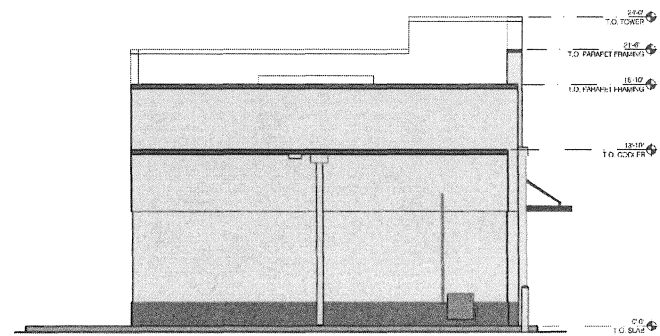
RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION

UPDATED OPERATIONAL STATEMENT  
PROPOSED TACO BELL RESTAURANT  
PANOCHÉ ROAD AND I-5  
CUP 3551  
JUNE 2018 REVISION

**NATURE OF OPERATION**

The proposed use is a 1,832 sq. ft. Taco Bell restaurant with a 42 seat dining room and drive thru. The restaurant will prepare food for consumption on site and to be taken away. In addition, the restaurant will serve hot and cold beverages. No alcoholic beverage service is proposed.

The proposed restaurant will be generally located at the northwest quadrant of the Panoche Road and I-5 interchange. This interchange is identified in §860.A.1a of the Fresno County Zoning as a Major Commercial Center in the Interstate Freeway Interchange Commercial Development District. This interchange is developed with other freeway related uses, as well.

**OPERATIONAL TIME LIMITS**

The proposed Taco Bell restaurant will operate 7 days a week year round. No special activities are proposed in association with the Taco Bell restaurant.

The restaurant will operate from 6:00 AM to Midnight. Total hours of operation per day will be 18.

Employees will arrive approximately one hour before the restaurant opens begins operations and will stay approximately one hour after the restaurant ends operations.

**NUMBER OF CUSTOMERS OR VISITORS**

The number of customers per day will vary depending on the time of year and weather conditions. The average number of customers per day will be 300-500. The customers will utilize both the drive thru lane and dining room to order and consume their food.

Customers will be onsite during the operational hours of 6:00 AM to Midnight.

**NUMBER OF EMPLOYEES**

The employees work various shifts. There will be between 12-15 full time employees and 15-20 part time employees. However, there will typically be a maximum of 6 employees on site at any given time. However, during peak holiday hours there may be additional employees during a shift. No future change in the number of employees is anticipated.

No employees will live on site.

### **SERVICE AND DELIVERY VEHICLES**

All food products, beverages, paper goods and supplies are delivered to the site in a single semi-truck and trailer. Deliveries are typically done twice week. Deliveries are typically done when the restaurant is closed and typically take less than an hour to be completed. The delivery drivers have access to the restaurant through the use of a lockbox. Therefore, no employees need to be onsite when deliveries are made.

### **ACCESS TO THE SITE**

As noted above, the proposed restaurant is located in the northwest quadrant of the Panoche Road and I-5 interchange. Access to the restaurant is from Panoche Road and a private road identified as Road A and a second private road identified as Farm Access Road. Other uses in this quadrant of the interchange also utilize Road A and Farm Access Road for access.

Panoche Road, Road A and Farm Access Road are paved.

### **PARKING AREA**

The proposed parking area will be paved and provide 19 parking spaces (18) are required.

### **GOODS SOLD ON-SITE**

As noted above, the restaurant will sell food and beverages. All goods are delivered to the site and prepared at the site.

### **EQUIPMENT USED**

The proposed restaurant will utilize typical restaurant equipment. These include, but are not necessarily limited to, fryers, steam tables, microwave ovens, flat grills and drink dispensers. Cleaning equipment consists of mops, buckets, brooms and window squeegees.

### **SUPPLIES AND MATERIALS**

The restaurant will store its food products in either a walk in cooler or on storage racks inside the restaurant.

Cleaning supplies will also be stored in the restaurant. But, in an area separate from the food products.

### **PROJECT IMPACTS**

The restaurant will operate in a typical restaurant manner. All cooking equipment will be equipped with exhaust hoods that have filters in them. Minor noise may be generated from the drive-thru speaker. However, as noted above, this is a commercial interchange and no residential properties are located in the area.

## **LIQUID AND SOLID WASTE**

### Liquid Waste

The proposed restaurant has sanitary sewer service provided by I-5 Property Services, Inc. which also provides these services to the other uses located at the interchange.

It is estimated that the proposed restaurant will generate 1,000 gallons of liquid waste per day. This liquid waste will be treated at a waste water treatment facility operated by I-5 Property Services, Inc. I-5 Property services provides this service to all of the developed properties in the area.

### Solid Waste

It is anticipated the proposed restaurant will generate approximately .75 cubic yards (cyds) of solid waste per day. The solid waste material will be stored in bins within a masonry trash enclosure on the property. The solid waste will be picked up on a regular basis by a solid waste hauler authorized to provide such services. The solid waste materials will either be disposed of in an approved land fill facility or be recycled. Typically, the solid waste will be picked up 1 or 2 times a week.

### Used Cooking Oil

Used cooking oil grease will be stored separately from the solid waste and will be picked up by a hauler approved for the disposal of such material.

## **PROPOSED BUILDING**

The proposed Taco Bell restaurant will be a new 1,823 sq. ft. building with 42 seats and a drive thru. The building exterior will be a combination of stucco, wood and metal. There will be a wainscot at the base of the exterior wall. Awnings will be provided over the windows. Specific color information is reflected on the attached elevations.

The main portion of the building will be 22' +/- high and have an accent tower that is integrated into the building design. The accent tower will have a height of 24'.

## **BUILDING OPERATIONS**

As noted above, the proposed Taco Bell development will consist of a 1,823 sq. ft. restaurant and a trash corral.

The restaurant will be used for the storage, preparation and consumption of food and beverages prepared on the site. The trash corral will be used to hold the trash bins.

## **OUTDOOR LIGHTING AND SOUND AMPLIFICATION**

Site lighting will be provided. The lighting will be a combination of lights mounted on the building and parking lot lights.

There will be a drive thru speaker. This speaker is used for the placement and confirmation of orders. This is a commercial interchange. There are no residential uses that may be impacted by the drive thru speaker.

## **LANDSCAPING AND FENCING**

The Panoche Road and Road A frontages will be landscaped with a combination of trees and drought tolerant plantings. The exit to the drive thru will also be landscaped with drought tolerant plantings.

There will be landscape planters located on the Farm Access Road frontage. These will be planted with trees and drought tolerant plants.

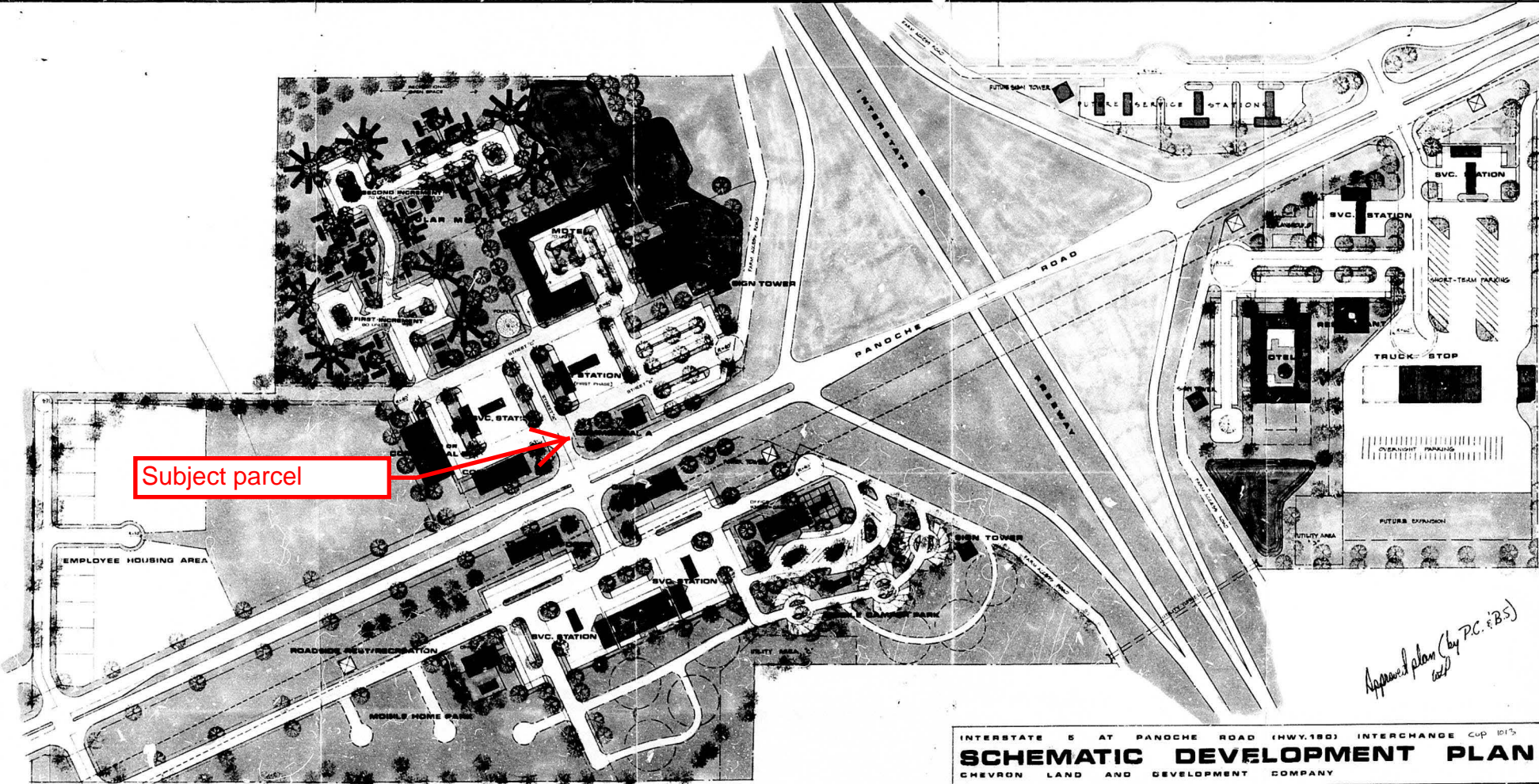
The drive thru lane will have a 3' high masonry wall on the outside curb. In addition, a split rail fence will be provided along the outside of the masonry wall.

**OWNERS**

The proposed Taco Bell restaurant will be owned by Mr. Sunny Ghai. The property is currently owned by the Hewitson Limited Partnership, Mr. Richard Hewitson, Managing Partner.



Subject parcel



Approved plan by P.C. & B.S.

INTERSTATE 5 AT PANOCHÉ ROAD (HWY. 150) INTERCHANGE cup 1015  
**SCHEMATIC DEVELOPMENT PLAN**  
 CHEVRON LAND AND DEVELOPMENT COMPANY

**GRUNWALD CRAWFORD ASSOCIATES**  
 605 N. BOWEN ST. TORRANCE, CA 90503

DATE: OCTOBER, 1971  
 DRAWN: DC-JW-FK

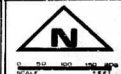


EXHIBIT 7



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Ghai Management, Inc.
- APPLICATION NOS.: Initial Study Application No. 7357 and Unclassified Conditional Use Permit Application No. 3591
- DESCRIPTION: Allow an Interstate Freeway Interchange Commercial Development consisting of a 1,823 square-foot Taco Bell restaurant with drive-through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the north side of West Panoche Road, approximately 1,000 feet southwest of Interstate 5 and approximately 15 miles southwest of the nearest city limits of the City of Mendota (SUP. DIST. 1) (APN 027-190-29S).

### 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:

Policy LU-D.6 of the Fresno County General Plan requires that a commercial interchange development be designed to achieve aesthetic excellence and incorporate considerations for noise contours abutting traffic ways, architectural cohesiveness, and signing restraints. The proposal involves the construction of a new 1,823 square-foot Taco Bell restaurant with drive-through service on a currently vacant parcel within an existing commercial development that includes restaurants, gas stations, convenience stores and a motel. The project site is located approximately 1,000 feet southwest of Interstate 5 and westerly adjacent to the southbound exit ramp. Given the limited size of the proposed development, and the requirement that it be aesthetically consistent with surrounding commercial development in an area designated for such development by Section 860 of the Fresno County General Plan, it would not degrade the visual

character or quality of the site and its surroundings. Additionally, no scenic vistas, scenic resources or landscape features were identified in the project analysis, and accordingly, no such resources will be adversely impacted by this proposal. Interstate 5, easterly adjacent to the project site is designated as a scenic highway in the Fresno County General Plan. General Plan Policy OS-L.3.d. requires that commercial developments provide for maintenance of a natural open space area that is 200 feet in depth parallel to the right-of-way of the scenic drive or roadway. However, the proposed development is not within the 200-foot-wide natural Open Space Area, and therefore will not impact the scenic quality of the landscape adjacent to Interstate 5, consistent with General Plan Goal OS-I.

Section 860.E.2 of the Fresno County Zoning Ordinance addresses development standards for Freeway Interchange Development, and requires that landscaping be provided and maintained, and that plants and related materials shall be arranged in a manner consistent with and complementary to the building design and materials.

- 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:

Development of this proposal will generate new sources of light and glare resulting from outdoor lighting around the building and parking and circulation areas. Mitigation would require that all outdoor lighting be hooded and directed downward as to not shine toward adjacent property and public streets. The Road Maintenance and Operations Division expressed concerns that headlights from vehicles queuing in the proposed drive-through would shine toward oncoming traffic on the adjacent roadway. As such, a Mitigation Measure has been included under Section XVI. D. Transportation/Traffic to address these concerns. See further discussion under the above-referenced section.

\* **Mitigation Measure:**

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

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is zoned AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District, however, it is located in an area designated for commercial development and is not restricted under Williamson Act Contract. The 0.58-acre subject parcel is classified as Urban and Built-Up Land according to the 2014 Fresno County Important Farmlands Map. Therefore, this proposal is not in conflict with existing Agricultural zoning. General Plan Policy LU-D.4 states that the County shall generally limit development at major or minor commercial interchanges to one square mile of land centered on the freeway interchange structure. The subject proposal is therefore consistent with this policy.

There are existing agricultural operations in the vicinity of the project site, however, much of the land within the one square-mile Interstate Freeway Interchange Area has been commercially developed as prescribed by the Fresno County General Plan and the approved Master Plan. Therefore, the project will not result in the conversion of farmland to non-agricultural uses, other than that area which has been designated for commercial development. The subject property is not located on forestland. This proposal was reviewed by the Fresno County Department of Agriculture, which did not express any concerns.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate 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, which determined that project-specific criteria pollutant emissions are not expected to have an adverse impact on air quality. The Air District required that the applicant submit an application for an Air Impact Assessment per District Rule 9510 (Indirect Source Review). An Air Impact Assessment application was submitted by the applicant and



approved by the Air District on February 14, 2018. The proposed restaurant with drive-through service will be part of an existing commercial development, and once construction is complete, any impacts to air quality will be less than significant. Per the Air District's recommendation, the following District Enforced Emission Reduction Measures will be included as Conditions of Approval: (1) Within 30-days of the issuance of building permits and certification of occupancy, the applicant shall submit a summary report of the construction start and end dates, and date of the first permit issuance and occupancy certification; and (2) The project shall maintain records on site during construction, and for a period of ten years following either the end of construction and/or issuance of permits and certification of occupancy, whichever date is later. Records shall be made available for Air District inspection upon request.

Additionally, the applicant may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Per District Rule 2010, the applicant may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including, but not limited to, emergency internal combustion engines, boilers, and baghouses.

According to the Air District, particulate matter 2.5 microns or less in size (PM<sub>2.5</sub>) from under-fired char-broilers (UFC) pose an immediate health risk because the cooking of meat can release carcinogenic compounds, and controlling such emissions will have a positive impact on public health. In order to reduce potential impacts from the release of carcinogenic compounds into the air, a Condition of Approval will be included requiring that the applicant install emission control systems during the construction phase of the project.

The project will not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors that would affect a substantial number of people in or near the project area.

#### IV. BIOLOGICAL RESOURCES

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

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; 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:**

The subject parcel is located within an existing Interstate Freeway Interchange commercial development, consisting of gas stations, convenience stores, restaurants and a motel, located on both the north and south sides of Panoche Road. Large parcels utilized for farming and other agriculture-related operations characterize the surrounding area. As a result of the existing commercial development, the ground on and surrounding the project site, has been previously disturbed.

The project was reviewed by the California Department of Fish and Wildlife, and United States Fish and Wildlife Service. Neither agency expressed any concerns relating to adverse effects upon any sensitive or special-status species through habitat modification, either riparian habitat or other sensitive species. Additionally, no federally-protected wetlands, native resident or migratory fish, or wildlife species were identified in the analysis.

**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; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

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

The project site is located in an area designated as “moderately” sensitive for the existence of archaeological resources, and has been previously disturbed. The project

was routed to the Southern San Joaquin Information Center, which recommended that a cultural resources survey be undertaken. A Phase-One Archaeological Survey was complete by Soar Environmental Consulting on October 20, 2017. No historical, tribal-cultural resources or unique paleontological resources were identified during the survey; however, this does not preclude the existence of subsurface cultural deposits. To address this possibility, a Mitigation Measure has been included requiring further evaluation upon the discovery of any historical or tribal cultural resources, or human remains during ground-disturbing activities.

\* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Heritage 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; or
  2. Strong seismic ground shaking; or
  3. Seismic-related ground failure, including liquefaction; or
  4. Landslides?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The subject parcel and surrounding area is in California Building Code Seismic Zone 4 according the Fresno County General Plan Background Report (FCGPBR) Figure 9-4, and in an area of Probabilistic Seismic Hazards (10% probability in 50 years). It is not located in a known earthquake fault zone per the California Department of Conservation, California Geological Survey (CGS) Information Warehouse: Interactive Regulatory Maps. The project will be subject to current building code with regard to seismic design category requirements. Additionally, the subject parcel is not in an area subject to liquefaction as described in the FCGPBR, Chapter 9, or as indicated on State of California Department of Conservation, California Geological Survey, and other Regulatory Maps.

- B. Would the project result in substantial erosion or loss of topsoil; or
- 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 proposed project is not in an area subject to expansive soils nor in an area prone to liquefaction, landslides, lateral spreading, or collapse. According to the Fresno County General Plan Background Report (FCGPBR), Figure 9-6, the project site is located in an area of shallow subsidence; however, no impacts related to the potential for soil subsidence were identified in the analysis or in reviewing agency comments.

Additionally, the project area is confined to the 0.58-acre subject parcel, limiting any potential erosion resulting from grading activity; However, a Condition of Approval will be included, requiring that any grading activity proposed with this project would necessitate a grading permit or grading voucher from the Fresno County Department of Public Works and Planning, and any additional runoff generated by the proposed development is required to be stored on site or disposed of per County standards.

- 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: NO IMPACT:

The project proposes to connect to existing wastewater treatment facilities located in the vicinity for the provision of sanitary sewer services. No new on-site wastewater treatment systems are proposed with this application.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was reviewed by the San Joaquin Valley Air Pollution Control District for potential adverse impacts to air quality (see discussion under Section III. Air Quality). The Air District did not express any concerns related to greenhouse gas emissions.



## VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: NO IMPACT:

The project is not located on or near a hazardous materials site, will not involve the transport, use or disposal of hazardous materials, and is not located within one quarter-mile of a school.

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

FINDING: NO IMPACT:

The project site is not located within two miles of any public or private airstrip or airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project will not impair implementation of or physically interfere with an adopted Emergency Response Plan or 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. While the project site is located in a wildland fire area, and is in a moderate-severity fire hazard zone, according to the CAL FIRE Hazard Severity Zone Map for Fresno County, dated November 6, 2007, the immediate area has been commercially developed and residential development is limited. The nearest residence is located more than one half-mile from the project site. If approved, the project will be subject to current fire code,

Title 24 California Code of Regulations (CCR), at the time that permits or a certificate of occupancy is issued.

## IX. HYDROLOGY AND WATER QUALITY

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

FINDING: NO IMPACT:

The project will connect to an existing community system for the provision of water and sewer services, and it is not anticipated that the proposed operation will violate any water quality standards, waste discharge requirements or degrade water quality in any way. With regard to sewer and water services, the applicant's operational statement indicates that the existing off-site water treatment facility has a design capacity of 90,000 gallons per day and is currently operating at 40,000 gallons per day. The California State Water Resources Control Board, Division of Drinking Water, reviewed this proposal, and did not express any concerns related to water quality standards or waste discharge requirements.

- 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:

The project proposes to use up to 2,000 gallons of water per day, and will connect to a non-transient, non-community public water system operated by I-5 Property Services, Inc., which supplies surface-water to the surrounding commercial development. I-5 Property Services has indicated that it would provide up to two acre-feet of water per year for the proposed Taco Bell restaurant. Westlands Water District, which supplies water to I-5 Property Services, Inc., stated that I-5 Property Services must secure an alternate water supply to support the demand created by the proposed development if current allocations from Westlands Water District are exceeded.

- 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 storm-water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal entails the establishment of a 1,823 square-foot restaurant with drive-through services, within an existing commercial development. Given the limited size of the proposed development, it is not anticipated to alter drainage patterns, alter the course of a stream, or result in substantial erosion or siltation, and no streams or other watercourses were identified in the vicinity of or traversing the subject parcel. Panoche Creek is located approximately one half-mile west of the project site. This project will require the submission of an Engineered Grading and Drainage Plan prior to the issuance of a grading permit or grading voucher. Any additional runoff generated by the project must be retained on site or disposed of per County Standards.

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

FINDING: NO IMPACT:

The project proposes to connect to existing facilities for the provision of water and sewer services. None of the reviewing agencies or departments expressed any concerns that this project would have an impact on water quality in the area.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure?

FINDING: NO IMPACT:

The subject parcel is not located in an area within a 100-year floodplain according to Figure 9-7 of the Fresno County General Plan Background Report, nor is it located in a Dam Failure Flood Inundation Area, identified by Figure 9-8 of the FCGPBR. Additionally, comments from the Development Engineering Section of the Fresno County Department of Public Works and Planning indicate the subject parcel is not subject to flooding from the 100-year, one-percent-chance storm event, per FEMA, FIRM Panel1950H.

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not in an area subject to tsunami or mudflow, and earthquake-induced seiche is not considered a risk in Fresno County, according to the Fresno County General Plan Background Report (FCGPBR) Chapter 9.

## X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

The project will not divide an established community. The project site is located approximately 15 miles southwest of the nearest city limits of the City of Mendota.

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

FINDING: NO IMPACT:

The subject parcel is designated as agricultural land in the Fresno County General Plan, and located within the Westside Freeway Corridor Overlay, extending for one mile east and west of Interstate 5 where it traverses the County. The overlay area allows for commercial uses at designated interchanges along the Interstate. Section 860 of the Fresno County Zoning Ordinance, Regulations for Interstate Freeway Interchange Commercial Development, specifically designates one square-mile of land centered on the intersection of Panoche Road and Interstate 5 as a Major Commercial Center. The Zoning Ordinance lists specific uses allowed at a Major Commercial Center, subject to discretionary approval through a Conditional Use Permit application, this proposal is consistent with those allowed uses. The Commercial Interchange area consists of four quadrants surrounding the intersection. The subject parcel is located in the northwest quadrant of the interchange. Each quadrant is limited to one master-planned area for development. This proposal is consistent with the allowable uses at such designated interchanges, subject to a Conditional Use Permit, Site Plan Review and applicable development standards.

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

FINDING: NO IMPACT:

The project is located within the PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan, however, the proposal was reviewed by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife service (USFWS), and neither agency expressed any concerns with the project proposal. The proposed project will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan.

## XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

The proposed project does not involve the extraction of any known mineral resources, and is not located in an area identified as Mineral Resource Zone by Figures 7-7 and 7-9 of the Fresno County General Plan Background Report (FCGPBR).

XII. NOISE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No noise-related impacts were identified by any of the reviewing agencies. Noise impacts from construction-related activities are exempt from compliance with the Fresno County Noise Ordinance (Chapter 8.40.060 Noise Source Exemptions) provided that noise-generating construction activity is limited to the hours between 6:00 a.m. and 9:00 p.m., Monday through Friday, and between the hours of 7:00 a.m. and 9:00 p.m., Saturday and/or Sunday.

- 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 a public airport or private airstrip and will not be impacted by airport-related 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:

The project will not induce population growth directly or indirectly, nor displace any existing housing or people. The nearest dwelling to the proposed project site is more than one half-mile southwest.

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

FINDING: NO IMPACT:

The project will not result in substantial adverse physical impacts related to provision of new facilities for fire or police protection, schools, parks or other public facilities. No concerns were expressed by any reviewing agencies regarding impacts to the provision of public services.

#### XV. RECREATION

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

FINDING: NO IMPACT:

The project is not located in the vicinity of any existing public parks and is therefore not expected to result in an increase in the use of existing parks or recreational facilities.

#### XVI. TRANSPORTATION/TRAFFIC

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project will not have direct access from Panoche Road, however it will be accessed from a road labeled on the applicant's submitted site plan as "Farm Access Road Easement", a private easement owned by the State of California, which connects to Panoche Road via Road A as labeled on the Applicants site plan. The Farm Access Road Easement and Road A are both part of the same easement owned by the State of California. After review of the proposal, the Road Maintenance and Operations and Design Divisions, of the Department of Public Works and Planning determined that a Traffic Impact Study (TIS) was required in order to evaluate potential impacts to County roadways.

A Traffic Impact Study (TIS) was prepared by Peters Engineering, for the proposed project on December 15, 2017. After review by County staff and Caltrans, it was determined that some revisions were necessary. A final revised version was submitted to the Department of Public Works and Planning on April 19, 2018. Conclusions of the Traffic Impact Study indicated that the project is expected to cause or contribute to significant impacts, based on Level of Service estimates for the intersection of Panoche Road and Interstate 5 northbound ramps, and the intersection of Panoche Road and Road A. The recommendation of the TIS was that the applicant be required to contribute a fair share of cost (estimated to be 21.5 percent for the northbound ramps and 23.09 percent for the southbound ramps) for the construction of all-way stop control at the intersection of Panoche Road and Road A. However, the all-way stop control should not be installed until the project is in operation and observed traffic volumes indicate that the warrants (standard criteria) for installing said stop controls are met.

The project was reviewed by the California Department of Transportation (Caltrans), which indicated that the Traffic Impact Study shows that the project would cause an increase in traffic congestion at the intersection of Panoche Road and Interstate 5 northbound ramps during peak traffic hours; however, the criteria necessary for the immediate installation of traffic signals at the Panoche Road and Interstate 5 northbound ramps would be met by the addition of the proposed project in the near term. Caltrans did find that the criteria for traffic signals at said intersection would likely be satisfied by 2035, and that installation of signals would then be warranted.

Therefore, the following mitigation is required:

\* **Mitigation Measures:**

1. *To address future long-term cumulative traffic impacts identified by the project's Traffic Impact Study, the Applicant/Operator shall be responsible for preparing a traffic analysis at the intersection of Panoche Road and private Road A subsequent to occupancy/opening day and to occur at the approximate one-year anniversary of commencing operations. The Applicant shall provide the traffic analysis to the Fresno County Department of Public Works and Planning at the conclusion of the initial one-year operational period to document changed traffic volumes and determine warrants for intersection control measures.*

*Should the traffic analysis indicate that the warrants for an all-way stop are met; the Applicant shall install an all-way stop control at the intersection of West Panoche Road and Private Road A.*

*Should the traffic analysis indicate warrants for an all-way stop are not be met at the conclusion of the one-year operational period, the Applicant/Operator will be responsible for future participation in the proportionate share (8.60 percent) for installing an all-way stop control at the intersection of West Panoche Road and Road A in conjunction with existing businesses and future development serviced by private Road A for the northwest quadrant of the Panoche Road/I-5 Interstate Interchange.*

*Note: Due to the length of time that may elapse between opening day and realization of signal warrants, the Applicant/future operator may conduct additional traffic analysis to re-examine the proportionate share amount. As Road A is a private road, shared installation costs shall be between existing and future operators of the northwestern quadrant.*

2. *To address project-related traffic impacts as identified by the California Department of Transportation (Caltrans), the Applicant shall enter into a traffic mitigation agreement with Caltrans to ensure the project contributes its fair share toward the cost of future installation of all-way stop control at the intersections of Panoche Road and the Interstate 5 southbound ramps and Panoche Road and the Interstate 5 northbound ramps. Based on the Traffic Impact Study prepared for this project, the Applicant's fair share contribution is currently estimated to be \$4,189.00 (\$2,150.00 for the northbound ramps and \$2,039.00 for the southbound ramps).*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will not result in a change in air traffic patterns. The nearest airport to the project site is William Robert Johnson Municipal Airport (Mendota), located approximately 16 miles to the northeast.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed this proposal and expressed concerns that cars queuing in the proposed drive through would project their headlights at traffic on Panoche Road, thereby impacting driver visibility. A Mitigation Measure has been included requiring that screening will be added to the drive through to minimize the impacts to traffic on the County roadway.



\* **Mitigation Measure:**

1. *To prevent headlights from vehicles in the drive through from impairing the visibility of traffic along Panoche Road, the proposed drive through shall be screened by a fence that is architecturally consistent with the surrounding development. Examples of acceptable screening include a wooden rail fencing, a low-profile solid wall, or other barrier deemed acceptable to the Department of Public Works and Planning.*

E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not propose any changes to existing road configuration and will not result in inadequate emergency access. The project was reviewed by the Fresno County Fire Protection District/CALFIRE, which indicated that the Farm Access Road Easement along the northerly boundary of the project site would be adequate in width, provided there is a minimum of 12 feet of paved road width for each direction of travel with no parking allowed on either side of the easement. As a Condition of Approval, the applicant will be required to paint the south curb along the Farm Access Road Easement red, and install "No Stopping" signage.

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:

The project will not conflict with any adopted transportation plans, policies or programs.

## 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 new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be provided community water and sewer services by I-5 Property Services, Inc. According to the applicant's Operational Statement, the project is estimated to use 2,000 gallons of water per day, and will connect to a community water system operated by I-5 Property Services, Inc. with water purchased from Westlands Water District. The project is not anticipated to exceed wastewater facility capacity or require expansion of existing water treatment facilities. A Condition of Approval will be included requiring that the project secure a water supply to support any additional municipal and industrial demand if the water allocation that I-5 Property Services, Inc. receives from Westlands Water District is insufficient to meet the increased demand.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. C., IX. D. and IX. E. Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section XVII. A. and XVII. B. above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant-submitted operational statement (addendum) indicates that the proposed Taco Bell restaurant will generate approximately 1,000 gallons of liquid waste per day. The project proposes to connect to the existing off-site wastewater treatment facility operated by I-5 Property Services, Inc. The applicant's supplemental information to the operational statement, it is indicated that the existing sanitary sewer system has a design capacity of 76,000 gallons per day and is currently operating at 30,000 to 40,000 gallons per day. The proposed operation is not anticipated to exceed the capacity of the system.

See additional discussion in Section XVII. A. and XVII. B. above.

- 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: LESS THAN SIGNIFICANT IMPACT:

The applicant's operational statement indicates that the proposed operation will generate approximately .75 cubic yards of solid waste per day. The solid waste material will be stored in bins which will be picked up by a properly licensed solid waste hauler on a regular basis, and be disposed of in an approved landfill and/or recycling facility.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

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

No impacts to biological resources were identified in the analysis or in reviewing agency comments. Potential impacts to Cultural Resources will be reduced to a less than significant level with incorporation of the Mitigation Measure listed in Section V.

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

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

Cumulatively considerable impacts related to Aesthetics, Cultural Resources and Transportation/Traffic were identified in the analysis. Impacts to these resources will be reduced to a less than significant level with incorporation of the Mitigation Measures listed in Sections I, V and XVI.

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

**FINDING: NO IMPACT:**

No environmental impacts which would cause substantial adverse effects on human beings were identified in the analysis or in reviewing agency/department comments.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3591, 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, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services and recreation.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and utilities and service systems have been determined to be less than significant.

Potential Impacts relating to Aesthetics, Cultural Resources and Transportation/Traffic have been determined to be less than significant upon compliance with the identified Mitigation Measures.

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

JS

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7357</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Applicant (Name): Ghai Management, Inc.	Project Title: Unclassified Conditional Use Permit Application No. 3591		
Project Description:	Allow an Interstate Freeway Interchange Commercial Development, consisting of a 1,823 square-foot Taco Bell restaurant with drive through service on a 0.58-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the north side of West Panoche Road approximately 1,000 feet southwest of its intersection with Interstate 5, and approximately 15 miles southwest of the nearest city limits of the City of Mendota (SUP. DIST. 1) (APN 027-190-29S).		
Justification for Negative Declaration:	<p>Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3591, 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, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services and recreation.</p> <p>Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, and utilities and service systems have determined to be less than significant.</p> <p>Potential Impacts relating to Aesthetics, Cultural Resources and Transportation/Traffic have been determined to be less than significant upon compliance with the identified mitigation measures.</p>		
FINDING:	The proposed project will not have a significant impact on the environment.		
Newspaper and Date of Publication: Fresno Business Journal – June 25, 2018	Review Date Deadline: Planning Commission – July 26, 2018		
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 July 26, 2018

**SUBJECT:** Initial Study Application No. 7427 and Unclassified Conditional Use Permit Application No. 3602

Allow the construction of a new unmanned wireless telecommunication facility consisting of a 110-foot-tall tower, employing a windmill design, and related ground equipment within a 2,250 square-foot fenced lease area, including new access and utility easements, on a 48.50-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on Towerline Lane, approximately 1,500 feet east of its intersection with Pittman Hill Road, and approximately two miles south of the unincorporated community of Humphreys Station (26597 Towerline Lane, Clovis, 93619) (SUP. DIST. 5) (APN 138-500-19).

**OWNER:** Darin Hamman  
**APPLICANT:** AT&T Mobility

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7427; and
- Approve Unclassified Conditional Use Permit No. 3602 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. AT&T Coverage Maps
7. Revised Project Support Statement (Response to Wireless Guidelines)
8. Operational Statement
9. Cellular Tower Vicinity Map
10. Summary of Initial Study Application No. 7427
11. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Eastside Rangeland/Sierra North Regional Plan	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	48.50 acres	No change
Project Site	The subject parcel is improved with an approximately 1,826 square-foot single-family residence. The proposed lease area is located approximately 320+/- feet northwest of the existing dwelling and is currently vacant, with natural vegetation	Addition of a 110-foot-tall communications tower (faux windmill design) with 12 antennas and associated ground equipment within a 45-foot by 50-foot (2,250 square feet) fenced lease area, new access and overhead and underground utility easements
Structural Improvements	See description under Project Site-Existing above	See description under Project Site-Proposed above
Nearest Residence	Approximately 600 feet southwest	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Single-family residential/Grazing land	No change
Operational Features	N/A	Unmanned wireless communications facility
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential traffic	Approximately one to two round trips per month for routine maintenance
Lighting	Residential	No change. No lighting is proposed
Hours of Operation	N/A	Continuous operation

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

**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 10.

Staff notes that Mitigation Measure No. 1 of Exhibit 1 (Mitigation Monitoring and Reporting Program, Conditions of Approval, and Project Notes) has been modified from the version that appears in the Initial Study to eliminate irrigation requirements for native trees and vegetation.

According to CEQA Guidelines Section 15073.5(a)(b)(c), a Mitigated Negative Declaration must be recirculated only if it is considered to be “substantially revised” by meeting certain criteria. In the case of this application, the original Mitigation Measure requiring the installation of landscaping has been minimally revised, removing the provision that the landscaping include native or compatible non-native drought-tolerant plant species due to concerns over the availability of water and the need for maintenance of the landscaping.

Staff also notes that the street address for the subject parcel was incorrectly listed as 26897 Towerline Lane in the Initial Study and Routing Documents. The correct street address is **26597** Towerline Lane, Clovis, CA 93619.

**PUBLIC NOTICE:**

Notices were sent to 38 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

## PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) may be approved, only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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.

Staff notes that the Telecommunications Act of 1996 prohibits jurisdictions from "regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions" [47 U.S.C. §332(c)(7)(B)(iv)]. As such, staff's analysis of the subject request, determination of project findings, conclusions, and recommended actions to the decision-making body correspond with Federal Law.

## BACKGROUND INFORMATION:

The project entails the establishment of a new unmanned wireless communication facility consisting of the following improvements: a 110-foot-tall tower employing a faux windmill design, with 12 antennas, one microwave dish, and related ground equipment, including a 15 kilowatt diesel backup generator with a 54-gallon fuel tank; located within a 2,250 square-foot (50-foot by 45-foot) lease area, enclosed by a six-foot-tall chain-link fence topped with barbed wire. There will be two motion-activated, hooded and downturned LED security lights mounted on the front and rear of the prefabricated equipment cabinet.

Additionally, there is a proposed 20-foot-wide, 6,933 square-foot access and utility easement extending from Towerline Lane to the lease area; a joint six-foot-wide utility easement for power and fiber extending approximately 228+/- feet northeast from the proposed lease area to an existing utility pole line easement; and, another utility easement for telecommunication cable, to extend north from the proposed point of connection adjacent to the lease area (existing utility pole), 2,170 feet along the existing pole line easement, north and then west to an existing utility (and proposed point of connection) located on Pitman Hill Road. A retaining wall is proposed, surrounding the lease area on the north, south and west sides, which will vary in height from approximately 10+/- feet on the west side, to less than one foot on the east side.

The proposed facility is designated to add capacity to the existing AT&T wireless network and provide high-speed broadband internet service to an underserved area of the County, through the Connect America Fund.

Staff notes that in the Notice of Public hearing that was mailed for this item, the proposed tower is described as a 110-foot tall monopole, however the Applicant has elected to make some revisions to the original proposal, and the new tower proposal will utilize a faux windmill design, and will also be a total of 110 feet in height, including the 26-foot diameter windmill blades, which extend 13 feet above the 97-foot tall supporting structure.

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



	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (north): 1,000+/- feet Side (east): 400+/- feet Rear (south): 450 feet Side (west): 200+/- feet	<b>Yes</b>
Parking	No requirement	No requirement	N/A
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	No requirement	No requirement	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: All proposed improvements will require permits.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1100H, the subject parcel is not subject to flooding from the 100-year (one-percent-chance) storm event. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel.

Typically, if the subject parcel is located within a State Responsibility Area (SRA) boundary, any future development shall be in accordance with all applicable SRA Fire Safe Regulations.

Fresno County Fire Protection District (FCFPD): This project shall comply with the California Code of Regulations Title 24-Fire Code. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District, and shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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

**Analysis:**

The project site is located along Towerline Lane, a partially paved private road that takes access from Pittman Hill Road approximately 1,500 feet west of the proposed tower site.

Adequate area is available on the 48.50-acre parcel to accommodate the proposed wireless communication tower, related easements, and facilities.

Staff finds that the proposed use is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Towerline Lane is partially paved up to the project site	No change
Public Road Frontage	No	Towerline Lane is a private road which takes access from Pittman Hill Road	No change
Direct Access to Public Road	No	Pittman Hill Road is accessed by Towerline Lane	No change
Road ADT		N/A	No change
Road Classification		Local	No change
Road Width (Towerline Lane)		20 feet (approximately)	No change
Road Surface		Partially Paved	No change
Traffic Trips		Residential	One to two two-way maintenance trips per month
Traffic Impact Study (TIS) Prepared	No	N/A	No significant increase to traffic expected
Road Improvements Required		N/A	None required, except where necessary to repair damage to private roads incurred during construction, operation/ maintenance or removal of tower and/or related

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
			improvements (See Condition No. 5)

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Towerline Lane is a partially paved approximately 20-foot-wide private road and is not County maintained. Sales Creek Road is an unpaved private road and is not County maintained.

Design Division of the Fresno County Department of Public Works and Planning: No comments.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No comments.

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

**Analysis:**

This project proposes to allow the construction of a 110-foot-tall communication faux windmill tower with related equipment on a 48.50-acre parcel that is currently improved with an approximately 1,823 square-foot single-family residence, and situated in a foothill area characterized by large parcel sizes and low-density rural residential development. Towerline Lane, which provides access to the subject parcel, is partially paved between Pittman Hill Road and the subject parcel. Towerline Lane is a private access easement and is not County maintained. No reviewing agencies expressed any concerns regarding the adequacy of Pittman Hill Road, Sales Creek Road or Towerline Lane to serve the proposed use.

Based on the above information, and with adherence to the included Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes that the streets and highways serving the subject parcel are adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

*Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	40.40 acres	Single-Family Residential/ Grazing Land	AE-40	Approximately 1,400 feet

<b>Surrounding Parcels</b>				
South	30.36 acres	Single-Family Residential/ Grazing Land	AE-40	Approximately 1,200 feet
East	19.47 acres	Single-Family Residential	AE-40	Approximately 1,175 feet
West	22.00 acres	Single-Family Residential	AE-40	Approximately 600 feet

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. An engineered grading and drainage plan may be required when cut or fill quantities exceed 1,000 cubic yards, or when significant changes are made in a State Responsibility Area. A grading permit or voucher will be required for any grading that has been done without a permit and any grading proposed with this application.

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.

Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/> or <https://www.fresnocupa.com/>). All hazardous waste shall be handled in accordance with the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. with regard to labeling, storage and handling of hazardous wastes.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

This proposal entails the establishment of a wireless communication facility consisting of a 110-foot-tall tower, related ground equipment and access and utility easements. While the proposed tower at 110 feet would be the tallest structure in the vicinity and would be clearly visible from surrounding properties, Mitigation Measures have been included, requiring that the tower be painted an earth-tone (brown) color and that the proposed lease area shall be screened behind slatted chain-link fencing, also provided in an earth-tone (brown) color. Additionally, to reduce any impacts to the site from construction and grading activities, landscaping will be required to restore any trees or natural vegetation that is removed during such activities. A Condition of Approval will also be included requiring that the proposed tower utilize a faux windmill design in order to blend with the site and its surroundings.

Based on the above information and with adherence to the Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Policy PF-J.4 The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.</p>	<p>The Wireless Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community. The Applicant has provided a written response to the County Wireless Communication Guidelines which describes the basis for the site selection and need for a new tower site. With the information provided and analyzed by staff, the proposal has been determined to be consistent with this policy (see Analysis below).</p>
<p>Policy LU-A. 3 The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in table LU-3. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <ul style="list-style-type: none"><li>a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</li><li>b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</li><li>c. The operational or physical characteristics of the use shall not</li></ul>	<p>The Applicant's coverage maps indicate that the proposed tower would substantially increase the available wireless coverage in the area. The proposed facility lease area is relatively small (at 2,250 square feet) and is located near the existing dwelling on the subject parcel.</p> <p>The bulk of the 48.50-acre subject parcel is located in an area of steep slopes and is not suitable for farming. The subject parcel and most others in the vicinity have been improved with single-family dwellings. The parcel may be suitable for grazing; however, the Applicant provided no indication that it is being utilized for grazing at this time. If in the future the subject parcel were to be utilized for grazing, staff does not believe that the proposed tower would interfere with such use.</p> <p>No additional water usage is proposed with this project; accordingly, there will be no impacts to local water resources.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>have a detrimental impact on water resources or the use or management of surrounding properties within at least a one quarter-mile radius.</p> <p>d. A probable workforce should be located nearby or be readily available.</p>	<p>Once construction is complete, the tower will be unmanned except for routine maintenance visits, and as such, will not require any other personnel for its operation.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Eastside Rangeland in the Sierra North Regional Plan. The designation of Eastside Rangeland shall mean land designated for grazing and other agricultural operations. The subject parcel is designated Agriculture in the General Plan and is therefore subject to the Policies relating to Agricultural Land Uses and Public Facilities and Services contained therein.

Fresno County Department of Agriculture: No comment.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

General Plan Policy PF-J.4 requires compliance with the Fresno County Wireless Communication Guidelines for siting of communication towers in unincorporated areas of the County. The Guidelines address several concerns with regard to wireless communication facilities, including justification or need for the tower, co-location opportunities, site selection and provisions for removal. The Guidelines support the proposed placement of the tower relatively near the existing dwelling on site. Additionally, the Applicant’s submitted coverage maps indicate that existing in-building, in-transit and outdoor wireless service in the area will be substantially increased by the addition of the proposed facility. The nearest existing tower to the proposed site is more than five miles away and therefore would not meet the Applicant’s coverage objectives.

Based on these factors, staff believes the project proposal is consistent with the General Plan.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

## **CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3602, subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

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

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7427; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3602 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3602; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7427/Unclassified Conditional Use Permit Application No. 3602**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	Landscaping shall be provided around the perimeter of the fenced lease area (excepting the 12-foot-wide gated access point) in order to restore the natural vegetation disturbed during construction. The landscaping shall include the replacement of the two existing oak trees removed during construction. Additionally, said landscaping shall not require the provision of irrigation or the use of any on-site water supply. A note shall be included on the submitted site plans acknowledging the above requirements and describing in detail the trees and vegetation to be replaced.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing/ Duration of the project
2.	Aesthetics	The 45-foot by 50-foot lease area shall be screened behind slatted, chain-link fencing provided in an earth-tone (brown) color.	Applicant	Applicant/PW&P	Ongoing/ Duration of the project
3.	Aesthetics	The 110-foot-tall tower shall be painted in an earth-tone color (brown), unless painting/stripping of the tower is required by the Federal Aviation Administration (FAA) for daytime visibility.	Applicant	Applicant/PW&P	Ongoing/ Duration of the project
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing 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 ground disturbing activity, no further disturbance is to occur until the Fresno County Sheriff- Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

**EXHIBIT 1**



<b>Conditions of Approval</b>	
1.	Development and operation shall be in substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval.
2.	The proposed tower shall utilize a faux windmill design in order to blend with the site and surrounding development.
3.	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets or roadways.
4.	The maximum number of antennas allowed on the tower shall be determined according to wind load calculations as approved by the Fresno County Department of Public Works and Planning.
5.	The Applicant (AT&T) shall repair any damage to Towerline Lane or Sales Creek Road from their respective intersections with Pittman Hill Road to include all sections of either road which are utilized by the Applicant (AT&T) for any purpose associated with this project, and caused by construction and/or grading activities, routine maintenance trips and subsequent removal of the tower.
6.	Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate co-location, such as provision for co-location in a signed lease agreement, and additional area within the lease area for co-location of equipment, or other information that demonstrates the facility shall make itself available for co-location.

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

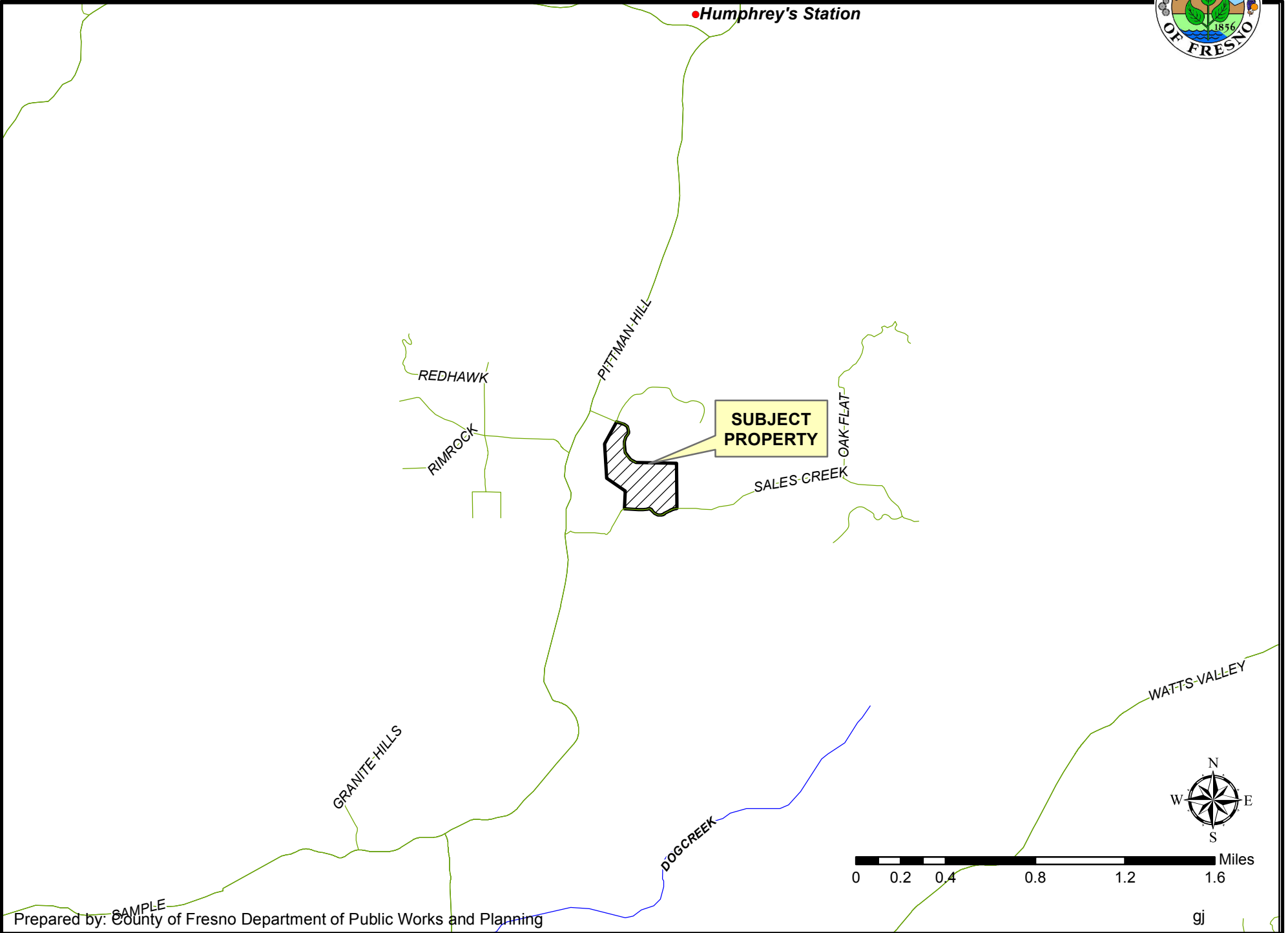
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Unclassified Conditional Use Permit (CUP) No. 3602 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	The project shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County.
3.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5.
5.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> ). For more information, please contact the local Certified Unified Program Agency (CUPA) at (559) 600-3271. The default State reporting thresholds that apply are >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.

<b>Notes</b>	
6.	Plans, permits and inspections are required, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.
7.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
8.	A grading permit or voucher is required for any grading proposed with this application.

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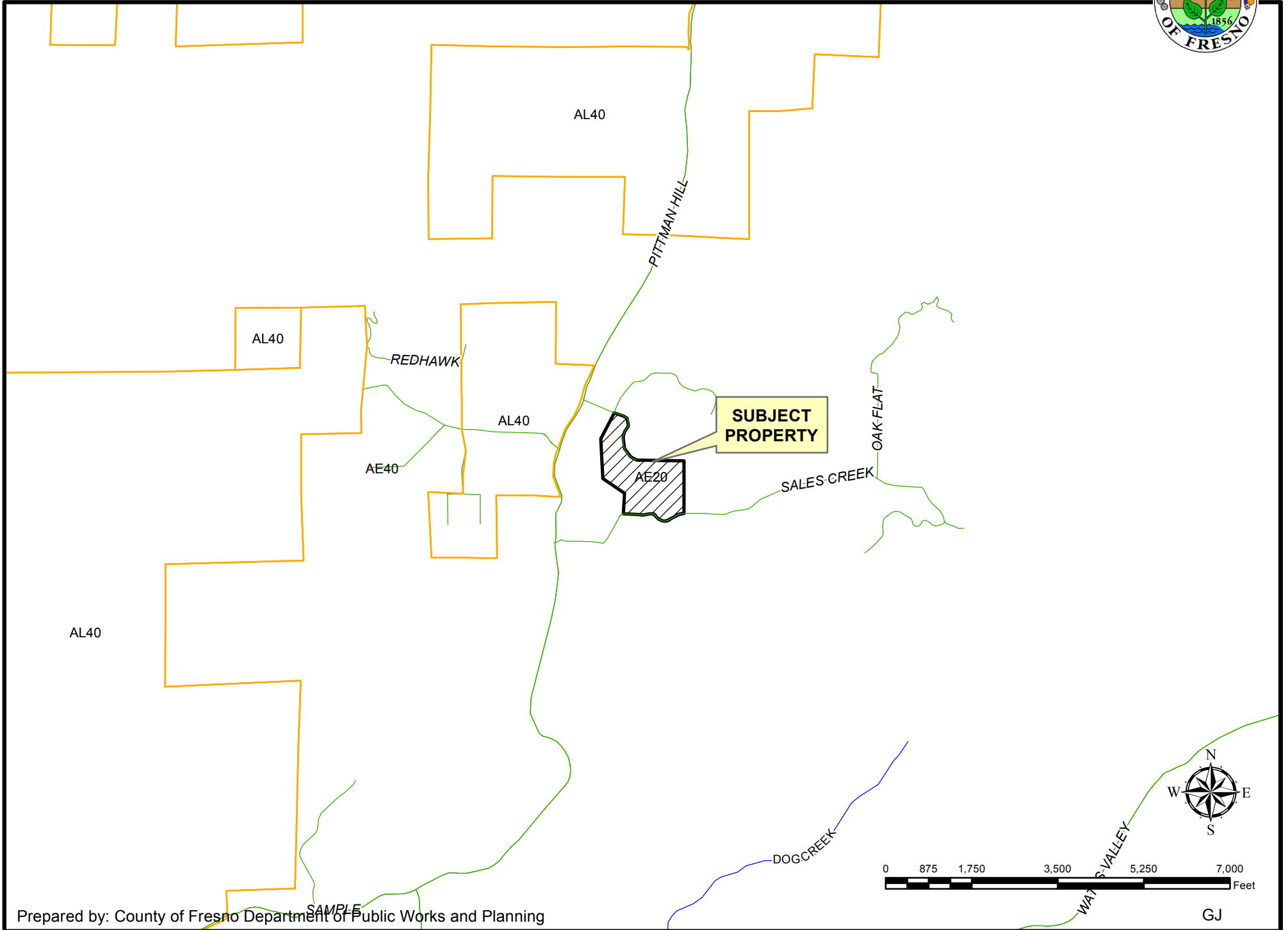
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# LOCATION MAP

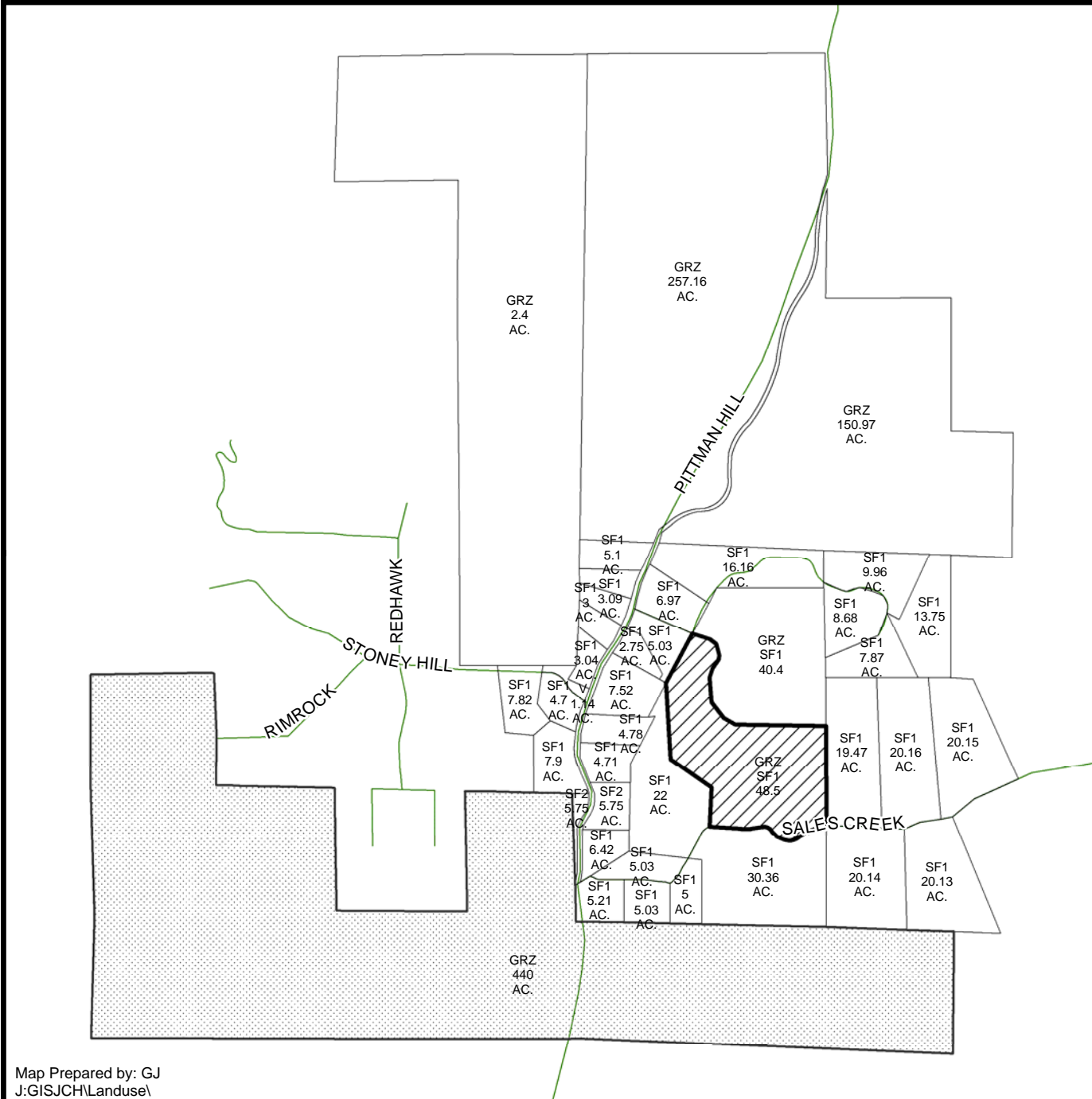


Prepared by: ~~SAMPLE~~ County of Fresno Department of Public Works and Planning

# EXISTING ZONING MAP





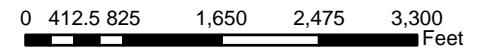
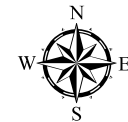
# EXISTING LAND USE MAP



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

### LEGEND:

-  Subject Property
-  Ag Contract Land







# at&t

FA CODE: 10554717  
 USID: 194251

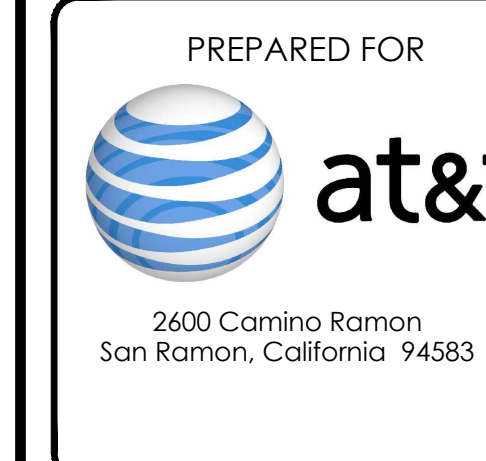
# SITE NUMBER: CVU00738

## SITE NAME: CVU00738 PRATHER

26597 TOWERLINE LANE  
 CLOVIS, CA 93619  
 JURISDICTION: FRESNO COUNTY  
 APN: 138-500-19

## SITE TYPE: WINDMILL / PRE-MFG. WALK-IN CABINET

Issued For:  
**CVU00738**  
**PRATHER**  
 26597 TOWERLINE LANE  
 CLOVIS, CA 93619



PROJECT DESCRIPTION	PROJECT INFORMATION	PROJECT TEAM	SHEET INDEX	REV																											
<p>NEW SITE BUILD UNMANNED TELECOMMUNICATIONS FACILITY.</p> <ol style="list-style-type: none"> <li>BRING POWER / TELCO / FIBER TO SITE LOCATION</li> <li>INSTALL AT&amp;T APPROVED PRE-MANUFACTURED WALK IN CABINET AND ASSOCIATED INTERIOR EQUIPMENT</li> <li>INSTALL AT&amp;T FAUX WINDMILL WITH ANTENNAS &amp; ASSOCIATED TOWER-MOUNTED EQUIPMENT</li> <li>ADD GENERATOR W/ FUEL TANK</li> <li>INSTALL (1) NEW AT&amp;T 6'Ø MICROWAVE DISH (UHX6-107-D3A-RF) ON THE PROPOSED FAUX WINDMILL</li> <li>INSTALL (4) NEW AT&amp;T ODU RADIOS (95MPR11-Q64F40-190) ON THE PROPOSED FAUX WINDMILL</li> <li>INSTALL (4) NEW AT&amp;T (NOKIA F/O) CABLES</li> </ol>	<p><b>PROPERTY INFORMATION:</b>        SITE NAME: CVU00738 PRATHER        SITE NUMBER: CVU00738        SITE ADDRESS: 26597 TOWERLINE LANE CLOVIS, CA 93619        A.P.N. NUMBER: 138-500-19        CURRENT ZONING: AE-40 (EXCLUSIVE AGRICULTURE)        JURISDICTION: FRESNO COUNTY        LATITUDE: N36.933731 NAD83        LONGITUDE: W119.453542 NAD83</p> <p><b>PROPERTY OWNER:</b>        DARRIN HAMMAN        26597 TOWERLINE LN.        CLOVIS, CA 93619</p>	<p><b>APPLICANT / LESSEE:</b>        AT&amp;T MOBILITY        2600 CAMINO RAMON, 4W850        SAN RAMON, CA 94583</p> <p><b>RF ENGINEER:</b>        AT&amp;T        5555 E. OLIVE AVE.        FRESNO, CA 93727        CONTACT: JAKE BALUYUT        EMAIL: jlb7714@att.com        PH: (559) 454-5694</p> <p><b>CONSTRUCTION MANAGER:</b>        ERICSSON        6140 STONERIDGE MALL RD. #350        PLEASANTON, CA 94588        CONTACT: BRIAN FESLER        EMAIL: brian.fesler@ericsson.com        PH: (530) 682-8862</p> <p><b>ARCHITECT / ENGINEER:</b>        MST ARCHITECTS INC.        1520 RIVER PARK DRIVE        SACRAMENTO, CA 95815        CONTACT: MANUEL S. TSIHLAS        EMAIL: manuel@mstarchitects.com        PH: (916) 567-9630</p> <p><b>ZONING MANAGER:</b>        COMPLETE WIRELESS CONSULTING, INC.        2009 V STREET        SACRAMENTO, CA 95818        CONTACT: GERIE JOHNSON        EMAIL: gjohnson@completwireless.net        PH: (916) 709-2057</p>	<p>T-1 TITLE SHEET        GN-1 GENERAL NOTES, ABBREVIATIONS, &amp; NOTES        LS1 SURVEY        LS2 SURVEY        LS3 SURVEY        A-1 OVERALL &amp; ENLARGED SITE PLAN        A-2 EQUIPMENT AREA PLAN        A-3.1 ANTENNA PLAN &amp; SCHEDULE        A-3.2 ANTENNA DETAILS        A-4.1 PROPOSED ELEVATIONS        A-4.2 PROPOSED ELEVATIONS</p> <p>GRADING PLANS BY CARTWRIGHT ENGINEERS:        C0.0 TITLE SHEET        C1.1 PRELIMINARY ACCESS DRIVE PLAN &amp; PROFILE        C2.0 PRELIMINARY EROSION &amp; SEDIMENT CONTROL PLAN</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td></td> <td>07/13/18</td> <td>100% ZD</td> </tr> <tr> <td></td> <td>07/05/18</td> <td>90% ZD REV 1</td> </tr> <tr> <td></td> <td>06/26/18</td> <td>90% ZD</td> </tr> <tr> <td></td> <td>12/21/17</td> <td>100% ZD REV1</td> </tr> <tr> <td></td> <td>10/24/17</td> <td>100% ZD</td> </tr> <tr> <td></td> <td>08/03/17</td> <td>90% ZD</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION		07/13/18	100% ZD		07/05/18	90% ZD REV 1		06/26/18	90% ZD		12/21/17	100% ZD REV1		10/24/17	100% ZD		08/03/17	90% ZD						
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<p><b>CODE COMPLIANCE</b></p> <p>ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</p> <ol style="list-style-type: none"> <li>2016 CALIFORNIA ADMINISTRATIVE CODE, CHAPTER 10, PART 1, TITLE 24 CODE OF REGULATIONS</li> <li>2016 CALIFORNIA BUILDING CODE (CBC) WITH CALIFORNIA AMENDMENTS, BASED ON THE 2012 IBC (PART 2, VOL 1-2)</li> <li>2016 CALIFORNIA RESIDENTIAL CODE (CRC) WITH APPENDIX H, PATIO COVERS, BASED ON THE 2012 IRC (PART 2.5)</li> <li>2016 CALIFORNIA GREEN BUILDINGS STANDARDS CODE (CALGREEN) (PART 11) [AFFECTED ENERGY PROVISIONS ONLY]</li> <li>2016 CALIFORNIA FIRE CODE (CFC), BASED ON THE 2012 IFC, WITH CALIFORNIA AMENDMENTS (PART 9)</li> <li>2016 CALIFORNIA MECHANICAL CODE (CMC), BASED ON THE 2012 UMC (PART 4)</li> <li>2016 CALIFORNIA PLUMBING CODE (CPC), BASED ON THE 2012 UPC (PART 5)</li> <li>2016 CALIFORNIA ELECTRICAL CODE (CEC) WITH CALIFORNIA AMENDMENTS, BASED ON THE 2011 NEC (PART 3)</li> <li>2016 CALIFORNIA ENERGY CODE (CEC)</li> <li>ANSI / EIA-TIA-222-G</li> <li>2015 NFPA 101, LIFE SAFETY CODE</li> <li>2016 NFPA 72, NATIONAL FIRE ALARM CODE</li> <li>2016 NFPA 13, FIRE SPRINKLER CODE</li> </ol>	<p><b>VICINITY MAP</b></p> <p><b>SPECIAL INSPECTIONS</b></p> <p>SPECIAL INSPECTIONS PER 2016 CBC SECTION 1704 ARE REQUIRED FOR THE FOLLOWING:</p> <ol style="list-style-type: none"> <li>ANCHOR BOLTS WET-SET INTO CONCRETE</li> <li>EXPANSION BOLTS INTO EXISTING CONCRETE</li> <li>HIGH STRENGTH BOLTING</li> <li>WELDING</li> <li>STEEL REINFORCEMENT / REBAR PLACEMENT</li> <li>STEEL MATERIAL VERIFICATION</li> </ol> <p>SOILS ENGINEER TO INSPECT DRILLED PIERS  <b>STRUCTURAL DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>SOIL SITE CLASSIFICATION: D</li> <li>SOIL BEARING CAPACITY: SLABS: 1500 PSF</li> <li>SEISMIC IMPORTANCE FACTOR: I</li> <li>SITE COORDINATES: N36.933731, W119.453542 NAD83</li> <li>SPECTRAL RESPONSE ACCELERATIONS: Ss = 0.549g S1 = 0.227g</li> <li>SPECTRAL RESPONSE COEFFICIENTS: SDS = 0.498g SD1 = 0.295g</li> <li>SITE COEFFICIENTS: Fa = 1.361 Fv = 1.946</li> <li>SEISMIC DESIGN CATEGORY: D</li> </ol>	<p><b>DIRECTIONS FROM AT&amp;T</b></p> <p>DIRECTIONS FROM AT&amp;T'S OFFICE AT 2600 CAMINO RAMON, SAN RAMON, CA</p> <ol style="list-style-type: none"> <li>HEAD SOUTHEAST ON CAMINO RAMON TOWARD BISHOP DR</li> <li>CONTINUE STRAIGHT TO STAY ON CAMINO RAMON</li> <li>TURN RIGHT ONTO BOLLINGER CANYON RD</li> <li>USE THE RIGHT LANE TO MERGE ONTO I-680 S VIA THE RAMP TO SAN JOSE</li> <li>MERGE ONTO I-680 S</li> <li>USE THE RIGHT 2 LANES TO TAKE EXIT 30A TO MERGE ONTO I-580 E TOWARD STOCKTON</li> <li>USE THE RIGHT 2 LANES TO TAKE THE INTERSTATE 580 EXIT TOWARD INTERSTATE 5 S/FRESNO/LOS ANGELES</li> <li>CONTINUE ONTO I-580 E</li> <li>CONTINUE ONTO I-5 S</li> <li>TAKE EXIT 403A TO MERGE ONTO CA-152 E/CA-33 S TOWARD LOS BANOS/FRESNO</li> <li>MERGE ONTO CA-99 S</li> <li>USE THE RIGHT 2 LANES TO TAKE EXIT 133B TO MERGE ONTO CA-180 E TOWARD KINGS CANYON/AIRPORT</li> <li>TAKE THE EXIT TOWARD HWY 168 E/CLOVIS/HUNTINGTON LAKE</li> <li>CONTINUE ONTO CA-168/HWY 168</li> <li>CONTINUE STRAIGHT ONTO SIERRA FWY</li> <li>CONTINUE ONTO CA-168/TOLLHOUSE RD</li> <li>TURN RIGHT ONTO SAMPLE RD</li> <li>CONTINUE ONTO PITMAN HILL RD</li> <li>TURN RIGHT ONTO TOWERLINE LN        DESTINATION WILL BE ON THE RIGHT</li> </ol>	<p><b>APPROVALS</b></p> <table border="1"> <thead> <tr> <th>APPROVED BY:</th> <th>INITIALS:</th> <th>DATE:</th> </tr> </thead> <tbody> <tr> <td>AT&amp;T:</td> <td></td> <td></td> </tr> <tr> <td>VENDOR:</td> <td></td> <td></td> </tr> <tr> <td>R.F.:</td> <td></td> <td></td> </tr> <tr> <td>LEASING / LANDLORD:</td> <td></td> <td></td> </tr> <tr> <td>ZONING:</td> <td></td> <td></td> </tr> <tr> <td>CONSTRUCTION:</td> <td></td> <td></td> </tr> <tr> <td>POWER / TELCO:</td> <td></td> <td></td> </tr> <tr> <td>PG&amp;E:</td> <td></td> <td></td> </tr> </tbody> </table>	APPROVED BY:	INITIALS:	DATE:	AT&T:			VENDOR:			R.F.:			LEASING / LANDLORD:			ZONING:			CONSTRUCTION:			POWER / TELCO:			PG&E:			<p><b>Licensors:</b></p> <p>IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.</p> <p><b>Architect:</b></p> <p>MST ARCHITECTS    1520 River Park Drive    Sacramento, California 95815</p> <p><b>SHEET TITLE:</b></p> <p>TITLE SHEET</p> <p><b>SHEET NUMBER:</b></p> <p>T-1</p>
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POWER / TELCO:																															
PG&E:																															
<p><b>OCCUPANCY AND CONSTRUCTION TYPE</b></p> <p>OCCUPANCY : S-2 (UNMANNED TELECOMMUNICATIONS FACILITY), U (TOWER)</p> <p>CONSTRUCTION TYPE: V-B</p> <p><b>HANDICAP REQUIREMENTS</b></p> <p>FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ACCESSIBILITY ACCESS AND REQUIREMENTS ARE NOT REQUIRED, IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, PART 2, TITLE 24, SECTION 1103B.1, EXCEPTION 1 &amp; SECTION 1134B.2.1, EXCEPTION 4.</p>	<p><b>GENERAL CONTRACTOR NOTES</b></p> <p>DO NOT SCALE DRAWINGS</p> <p>THESE DRAWINGS ARE FORMATTED TO BE FULL SIZE AT 24" x 36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOBSITE AND SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME.</p>		<p><b>DIGALERT</b></p> <p>800-227-2600    Call 2 Full Working Days In Advance</p>																												

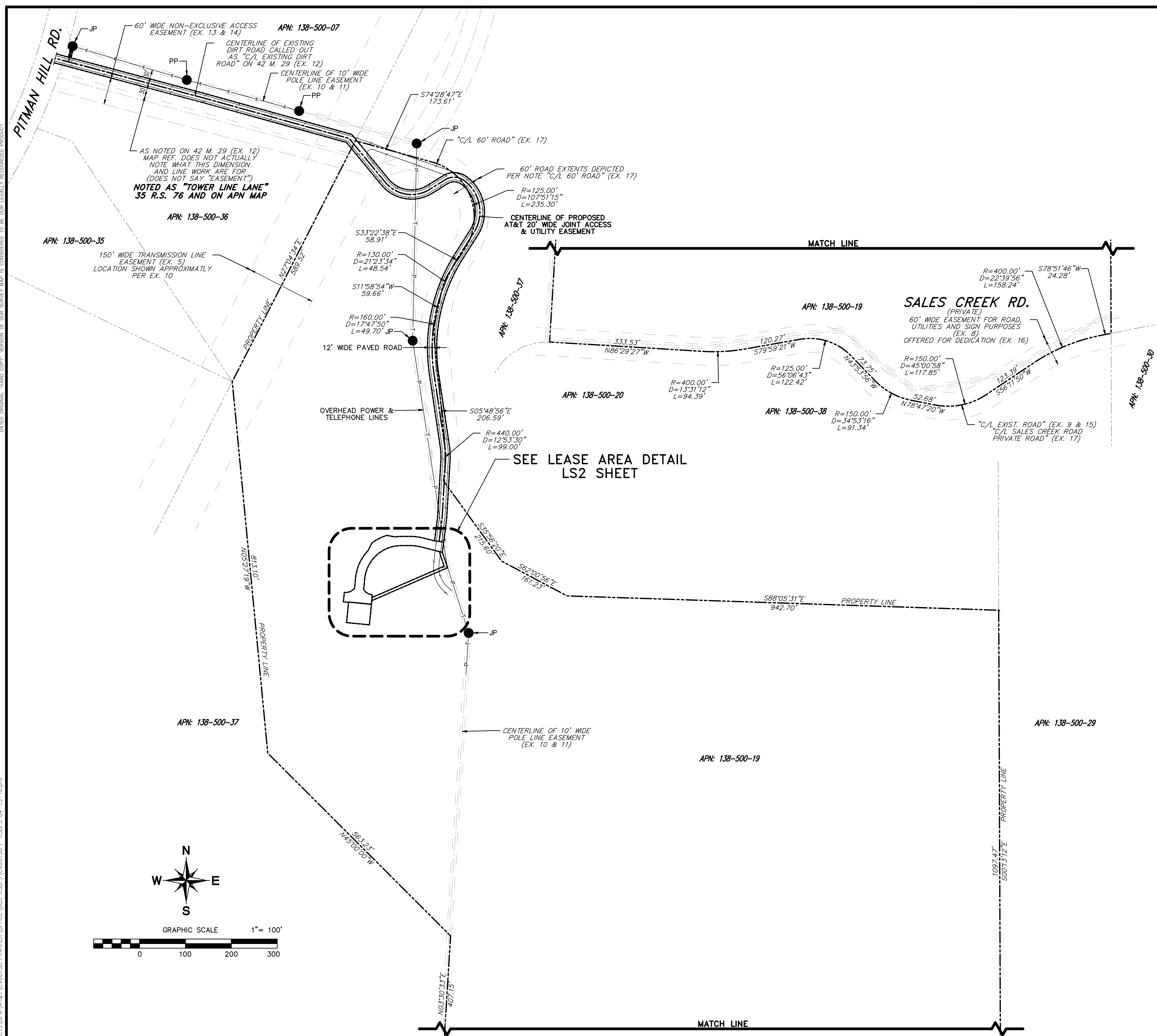






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F:\PROJECTS\09A\181\CVU0738 PRATHER\OFFICE\005\_R3BFS\CVU0738 P\_R3BFS\_04-13-18.dwg



LEGEND	
	MANHOLE
	LIGHT POLE
	TREE
	JOINT POLE
	POWER POLE
	FIRE HYDRANT
	MONUMENT
	HANDICAPPED PARKING
	TELEPHONE POLE
	SPOT ELEVATION
	EDGE OF PAVEMENT
	OVERHEAD ELECTRIC LINE
	FENCE LINE
	PROPERTY LINE
	AMS/AGL.....ABOVE MEAN SEA LEVEL AGL.....ABOVE GROUND LEVEL
	CP #.....FIELD CONTROL POINT

DATE OF FIELD VISIT: 07/29/17

SURVEYED BY/ OR UNDER THE DIRECTION OF: Oliver Philip Auer  
L.S. 5075

NOTES:

THIS IS NOT A BOUNDARY SURVEY. THIS IS A CELLULAR TELECOMMUNICATIONS TOPOGRAPHIC SURVEY MAP WITH EXISTING PARENT PARCEL LINES AND EASEMENTS BEING A GRAPHIC DEPICTION OF VARIOUS INFORMATION GATHERED FROM PRELIMINARY REPORTS, RECORD INFORMATION AND AVAILABLE MONUMENTS FOUND DURING THE FIELD SURVEY, UNLESS OTHERWISE NOTED. NO UNDERGROUND UTILITY LOCATING SERVICE COMPANY WAS CONTACTED PRIOR TO THIS MAP BEING PREPARED; THEREFORE, THERE MAY BE NON-VISIBLE OR OBSCURE UTILITIES EXISTING ON THE PROPERTY NOT SHOWN ON THIS MAP.

PARENT PARCEL DESCRIPTION:  
SEE PRELIMINARY REPORT/GUARANTEE-CONDITION OF TITLE EXTRACT, LS3 SHEET.

LEASE AREA DESCRIPTION:  
SEE LS3 SHEET.

JOINT ACCESS AND UTILITY EASEMENT DESCRIPTION:  
SEE LS3 SHEET.

UTILITY EASEMENT DESCRIPTION(S):  
SEE LS3 SHEET.

BASIS OF ELEVATIONS: NAVD 88.  
BASIS OF BEARINGS: CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 4, NAD 83.

PROJECT BENCH: SEE LS2 SHEET.  
LANDLORD INFORMATION: DARIN HAMMAN  
26597 TOWERLINE LANE  
CLOVIS, CA 93619

NET AREA OF:  
UNDERLYING PARCEL(S): 48.50± AC.  
SITE LOCATED IN FLOOD ZONE X, AN AREA OF MINIMAL FLOODING, PER FEMA FIRM COMMUNITY PANEL NUMBER 06019C1100H, EFFECTIVE DATE 06/16/2017, PER FEMA INTERACTIVE WEBSITE.

FAA 1A CERTIFICATION:  
LATITUDE AND LONGITUDE WAS OBTAINED FROM INFORMATION PROVIDED BY A GPS SURVEY. THE GEODETIC POSITION SHOWN WAS DETERMINED UTILIZING FAST-STATIC GPS OBSERVATIONS FROM NGS CORS STATION(S) USING TRIMBLE 4600LS RECEIVERS. THE DATA WAS DIFFERENTIALLY CORRECTED WITH TRIMBLE GPS SURVEY SOFTWARE.

LATITUDE, LONGITUDE AND ELEVATIONS DENOTED ON THIS SURVEY MEET OR EXCEED THE FEDERAL AVIATION ADMINISTRATION 1-A STANDARD.  
ELEVATION OF GROUND AT GPS POINT: 1673.4' AMSL

LATITUDE: N36°56'01.43"  
LONGITUDE: W119°27'12.75" (NAD 83)  
LATITUDE: N36.933731°  
LONGITUDE: W119.453542° (NAD 83)

PREPARED FOR

2600 Camino Ramon, 4W850 N  
San Ramon, California 94583

Vendor:

**COMPLETE**  
Wireless Consulting, Inc.

Surveyor:

**Phil Auer**  
Surveying

14407 Corte Lejos  
Bakersfield, CA 93314  
Phone: (661) 587-6129  
Mobile: (510) 714-7224  
E-mail: Pasis5075@aatt.net

AT&T SITE NO: CVL00738
PROJECT NO: N/A
DRAWN BY: TCN
CHECKED BY: OPA

REV	DATE	DESCRIPTION
0	04/13/18	90% SURVEY

Licensors:

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER THIS DOCUMENT.

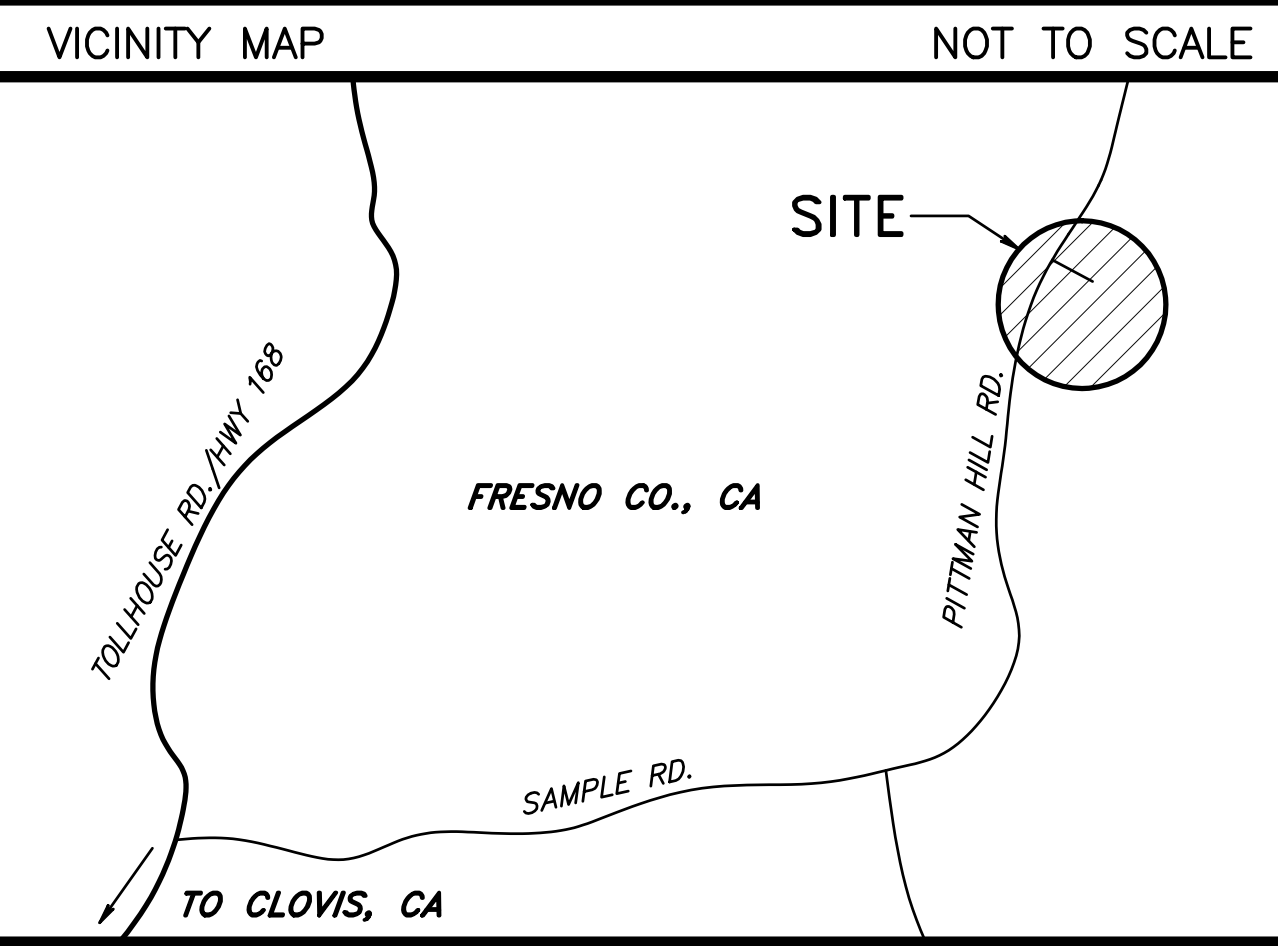
Issued For:

**PRATHER**

26597 TOWERLINE LANE  
CLOVIS, CA 93619  
FRESNO COUNTY  
APN: 138-500-19

SHEET TITLE:  
**TOPO SURVEY**

SHEET NUMBER:  
**LS1**

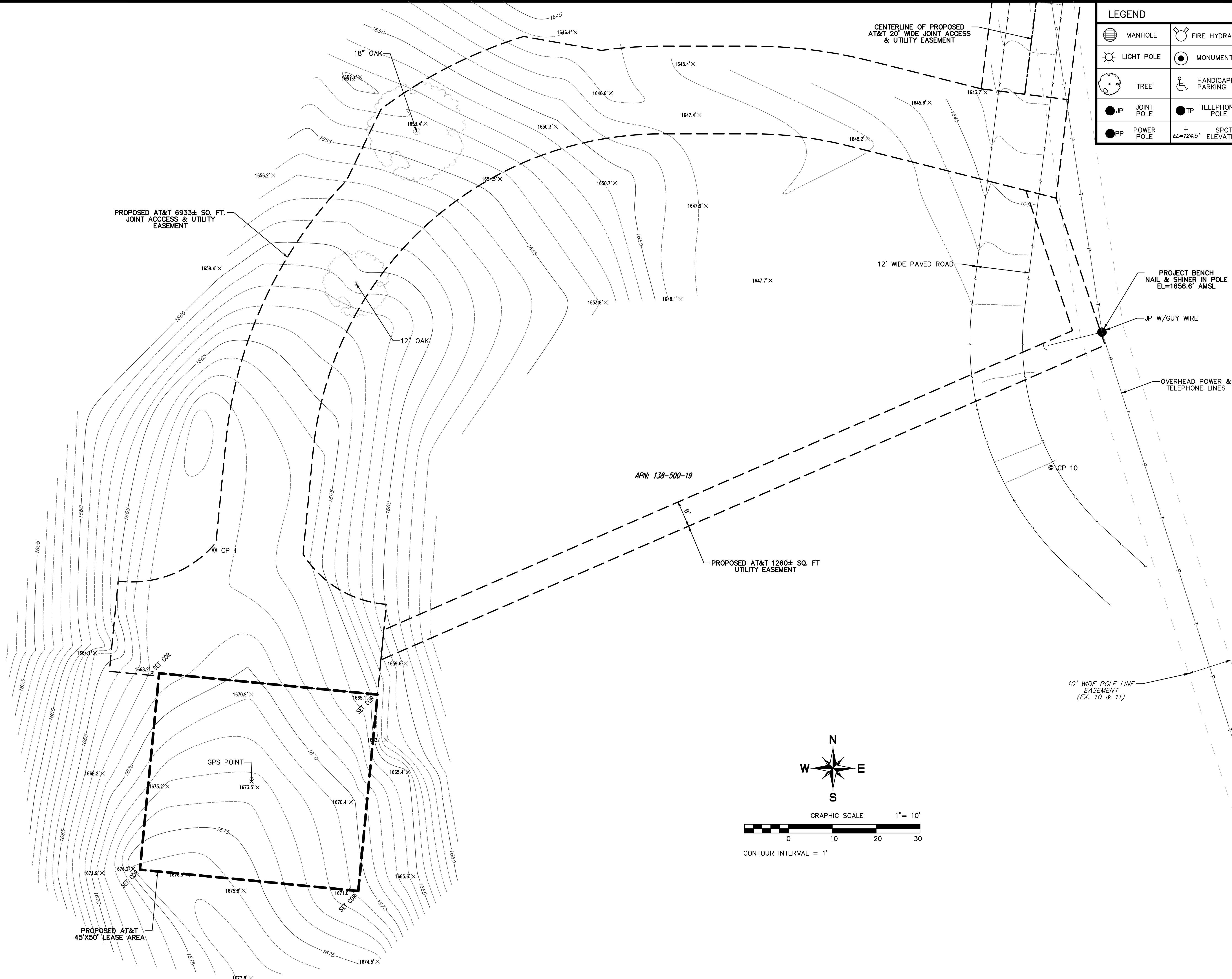


SCALE: 1"=100' A

SITE MAP



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LEGEND	
	MANHOLE
	FIRE HYDRANT
	LIGHT POLE
	TREE
	JP JOINT POLE
	PP POWER POLE
	FIRE HYDRANT
	MONUMENT
	HANDICAPPED PARKING
	TP TELEPHONE POLE
	+ SPOT ELEVATION
	EDGE OF PAVEMENT
	OVERHEAD ELECTRIC LINE
	FENCE LINE
	PROPERTY LINE
	AMSLS.....ABOVE MEAN SEA LEVEL
	AGL.....ABOVE GROUND LEVEL
	CP #.....FIELD CONTROL POINT

PREPARED FOR

2600 Camino Ramon, 4W850 N  
San Ramon, California 94583

Vendor:

**COMPLETE**  
Wireless Consulting, Inc.

Surveyor:

**Phil Auer**  
Surveying

14407 Corte Lejos  
Bakersfield, CA 93314  
Phone: (561) 587-5129  
Mobile: (510) 714-7224  
E-mail: Pasis5075@att.net

AT&T SITE NO: CVL00738
PROJECT NO: N/A
DRAWN BY: TCN
CHECKED BY: OPA

REV	DATE	DESCRIPTION
0	04/13/18	90% SURVEY

Licensors:

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Issued For:

**PRATHER**

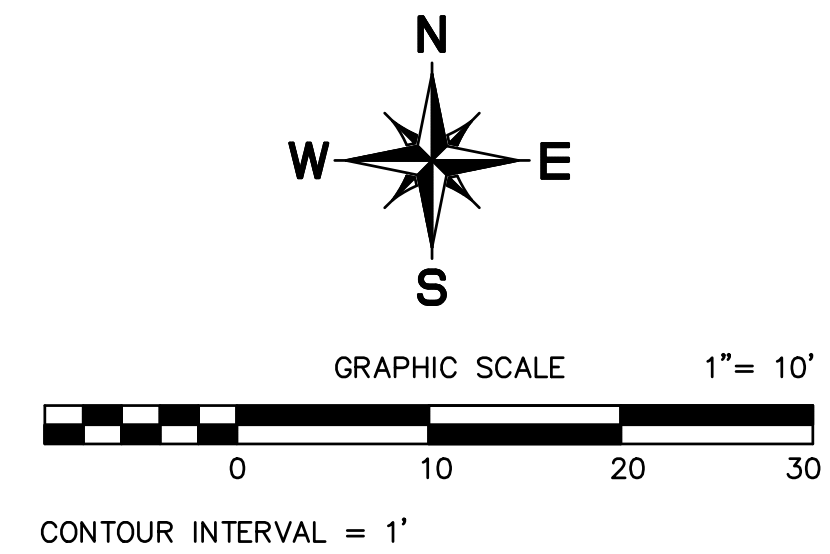
26597 TOWERLINE LANE  
CLOVIS, CA 93619  
FRESNO COUNTY  
APN: 138-500-19

SHEET TITLE:

**TOPO SURVEY**

SHEET NUMBER:


**LS2**





ANY ELECTRONIC DIGITAL MEDIA PROVIDED BY P&S TO OUR CLIENT IS A COURTESY AND IS NOT TO BE REPRODUCED, DISTRIBUTED, SOLD, ALTERED, REVISED, EDITED OR AMENDED WITHOUT EXPRESS WRITTEN CONSENT OF AN OFFICER OF P&S. FURTHER, ONLY THE FINAL STAMPED, SIGNED AND DATED ORIGINAL HARD COPY VERSION OF OUR SURVEY MAP IS CONSIDERED TO BE OUR LEGALLY RECOGNIZED PRODUCT.

PREPARED FOR



2600 Camino Ramon, 4W850 N  
San Ramon, California 94583

Vendor:



Surveyor:

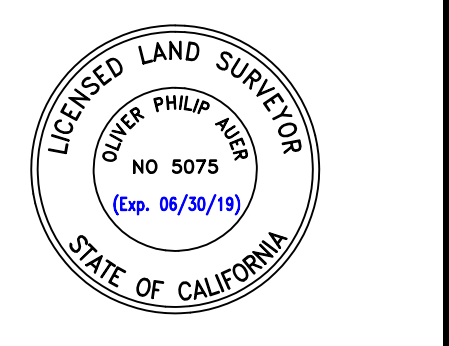
**Phil Auer**  
*Surveying*

14407 Corte Lejos  
Bakersfield, CA 93314  
Phone: (661) 587-6129  
Mobile: (510) 714-7224  
E-mail: Pasis5075@aiff.net

AT&T SITE NO: CVL00738  
PROJECT NO: N/A  
DRAWN BY: TCN  
CHECKED BY: OPA

REV	DATE	DESCRIPTION
0	04/13/18	90% SURVEY

Licenser:



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Issued For:

PRATHER

26597 TOWERLINE LANE  
CLOVIS, CA 93619  
FRESNO COUNTY  
APN: 138-500-19

SHEET TITLE:

TOPO SURVEY

SHEET NUMBER:

LS3

**GUARANTEE-CONDITION OF TITLE DESCRIPTION EXTRACT**

Real property in the unincorporated area of the County of Fresno, State of California, described as follows:

THAT PORTION OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 23 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34 LYING 1852.85 FEET SOUTH OF THE NORTH CORNER THEREOF; THENCE SOUTH 0° 13' 12" EAST ALONG SAID NORTH-SOUTH CENTERLINE 1097.47 FEET TO THE CENTERLINE OF SALES CREEK ROAD; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES:

SOUTH 78° 51' 46" WEST, 24.28 FEET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 22° 39' 56", AN ARC LENGTH OF 158.24;  
THENCE SOUTH 56° 11' 50" WEST, 123.39 FEET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 45° 00' 58", AN ARC LENGTH OF 117.85 FEET;  
THENCE NORTH 78° 47' 20" WEST, 52.68 FEET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 34° 53' 16", AN ARC LENGTH OF 91.34 FEET;  
THENCE NORTH 43° 53' 56" WEST, 73.75 FEET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 56° 06' 43", AN ARC LENGTH OF 122.42 FEET;  
THENCE SOUTH 79° 59' 21" WEST, 120.27 FEET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE 13° 31' 12", AN ARC LENGTH OF 94.39 FEET;  
THENCE NORTH 86° 29' 27" WEST, 333.53 FEET;  
THENCE LEAVING SAID CENTERLINE OF SALES CREEK ROAD, NORTH 3° 30' 33" EAST 407.15 FEET;  
THENCE NORTH 45° 00' 00" WEST, 563.23 FEET;  
THENCE NORTH 5° 27' 19" WEST 813.10 FEET TO THE EAST LINE OF PARCEL MAP 6181 AS RECORDED IN BOOK 42 PAGE 29 OF PARCEL MAPS, FRESNO COUNTY RECORDS;  
THENCE ALONG SAID EAST LINE, NORTH 27° 01' 34" EAST 589.52 FEET TO THE SOUTHEAST CORNER OF PARCEL 2 OF SAID PARCEL MAP 6181;  
THENCE SOUTH 74° 28' 47" EAST 173.08 FEET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 107° 51' 15", AN ARC LENGTH OF 235.30 FEET;  
THENCE SOUTH 33° 22' 28" WEST 58.91 FEET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 130.00 FEET AND A CENTRAL ANGLE OF 21° 23' 34", AN ARC LENGTH OF 48.54 FEET;  
THENCE SOUTH 11° 58' 54" WEST 59.66 FEET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 17° 47' 50", AN ARC LENGTH OF 49.70 FEET;  
THENCE SOUTH 5° 48' 56" EAST 206.59 FEET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 12° 53' 30", AN ARC LENGTH OF 99.00 FEET;  
THENCE SOUTH 35° 56' 20" EAST 215.60 FEET;  
THENCE SOUTH 62° 00' 56" EAST, 161.23 FEET;  
THENCE SOUTH 88° 05' 31" EAST 942.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

APN: 138-500-19

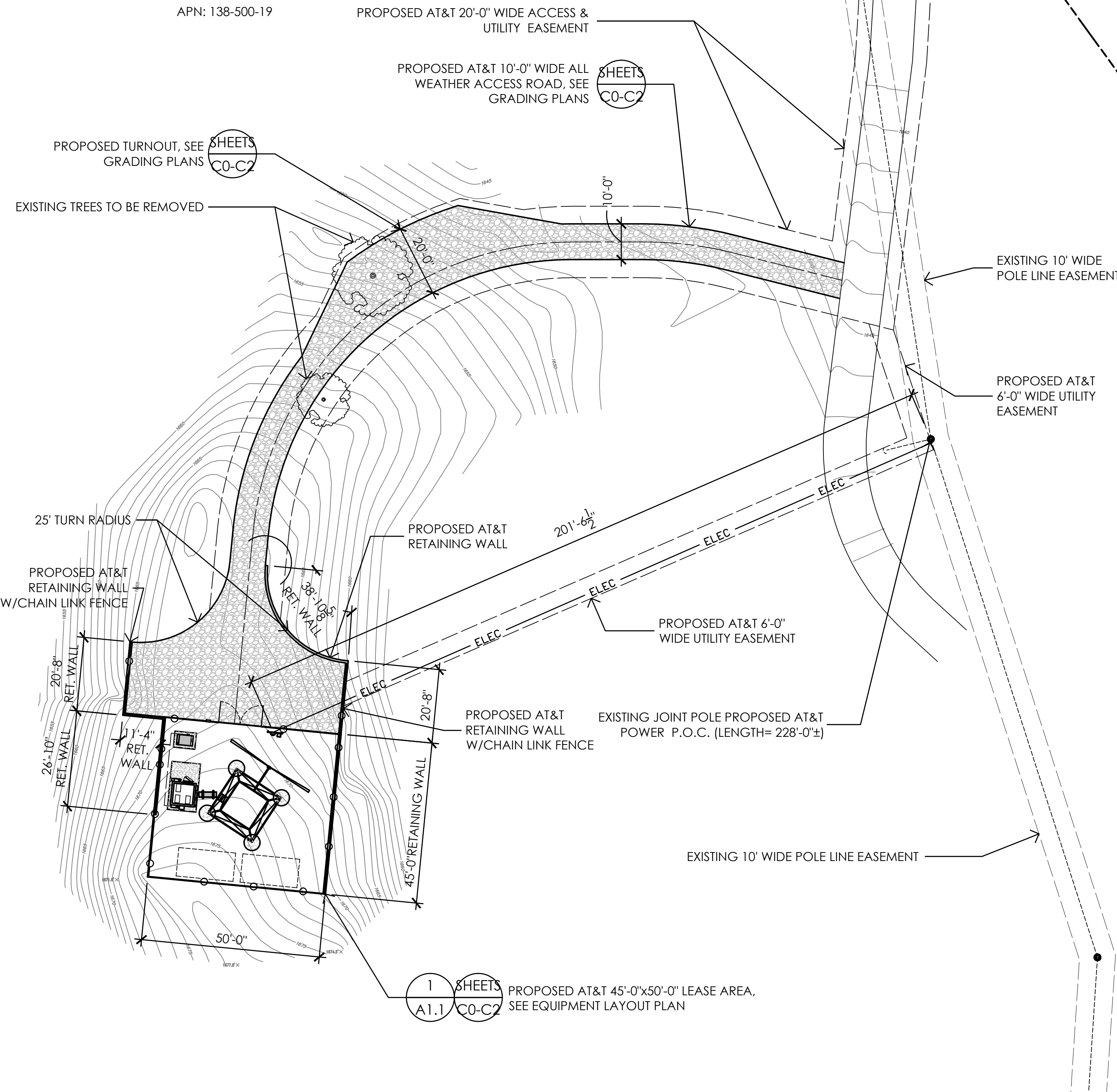


**THIS IS NOT A SITE SURVEY**

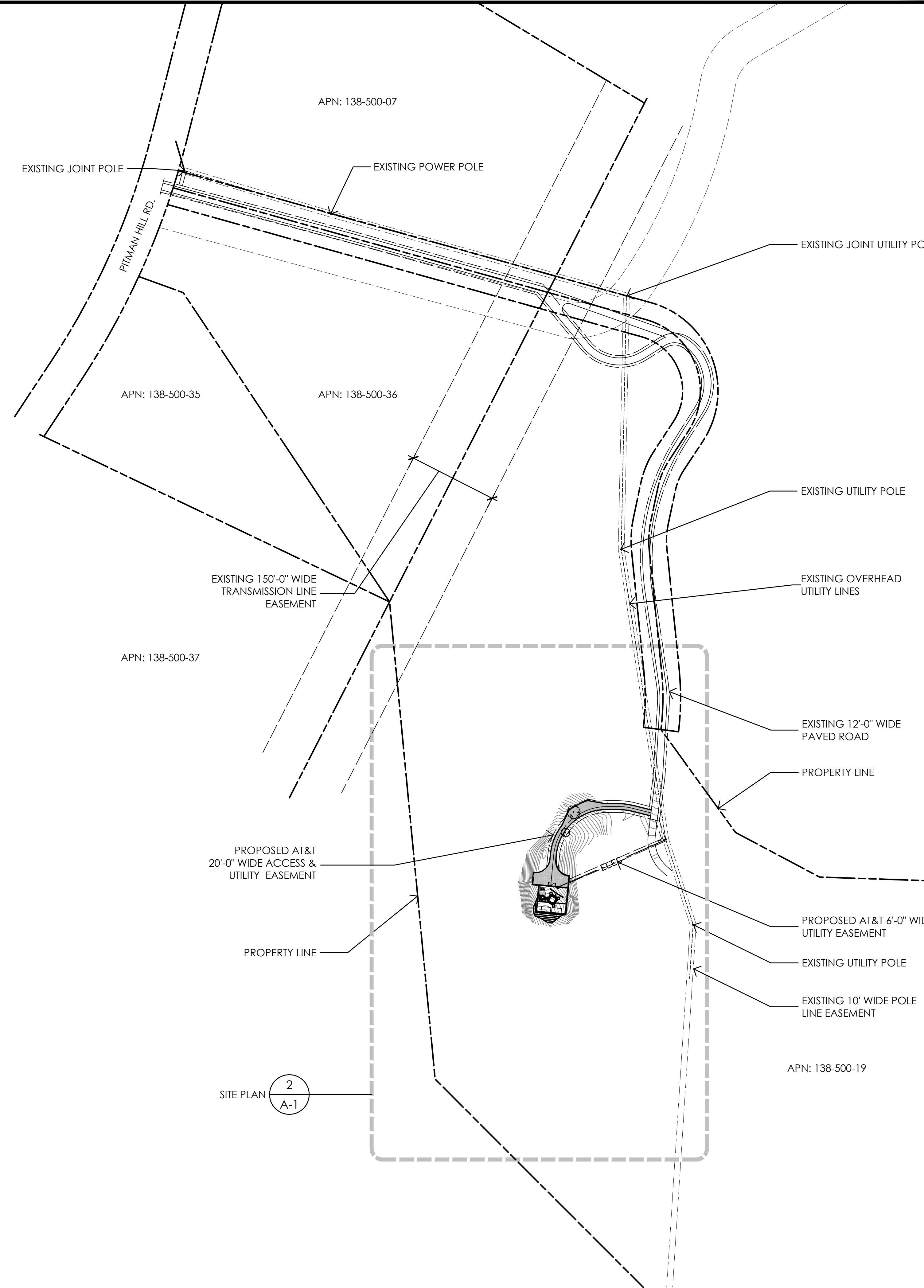
ALL PROPERTY BOUNDARIES, ORIENTATION OF TRUE NORTH AND STREET HALF-WIDTHS HAVE BEEN OBTAINED FROM A TAX PARCEL MAP AND EXISTING DRAWINGS AND ARE APPROXIMATE.

NOTES:

- 1. NO GRADING OR PERMANENT CONSTRUCTION SHALL OCCUR WITHIN DRIP LINES OF TREES THAT ARE TO REMAIN WITHOUT ARBORIST APPROVAL.
- 2. PRIOR TO CONSTRUCTION, GENERAL CONTRACTOR TO CONTACT DIGALERT TO MARK OUT EXISTING UNDERGROUND UTILITIES. IN THE EVENT OF CONFLICTS, CONTRACTOR TO CONTACT PDC.



**1** SITE PLAN  
1"=20'



**1** OVERALL SITE PLAN  
1"=100'

Issued For:

CVU00738  
PRATHER

26597 TOWERLINE LANE  
CLOVIS, CA 93619

PREPARED FOR



2600 Camino Ramon  
San Ramon, California 94583

Vendor:



AT&T SITE NO: CVU00738

PROJECT NO: 162.1951

DRAWN BY: KRT

CHECKED BY: SV

REV	DATE	DESCRIPTION
07/13/18		100% ZD
07/05/18		90% ZD REV 1
06/26/18		90% ZD
12/21/17		100% ZD REV1
10/24/17		100% ZD
08/03/17		90% ZD

Licensor:

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

Architect:



1520 River Park Drive  
Sacramento, California 95815

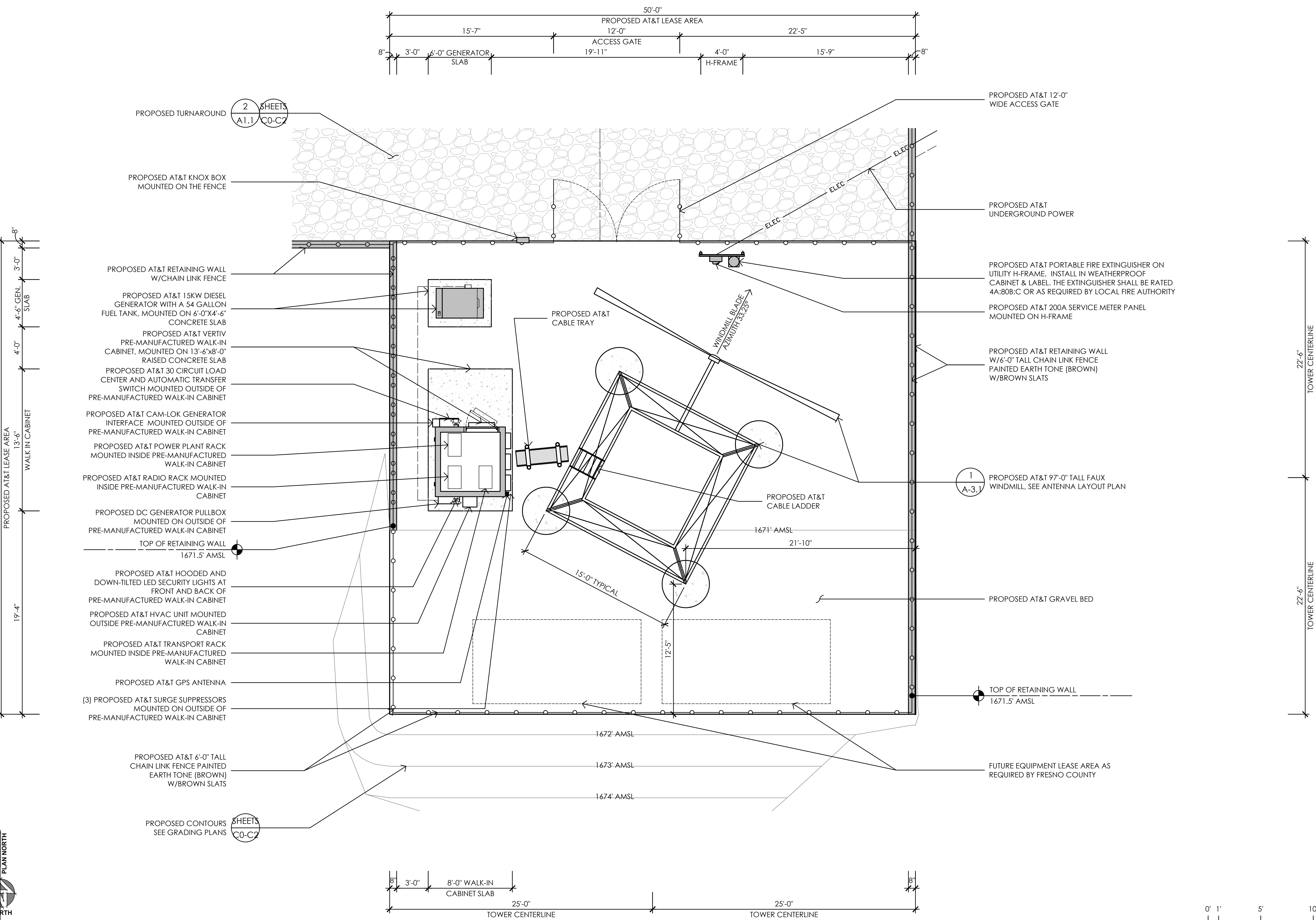
SHEET TITLE:

**OVERALL &  
ENLARGED SITE  
PLAN**

SHEET NUMBER:

**A-1**





Issued For:  
**CVU00738 PRATHER**  
 26597 TOWERLINE LANE  
 CLOVIS, CA 93619

PREPARED FOR  
  
 2600 Camino Ramon  
 San Ramon, California 94583

Vendor:  
  
**COMPLETE**  
 Wireless Consulting, Inc.

AT&T SITE NO: CVU00738  
 PROJECT NO: 162.1951  
 DRAWN BY: KRT  
 CHECKED BY: SV

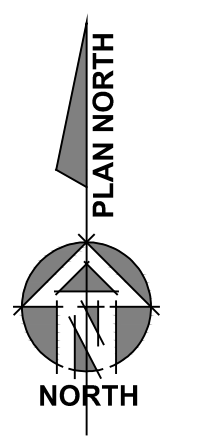
REV	DATE	DESCRIPTION
	07/13/18	100% ZD
	07/05/18	90% ZD REV 1
	06/26/18	90% ZD
	12/21/17	100% ZD REV1
	10/24/17	100% ZD
	08/03/17	90% ZD

Licensor:  
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Architect:  
  
**MST ARCHITECTS**  
 1520 River Park Drive  
 Sacramento, California 95815

SHEET TITLE:  
**EQUIPMENT AREA PLAN**

SHEET NUMBER:  
**A-2**



1 EQUIPMENT AREA PLAN  
 1/4" = 1'-0"



MICROWAVE DISH	
DISH MODEL	UHX6-107-D3A RF
DISH SIZE	6FT
# OF DISHES	1
AZIMUTH	213.25°
RAD CENTER	93 FT.
FREQUENCY	11 GHZ
RADIO TYPE	95MPR11-Q64F40-190
# OF RADIOS	(4+0)
CABLE TYPE	NOKIA F/O + COAX
CABLE LENGTH (FT.)	150FT/ODU
TRANSPORT DROP (DS1, ENET, DS3, DS3C)	ENET

EQUIPMENT IS PRELIMINARY AND SUBJECT TO CHANGE.

RF SCHEDULE										
SECTOR	ANTENNA MODEL NO.	AZIMUTH	CENTERLINE	RRU	TMA	FIBER LENGTH	COAX LENGTH	COAX DIA.	NO. OF RRU'S	
ALPHA	A1	90°	±80'-0"	(1) RRU-11 / (1) RRU-32-B2	-	±150'-0"	10' (6)	1/2"	2	
	A2	90°	±80'-0"	(1) RRU-11 / (1) RRU-32-B66	-	±150'-0"	10' (6)	1/2"	2	
	A3	90°	±80'-0"	(2) RRU-11	-	±150'-0"	10' (2)	1/2"	2	
	A4	90°	±80'-0"	(1) RRU-32-B30	-	±150'-0"	10' (4)	1/2"	1	
BETA	B1	330°	±80'-0"	(1) RRU-11 / (1) RRU-32	-	±150'-0"	10' (6)	1/2"	2	
	B2	330°	±80'-0"	(2) RRU-11 / (1) RRU-32-B66	-	±150'-0"	10' (8)	1/2"	3	
	B3	330°	±80'-0"	(1) RRU-32-B30	-	±150'-0"	10' (4)	1/2"	1	
	B4	330°	±80'-0"	(1) RRU-32-B30	-	±150'-0"	10' (4)	1/2"	1	
GAMMA	C1	210°	±80'-0"	(1) RRU-11 / (1) RRU-32-B2	-	±150'-0"	10' (6)	1/2"	2	
	C2	210°	±80'-0"	(2) RRU-11 / (1) RRU-32-B66	-	±150'-0"	10' (8)	1/2"	3	
	C3	210°	±80'-0"	(1) RRU-32-B30	-	±150'-0"	10' (4)	1/2"	1	
	C4	210°	±80'-0"	(1) RRU-32-B30	-	±150'-0"	10' (4)	1/2"	1	

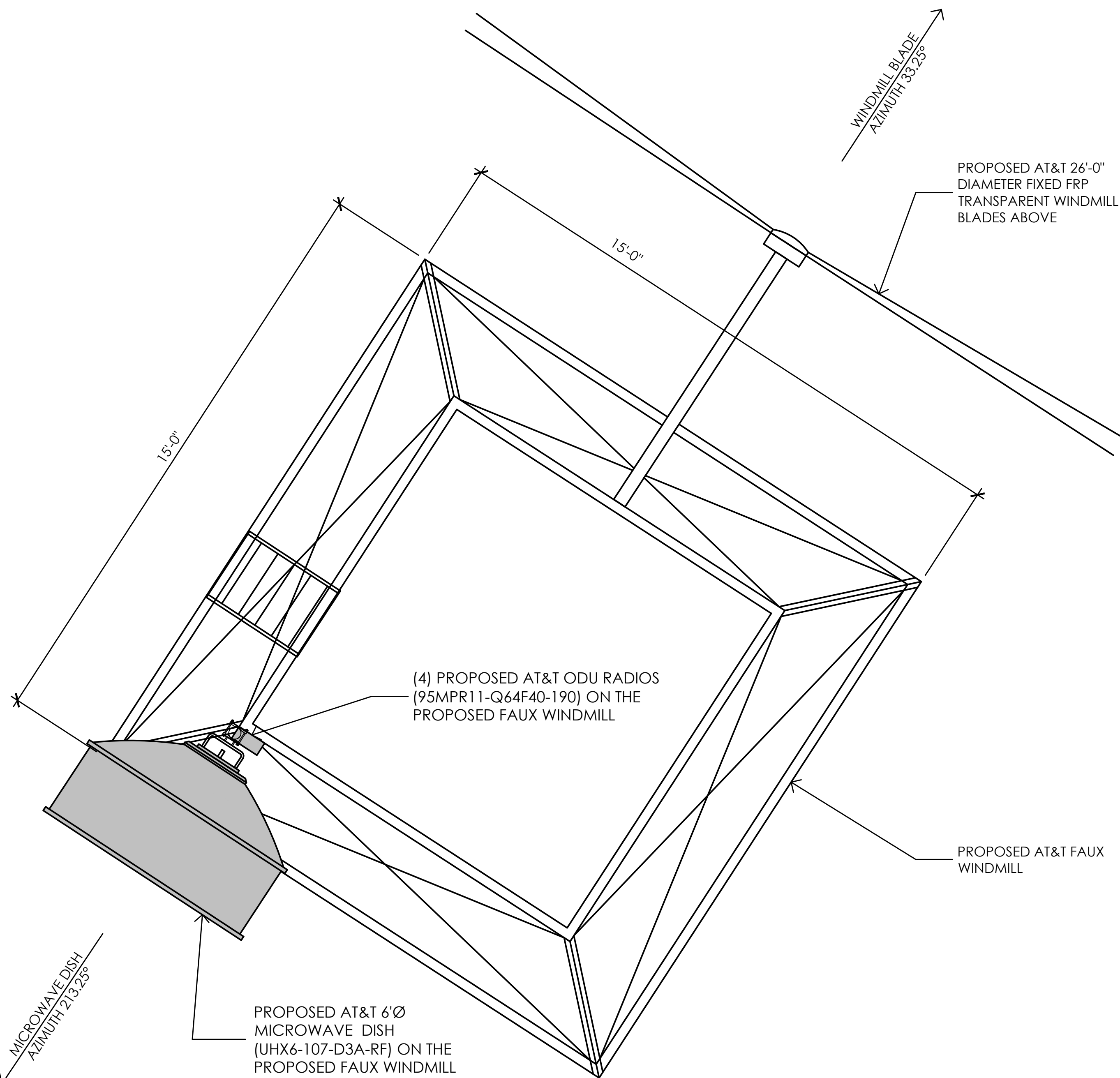
RF DATA SHEET vX.XX.XX DATED XX/XX/XX

EQUIPMENT IS PRELIMINARY AND SUBJECT TO CHANGE.

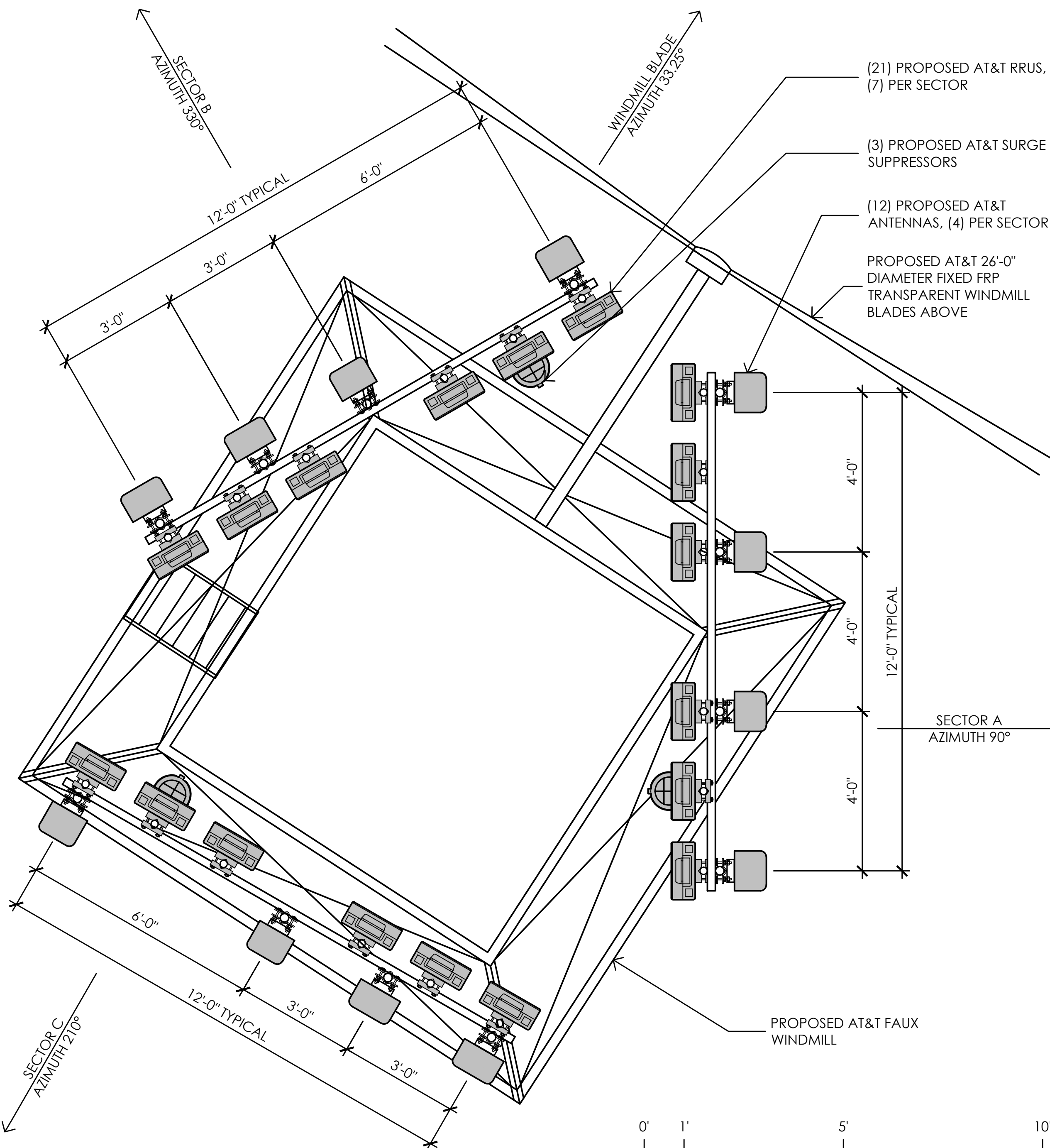
NOTE: ANTENNA POSITIONS ARE LEFT TO RIGHT FROM FRONT OF ANTENNA

4 RF SCHEDULE  
NO SCALE

2 RF SCHEDULE  
NO SCALE



3 MICROWAVE LAYOUT PLAN AT 93.0' A.G.L.  
1/2" = 1'-0"



1 ANTENNA LAYOUT PLAN AT 80.0' A.G.L.  
1/2" = 1'-0"

Issued For:

CVU00738  
PRATHER

26597 TOWERLINE LANE  
CLOVIS, CA 93619

PREPARED FOR



2600 Camino Ramon  
San Ramon, California 94583

Vendor:



COMPLETE  
Wireless Consulting, Inc.

AT&T SITE NO: CVU00738

PROJECT NO: 162.1951

DRAWN BY: MWS

CHECKED BY: SV

REV	DATE	DESCRIPTION
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Licensor:

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Architect:



MST ARCHITECTS  
1520 River Park Drive  
Sacramento, California 95815

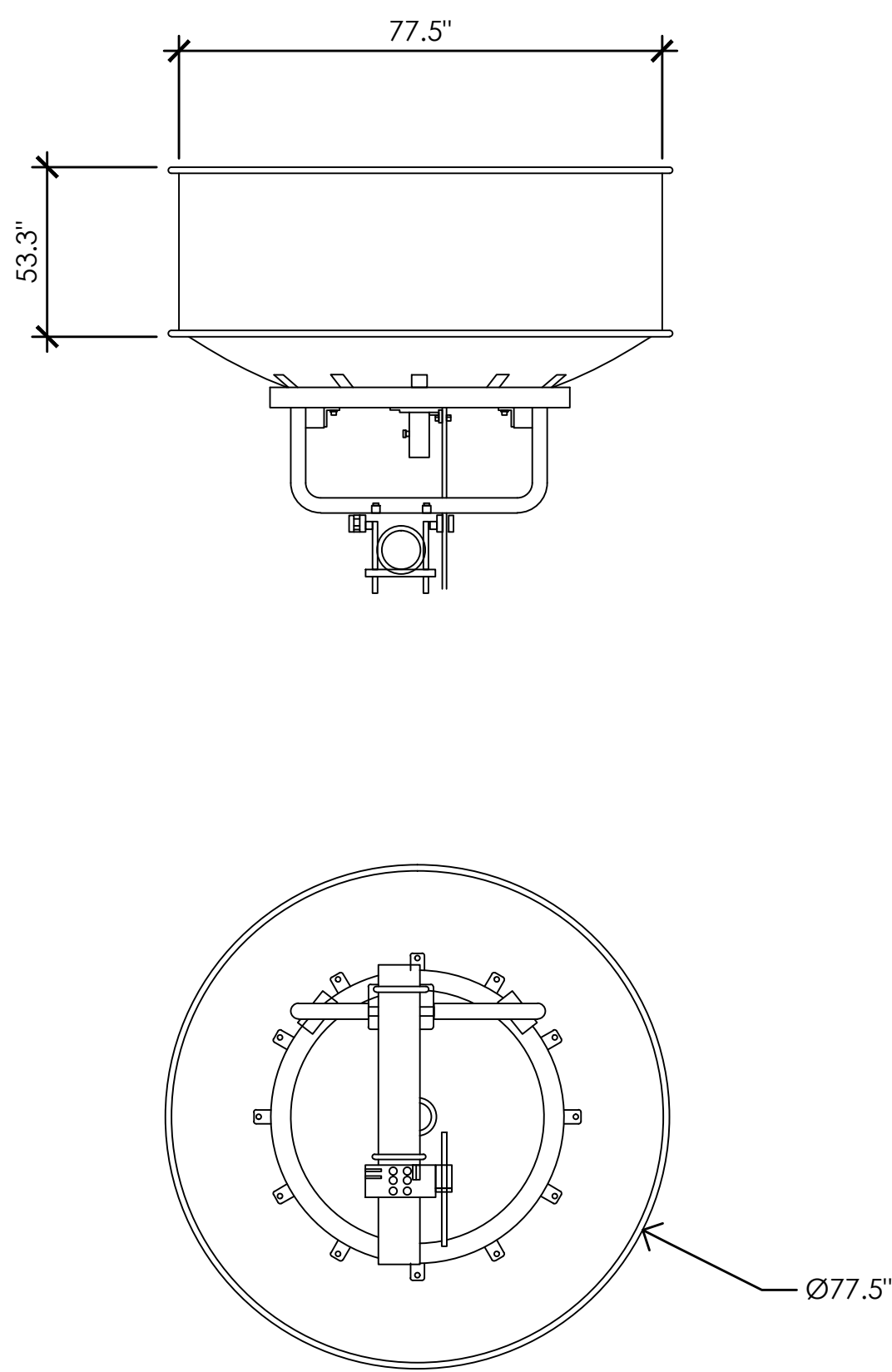
SHEET TITLE:

ANTENNA PLANS

SHEET NUMBER:

A-3.1



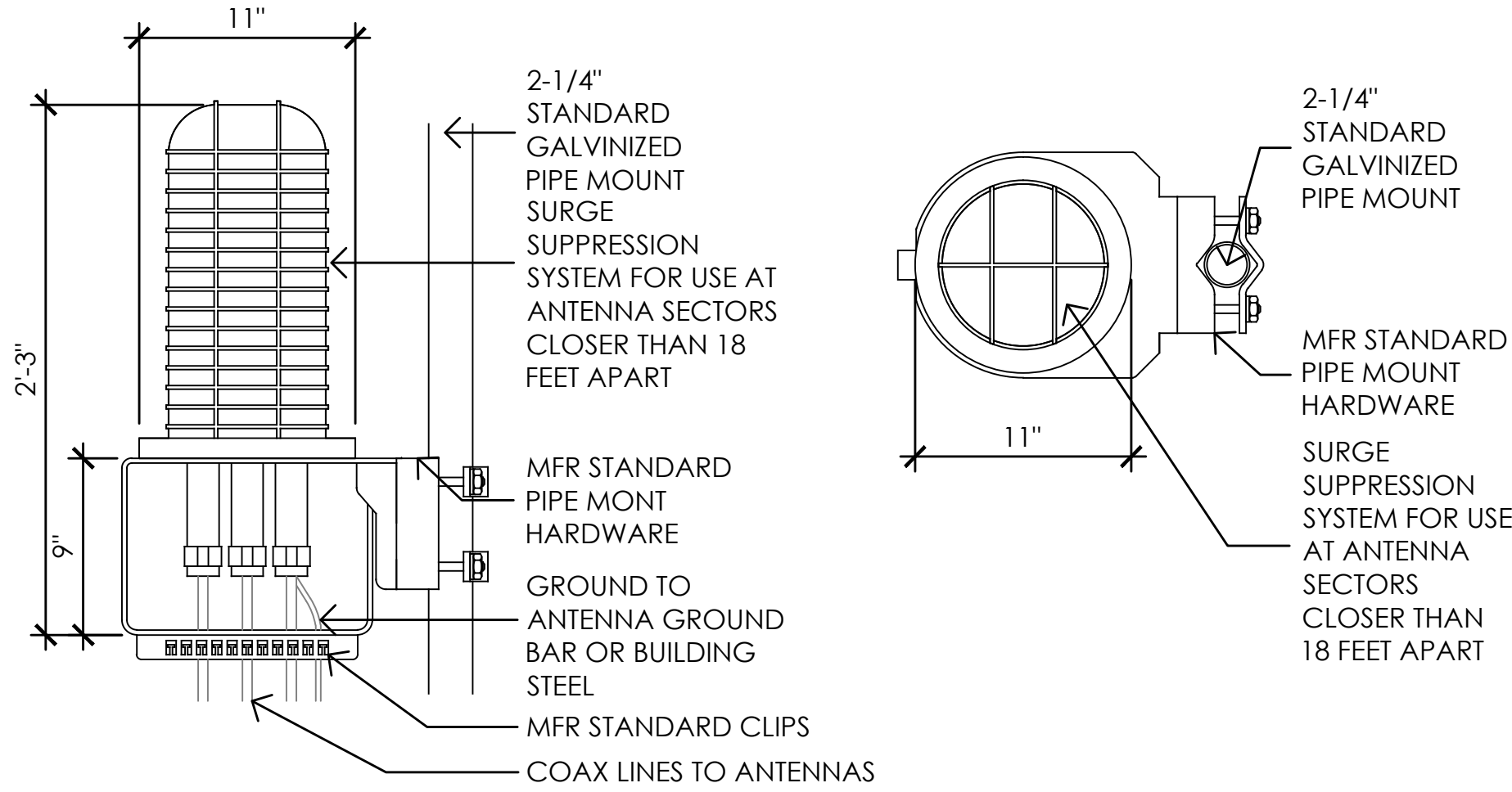


DISH = COMMSCOPE UHX6-107-D3A RF  
 WEIGHT = 1016.3 LBS  
 DIMENSIONS = 77.5" (H) x 77.5" (W) x 53.3" (D)

7 PROPOSED MICROWAVE SPEC  
 3/4" = 1'-0"

RAYCAP DC6-48-60-18-8C & DC6-48-60-0-8F SURGE SUPPRESSION SOLUTION

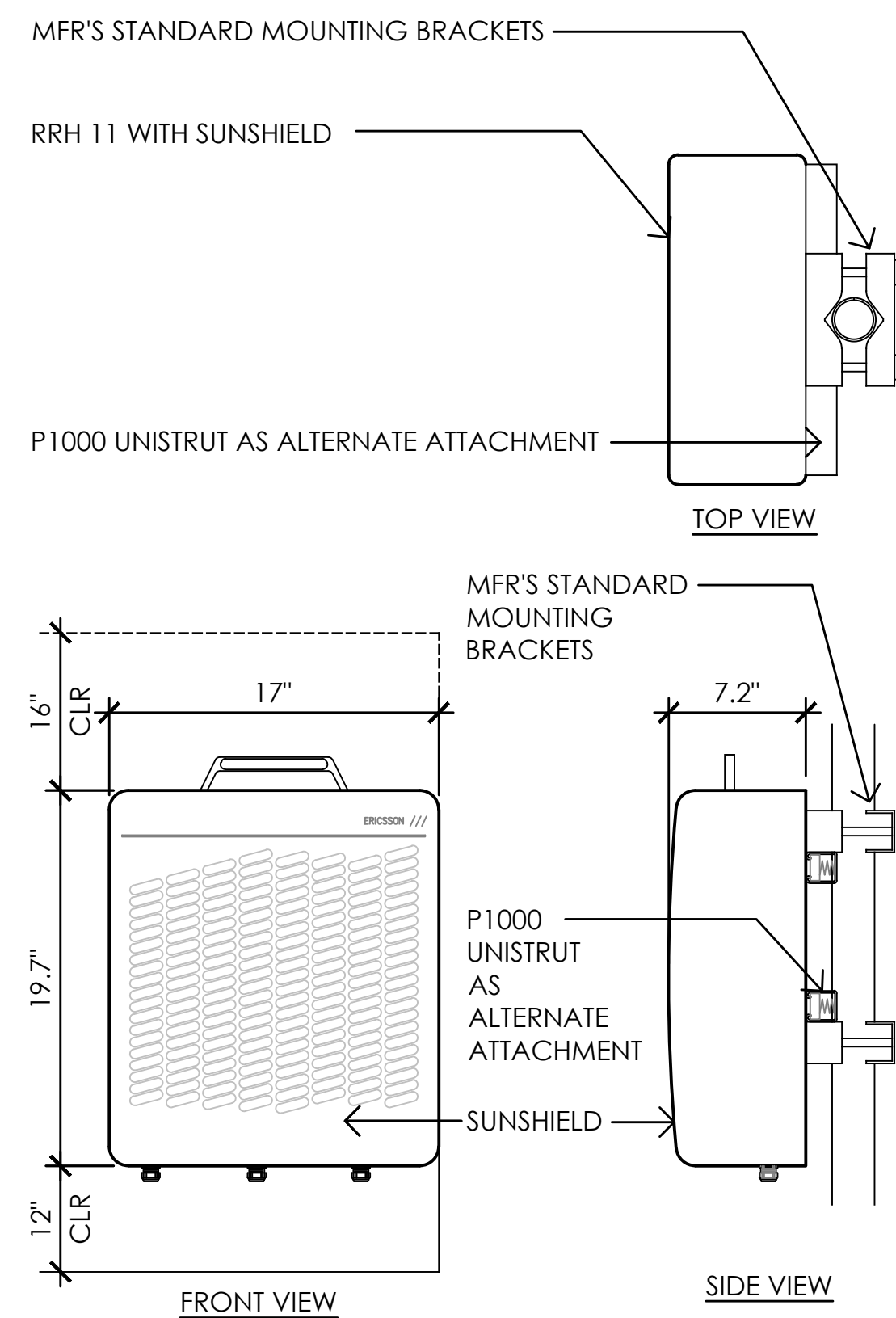
COLOR: BLACK/SILVER  
 DIMENSIONS: 11" DIA X 27" TALL W/ 9" BASE  
 WEIGHT: +/- 50 LBS. (INCLUDING MOUNTING HARDWARE)



4 DC SURGE SUPPRESSION (SQUID)  
 1-1/2" = 1'-0"

ERICSSON RRH 11 REMOTE RADIO UNIT

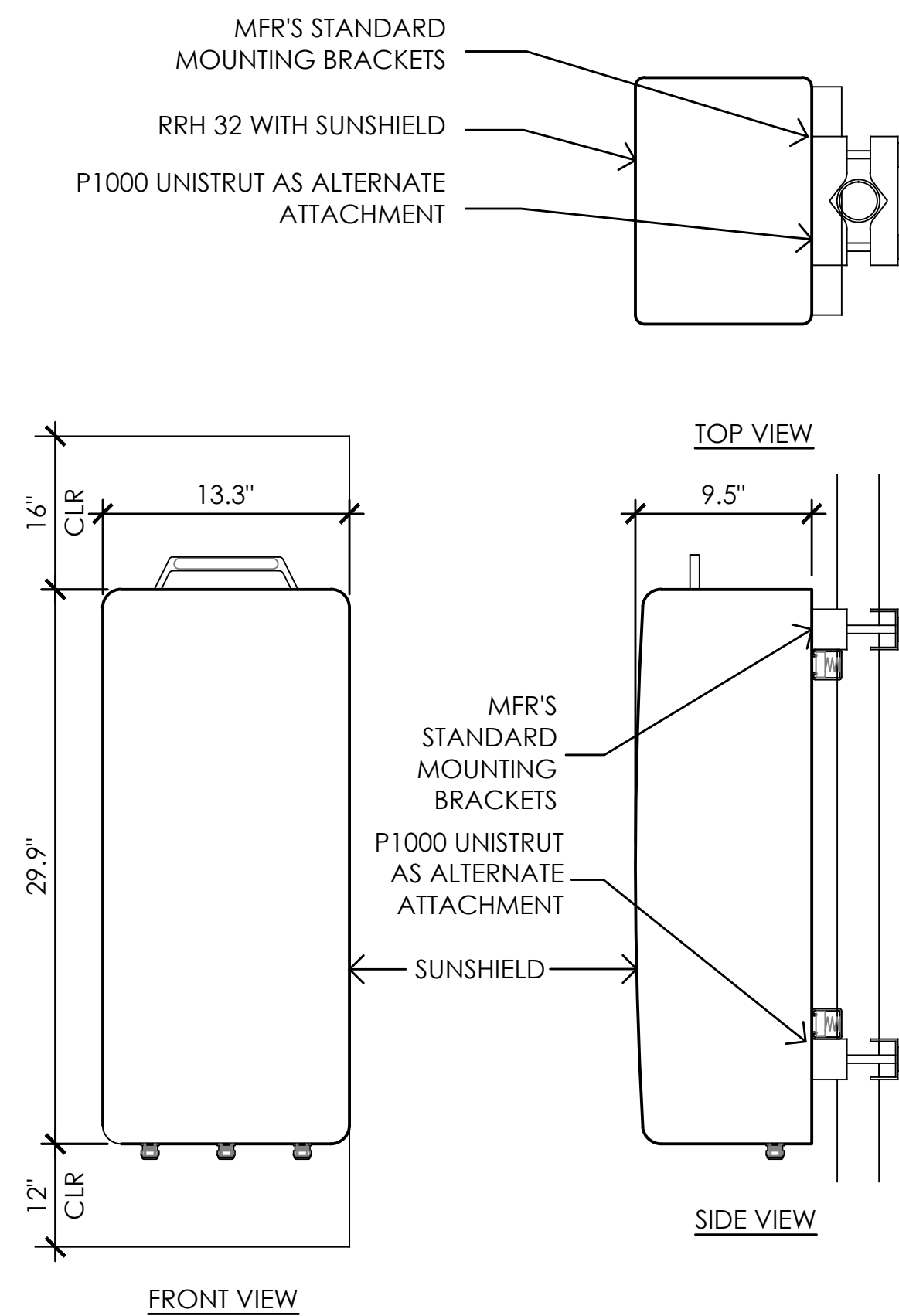
COLOR: WHITE  
 DIMENSIONS: 19.7" TALL X 17" WIDE X 7.2" DEEP (INCLUDING SUNSHIELD)  
 WEIGHT: +/- 50 LBS. (INCLUDING MOUNTING HARDWARE)



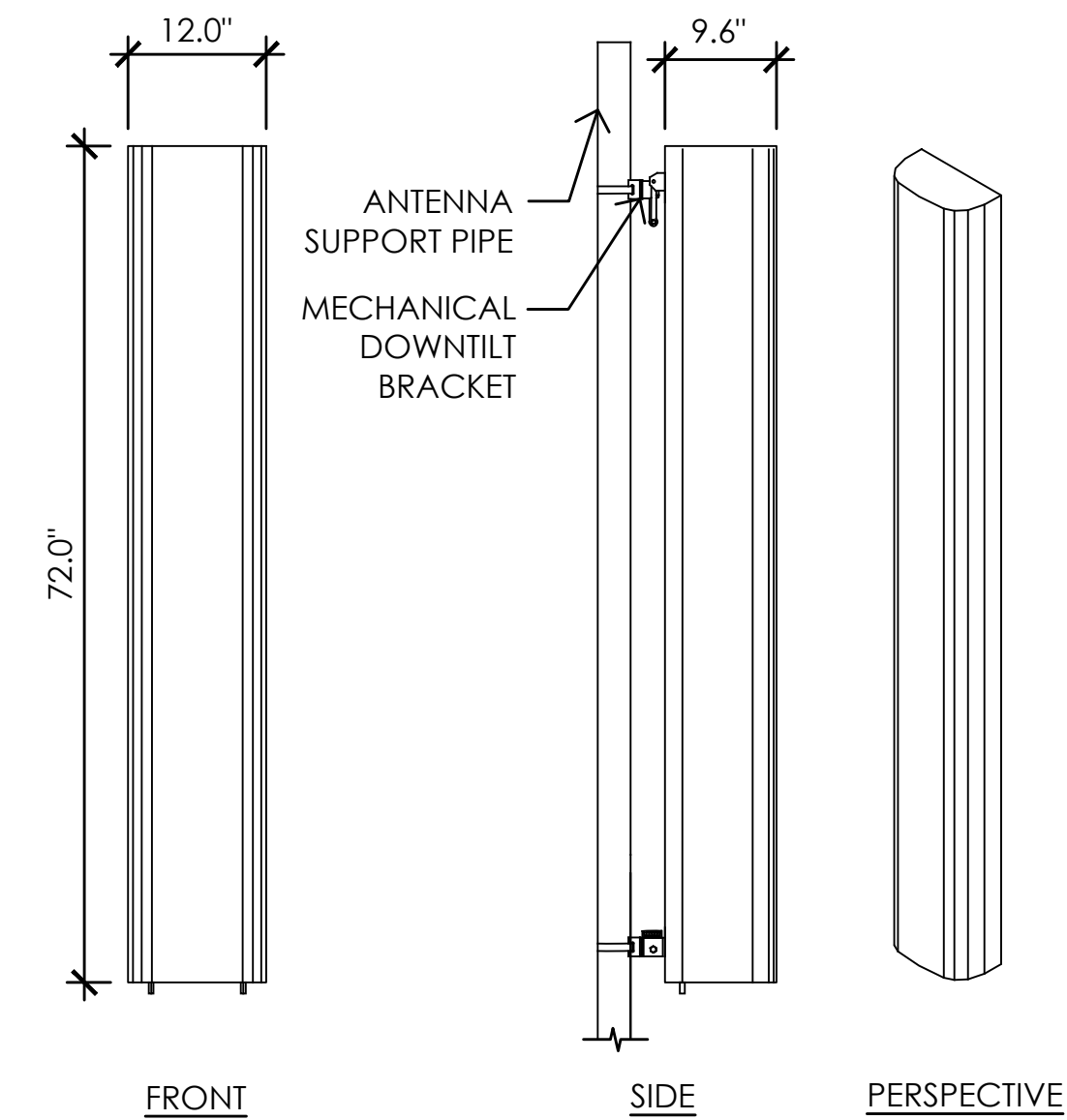
5 ERICSSON RRH-11 REMOTE RADIO UNIT  
 1-1/2" = 1'-0"

ERICSSON WCS RRH-32

MODEL: KRC161 423/1  
 COLOR: WHITE  
 DIMENSIONS: 29.9" TALL X 13.3" WIDE X 9.5" DEEP (INCLUDING SUNSHIELD)  
 WEIGHT: +/- 77LBS. (INCLUDING MOUNTING HARDWARE)



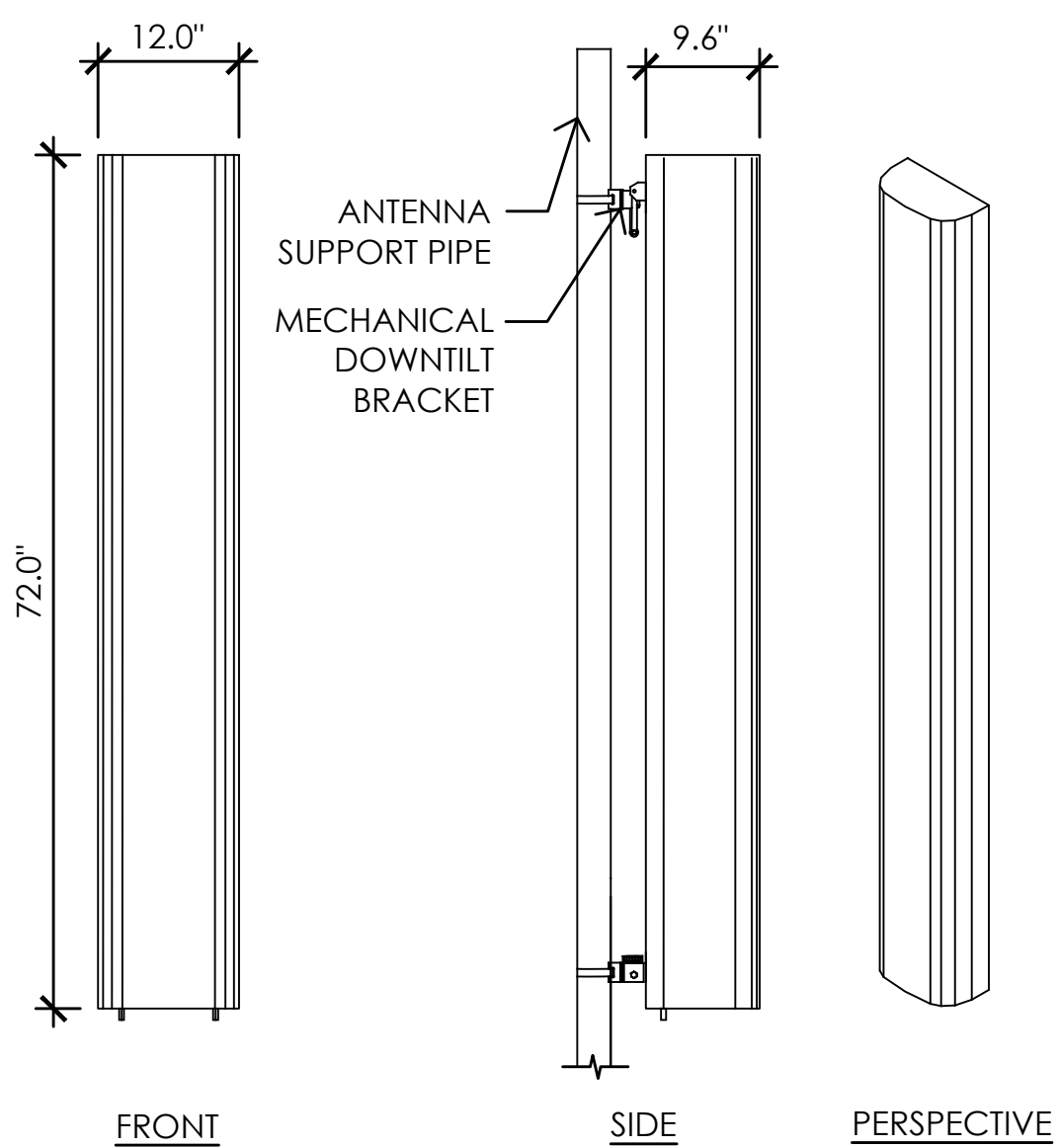
3 ERICSSON WCS RRH-32 REMOTE RADIO UNIT  
 1-1/2" = 1'-0"



EQUIPMENT SUBJECT TO CHANGE

ANTENNA = QUINTEL (QS6656-3)  
 WEIGHT = 65.0 LBS  
 DIMENSIONS = 72.0" (H) x 12.0" (W) x 9.6" (D)

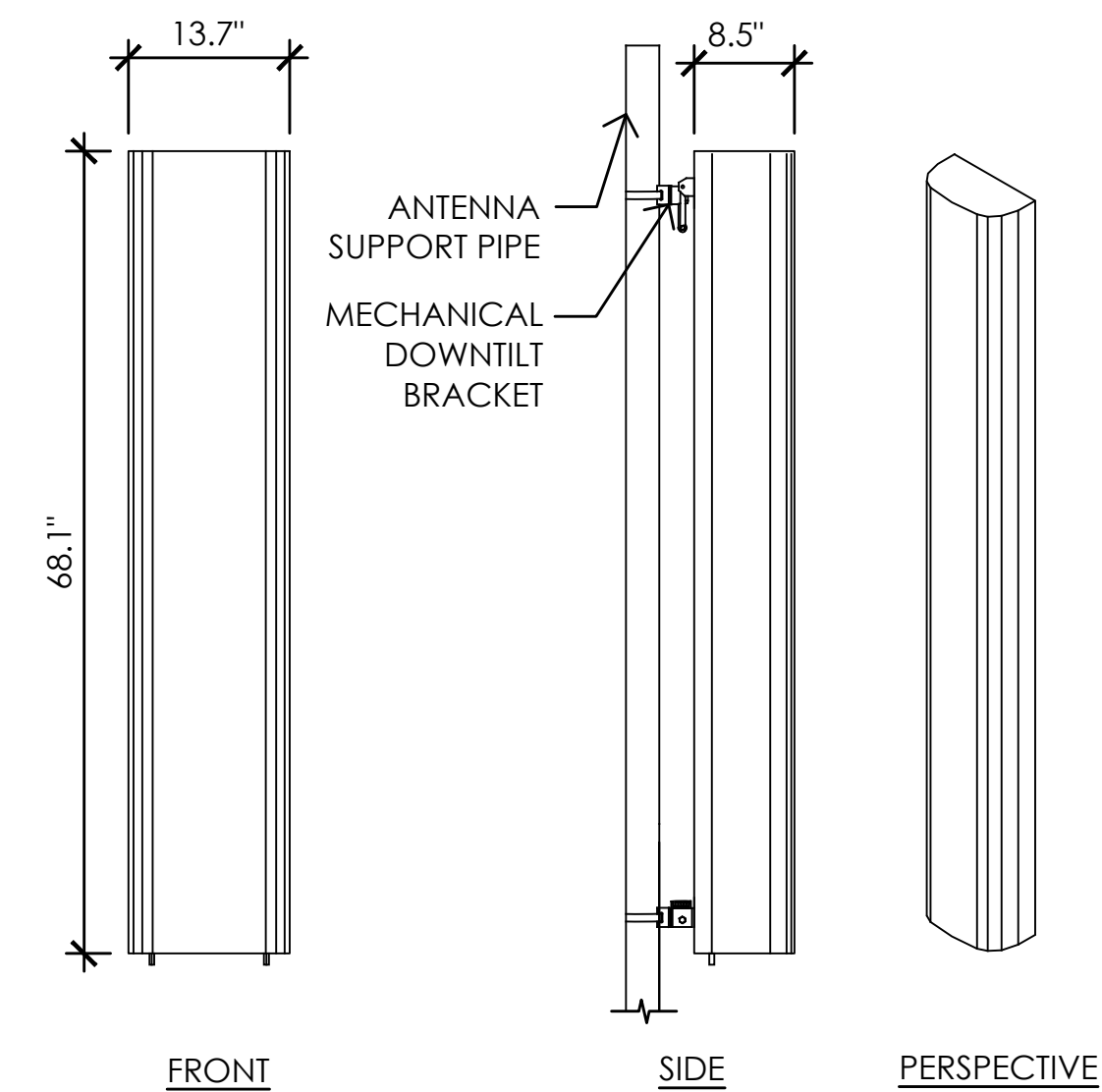
2 PROPOSED ANTENNA SPEC  
 3/4" = 1'-0"



EQUIPMENT SUBJECT TO CHANGE

ANTENNA = QUINTEL (QS6658-3)  
 WEIGHT = 78.0 LBS  
 DIMENSIONS = 72.0" (H) x 12.0" (W) x 9.6" (D)

6 PROPOSED ANTENNA SPEC  
 3/4" = 1'-0"



EQUIPMENT SUBJECT TO CHANGE

ANTENNA = CCI (HBSA-M65R-KU-H6)  
 WEIGHT = 44.5 LBS  
 DIMENSIONS = 68.1" (H) x 13.7" (W) x 8.5" (D)

1 PROPOSED ANTENNA SPEC  
 3/4" = 1'-0"

Issued For:

CVU00738  
 PRATHER

26597 TOWERLINE LANE  
 CLOVIS, CA 93619

PREPARED FOR



2600 Camino Ramon  
 San Ramon, California 94583

Vendor:



AT&T SITE NO: CVU00738

PROJECT NO: 162.1951

DRAWN BY: KRT

CHECKED BY: SV

REV	DATE	DESCRIPTION
	07/13/18	100% ZD
	07/05/18	90% ZD REV 1
	06/26/18	90% ZD
	12/21/17	100% ZD REV1
	10/24/17	100% ZD
	08/03/17	90% ZD

Licensor:

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Architect:



SHEET TITLE:

ANTENNA  
 DETAILS

SHEET NUMBER:

A-3.2

Issued For:

CVU00738  
PRATHER

26597 TOWERLINE LANE  
CLOVIS, CA 93619

PREPARED FOR



2600 Camino Ramon  
San Ramon, California 94583

Vendor:



AT&T SITE NO: CVU00738

PROJECT NO: 162.1951

DRAWN BY: KRT

CHECKED BY: SV

REV	DATE	DESCRIPTION
	07/13/18	100% ZD
	07/05/18	90% ZD REV 1
	06/26/18	90% ZD
	12/21/17	100% ZD REV1
	10/24/17	100% ZD
	08/03/17	90% ZD

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Architect:

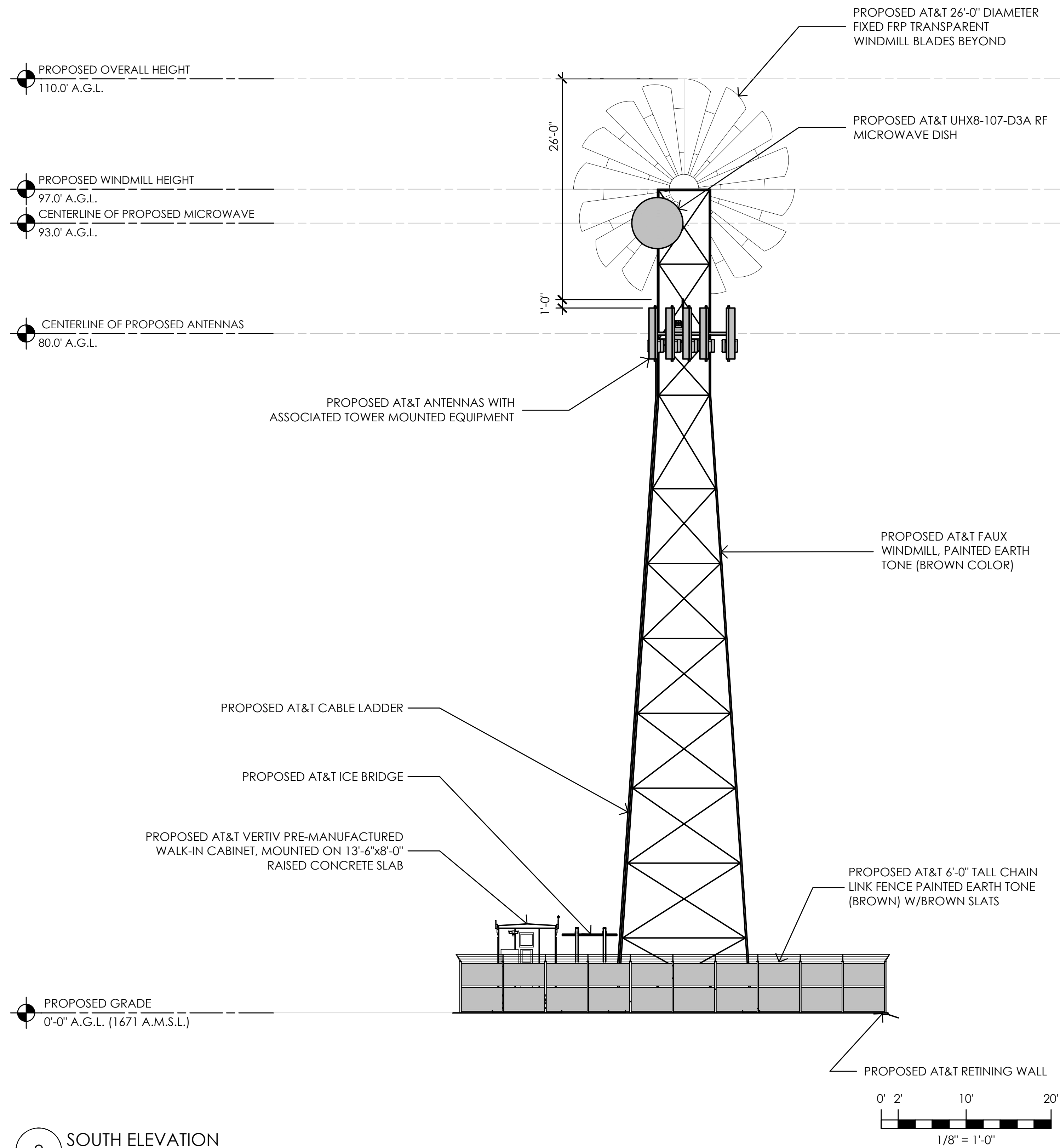


SHEET TITLE:  
PROPOSED ELEVATIONS

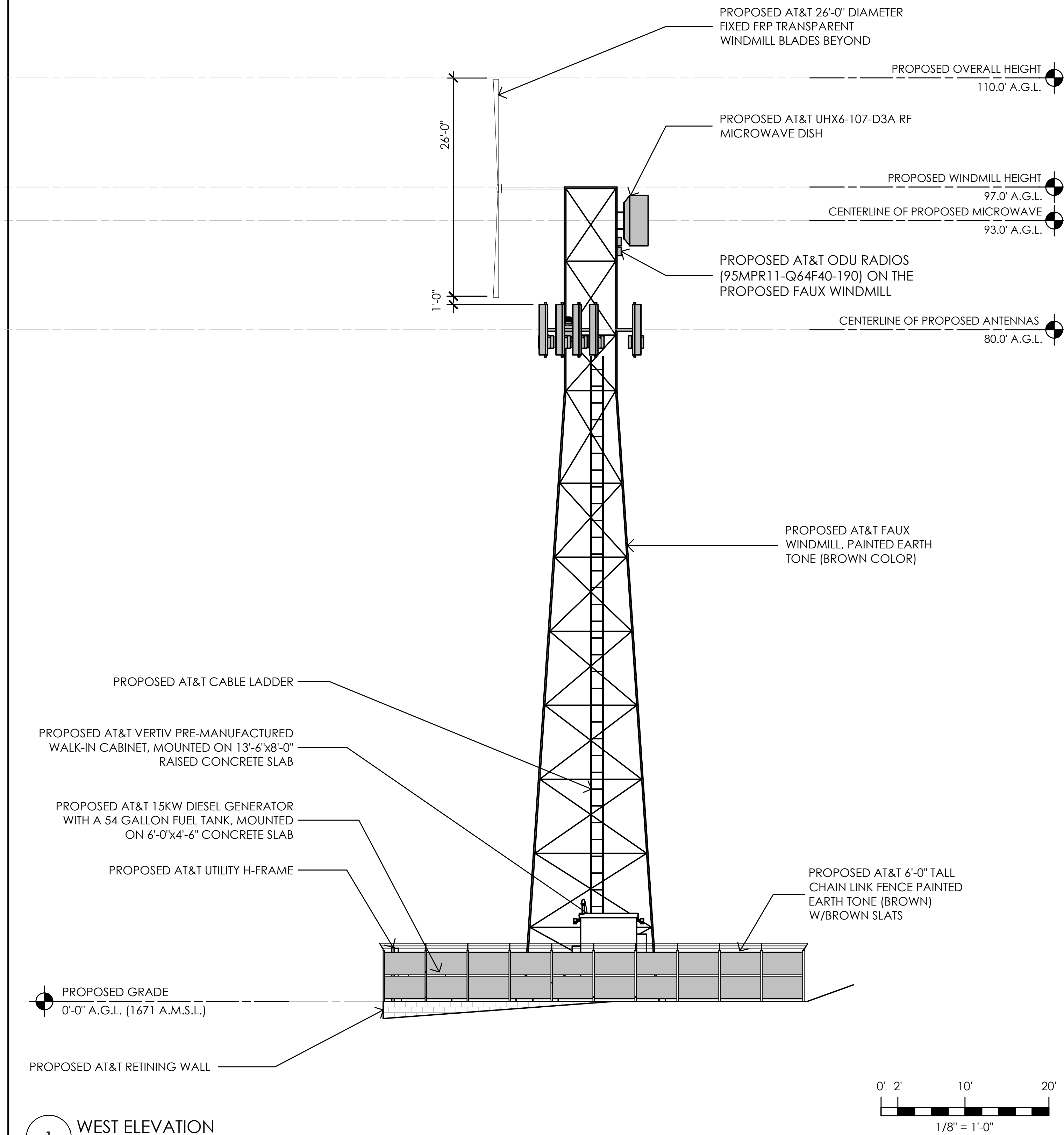
SHEET NUMBER:

A-4.1

NOTE: POLE TO BE STRUCTURALLY ENGINEERED FOR AT LEAST 2 ADDITIONAL WIRELESS CARRIERS



2 SOUTH ELEVATION  
1/8" = 1'-0"



1 WEST ELEVATION  
1/8" = 1'-0"



Issued For:

CVU00738  
PRATHER

26597 TOWERLINE LANE  
CLOVIS, CA 93619

PREPARED FOR



2600 Camino Ramon  
San Ramon, California 94583

Vendor:



**COMPLETE**  
Wireless Consulting, Inc.

AT&T SITE NO: CVU00738

PROJECT NO: 162.1951

DRAWN BY: KRT

CHECKED BY: SV

REV	DATE	DESCRIPTION
	07/13/18	100% ZD
	07/05/18	90% ZD REV 1
	06/26/18	90% ZD
	12/21/17	100% ZD REV1
	10/24/17	100% ZD
	08/03/17	90% ZD

Licensor:

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Architect:



**MST ARCHITECTS**  
1520 River Park Drive  
Sacramento, California 95815

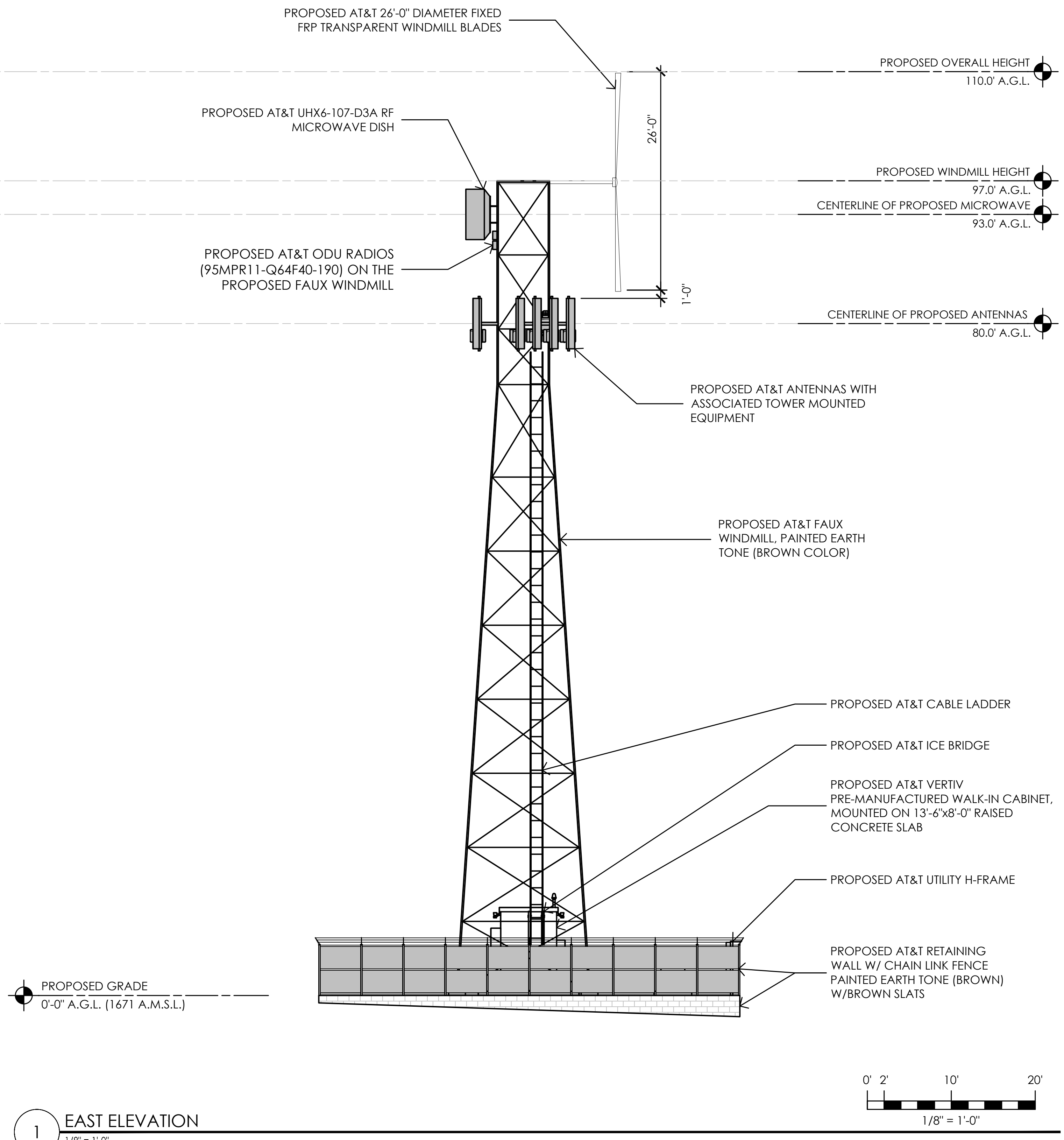
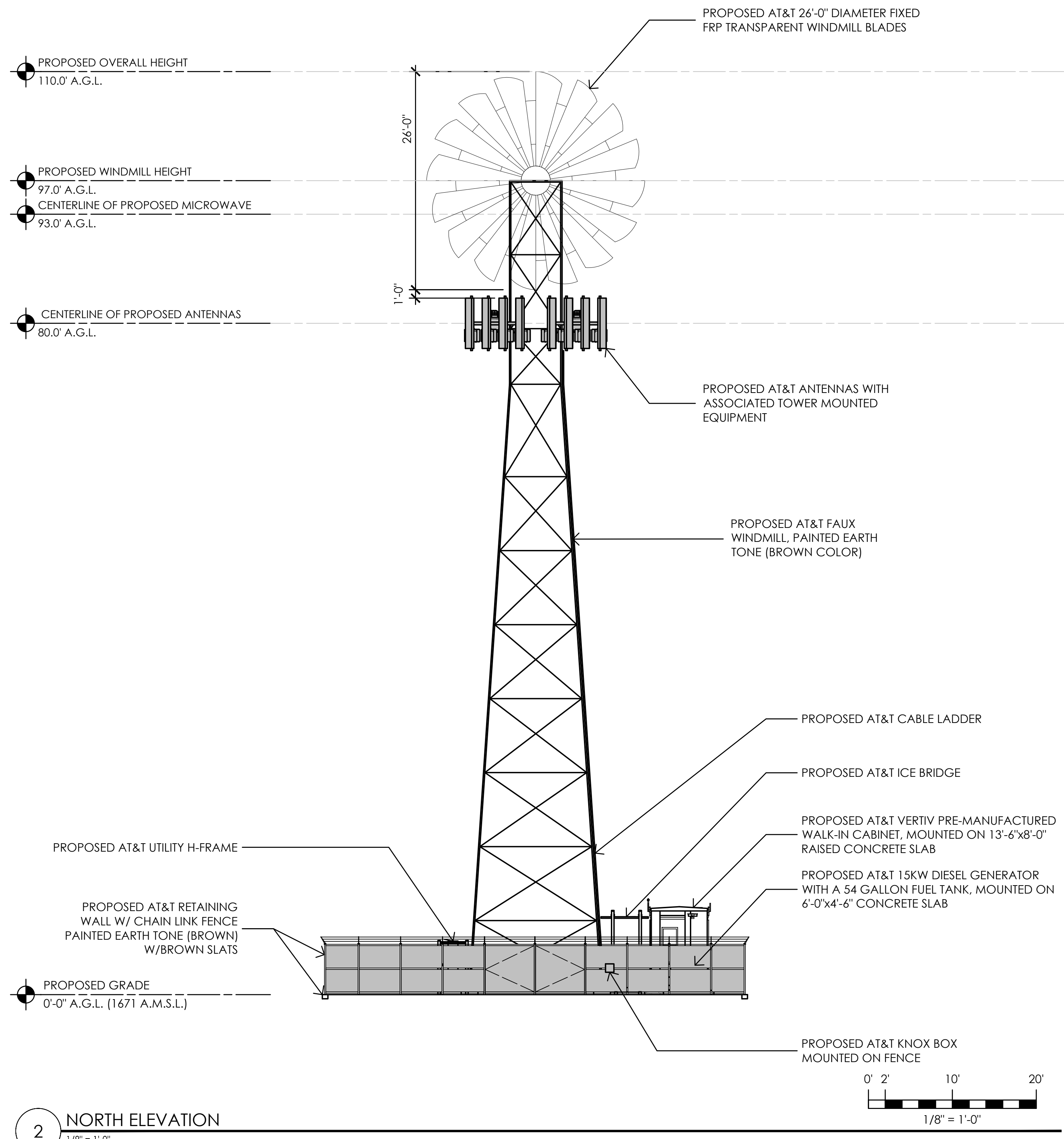
SHEET TITLE:

**PROPOSED ELEVATIONS**

SHEET NUMBER:

**A-4.2**

NOTE: POLE TO BE STRUCTURALLY ENGINEERED FOR AT LEAST 2 ADDITIONAL WIRELESS CARRIERS



2 NORTH ELEVATION  
1/8" = 1'-0"

1 EAST ELEVATION  
1/8" = 1'-0"

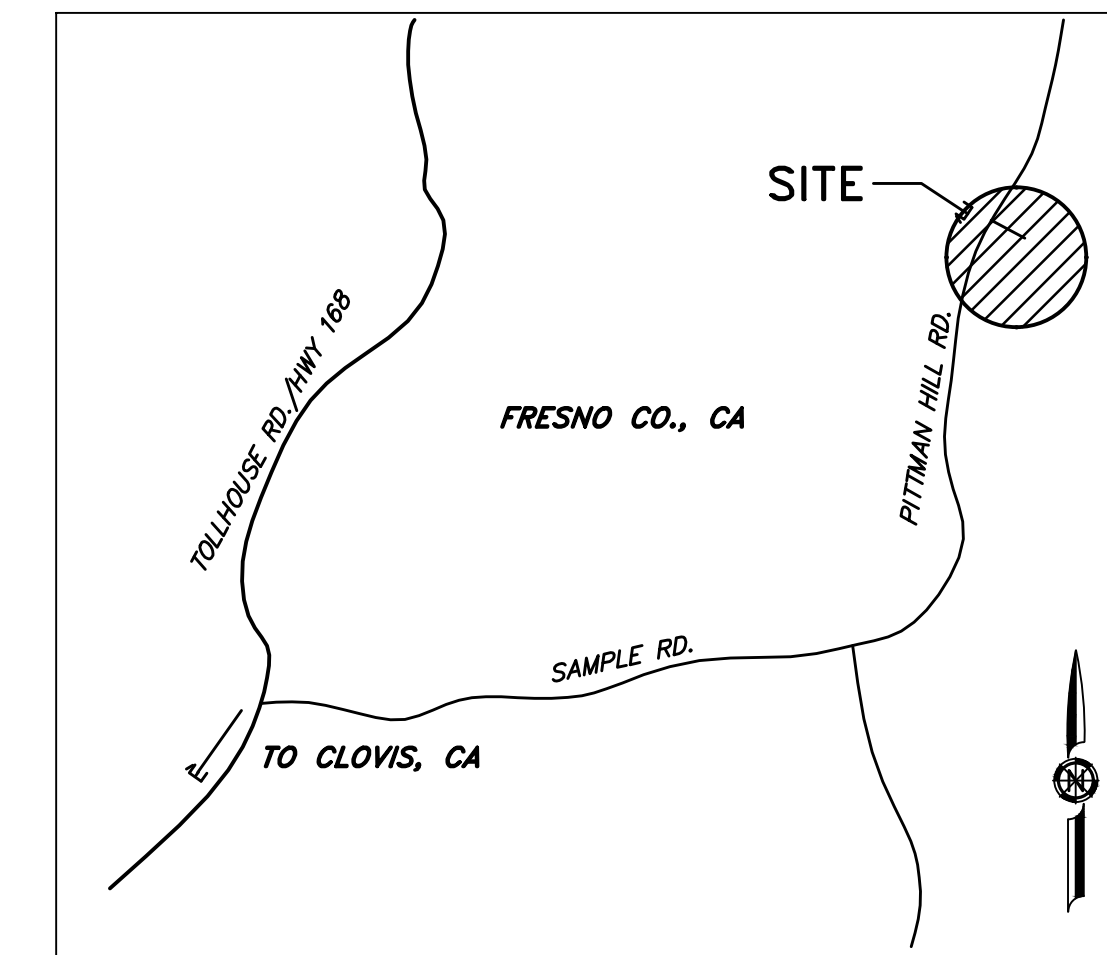


**GENERAL CONSTRUCTION NOTES:**

1. ALL GRADING SHALL CONFORM TO FRESNO COUNTY GRADING STANDARDS CODE SECTION 15.28.
2. FOR SITE PREPARATION, SUITABLE FILL MATERIAL, GRADING AND EARTHWORK ACTIVITIES, FOUNDATION SETBACKS AND OTHER GEOTECHNICAL RECOMMENDATIONS, REFER TO GEOTECHNICAL INVESTIGATION REPORT (WILL BE PROVIDED FOR CONSTRUCTION DOCUMENTS).

EARTHWORK SUMMARY (CY)			
	CUT	FILL	NET (CUT-FILL)
RAW SURFACE GRADING	230.48	264.24	-33.76
SECTION GRADING ADJUSTMENTS			
LEASE AREA (3" GRAVEL)	20.83		20.83
ACCESS ROUTE/TURNAROUND (6" AGG BASE)	94.62		94.62
TOWER FOUNDATION (4" CONC MAT FOOTING)	40.74		40.74
<b>TOTAL</b>	<b>386.67</b>	<b>264.24</b>	<b>122.43</b>

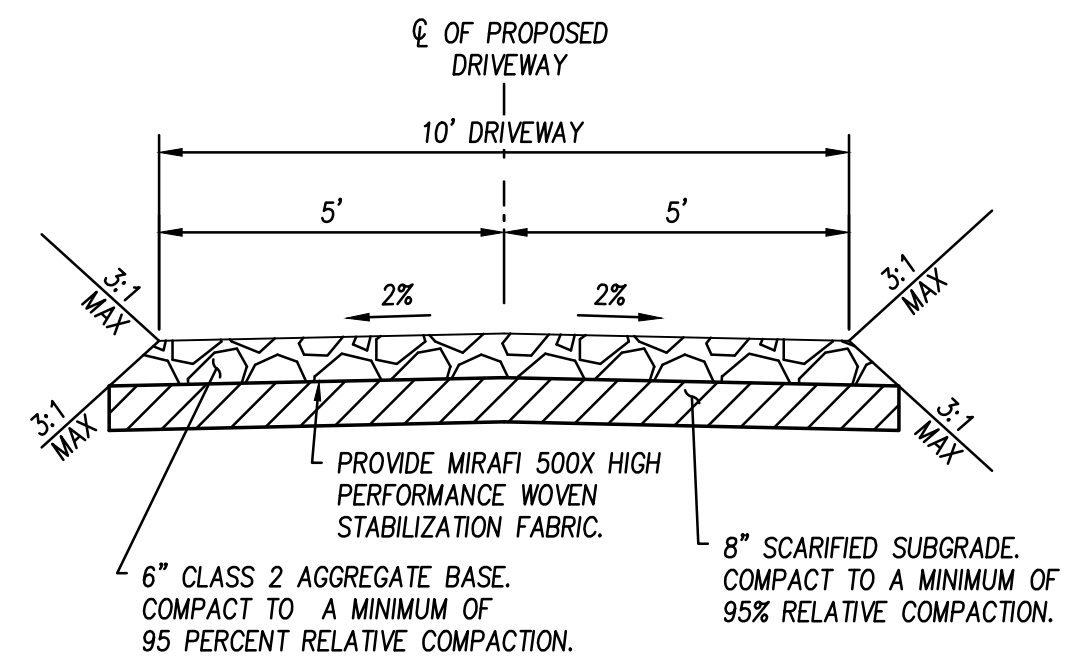
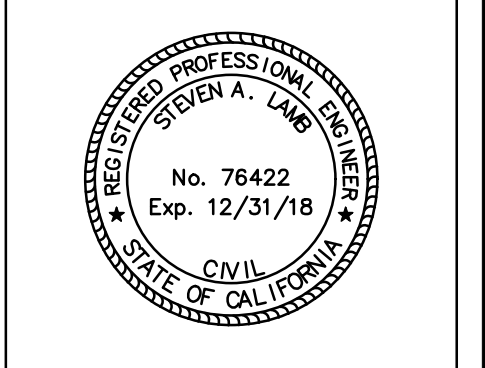
(CUT/EXPORT)  
 DISTURBED AREA = 0.214 ACRES  
 MAX CUT DEPTH = 5.57 FT  
 MAX FILL HEIGHT = 10.38 FT



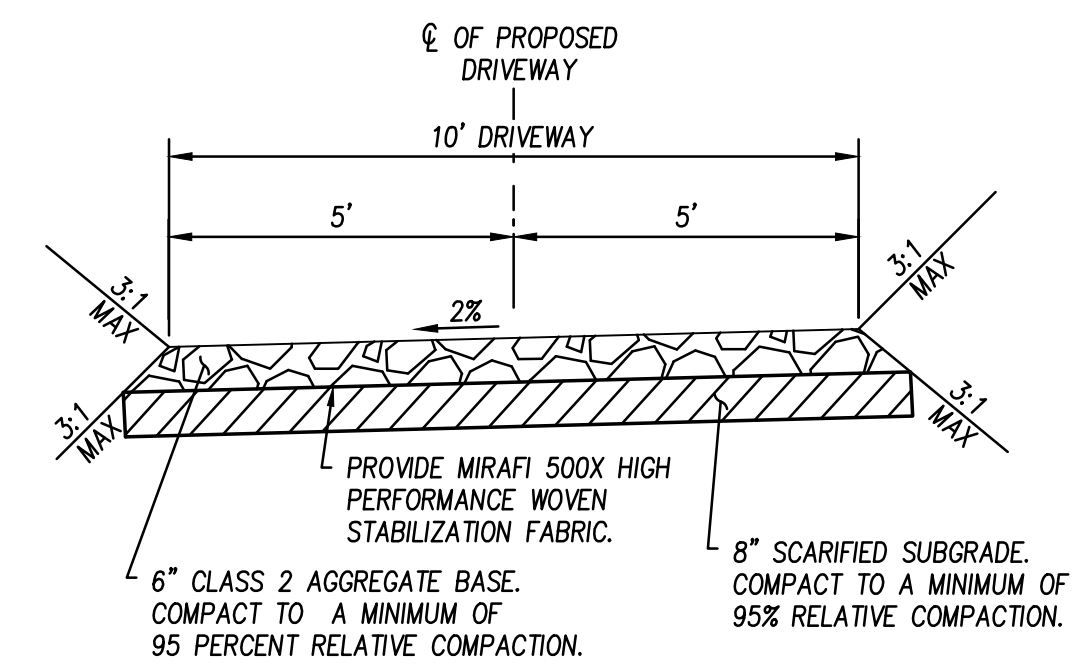
**VICINITY MAP**  
 NOT TO SCALE

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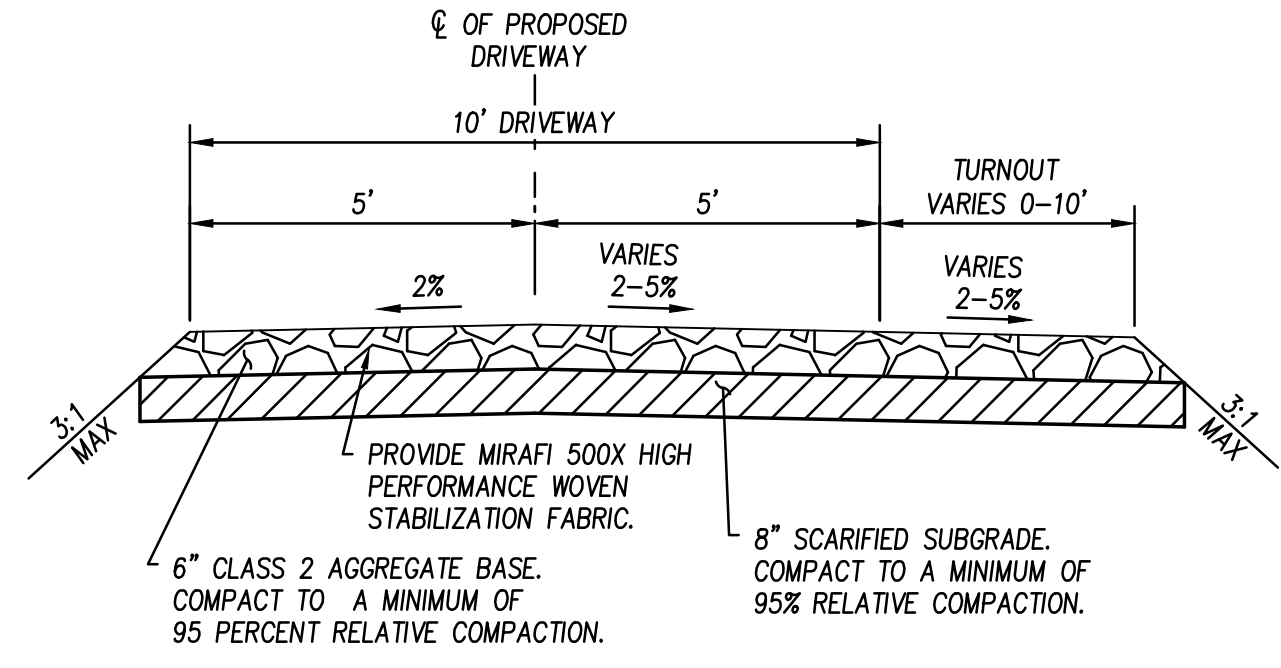
REVISIONS		
MARK	DATE	DESCRIPTION
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**TYPICAL DRIVEWAY SECTION**  
 STA 0+16.00-0+85.00  
 NOT TO SCALE



**TYPICAL DRIVEWAY SECTION**  
 STA 0+06.05-0+16.00  
 STA 1+65.00-2+24.10  
 NOT TO SCALE



**TYPICAL DRIVEWAY WITH TURNOUT SECTION**  
 STA 0+85.00-1+65.00  
 NOT TO SCALE

**CVU00738 PRATHER  
 2697 TOWERLINE LANE  
 CLOVIS, CA 93619  
 FRESNO COUNTY  
 APN: 138-500-19**

PROJECT #: 217087

SCALE: NTS

DATE: 10/04/2017

APPROVALS	
DESIGNED BY:	JDC
DRAWN BY:	IWY
CHECKED BY:	JDC/SL

**SHEET TITLE**  
 PRELIMINARY GENERAL NOTES  
 AND ACCESS DRIVE  
 TYPICAL SECTIONS

**SHEET NUMBER**  
**CO.0**

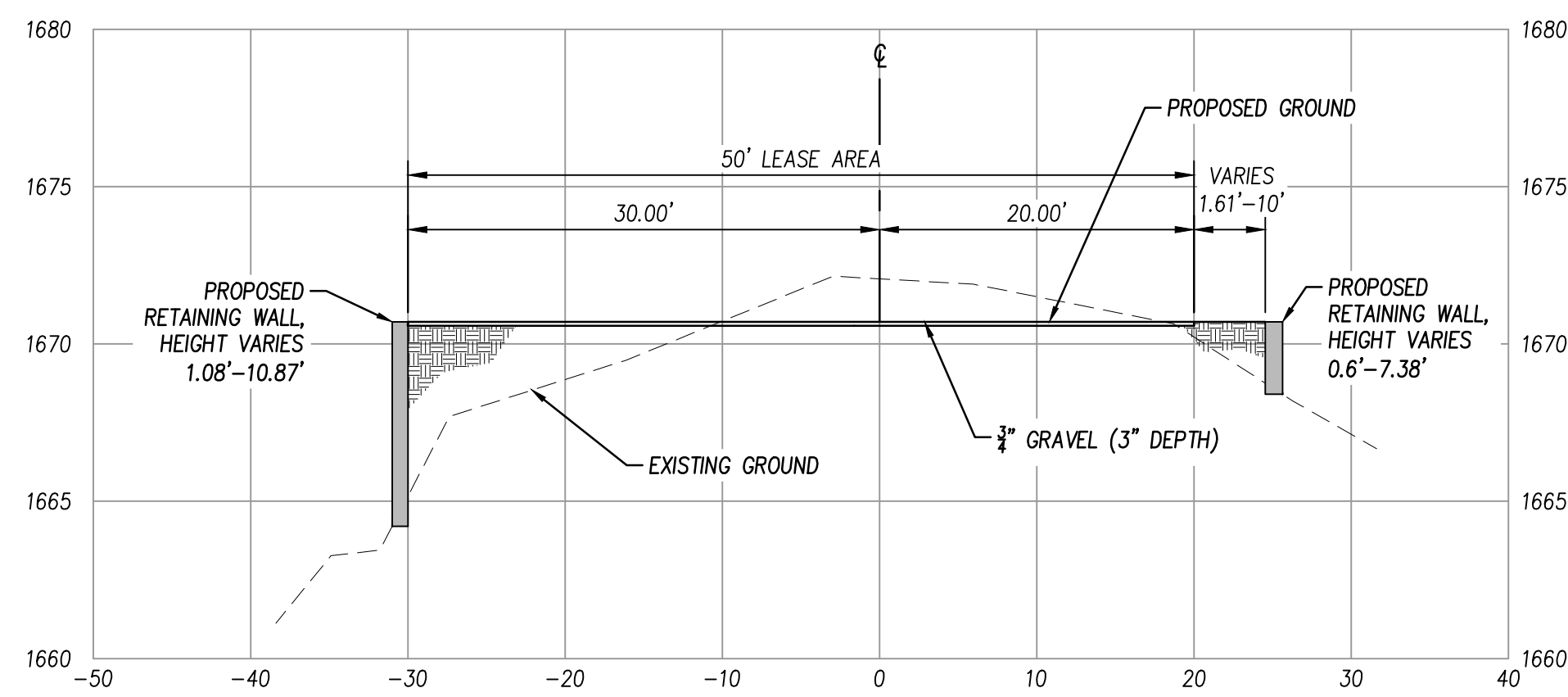


**LEGEND**

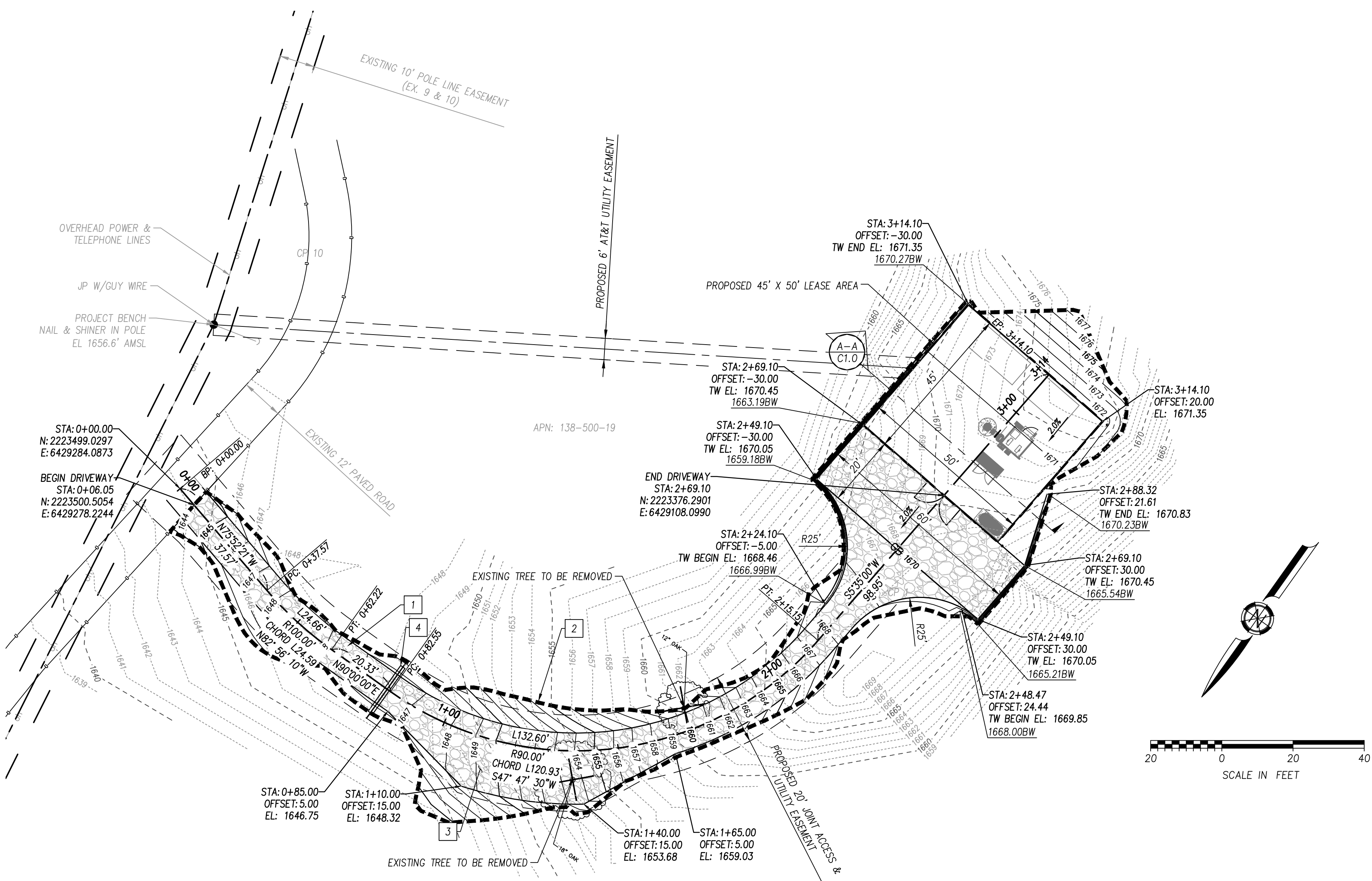
- 258--- EXISTING 1-FT CONTOUR
- 255--- EXISTING 5-FT CONTOUR
- 258--- PROPOSED 1-FT CONTOUR
- 255--- PROPOSED 5-FT CONTOUR
- BW BOTTOM OF WALL ELEVATION
- TW TOP OF WALL ELEVATION
- PROPOSED EASEMENT
- CENTERLINE
- LIMITS OF DISTURBANCE
- GB GRADE BREAK
- PROPOSED GRAVEL ACCESS DRIVE/TURNAROUND
- EXISTING TREE TO BE REMOVED

**SITE CONSTRUCTION NOTES:**

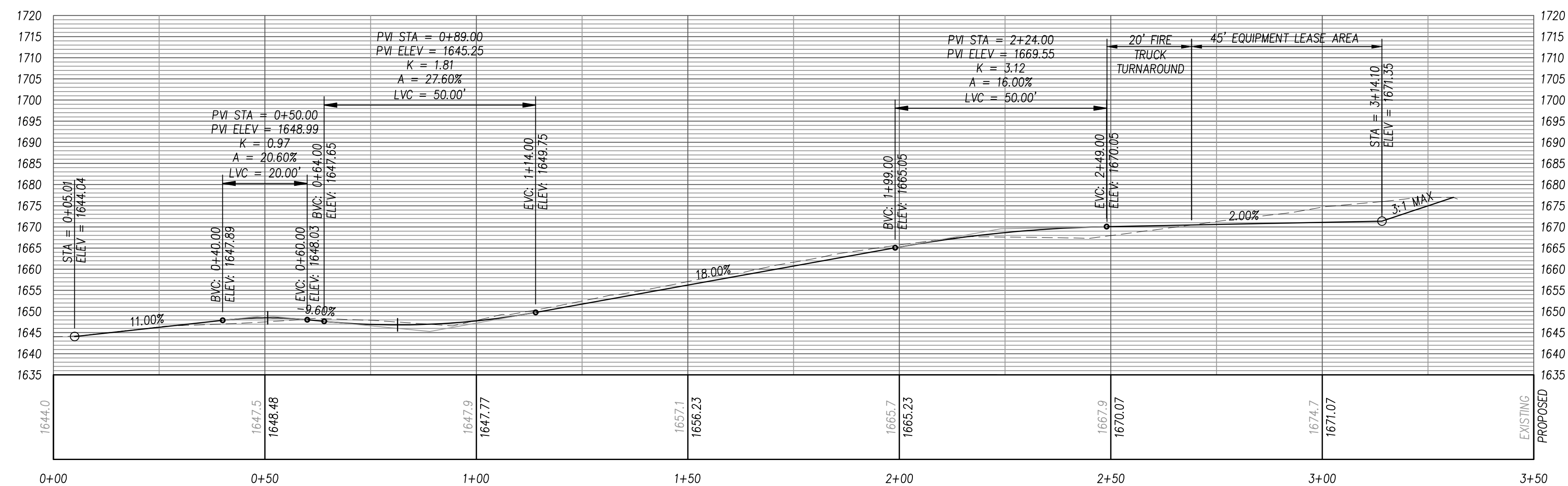
- 1 CONSTRUCT 10' WIDE GRAVEL ROAD.
- 2 LIMITS OF DISTURBANCE. DAYLIGHT MAX 3:1.
- 3 CONSTRUCT TURNOUT PER FRESNO COUNTY CODE (15.60.515)
- 4 PROPOSED 18" CULVERT.



**LEASE AREA**  
 HORIZONTAL SCALE: 1"=10'  
 VERTICAL SCALE: 1"=5'



**PLAN VIEW**  
 HORIZONTAL SCALE: 1"=20'



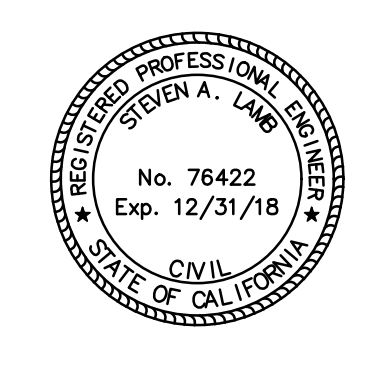
**ACCESS DRIVE PROFILE**  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=20'

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CVU00738 PRATHER  
 2697 TOWERLINE LANE  
 CLOVIS, CA 93619  
 FRESNO COUNTY  
 APN: 138-500-19

PROJECT #: 217087

SCALE: 1"=20'

DATE: 10/04/2017

**APPROVALS**

DESIGNED BY:	JDC
DRAWN BY:	WY
CHECKED BY:	JDC/SL


**SHEET TITLE**  
 PRELIMINARY ACCESS DRIVE  
 PLAN AND PROFILE

**SHEET NUMBER**  
 C1.0

Log: Name: 10/10/2017 2:19 pm  
 Plot Date: 10/10/2017  
 File Name: U:\1717087-PR-1000-1B\217087-PR-SITE | 217087-PR-SITE.dwg  
 XREFS: 217087-PR-1000-1B | 217087-PR-SITE



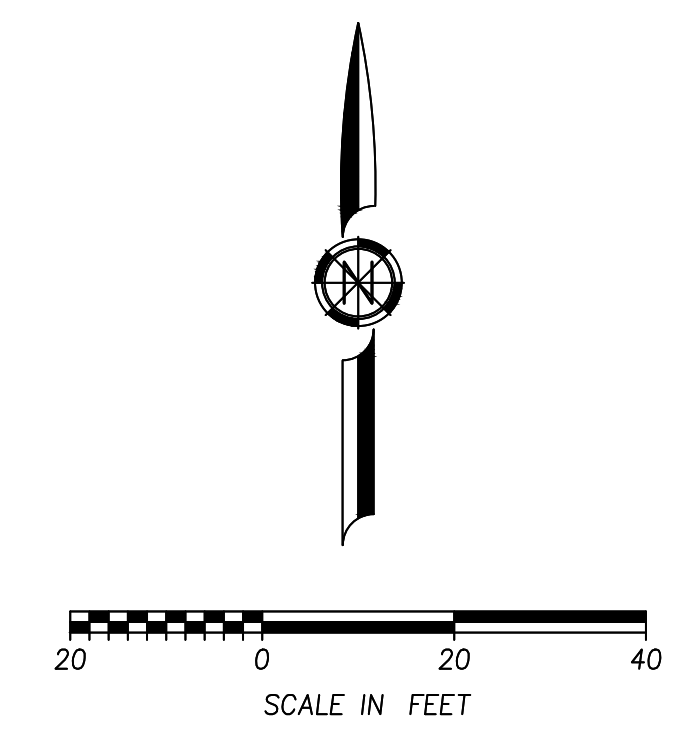
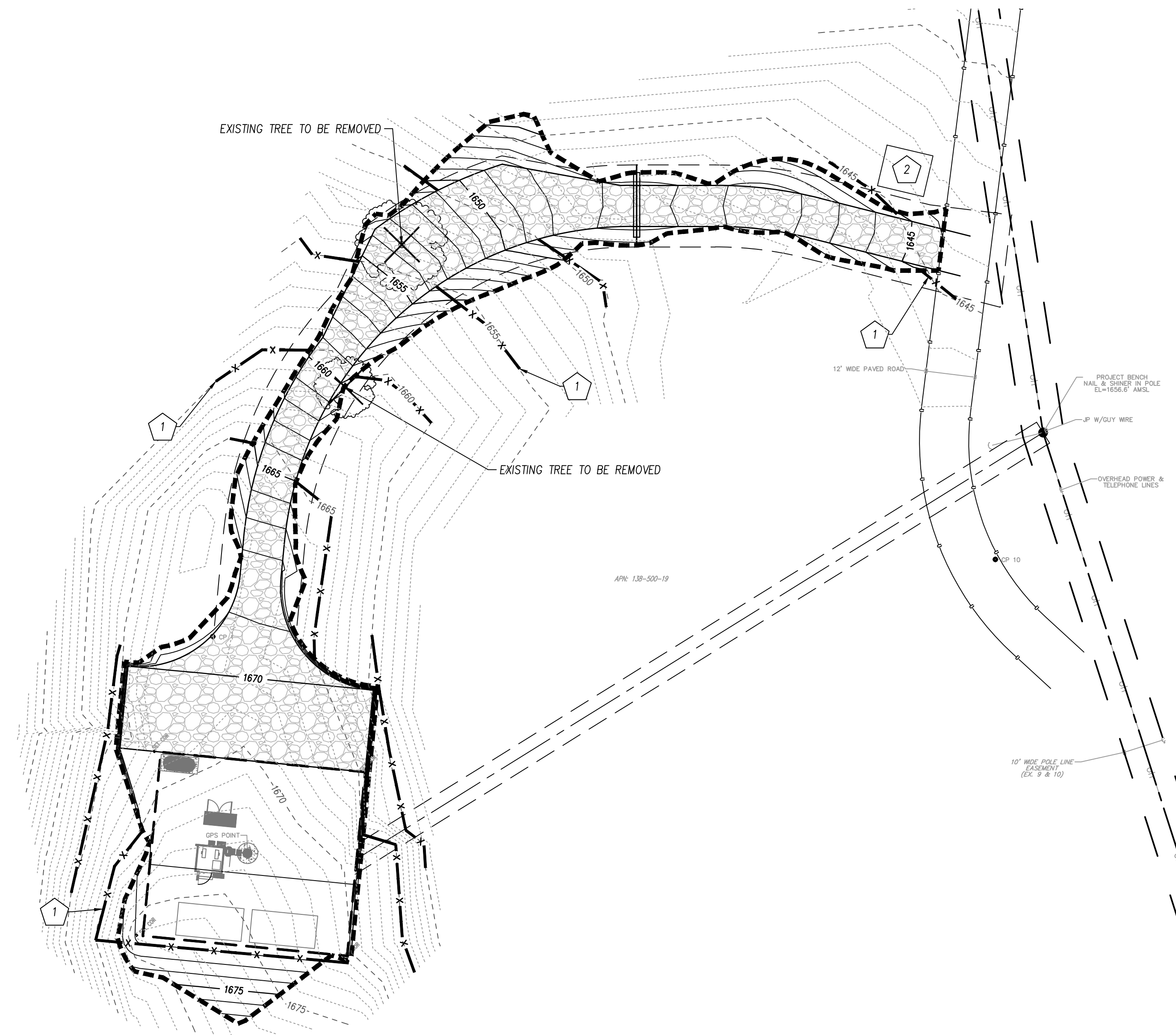
**LEGEND**

- X — X — X — X — FIBER ROLL PER CASQA SE-5
- - - - -258 - - - - - EXISTING 1-FT CONTOUR
- - - - -255 - - - - - EXISTING 5-FT CONTOUR
- - - - -258 - - - - - PROPOSED 1-FT CONTOUR
- - - - -255 - - - - - PROPOSED 5-FT CONTOUR
- - - - - LIMITS OF DISTURBANCE
-  PROPOSED GRAVEL ACCESS DRIVE/TURNAROUND

**EROSION AND SEDIMENT CONTROL NOTES:**

- 1 CONSTRUCT PERIMETER EROSION CONTROL – UTILIZE FIBER ROLLS PER CASQA STD. DWG. SE-5.
- 2 PROPOSED SITE CONCRETE WASHOUT PER CASQA STD. DWG. WM-8.

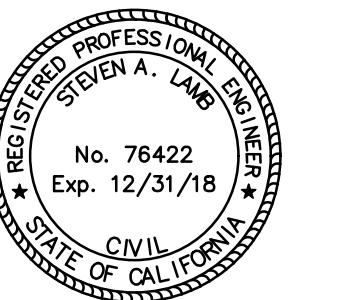
NOTE: ALL AREAS THAT ARE DISTURBED SHALL BE STABILIZED WITH PERMANENT EROSION CONTROL MEASURES PRIOR TO CONTRACT CLOSEOUT.



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MARK	DATE	DESCRIPTION
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**CVU00738 PRATHER  
 2697 TOWERLINE LANE  
 CLOVIS, CA 93619  
 FRESNO COUNTY  
 APN: 138-500-19**

PROJECT #: 217087

SCALE: 1"=20'

DATE: 10/04/2017

**APPROVALS**

DESIGNED BY:	JDC
DRAWN BY:	IWY
CHECKED BY:	JDC/SL

**SHEET TITLE**

PRELIMINARY EROSION AND SEDIMENT CONTROL PLAN

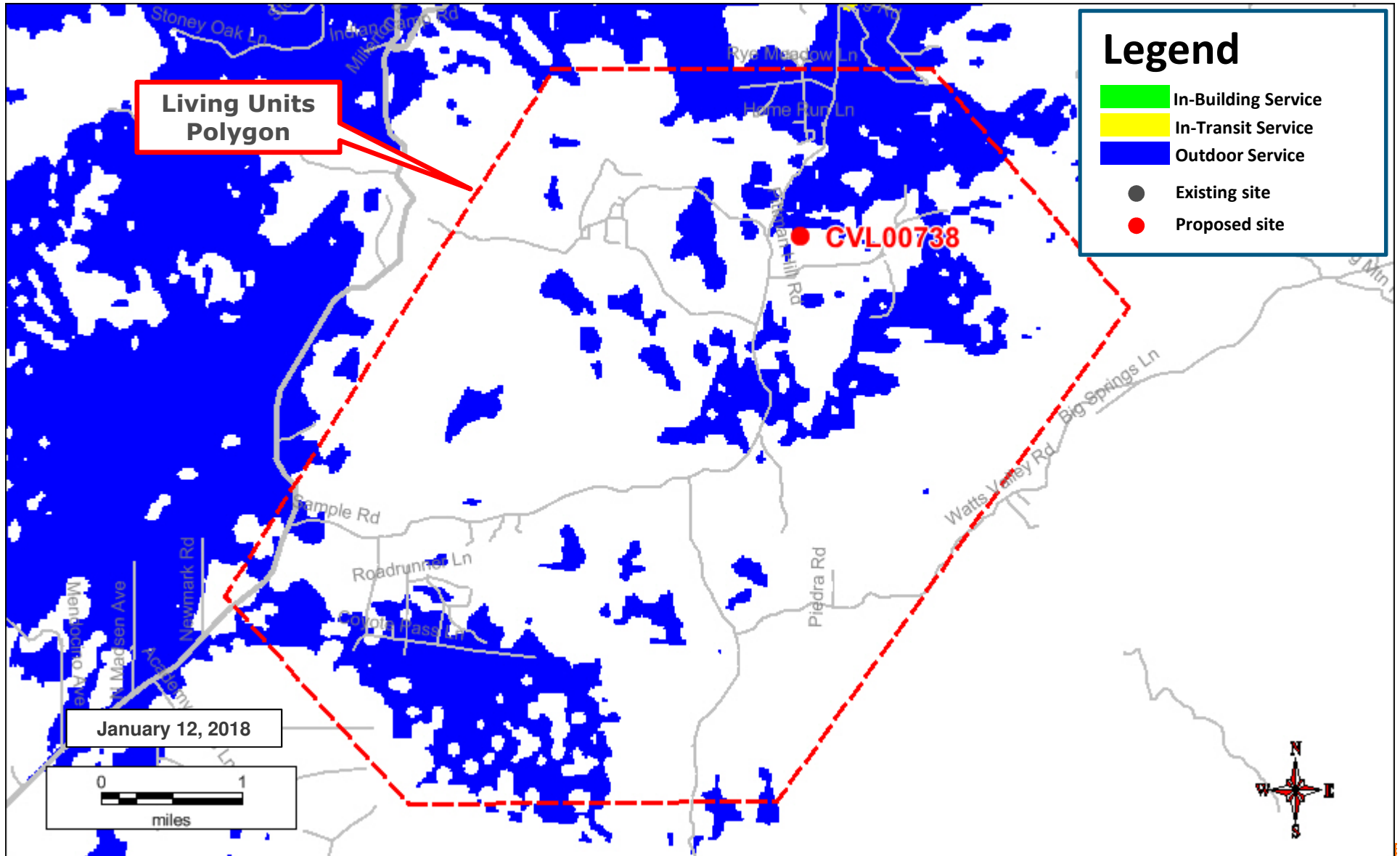
**SHEET NUMBER**

**C2.0**

# CVL00738 Zoning Propagation Map

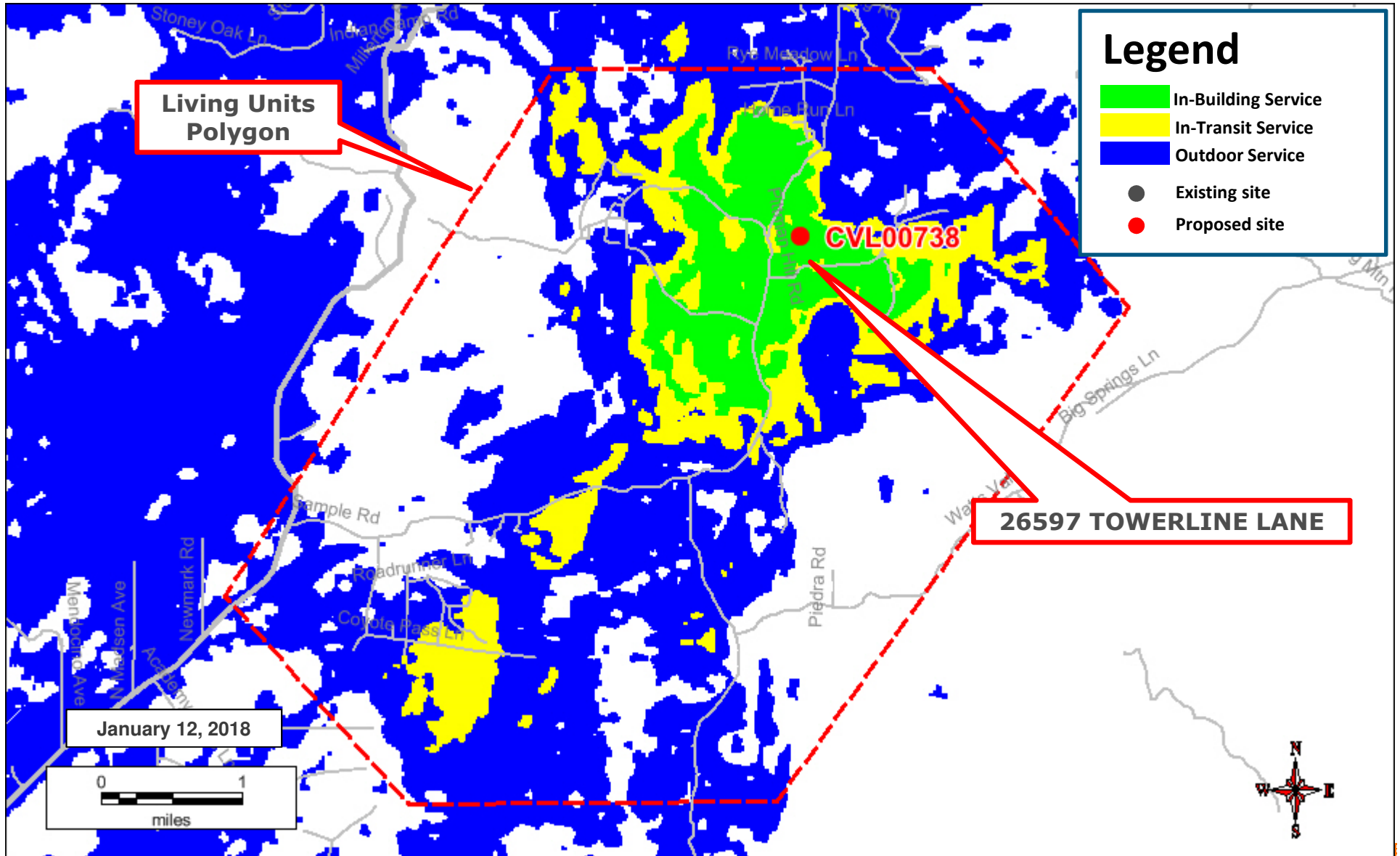
January 12, 2018

## Existing LTE 700 Coverage





# Proposed LTE 700 Coverage (RC = 106')



JUL 16 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**REVISED PROJECT SUPPORT STATEMENT  
AT&T MOBILITY**

**Conditional Use Permit Application No. 3602**

SITE NAME: CVU00738 Prather  
LOCATION: 26597 Towerline Lane, Clovis, Fresno County, California 93619  
APN: 138-500-19

---

**Introduction: Connect America Fund (CAF II) - AT&T Fixed Wireless Internet Projects**

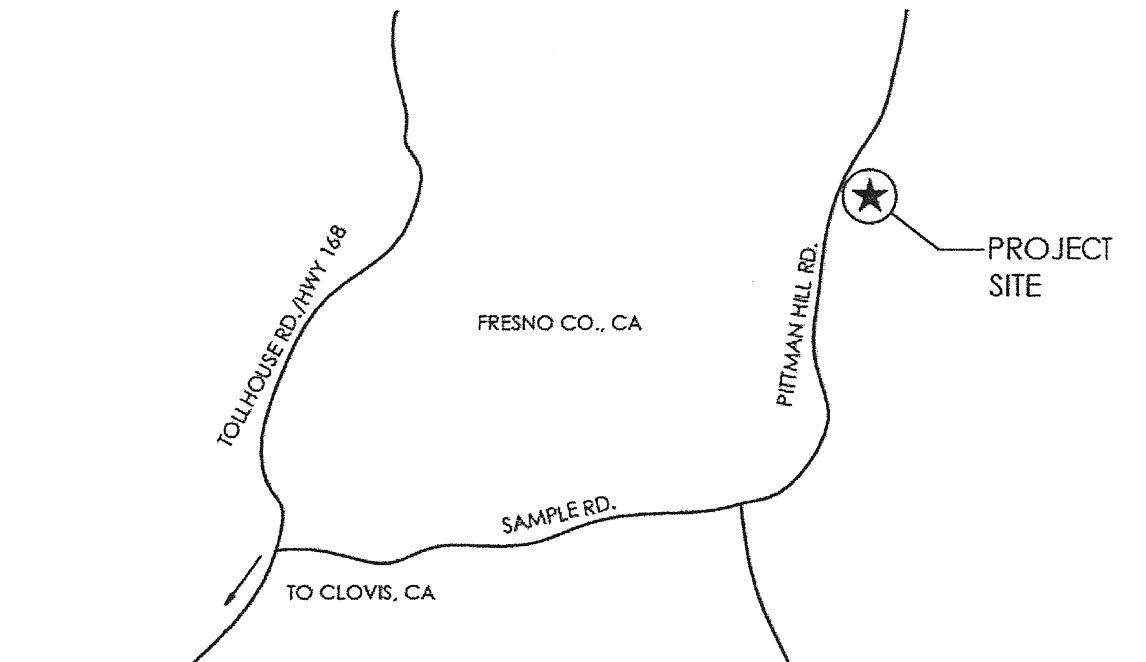
The FCC created "The Connect America Fund (CAF II)" to provide funding for Broadband (internet) to Americans who currently do not have access to high speed Broadband (mostly rural areas). In California, AT&T accepted CAF II funding to be able to offer internet access to more than 141,500 homes and small businesses in FCC-identified census blocks.

We at AT&T are thrilled to have this opportunity to partner with the Federal government to serve residences and businesses in your area. The attached application is for a CAF II funded project. AT&T is using fixed wireless technology to provide high-speed internet access. This project will meet all FCC requirements.

AT&T is under obligation to the FCC to deliver the services by specified deployment milestone dates. In consideration of the FCC short timeframes for project implementation, we ask for your support to promptly review this application. We look forward to serving you.

**Location/Design**

AT&T proposes a new wireless communications facility on a new 110' faux windmill at 26597 Towerline Lane in unincorporated Clovis, Fresno County. The property is located on the east side of Pittman Hill Road. The parcel is zoned AE-40 (Exclusive Agricultural), as well as the surrounding parcels.



Revised Project Support Statement - CUP 3602

Site Name: CVL00738 - Prather I

Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

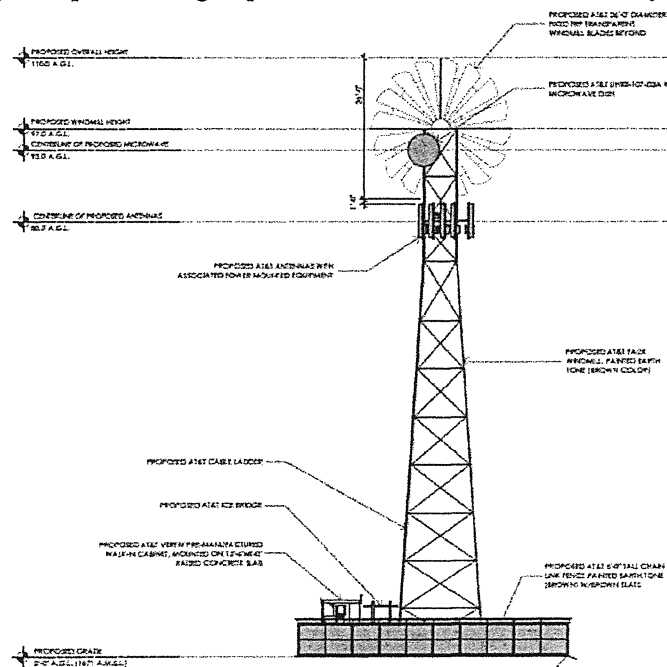
Page 2

26597 Towerline Lane in unincorporated Clovis, Fresno County



Project Description

The proposed facility consists of twelve (12) AT&T panel antennas and associated equipment, to be mounted on a 110' faux windmill. A microwave dish will be installed above the antennas, at a 93' centerline. The 45' by 50' equipment area will be surrounded by a 6' tall chain link fence, painted earth tone (brown) with brown slats. The lease area will contain a walk-in equipment cabinet, a standby 15 kw diesel generator, and a 54-gallon storage tank, installed on new concrete pads. Power and telecommunications cables will be installed underground within the lease area. The unmanned facility will provide high-speed internet access 24 hours a day, 7 days a week.





Revised Project Support Statement – CUP 3602  
Site Name: CVL00738 – Prather I  
Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619  
APN: 138-500-19  
Page 3

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RECEIVED  
COUNTY OF FRESNO

JUL 16 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

### **Aesthetic Impacts**

AT&T is proposing a faux windmill which will blend with the agricultural character of the built and natural environment of the area. The height of pole and size of lease area will provide other carriers with opportunities for future colocation. AT&T has carefully chosen a location that will minimize any visual impact to the surrounding area. The facility will be located on a hillside in a rural, far from existing homes but in sufficient proximity to serve them. The nearest offsite dwelling is over 630' from the facility.

The proposed facility height complies with the County's development standards for wireless facilities in the Exclusive Agricultural zoning designation. Because of the surrounding topography and breadth of the coverage area, the proposed facility needs to be a total of 110' to account for the faux windmill and for the signal to reach the intended service area. The proposed facility has been designed at its minimum functional height.

Ground equipment will be enclosed within a walk-in equipment cabinet and screened from view, and the lease area will be surrounded by a security fence painted brown with brown slats to minimize visual impacts. The fence will serve as a security barrier and will include a sign indicating the facility owner and a 24-hour emergency telephone number.

### **Site Selection Criteria**

The FCC's Connect America Fund (CAF II) created census data maps showing areas lacking high speed internet services. AT&T engineers selected tower locations based on these maps, siting each of the new wireless facilities in a location that maximizes the number of living units that will be served by the facility. Maximizing service of living units is a condition of the FCC's CAF II grant, giving AT&T less flexibility in selecting a tower location than AT&T would otherwise have in building out their cellular network. AT&T's engineer began the site selection process by identifying a search area, called a "search ring" (see image below), and a required centerline height.



JUL 16 2018

Revised Project Support Statement - CUP 3602

Site Name: CVL00738 - Prather I

Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

Page 4

The search ring represents the area within which a facility can be located to produce the desired coverage objective. The antenna centerline height of 80' represents the required height of the antennas to produce the desired coverage objective. After evaluating the County's zoning regulations, the next step is to identify any existing towers within the search ring that could allow for colocation. In this case, AT&T determined that there are no existing structures within the search area which could meet its coverage needs.

There are several parcels within the search ring, and the search ring varies significantly in topography. AT&T reviewed fourteen sites before selecting the proposed location. Below is a list of the candidate properties that were considered for the proposed facility.

1. **One Putt (APN: 138-121-11S)**

This FM radio tower is located over 2 miles northwest of the proposed site, and was reviewed for a potential colocation. The facility was presented to AT&T's radio frequency engineer, but was not selected as it is too far outside the search ring to achieve coverage objectives.

2. **SoCal Edison 1 (36°56'26.70"N, 119°27'2.54"W)**

AT&T reached out to Southern California Edison about a potential colocation on one of two existing electrical towers at this location. The tower structures at this location are not colocatable, according to SoCal Edison.

3. **SoCal Edison 2 (36°56'5.32"N, 119°27'16.33"W)**

AT&T reached out to Southern California Edison about a potential colocation on one of two existing electrical towers at this location. The tower structures at this location are not colocatable, according to SoCal Edison.

The candidates listed below were considered for a new build facility, similar to the proposed facility, but were not preferred by AT&T's radio frequency engineer.

4. **Lubratich (27391 Sales Creek Rd / APN: 138-420-05)**

5. **Benafield (27685 Paradise Valley Ln / APN: 138-420-09)**

6. **Janzen (26990 Towerline Rd / APN: 138-500-20)**

7. **Quindt (27560 Sales Creek Rd / APN: 138-420-06)**

8. **Butt (APN: 138-130-39)**

9. **Collins (26055 Pittman Hill Rd / APN: 138-130-42)**

10. **Lawrence (27557 Paradise Valley Ln / APN: 138-420-10)**

11. **Kraemer (27418 Sales Creek Rd / APN: 138-130-50)**

12. **Alvarado (28691 Sales Creek Rd / APN: 138-130-49)**

13. **Brand (APN: 138-130-21)**

JUL 16 2018

Revised Project Support Statement - CUP 3602

Site Name: CVL00738 - Prather I

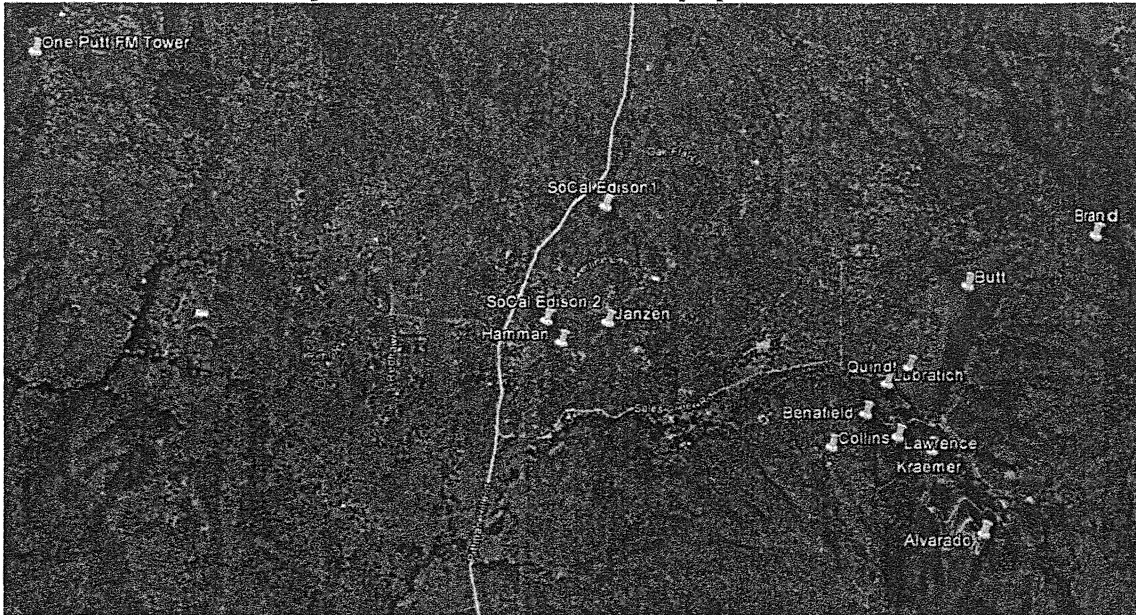
Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

Page 5

The proposed facility, known as "Hamman," was chosen by AT&T's engineer as the best candidate in the search ring for achieving AT&T's coverage objectives, and the least intrusive option.

The map below shows the location of the properties listed above.



As can be seen in the **Coverage Maps** (below), the proposed facility is needed to minimize an existing coverage gap in this area. The Propagation Maps (Coverage Maps) depict the existing coverage situation around the project site, with maps depicting 1) existing coverage without the proposed facility, and 2) network coverage with the proposed facility. These Coverage Maps display a stark contrast in coverage.

The proposed site will help to close the significant gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage. Besides typical personal mobility use, customer also use the network for emergency and public safety services.

### Service Objective

#### **Statements Related to Need**

Reliable and robust wireless networks are an increasing importance with the growth and use of cellular phones and data driven devices. Modern life has become increasingly dependent on instant communication. No longer just a personal and social convenience, wireless telecommunication devices such as mobile phones, smartphones and tablets have become an important tool for education, business, commerce, recreation, and public safety. The proposed facility will provide service 24 hours a day, 7 days a week.

Revised Project Support Statement - CUP 3602

Site Name: CVL00738 - Prather I

Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

Page 6

This site will serve as a backup to the existing landline service in the area and will provide improved mobile communications, which are essential to emergency response, community safety, commerce, and recreation

### Coverage - Significant Gap

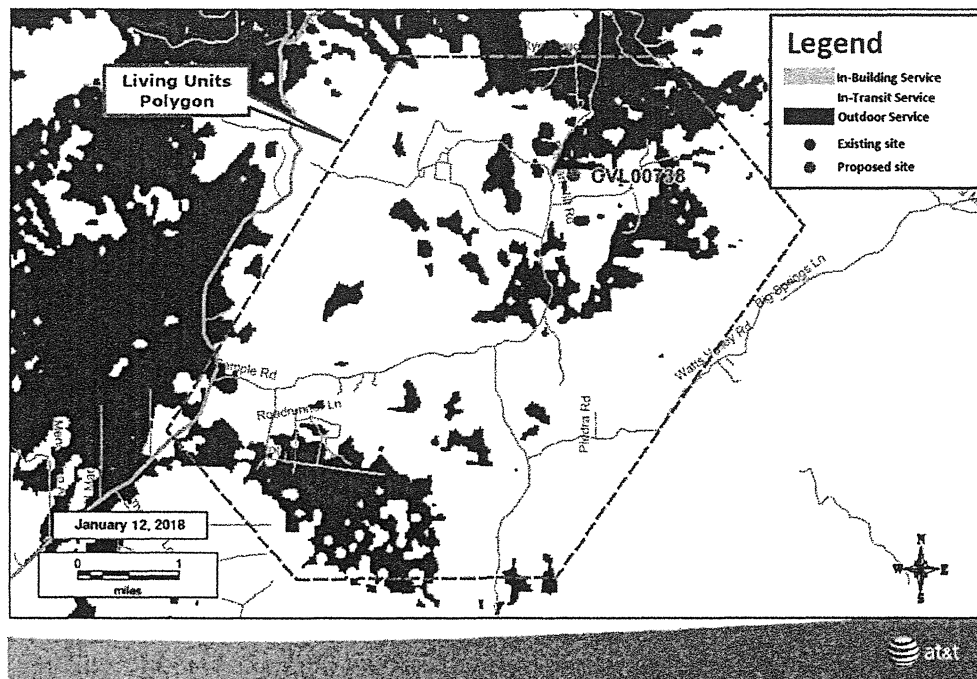
Coverage is the need for expanded wireless service in an area that has either no service or poor service. While this once meant providing coverage in vehicles, as usage patterns have shifted this now means improving coverage inside of buildings and in residential areas as well.

The choice of a wireless telecommunications facility at this location was made due to a number of factors, taking into account the needs of AT&T's network and the community values as expressed in the County's Code. The proposed facility will fill a gap in coverage.

### Coverage Maps

Below is a visual depiction of the improved coverage to be provided by the proposed facility. The green areas represent "Excellent" in-building coverage, yellow areas represent "In-Transit" coverage, and the dark blue represents "Outdoor" coverage.

### Existing Coverage



Revised Project Support Statement – CUP 3602

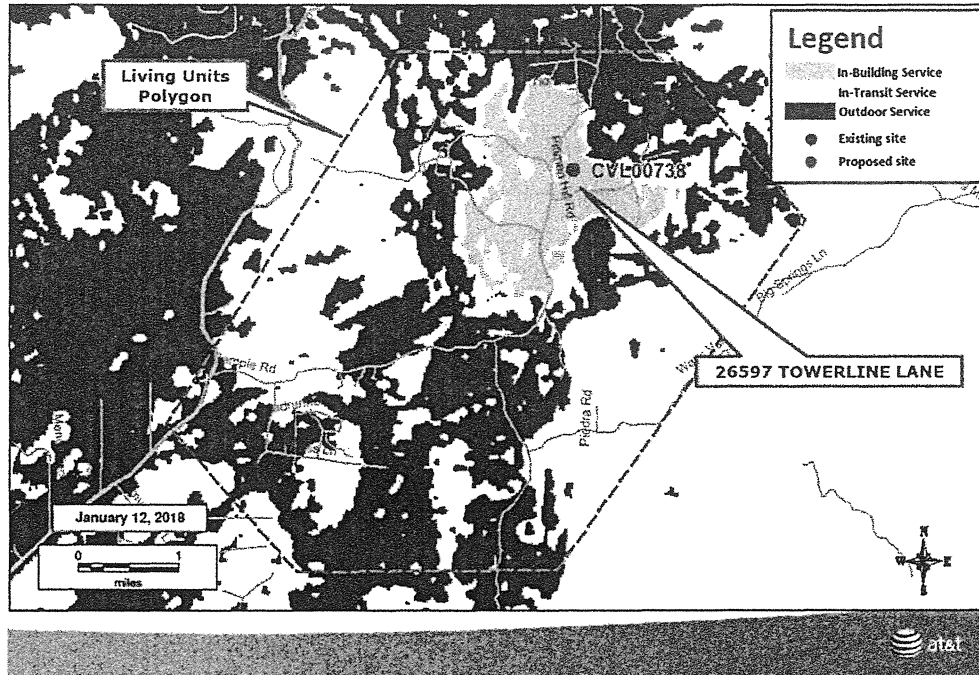
Site Name: CVL00738 – Prather I

Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

Page 7

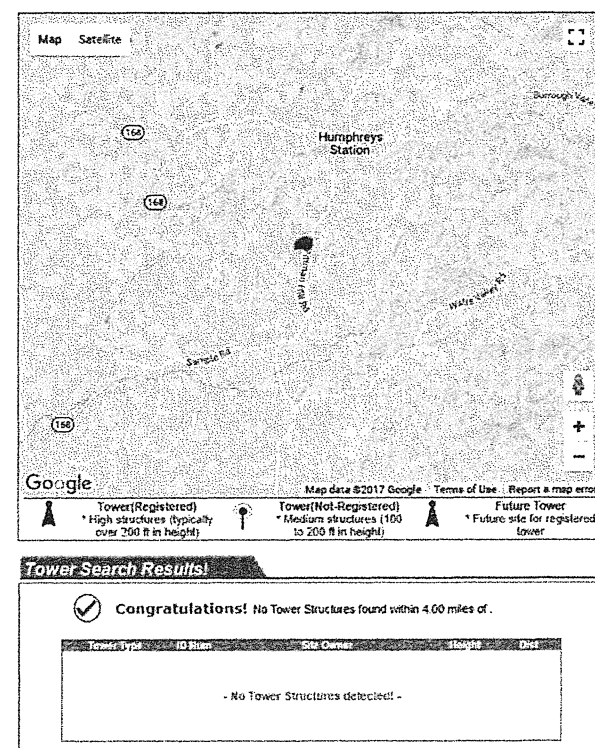
Proposed Coverage



**Nearby Towers and Wireless Facilities**

The map below shows the location of all existing towers in the area. There are no existing towers within 5.00 miles of the proposed site.

Tower Structures - (Sales Creek Rd, Clovis, CA 93611)





Revised Project Support Statement - CUP 3602

Site Name: CVL00738 - Prather I

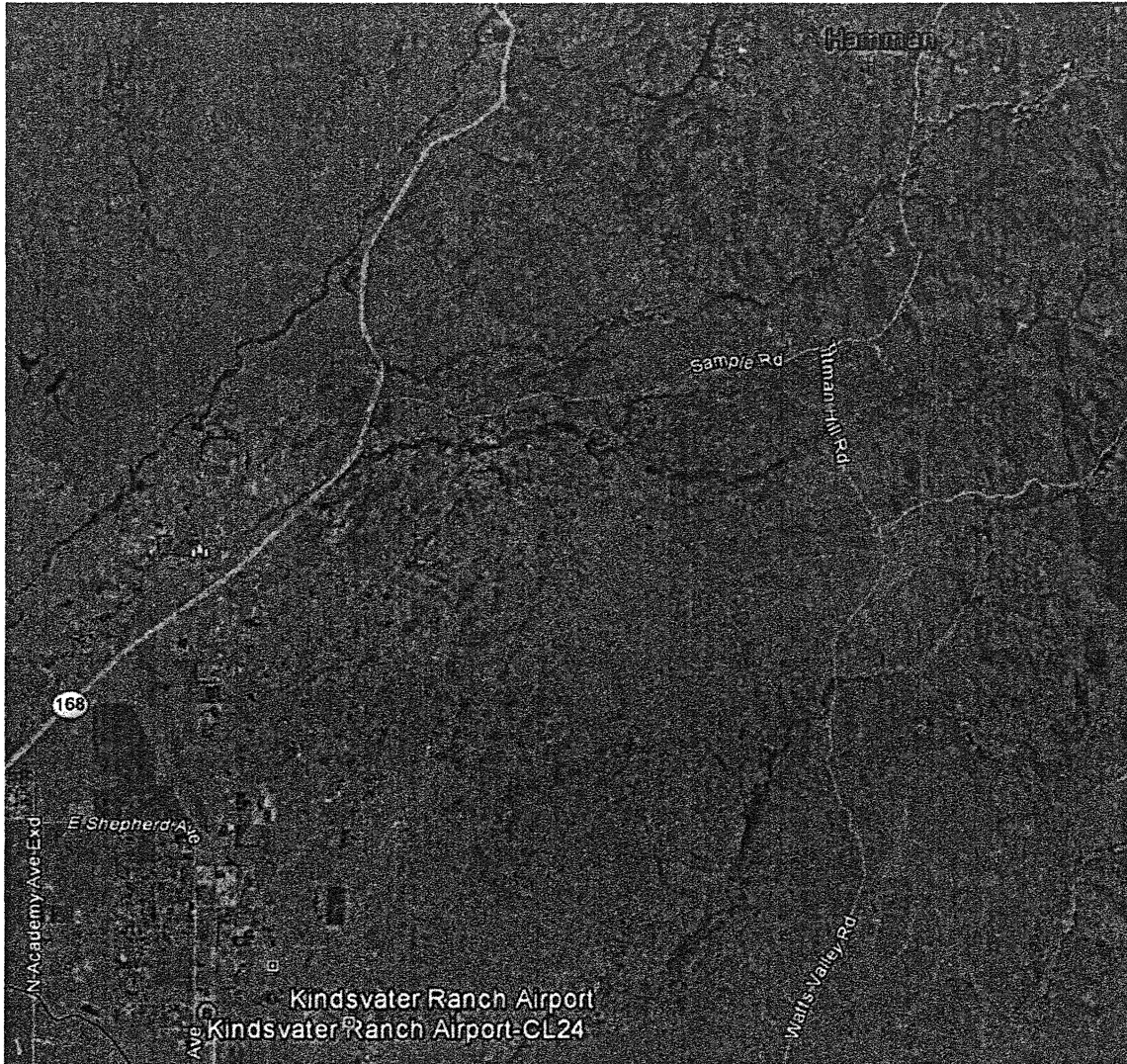
Location: 26597 Towerline Lane, Clovis, Fresno County, California 93619

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**Airports and Airstrips**

The map below shows the location of the nearest airstrips to the proposed facility. The Kindsvater Ranch Airport is approximately 6.59 miles southwest of the proposed facility.



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### Fresno County “Wireless Guidelines for Proposed Communication Towers”

- *Submit detailed information to justify the need for the tower site (e.g. network design, search ring, specific site selection criteria).*

Please see “Site Selection Criteria” included on page 3 of this document, and “Coverage Area” included on page 6 of this document.

- *Submit 18 color copies of service coverage maps and other necessary graphics that demonstrate the need for the proposed tower site.*

18 color copies of AT&T’s coverage maps for this facility were included with the Application submittal dated January 22, 2018.

- *Identify the location of any existing or approved future tower within a five-mile radius of the proposed site. Include information regarding the operator/owner of the tower, and the tower height.*

There are no existing wireless facilities within a 5.00 mile radius of the proposed site. Please see “Nearby Towers and Wireless Facilities” on page 7 of this document. The nearest existing tower structure is an FM tower located 2 miles northwest of the proposed facility. Please see page 4 of this document for an analysis of that facility.

- *Submit information including correspondence which documents efforts to negotiate “co-location” on existing towers and other existing structures in the area.*

AT&T invested three colocation opportunities in the area, which are analyzed on page 7 of this document. Unfortunately there is a lack of tall structures in this area which are suitable for accommodating wireless colocation.

- *Submit detailed information documenting consideration of any alternative sites (other than existing towers).*

Please see “Site Selection Criteria” included on page 3 of this document.

- *Provide documentation that provisions are included in your lease agreement that reserves “co-location” opportunities for other service providers.*

The proposed facility has been designed in a manner that will structurally accommodate additional antennas and future colocation. AT&T welcomes other carriers to colocate on their facilities whenever possible. Additional ground space is available within AT&T’s lease area for at least one future carrier. Please see Site Plan *Sheet A-4.1* which includes a Note that the facility “To Be Structurally Engineered for at Least 2 Additional Wireless Carriers”.

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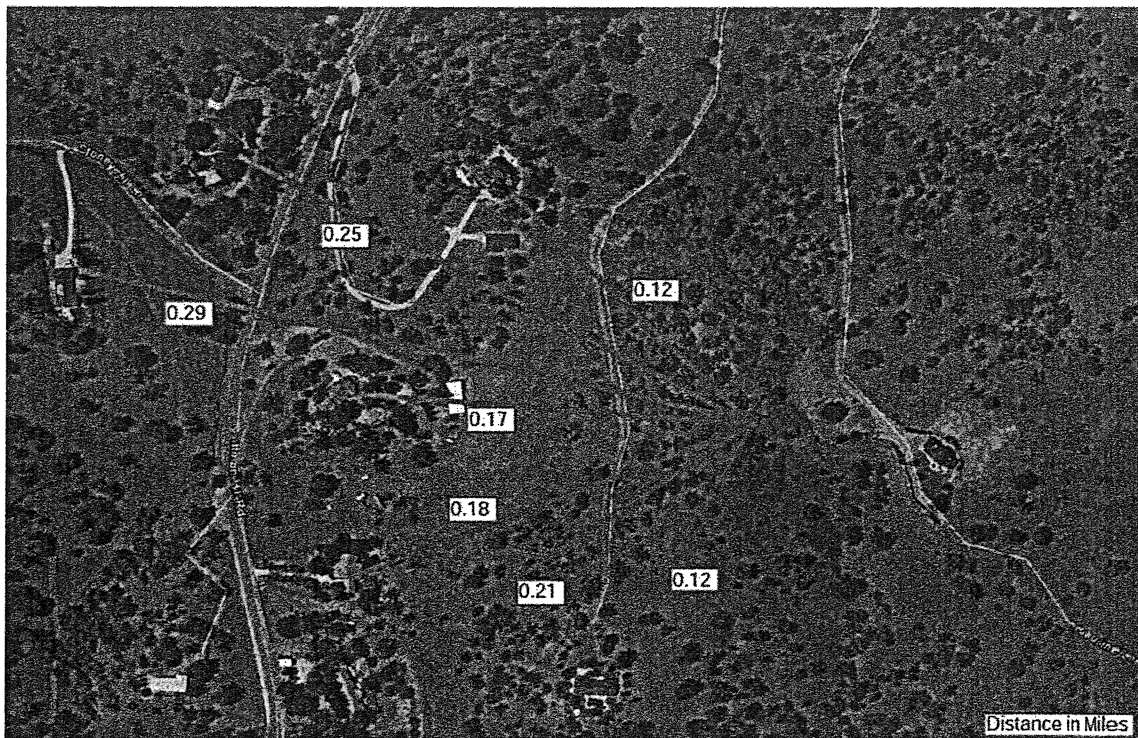
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DEPARTMENT OF PUBLIC WORKS  
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- *Depict on the site plan the area available within the tower site to accommodate other future equipment buildings/towers.*

Please see *Sheet A-2* of the site plans included with this application. Spaces within the lease area designated for the equipment of future carriers are noted within AT&T's proposed lease area. Please see *Sheet A-4.1* which includes a Note that the facility "To Be Structurally Engineered for at Least 2 Additional Wireless Carriers"

- *Identify the distance and location of the nearest residence(s) within one-quarter mile from the proposed tower site.*



- *Identify the location of any airstrip or airport within a five-mile radius of the proposed tower site.*

Please see "Airports and Airstrips" on page 8 of this document.

- *Tower sites proposed in rural agricultural areas must include information relevant to the siting criteria and requirements found in item No. 7 of the "Guidelines" handout.*

This facility will not disrupt agricultural operations, farm irrigation systems, and movement of farm equipment in the area. There are no other improvements, in the immediate area of the project site, on the property, and the proposed location is adjacent to existing access roads.



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- *Tower sites proposed within one-half mile of the boundary of the Cities of Fresno and Clovis must give consideration to City-adopted Guidelines (see attached Guidelines presently utilized by the City of Fresno).*

This facility is not proposed within one-half mile of the boundary of either Fresno or Clovis.

- *Tower sites proposed adjacent to roads classified as major roads on the Circulation Element of the General Plan and other aesthetically sensitive areas (e.g. river bottom, existing/planned residential areas) must include information regarding measures taken to minimize aesthetic impacts (e.g. substantial setback from major road, trees, stealth tower design, slim-line monopole).*

This facility is not adjacent to a major road or other aesthetically sensitive area (i.e., river bottom, existing/planned residential area). Further, the tower has been designed utilizing a stealth tower design - faux windmill.

- *Identify total number of existing towers in Fresno County.*

AT&T does not have access to this data, but based on work conducted for the proposed facility, has determined that there are no existing towers within a 5.00 mile radius.

- *Identify total number of existing tower sites on which co-location has occurred with other communication carriers.*

AT&T frequently colocates on existing towers, and invites other carriers to colocate on AT&T owned facilities. The exact number of AT&T's colocation sites is not available for disclosure.

- *Indicate total number of tower sites planned for location in Fresno County.*

The exact number of AT&T sites planned for Fresno County is not available for disclosure. The proposed facility is the only new build planned for this area of the county, and will cover a wide radius, as shown in the Coverage Maps/Plots included in this application.

#### **Compliance with FCC Standards**

This project will not interfere with any TV, radio, telephone, satellite, or any other signals. Any interference would be against federal law and a violation of AT&T's FCC License.

#### **Maintenance and Standby 15 kw Diesel Generator Testing**

AT&T installs a 15kw diesel standby generator at all of its cell sites. The generator plays a vital role in AT&T's emergency and disaster preparedness plan. In the event of a power outage, the back-up generator will automatically start and continue to run the site for up to 24 hours. The standby generator will operate for approximately 15 minutes per week for maintenance purposes, during the daytime. Back-up generators allow AT&T's communications sites to continue

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providing valuable communications services in the event of a power outage, natural disaster or other emergency.

Following construction, the security fence will include a small sign indicating the facility owner and a 24-hour emergency telephone number. The lease area will be surrounded by a 6' chain link fence with barbed wire for additional security.

#### **Construction Schedule**

The construction of the facility will be in compliance with all local rules and regulations. The crew size will range from two to ten individuals. The construction phase of the project will last approximately two months and will not exceed acceptable noise levels.

#### **Lighting**

The only lighting will be two downward tilted work lights, and front and back of walk-in cabinet, which will only be used by the service technician during routine maintenance visits. No other lighting or sound amplification system is proposed.

#### **Utilities**

Utilities will be routed underground.

#### **Notice of Actions Affecting Development Permit**

AT&T requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to

Attn: Gerie Johnson

Land Use Planning Specialist

c/o Complete Wireless Consulting, Inc.

2009 V Street, Sacramento, CA 95818

RECEIVED  
COUNTY OF FRESNO

JUL 16 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

REVISED OPERATIONAL STATEMENT  
AT&T MOBILITY  
Conditional Use Permit No. 3602

SITE NAME: "CVU00738 Prather  
LOCATION: 26597 Towerline Lane, Clovis, Fresno County, California  
93619  
APN: 138-500-19

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**1. Nature of the operation:**

AT&T proposes a new wireless communications facility on a new 110' faux windmill at 26597 Towerline Lane in unincorporated Clovis, Fresno County. The property is located on the East side of Pittman Hill Road. The proposed facility will provide high-speed internet to the surrounding area. Please see *Project Support Statement* for additional information.

**2. Operational time limits:**

The facility is unmanned. The facility will operate 24 hours per day, 7 days per week. The operations will take place within the proposed 45' x 50' lease area.

**3. Number of customers or visitors:**

None, facility is unmanned.

**4. Number of employees:**

A service technician will typically visit the site every twice a month for maintenance and to ensure all equipment is in working order. The technician will usually be driving a commercial pick-up truck.

**5. Service and delivery vehicles:**

Following construction, the only visitor to the site will be a service/ maintenance technician. No service or delivery vehicles will be present unless the facility needs repair.

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Revised Operational Statement  
Conditional Use Permit No. 3602

SITE NAME: AT&T Mobility "CVU00738 Prather

LOCATION: 26597 Towerline Lane, Clovis, Fresno County, California 93619

APN: 138-500-19

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**6. Access to the site:**

Access to the site will be via Towerline Lane, a private road. AT&T's proposed access road/driveway is 10' wide and will be improved for all weather access. A 20' access, and utility easement, will serve the site via Towerline Lane. Utilities will be routed underground.

**7. Number of parking spaces for employees, customers, and service/delivery vehicles:**

One parking space is planned at the end of the access driveway for the technician to park in.

**8. Are any goods to be sold on-site?**

No, no goods will be sold on site.

**9. What equipment is used?**

The proposed facility consists of twelve (12) AT&T panel antennas and associated equipment, to be mounted on a 110' faux windmill. A microwave dish will be installed above the antennas, at a 93' centerline. The 45' by 50' equipment area will be surrounded by a 6' tall chain link fence, painted brown with brown slats. The lease area will contain a walk-in equipment cabinet, a 15kw diesel standby generator, and a 54-gallon storage tank, installed on new concrete pads. Power and telecommunications cables will be installed underground within the lease area.

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

Fuel will be stored on site to operate the 15kw diesel standby generator. The fuel will be stored within a 54-gallon storage tank, mounted on a concrete pad.

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Revised Operational Statement

Conditional Use Permit No. 3602

SITE NAME: AT&T Mobility "CVU00738 Prather

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**11. Does the use cause an unsightly appearance?**

No, AT&T is proposing a faux windmill to blend with the rural agricultural character of the surrounding built and natural environment. AT&T has carefully chosen a location that will minimize any visual impact to the surrounding area. The facility will be located on a hillside in a rural agricultural area, far from existing homes but in sufficient proximity to serve them. The nearest offsite dwelling is over 630' from the facility.

**12. List any solid or liquid wastes to be produced.**

None.

**13. Estimate volume of water to be used (gallons per day).**

None.

**14. Describe any proposed advertising including size, appearance, and placement.**

None, no advertising is proposed.

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

A new faux windmill and equipment lease area will be constructed. Please see *Site Plans* for additional information.

**16. Explain which buildings or what portion of buildings will be used in the operation.**

AT&T's new facility will provide high speed internet access and broadband to the surrounding area. The antennas and ground equipment will operate 24 hours per day, 7 days per week.

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Revised Operational Statement

Conditional Use Permit No. 3602

SITE NAME: AT&T Mobility "CVU00738 Prather

LOCATION: 26597 Towerline Lane, Clovis, Fresno County, California 93619

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**17. Will any outdoor lighting or an outdoor sound amplification system be used?**

The only lighting will be two downward tilted work lights, and front and back of walk-in cabinet, which will only be used by the service technician during routine maintenance visits. No other lighting or sound amplification system is proposed.

**18. Landscaping or fencing proposed?**

The proposed landscaping will include a 6' chain link fence, painted earth tone brown, with brown slats, to surround the lease area for additional security. The landscaping shall include the replacement of the two existing oak trees, if the trees need to be removed during construction. Additionally, said landscaping shall not require the provision of irrigation or the use of any on-site water supply. If the project is approved, the Construction Drawings for the project shall include a note acknowledging the above requirements and describing in detail, the trees and vegetation to be replaced. Applicant has agreed to replace the two-oaks trees and any applicable vegetation as a Condition of Approval and as a Mitigation Measure with respect to Initial Study No.

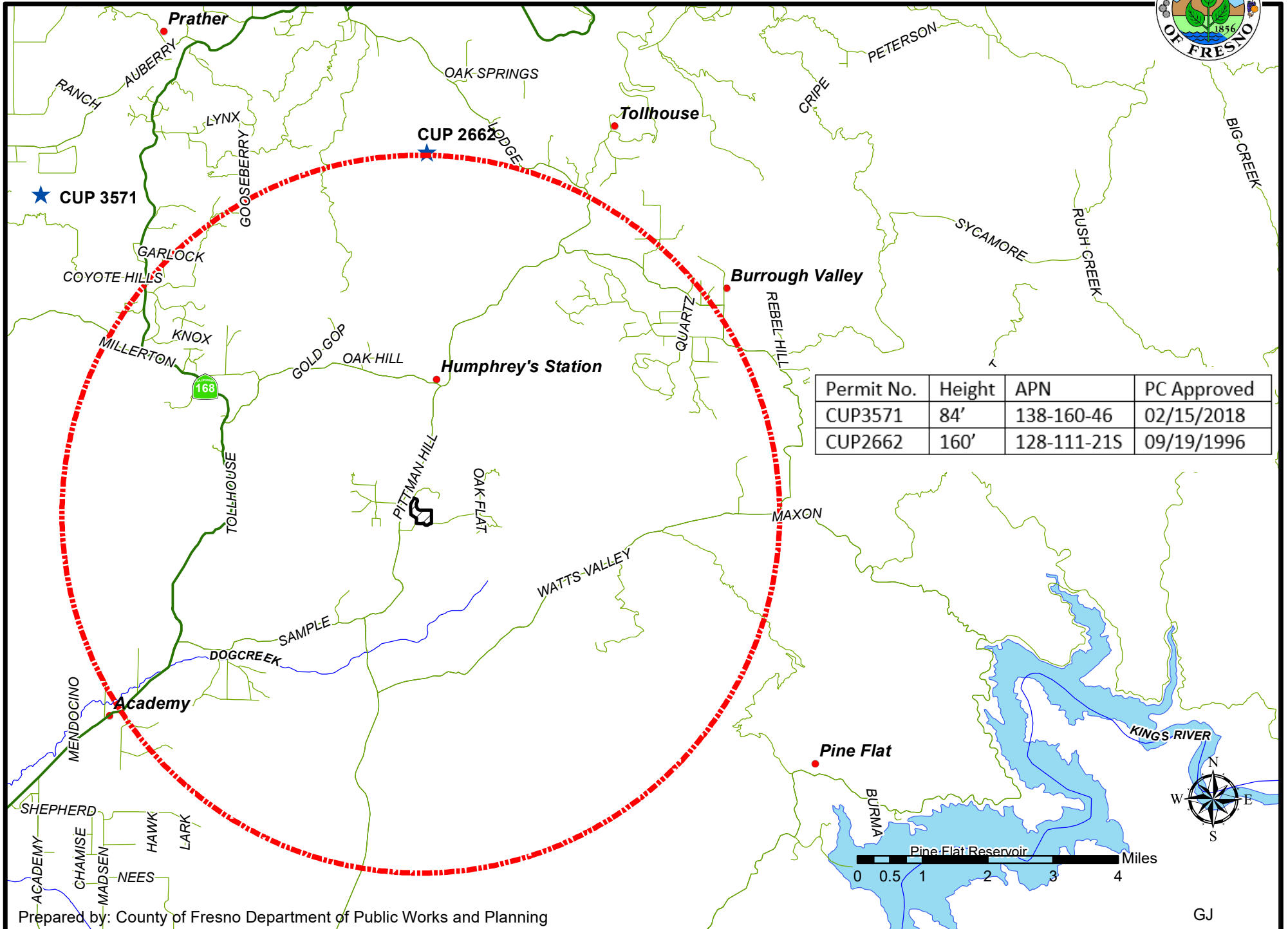
**19. Any other information that will provide a clear understanding of the project or operation.**

Please see Project Support Statement for additional information.

**20. Identify all Owners, Officers and/or Board Members for each application submitted.**

The property is owned by Darrin Hamman. AT&T is leasing ground space from Mr. Hamman, and is submitting this application via a consultant, Complete Wireless Consulting, Inc.

# CELL TOWER VICINITY MAP





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Complete Wireless Consulting
- APPLICATION NOS.: Initial Study Application No. 7427 and Conditional Use Permit Application No. 3602
- DESCRIPTION: Allow the construction of a new unmanned wireless telecommunication facility consisting of a 110-foot tall monopole tower, with 12 antennas, one microwave dish, and related ground equipment, within a 2,250 square-foot, fenced lease area, including new access and utility easements, on a 48.50-acre parcel, in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on Towerline Lane, approximately 1,500 feet southeast of its intersection with Pittman Hill Road, and approximately two miles south of the unincorporated community of Humphreys Station (APN: 138-500-19) (Sup. Dist. 5) (26897 Towerline Lane, Clovis, CA 93619).

### 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 WITH MITIGATION  
INCORPORATED:

The project proposes the construction of a 110-foot-tall wireless communication tower, located within a 45-foot by 50-foot lease area portion of the 48.50 acre subject parcel, which will be surrounded by a six-foot tall chain link fence topped with barbed wire. While the 110 foot height of the proposed tower would be clearly visible from surrounding properties and the public roadway, there are existing utility poles and electrical transmission towers in the vicinity that are of similar height, according to the



applicants Project Support Statement, however the proposed location of the tower substantially increases its visibility from neighboring properties. The visibility of the tower is a function of its height and location relative to surrounding properties and the roadway, however, the height of the tower is also a function of its intended use, which according to the applicants operational statement, is to expand wireless broadband internet service in the area. Additionally, the applicants Project Support Statements indicates that the height of the proposed tower at 110 feet, is at its minimum functioning height necessary to achieve the desired extent of coverage, considering the topography of the area.

The project site is not located in the vicinity of a State scenic highway nor were any scenic vistas or historic buildings identified in the analysis, that would be impacted by this project. The proposal does entail the removal of at least two mature trees within the proposed utility easement. The proposed 2,250 square-foot lease area is located along an existing access road above most of the surrounding residences to the west, south and north. There are several residences located east and northeast of the lease area, which are situated at a higher elevations, however it is unclear whether or not the proposed tower would impact their respective view sheds given the varying topography of the area. The proposed tower will be clearly visible from most neighboring properties and from the County road to the west, southwest and northwest.

To reduce visual impacts, the tower could incorporate a stealth design, which would require that additional height be added to the tower to accommodate the antennae and other mounted equipment; however, such modification may increase, not reduce the visibility of the proposed structure.

Another possible alternative would be for the applicant to propose a smaller tower, which may reduce the visibility from surrounding properties and thereby reduce the aesthetic impact, while achieving desired service coverage objectives. The applicants Project Support Statement indicates that one possible co-location site was considered, two miles northwest of the proposed site, however the existing tower site was outside of the applicants search ring for desired coverage objectives. Ten other sites were considered, however the alternate sites were not preferred by AT&T's radio frequency engineer, due to site selection criteria. The proposed site, according to AT&T was selected as the best candidate to achieve the coverage objectives, and to be the least intrusive option.

Per General Plan Policy OS-F.1, the County shall encourage landowners and developers to preserve the integrity of existing terrain and natural vegetation in visually sensitive areas such as hillsides and ridges, and along important transportation corridors, consistent with fire hazard and property line clearing requirements. The project site is not located in the vicinity of a State scenic highway, however the project site is located approximately 1,100 feet east of Pittman Hill Road, which is designated as a Scenic Drive in the Fresno County General Plan, per Figure OS-2. General Plan Policy OS-F.10 requires that new developments preserve natural woodlands to the maximum extent possible, and General Plan Policy) OS-F.11. Requires the County to promote the preservation and management of oak woodlands by encouraging

landowners to follow the Fresno County Oak Management Guidelines...for their property.

General Plan Policy OS-F.6 states that, the County shall require that development on hillsides be limited to maintain valuable natural vegetation, especially forests and open grassland, and to control erosion. Mitigation will be included requiring the applicant to provide landscaping to screen the fenced lease area from view of neighboring properties and to and preserve the integrity of the natural vegetation of the site to the greatest extent possible.

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

\* **Mitigation Measure(s)**

1. *Landscaping shall be provided around the perimeter of the fenced lease area (excepting the 12-foot wide gated access point) in order to ~~screen the fence and ground equipment from view of surrounding properties and~~ restore the natural vegetation disturbed during construction. The landscaping shall include the replacement of the two existing oak trees removed during construction. **Additionally, said landscaping shall not require the provision of irrigation or the use of any on-site water supply. A note shall be included on the submitted site plans acknowledging the above requirements and describing in detail, the trees and vegetation to be replaced.** ~~Additionally, said landscaping shall consist of native (or compatible non-native) drought tolerant plant species (trees and shrubs). A landscaping plan shall be submitted to the Fresno County Department of Public Works and Planning for approval, prior to the issuance of building permits. The landscaping shall be completed prior to occupancy. Note: Landscaping 500 square feet or more in area, will be subject to the California Code of Regulations, Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance (MWELo). Additionally, prior to the installation of the required landscaping, the property owner or authorized representative shall be required to submit a signed copy of the MWELo Appendix D Checklist, to the Fresno County Department of Public Works and Planning, acknowledging this requirement.~~*
2. *The 45-foot-by-50-foot lease area shall be screened behind slatted, chain-link fencing provided in an earth tone (brown) color.*
3. *The 110-foot tall tower shall be painted in an earth-tone color (brown), unless painting/stripping of the tower is required by the Federal Aviation Administration (FAA) for daytime visibility.*

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:

The tower will not be lit unless required by the Federal Aviation Administration (FAA). According to the applicants submitted plans, there is no lighting is proposed inside or outside of the lease area.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contract?

FINDING: NO IMPACT:

The subject parcel not located in an area identified as prime or unique farmland according to the 2014 Fresno County Important Farmlands Map, nor is the subject parcel restricted by Williamson Act Contract. The subject parcel is designated as Eastside Rangeland in the County Adopted, Sierra North Regional Plan, which allows for grazing and other agricultural operations, as well as other limited nonagricultural uses, however the subject parcel and surrounding area have been primarily developed as low-density residential parcels of varying size.

- 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 forestland or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The subject property is not designated as forestland, and the project is not in conflict with existing zoning for forestland, will not result in the conversion of forest land to non-forest use, or cause the rezoning of forestland, timberland, or timberland zoned for timber production.

- 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 located in a foothill area characterized primarily by low density single-family residential development. The area is designated as Eastside Rangeland in the County Adopted Sierra North Regional Plan, which is allows for grazing and other agricultural operations, and limited non-agricultural uses. The subject parcel and some other larger adjacent parcels could be utilized as grazing land; however, the majority of the adjacent parcels are between 5 and 20 acres in size, and are improved with single-

family residences. There is no forestland in the vicinity that would be impacted by this proposal. The project was reviewed by the Fresno County Agricultural Commissioners Office, which did not express any concerns related to the project resulting in the conversion of Farmland to non-agricultural uses or the conversion of forest land to non-forest uses. The project proposes an unmanned wireless communication tower within a 2, 250 square-foot lease area, and a 6,933 square-foot access and utility easement. Access to site is via a paved private road. The project once constructed would not interfere with any allowed agriculture related use of the land.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the clearing of vegetation and grading of the proposed 2,500 square-foot lease area, and 6,933 square-foot access and utility easement to serve the proposed tower and related ground equipment. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease area and proposed access easement. Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan, or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under any ambient air-quality standard. General Plan Policy OS-G.14 requires that all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use. The proposed 20-foot access and utility easement will utilize gravel for the access driveway and turnaround areas. Additionally, the applicant will be required to contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project, or obtain information about Air District permit requirements.

- 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:

The project involves the clearing of vegetation and grading of the proposed square-foot lease area, and access and utility easement, during construction of the proposed tower

and related ground equipment. It is expected that there will be some dust and accordingly the possibility of some particulate matter released into the air during construction. Because of the residential development in the area, there are potentially sensitive receptors nearby that could be affected by the dust and particulate matter created by construction activities, however the overall area of ground disturbance would be limited to the proposed 2,250 square foot lease area and proposed 6,933 square-foot access and utility easement. Given its limited scope, this proposed project and the relatively sparse residential development in the area, the project is not expected to expose sensitive receptors to substantial pollutant concentrations. Additionally, the project will not create objectionable odors, affecting a substantial number of people.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project was reviewed by the U.S. Fish and Wildlife Service, which did not express any concerns that this project may have a substantial adverse effect on any special status species due to habitat modification or substantial adverse effects on any riparian habitat or other sensitive natural community. The project was not reviewed by the California Department of Fish and Wildlife.

- 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?

FINDING: NO IMPACT:

No federally protected or other wetlands were identified near the project site, during the analysis.

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No concerns related to the project interfering with the movement of native resident or migratory fish or wildlife species, or interference with migratory wildlife corridors or the use of native wildlife nursery sites, were identified by any reviewing agency.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County General Plan contains several policies related to the protection of biological resources, and natural vegetation: Policy OS-F.10 requires that new development preserve natural woodlands to the maximum extent possible and the County promote the preservation and Policy OS-F.11. Requires that the County to promote the preservation and management of oak woodlands by encouraging landowners to follow the Fresno County Oak Management Guidelines...for their property.

Policy OS-E.9 requires that prior to the approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist,... such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible. This project was not reviewed by the California Department of Fish and Wildlife (CDFW) however it was reviewed by the United States Fish and Wildlife Service (USFW). Which did not express any concerns with this project impacting biological resources, specifically fish or other wildlife species or habitat, on or near the project site. As such, the County did not require that a biological resources evaluation be undertaken in this case, nor are any specific mitigation measures included to address such impacts.

- 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:

No local policies or ordinances protecting biological resources were identified in the analysis, no were any adopted Habitat Conservation, Natural Community Conservation, or other approved plans identified, that would with this proposal.

## 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; or

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

On the recommendation of the Southern San Joaquin Valley Information Center at California State University Bakersfield, the applicant was required to submit an archaeological study of the project area. On January 18, a site survey was conducted by Archaeological Resources Technology o/b/o Geist Engineering and Environmental Group, Inc. As part of the survey, the Southern San Joaquin Valley Information Center conducted a records search, which indicated that for prehistoric sites were recorded, and two National Register eligible properties are located within a one-half mile radius of the subject property.

The one-half mile radius established the indirect Area of Potential Effects (APE) for this project. The direct APE is comprised of the 2, 250 square-foot lease area along with all areas of ground disturbance for access and utilities. None of the prehistoric or National Register sites was located within the direct APE. According to Archaeological Resources Technology, the results of the survey were negative for historic or cultural resources; however, given that the area has a high sensitivity for the discovery of archeological resources, the following mitigation measure has been included to address the possibility of cultural resource finds:

\* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
1. Rupture of a known earthquake?
  2. Strong seismic ground shaking?
  3. Seismic-related ground failure, including liquefaction;
  4. Landslides?

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project site is located in area of the County designated as Seismic Zone 3 of the California Building Code, as is the most of the County, which has a relatively low probability of seismic activity. The project will be required to comply with applicable Seismic Design Standards. The project site is not in an area prone to liquefaction; however it is located in an area of steep slopes per Figure 7-2 of the Fresno County General Plan Background Report (FCGPBR), and moderate landslide hazard according to Figure 9-6 of the FCGPBR. As, such the possibility for landslide does exist, however, the area of ground disturbance from grading will be limited in scope to less than one quarter-acre in area, and will require a grading permit from Development Engineering Section of the Fresno County Department of Public Works and Planning, which did not express any concerns related to landslide potential.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project site is located in an area of steep slopes as identified in Figure 7-2 of the Fresno County General Plan Background Report (FCGPBR) and in an area of Generalized Erosion Hazard, per Figure 7-3 of the (FCGPBR). The proposed lease area is located on a hillside where the removal of two mature oak trees and existing natural vegetation will be required during the construction process. Policy OS-F.6 states that, the County shall require that development on hillsides be limited to maintain valuable natural vegetation, especially forests and open grassland, and to control erosion. Policy OS-F.7 states that, the County shall require developers to take into account a site's natural topography with respect to the design and siting of all physical improvements in order to minimize grading. The proposed 20-foot wide access and utility easement entails the grading of approximately 6,933 square feet of soil, and the proposed lease area accounts for an additional 2,250 square feet of ground disturbance on the site. Both the lease area and access easement will utilize gravel as ground cover, which would reduce the potential for erosion of the site. No reviewing agencies expressed concerns related to the potential for erosion or landslide as a result of the proposed project.

**C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

The project site is not located in an area of lateral spreading subsidence, liquefaction or collapse as identified in the Fresno County General Plan Background Report (FCGPBR).



- 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 in an area of expansive soils as identified by Figure 7-1 of the FCGPBR.

- 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: NO IMPACT:

No new Onsite Wastewater Treatment Systems (OWTS) are proposed with this project.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

No reviewing agency or department expressed any concerns regarding the potential for this project to generate greenhouse gas emissions.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility will utilize a propane powered standby generator with a 500-gallon fuel storage tank on site. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

There are no schools located within one quarter-mile of the subject property.

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

FINDING: NO IMPACT:

Per review of the project area using the United States Environmental Protection Agency's NEPAssist, no hazardous materials sites are located within the boundaries of the subject parcel.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan nor in the vicinity of a private airstrip.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site would not physically interfere with an adopted Emergency Response Plan; the subject parcel is in a rural area which has been developed with single-family residences and is also within a wildland area; as such the project will be required to comply with all applicable Fire Code and County Ordinance pertaining to State Responsibility Area Fire Safe Regulations. The project was reviewed by the Fresno County Fire Protection District/ CALFIRE, which did not express any concerns with the proposed development.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- 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: NO IMPACT:

The proposed wireless communication facility will be unmanned and will not require any water usage nor generate any waste discharge that would otherwise affect water quality or violate water quality standards or waste discharge requirements.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

The project will not substantially alter drainage patterns or alter any existing watercourse. The primary area of ground disturbance with this proposal involves the grading of an approximately 9,200 square-foot area for the fenced lease area and the access and utility easement to serve it. Both the lease area and access easement will utilize gravel as ground cover and therefore not substantially increase the impervious surface area or result in substantial erosion, on or off site.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

The project does not propose the use of water associated with its operation, the tower, once constructed will be unmanned and maintained through regular site visits. Any additional runoff generated by the development of this site cannot be drained across property lines and must be retained on site or disposed of per County standards.

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

FINDING: NO IMPACT:

The project does not propose any housing, additionally, according to FEMA, FIRM Panel 1100H, the subject parcel is not subject to flooding from the 100-year (one-percent chance storm). According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject property.

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

FINDING: NO IMPACT:

According to the Fresno County General Plan Background Report (FCGPBR) Figure 9-7, the subject parcel is not located in an area subject to risk of levee or dam failure nor is the project likely to result in inundation by seiche, tsunami or mudflow, as it is not located in an area prone to such phenomena.

#### X. LAND USE AND PLANNING

- A. Will the project physically divide an established community; or
- 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:

Per General Plan Policy LU-A.3, The County shall allow by discretionary permit in areas designated Agriculture non-agricultural uses listed in Table LU-3. Per Table LU-3, Wireless Communication Facilities are allowed by special permit, this Unclassified Conditional Use Permit is consistent that requirement.

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

FINDING: NO IMPACT:

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

#### XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

According to the Fresno County General Plan Background Report (FCGPBR) Figure 7-7, Principal Mineral Producing Location per Figure 7-8, or Generalized Mineral Resource Zone per Figure 7-9 of the FCGPBR. The subject parcel is located in or near an area of known copper resources. According to the Archaeological Survey, there is an inactive copper mine located approximately one-mile to the east of the subject property. However, no conclusive surface evidence was found of copper resources at on the subject property. The proposed project is not expected to result in the loss of availability of any known mineral resources or locally important resource recovery site.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposed the use of a 50-kilowatt propane standby generator, which will be operated for approximately 30 minutes per month for maintenance purposes and during power outages. Additionally, a continuously operating air conditioning unit will be utilized to cool the equipment shelter. The nearest residence to the project site is located approximately 600 feet away. No concerns relating to excessive ground-borne vibration or ground-borne noise levels were raised by any reviewing agencies.

- 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: NO IMPACT:

The project is not expected to cause a substantial permanent increase in ambient noise levels in the vicinity or is it expected to result in a substantial periodic increase in ambient noise levels. Once construction is complete, the only potential source of noise from the operation of the tower would be during emergencies, or from the routine operation of the backup generator for maintenance purposes, to be conducted once or twice per month.

- 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 propose project is not located near a public or private airport or airstrip.

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The proposed project will not impact population growth, displace any existing housing or displace and people directly or indirectly.

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

FINDING: NO IMPACT:

The proposed project will not result on substantial adverse physical impacts relating to the provision of new or physically altered public facilities.

### XV. RECREATION

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

FINDING: NO IMPACT:

The project will not result in increased use of existing neighborhood or regional parks and will not involve the construction or expansion of any recreational facilities.

## XVI. TRANSPORTATION/TRAFFIC

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

FINDING: NO IMPACT:

The project is not expected to have any impacts on transportation and traffic, or conflict with any congestion management program.

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

FINDING: NO IMPACT:

The project site is not located near, or within the primary or secondary review area of an airport or airstrip.

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

FINDING: NO IMPACT:

The proposed project site is located on a private access road, and does not take direct access from a public roadway; as such no concerns related to the potential for increased traffic hazards due to the design features of the project were expressed by the Fresno County Department of Public Works and Planning, Design or Road Maintenance and Operations Divisions.

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

FINDING: NO IMPACT:

The project will be required to comply with State Responsibility Area Fire (SRA) Safe Regulations of Chapter 15.60 Fresno County Ordinance Code.

- 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:

The project will not conflict with any adopted plans, policies or programs regarding public transit, bicycle, or pedestrian facilities.

## 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 new water or wastewater treatment facilities?

FINDING: NO IMPACT:

No onsite wastewater systems are proposed with this project, and no wastewater will be produced from the operation of the proposed unmanned wireless communication facility.

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

FINDING: NO IMPACT:

The project does not propose the construction or expansion of new storm water drainage facilities. Any additional runoff generated by the project will be required to be stored on site or disposed of per County standards.

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

FINDING: NO IMPACT:

The operation of the proposed facility does not require any additional water use, other than what is currently associated with the residential use of the property.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The operation of the proposed wireless communication facility will not generate any solid or liquid waste.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE



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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

Potential impacts to cultural and/or historical resources would be less than significant with incorporation of the mitigation measure indicated in Section V.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the 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 direct or indirect impacts to human beings were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3602, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agriculture and Forestry Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation/ Traffic, and Utilities and Service Systems.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning and Noise, have been determined to be less than significant.

Potential impacts relating to Aesthetics and Cultural Resources have determined to be less than significant with the included 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.



File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7427</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Applicant (Name): AT&T Mobility	Project Title: Unclassified Conditional Use Permit Application No.3602		
Project Description:	Allow the construction of a new unmanned wireless telecommunication facility consisting of a 110-foot tall tower with 12 antennas, one microwave dish, and related ground equipment, within a 2,250 square-foot, fenced lease area, including new access and utility easements, on a 48.50-acre parcel, in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. (APN: 138-500-19) (Sup. Dist. 5) (26597 Towerline Lane, Clovis, CA 93619).		
Justification for Negative Declaration:	<p>Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3602, 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 Air Quality, Agriculture and Forestry, Greenhouse Gas Emissions, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, or Utilities and Service Systems.</p> <p>Potential impacts related to Geology and Soils, Hazards and Hazardous Materials, Land Use Planning, Noise, and Transportation/Traffic have been determined to be less than significant.</p> <p>Potential impacts relating to Aesthetics and Cultural Resources have been determined to be less than significant with the included Mitigation Measures.</p> <p>A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.</p>		
FINDING:	The proposed project will not have a significant impact on the environment.		
Newspaper and Date of Publication: Fresno Business Journal – June 8, 2018	Review Date Deadline: Planning Commission – July 26, 2018		
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Jeremy Shaw Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY MITIGATED NEGATIVE DECLARATION**

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**EXHIBIT 11**



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 July 26, 2018

**SUBJECT:** Variance Application No. 4047

Recognize three nonconforming parcels as to front-yard setback, and allow the creation of a 15.1-acre parcel, a 21,184 square-foot parcel, 4,563 square-foot parcel, and a 19,621 square-foot parcel from an existing 15.4-acre parcel, 16,245 square-foot parcel, 4,301 square-foot parcel and 9,287 square-foot parcel within the AE-160 (Exclusive Agricultural, 160-acre minimum parcel size) and RS (Rural Settlement) Zone District.

**LOCATION:** The project site is located at the southeast corner of Orchard Drive and Dunlap Road, approximately 15.5 miles northeast of the nearest city limits of the City of Orange Cove (45914 Orchard Drive, 45961 Dunlap Road, 46011 Dunlap Road, 46019 Dunlap Road and 46023 Dunlap Road, Miramonte, CA) (Sup. Dist. 5) (APN 195-290-01T, 195-273-11, 195-273-03, 04, 05, 06).

**OWNER:** Kings Canyon Unified School District - Miramonte School  
Jerry D. Barr  
Don Mercer and Anita Mercer

**APPLICANT:** John Quinto

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Approve Variance No. 4047 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor’s Parcel Map
6. Site Plans and Detail Drawings
7. Applicant’s Submitted Findings
8. Approved Variances within a 1-mile radius

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Eastside Rangeland Rural Settlement	No Change
Zoning	AE-160 and RS	No Change
Parcel Size	Parcel A: 15.4-acre Parcel B : 16,245 square-feet Parcel C: 4,301 square-feet Parcel D: 9,287 square-feet	Parcel A: 15.1-acre Parcel B: 21,184 square-feet Parcel C: 4,563 square-feet Parcel D: 19,621 square-feet
Project Site	N/A	N/A
Structural Improvements	Parcel A: Miramonte School Campus, Outbuilding, Deck, Domestic Well Parcel B: Single-Family Residence, 5 Outbuildings, and Abandoned Outbuilding Parcel C: Abandoned Outbuilding Parcel D: Single-Family Residence and Two Outbuildings	Parcel A: Miramonte School Campus Parcel B: No change Parcel C: No change Parcel D: Single-Family Residence, Two Outbuildings, Deck, and Domestic Well.
Nearest Residence	Approximately 110 feet to the north	No Change
Surrounding Development	Single-Family Residences and Undeveloped Land	No Change
Operational Features	N/A	N/A

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	N/A
Lighting	Residential	N/A
Hours of Operation	N/A	N/A

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 57 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

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

**BACKGROUND INFORMATION:**

The existing 15.4-acre parcel (Miramonte School) does not currently conform to the 160-acre minimum parcel size established by the AE-160 (Exclusive Agricultural, 160-acre minimum parcel size) Zone District. The properties to the north that are included in the proposed Property Line Adjustment are located in the RS (Rural Settlement) Zone District and currently do not conform with RS minimum parcel size. The proposed Variance to waive minimum parcel size if approved will create three new substandard lots in the AE-160 Zone District and will be considered legal nonconforming lots.

According to the Applicant, Fresno County surveying crews made it known to the residential owners that their improvements were encroaching onto the adjacent northern property line of the Kings Canyon Unified School District Miramonte School campus. Kings Canyon Unified School District (KCUSD) investigated the claims and confirmed that certain improvements were built over property lines. KCUSD and the owners of the residential properties with encroaching improvements met and concluded that the encroachment was not intentional and that finding a resolution to the encroachments were in the best interest of all parties.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a Deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance.

The subject parcels were first depicted in Plat Book No. 8 page 38 through 42 and were accepted by the Board of Supervisors on August 6, 1918. Staff would like to note that although the lots have not been subdivided to the extent of what the Plat Book shows, the basic layout of the lots are shown. The KCUSD parcel (APN 195-290-01T) was deeded to Miramonte School District (later being absorbed by KCUSD) on October 9, 1956. In its current state, the KCUSD parcel includes Lot 16 and 17 of the recorded Miramonte Map, Plat Book No. 8 page 38 through 42. The parcel underwent a zone change on April 21, 1980 from A-1 to AE-40. On September 25, 1984 the Board initiated AE-160 zoning for the Eastside Rangeland land use designation for the Sierra-South Regional Plan. The AE-160 Zone District is the current zoning designation in effect for the KCUSD parcel. The existing 15.4-acre KCUSD parcel is considered nonconforming, as the parcel is under the minimum 160-acre parcel size the AE-160 Zone District requires. The Mercer parcel (APN 195-273-11) is comprised of Lots 1 through 4 in Block 3 of the Miramonte Map Plat Book No. 8 page 38 through 42. The current owner's deed shows ownership being recorded on October 6, 1988. The Barr parcels (APN 195-273-03 through 06) consist of Lots 5 through 14 of Block 3 of the Miramonte Map Plat Book No. 8 Page 38 through 42. Although there is no recorded map specifically creating the Barr and Mercer parcels, the configurations of the parcels are the same as Assessor's Parcel Maps from the 1971-1972 rolls. Staff therefore believes that the parcels were deeded and created prior to March 4, 1972. The Barr and Mercer parcels underwent a zone change on April 21, 1980 from A-1 to AE-40. On September 25, 1984, the adoption of the Sierra-South Regional Plan changed the zoning of the Barr and Mercer parcels from AE-40 to RS.

Building permit records show that the Barr residence was constructed in 1973. The Mercer parcel did not having any building permit records for the residence, but Assessor records indicate that the Mercer residence was built around the 1930s, well before the County started requiring building permits during 1958. Both residences were later sold to the current owners, who were unaware of the property line discrepancy. Building permits were not located for the school site, as those types of permits are typically sought through the state. Approval of the Variance will allow adjustment of the property lines between the school and the residential properties so that the residence improvements belonging to each property owner are entirely on those property owners' parcels. A subsequent Parcel Map Application would be required to adjust the property lines.

There has been one variance approved within a one-mile radius of the project site.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA No. 3684 – Allow creation of a 17.31-acre parcel between a 119.69-acre and 20-acre parcel.	October 19, 2000	Approval	PC Approved

Although there is a history of variance requests within proximity of the subject parcels, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

**Finding 1:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification; and*

**Finding 2:** *Such a Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-160 Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Parcel A (KCUSD) AE-160 Zone District: Front (West property line): 39 feet Side (South property line): 30 feet Rear (West property line): Approximately 600 feet.	Y
	RS Front: 35 feet Side: 10 feet Street Side: 25 feet Rear: 20 feet	Parcel B (Mercer) RS Zone District: Front (North property line): 15 feet Side (West property line): 24 feet Rear (South property line): 39 feet.	N
		Parcel C (Barr) RS Zone District: Front (North property line): 24 feet Side (West property line): 39 feet Rear (South property line): 52 feet	N
		Parcel D (Barr) RS Zone District: Front (North property line): Approximately 30 feet Side (West property line): None Rear (South property line): 54 feet	N
Parking	N/A	N/A	N/A
Lot Coverage	AE-160: No Requirement	No Change	Yes
	RS: Devoted to Residential, not to exceed 30%	No Change	Yes



	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n)</b>
Space Between Buildings	6 feet	No change	Yes
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Fresno County Department of Public Health, Environmental Health Division: After modification of the property lines, it is imperative that each parcel can accommodate the existing sewage disposal systems and expansion areas meeting the mandatory setback requirements as established in the California Well Standards Ordinance and California Plumbing Code.

It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

Development Engineering Section of the Fresno County Department of Public Works and Planning: No Comment

Fresno County Department of Agriculture: No Comment

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 1, the Applicant’s findings describe that the subject residential parcels have existed for decades prior to the adoption of the County Zoning Ordinance. The Applicant would also like to note that neither of the current owners of the residential parcel constructed the encroaching improvements. Now that the encroachments have been identified, the Applicant states that the most logical solution is to modify property lines in order to accommodate and effectively eliminate the encroachments. The Applicant believes that the Property Line Adjustment alternative is the simplest and most cost-effective method that would remedy the existing issue and that the physical improvements represent a physical circumstance that necessitates approval of the proposed Variance.

In support of Finding 2, the Applicant states that various options are available to resolve the encroachment issue. An alternative to the Variance would be for the residential property owners to remove or relocate the improvements, which would create an extreme hardship on those property owners. KCUSD is willing to modify their property boundary to resolve this issue

in the least intrusive and least expensive manner possible.

The subject properties are located at/near the intersection of Orchard Drive and Dunlap Road. The 15.4-acre property belonging to KCUSD was improved with two education-related buildings. An existing single-family residence encroaches over the northern property line approximately 6 feet and an existing outbuilding encroaches over the northern property line approximately 15 feet. A 9,287 square-foot property (APN 195-273-11) has been improved with a single-family residence and two outbuildings, with the single-family residence (built after 1930) and one outbuilding encroaching on KCUSD's northern property line. The 16,245 square-foot property (APN 195-273-03 and 04) has been improved with a single-family residence and six outbuildings. The 4,301 square-foot property (APN 195-273-05 and 06) has been improved sharing an outbuilding over the west property line and owned by the same property owner. If the Variance request is approved, the resultant parcels will have corrected improvement encroachments. In addition, all three residential parcels were developed with front-yard setbacks which do not meet the 35-foot standard of the RS Zone District. Records indicate that the Mercer property was improved with the existing residence in the 1930's before permits were required. The Barr property received permits for the mobile home in 1973. The property during the time was in the A-1 (Agricultural) Zone District and had a front-yard setback of 35 feet. The original permit for the mobile home indicated that the mobile home was to be placed 35 feet from the property line, meeting zoning standards at the time. Due to an error in placement of the mobile home, as indicated by the submitted plans, a portion of the mobile home is encroaching into the front-yard setback by 11 feet (24 feet from the property line). Staff would like to note that the mobile home was placed on the property before the current owner took ownership. Approval of this Variance will recognize that the Mercer property was developed prior to the implementation of the Zoning Ordinance and will become legally nonconforming, and that due to an error in the placement of the mobile home on the Barr property, it will also be considered legally nonconforming.

The minimum parcel size that may be created in the AE-160 Zone District is 160 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if he or she does not qualify under the conditions listed in Section 816.5, or unless the substandard-size parcel is approved through the Variance process. The existing uses of the parcels do not exempt the property owners from the 160-acre minimum established to protect productive farming units.

The minimum parcel size that may be created in the RS Zone District is 2 acres. A property owner may not create parcels with less than the 2-acre minimum parcel size unless the substandard-size parcel is approved through the Variance process. The existing uses of the parcels do not exempt the property owner from the 2-acre minimum established.

With regard to Finding 1 and 2, staff notes that three of the residential parcels currently have single-family residences or structures located thereon. For the Mercer parcel (APN 195-273-11), although building permit records do not exist, residential building records attained from the Fresno County Assessor's Office suggest that the residence and encroaching building have been present since the 1930's, before building permits were required by the County. The Barr parcels received permits for the mobile home in 1973. There is no exact date for the creation of these parcels. Staff would like to note that the parcels were first identified in the Miramonte Map Plat Book 8, page 38-42, but were never subdivided into the configuration depicted in the Plat Book. The KCUSD parcel was likely created on or before October 9, 1956 with the recordation of a grant Deed on the aforementioned date. Staff believes that the residential parcels were created prior to 1972 due to a combination of the parcels showing the same configuration as the 1971-72 rolls of the Assessor Parcel Maps and subsequent building permits.

The approval of this Variance request will correct an encroachment that occurred on the property and went unchecked due to an unknown factor and will recognize the substandard front-yard setbacks.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. An alternative would be that the residential property owners remove or relocate the encroaching improvements. However, staff does not believe this alternative is plausible, as the subject parcels and improvements have been conveyed to different owners multiple times since the nonconforming situation and encroachment occurred on or before the year 1930 (according to Assessor Residential Building Records), and it would cause an extreme hardship to those owners.

Based on the above analysis, and considering the lack of an alternative that would avoid the need for the Variance, staff does believe that there are exceptional circumstances present and that the Applicant’s proposal will restore substantial property rights to all parties included.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Finding 1 and 2 can be made.

*Finding 3:* *The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.57 acres	Single-Family Residence Commercial	AE-160 C6-MC RS	815 feet
	1.18 acres	Vacant	AE-160	N/A
	1.09 acres	Single-Family Residence	RS	710 feet
South	62 acres	Grazing Single-Family Residential	AE-160	1,740 feet
East	Parcels ranging from 0.05 acres to 1.29 acres	Vacant Single-Family Residential	RS AE-160	755 feet
West	38.05 acres	Single-Family Residence Grazing	AE-160	560 feet

**Reviewing Agency/Department Comments:**

Water and Natural Resources Division, Building and Safety Section, Design Division, and Zoning Section of the Fresno County Department of Public Works and Planning: No comment.

Fresno County Fire Protection District: The location is outside of the Fresno County Fire Protection District area and in the State Responsibility Area (SRA) of Fresno County. The County will be the lead for Fire Protection Code requirements, and since the subject property is within the SRA, Title 15.60 will apply.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 3, the Applicant states that there will be no changes to the project site as a result of the Variance. Each parcel is served by its own well and septic tank leach field system. No modifications to those systems are proposed. The Applicant also states that Dunlap Road and Orchard Drive are public roads with adequate width and pavement to serve the proposed reconfigured lots.

In regard to Finding 3, if approved, the Variance will simply rectify a long-existing property line error and recognize substandard front-yard setbacks. Staff concurs with the Applicant’s assessment that the proposal will not be detrimental to the public welfare, that there will be no aesthetic impact, and no adverse effects on surrounding properties if the Variance is granted.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Sierra-South Regional Plan Section 406-01:1.00.b: Eastside Rangeland shall mean land designated for grazing and other agricultural operations, wildlife habitats, various non-intensive recreational activities, and other appropriate open space functions.	The proposed Variance does not propose any new development. The current use of the parcel is a school site with much of the eastern portion of the parcel being used for open space and recreational purposes for the school. The proposed Variance will utilize an existing creek to act as a natural boundary and correct encroachment issues identified on the northern residential properties. Staff believes that due to no new development being proposed, the proposal is consistent with the Sierra-South Regional Plan.
Sierra-South Regional Plan Section 406-01:1.00.e: Rural Settlement Area shall	The proposed Variance will not augment any of the parcels located in the Rural Settlement

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
mean a nonurban community in the rural areas designated for residential and supportive commercial uses serving the rural settlement and surrounding rural areas.	Area. The parcels located in the Rural Settlement Area are being used as single-family residential sites and the density and intensity of the use will not change; therefore staff believes that the proposal is consistent with the Sierra-South Regional Plan.

**Reviewing Agency Comments:**

Fresno County Department of Public Works and Planning Policy Planning: If this Variance is approved, the three residential parcels will have split zoning and dual General Plan designations.

No comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 4, the Applicant states no changes in density or intensity of any of the involved parcels will occur. The Applicant also states that the proposed Variance will not affect the production of agriculture, as no agricultural use of the property is occurring or has occurred in the past decades. The only parcel capable of being a viable economic unit is the KCUSD parcel that is used for a school campus and open space. For these reasons the Applicant believes that the proposed Variance does not conflict with the policies of the Fresno County General Plan.

With regard to Finding 4, staff concurs with the Applicant's statement that the density and intensity of the involved parcels will not change. Since no development is being proposed on the Rural Settlement parcels and since the current uses for all involved parcels are not changing, staff agrees with the Applicant's findings that the proposed Variance application is consistent with the General Plan and Sierra-South Regional Plan. The areas of split zoning and dual General Plan designations are minimal and will not likely have any impact on future development, as the parcels are already improved.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Variance can be made. Staff therefore recommends approval of Variance No. 4047, subject to

the recommended Conditions of Approval.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Variance No. 4047, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4047; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4047\SR\VA 4047 SR.docx

**Variance Application No. 4047  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the property line adjustment resulting in a 15.1-acre parcel, a 21,184 square-foot parcel, a 4,563 square-foot parcel and a 19,621 square-foot parcel.

Conditions of Approval reference recommended Conditions for the project.

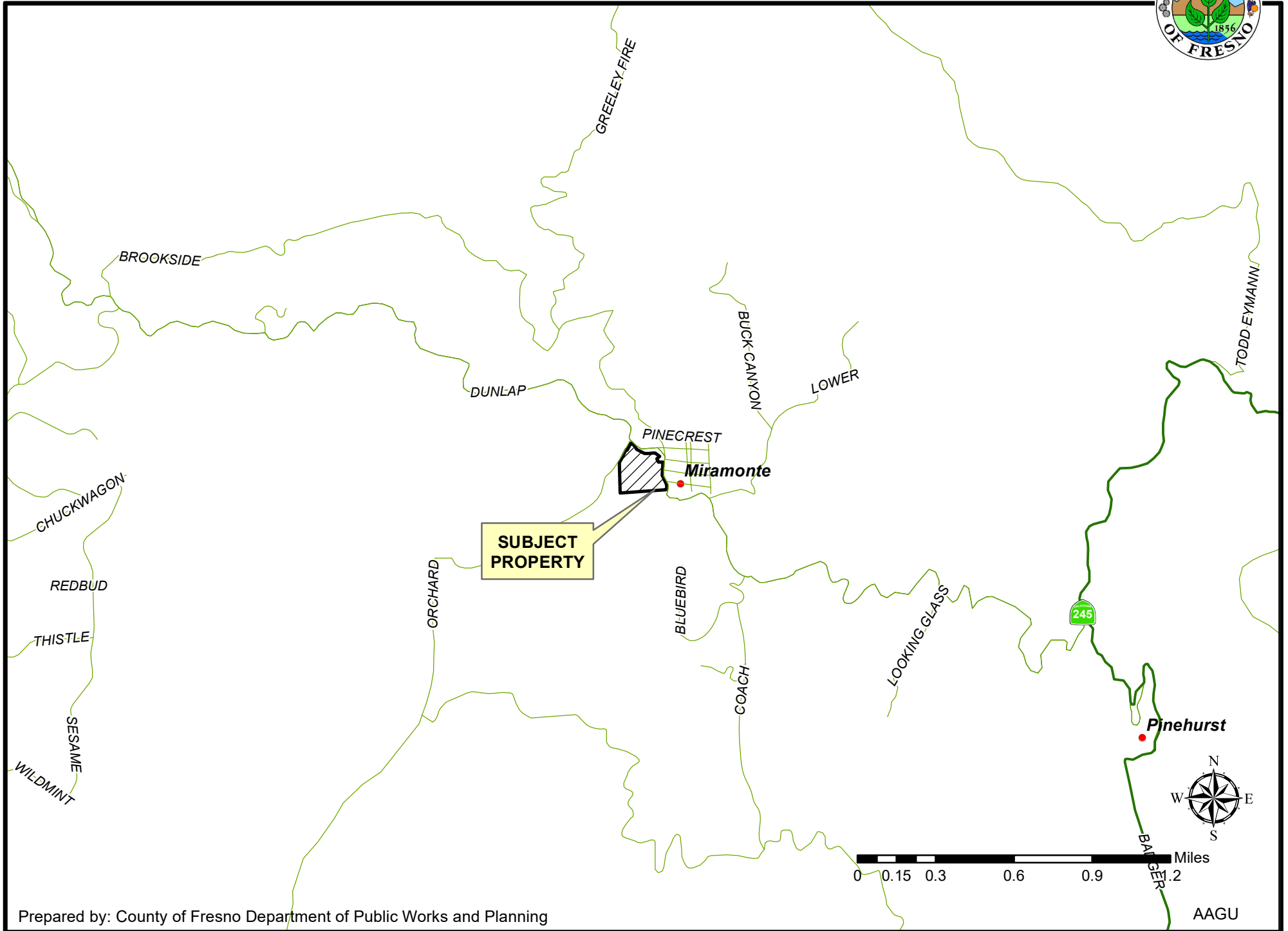
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Division of the property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Property Line Adjustment Application shall be filed to adjust property lines in accordance with the approved Site Plan.
3.	After modification of the property lines, it is imperative that each parcel can accommodate the existing sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Well Standards Ordinance, the California Plumbing Code, and the Local Area Management Plan (LAMP).
4.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
5.	The location is outside of the Fresno County Fire Protection District area and in the unprotected area of Fresno County. The County will be the lead for Fire Protection Code requirements. Since the property is within the SRA, Title 15.60 will apply.

TK  
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**EXHIBIT 1**

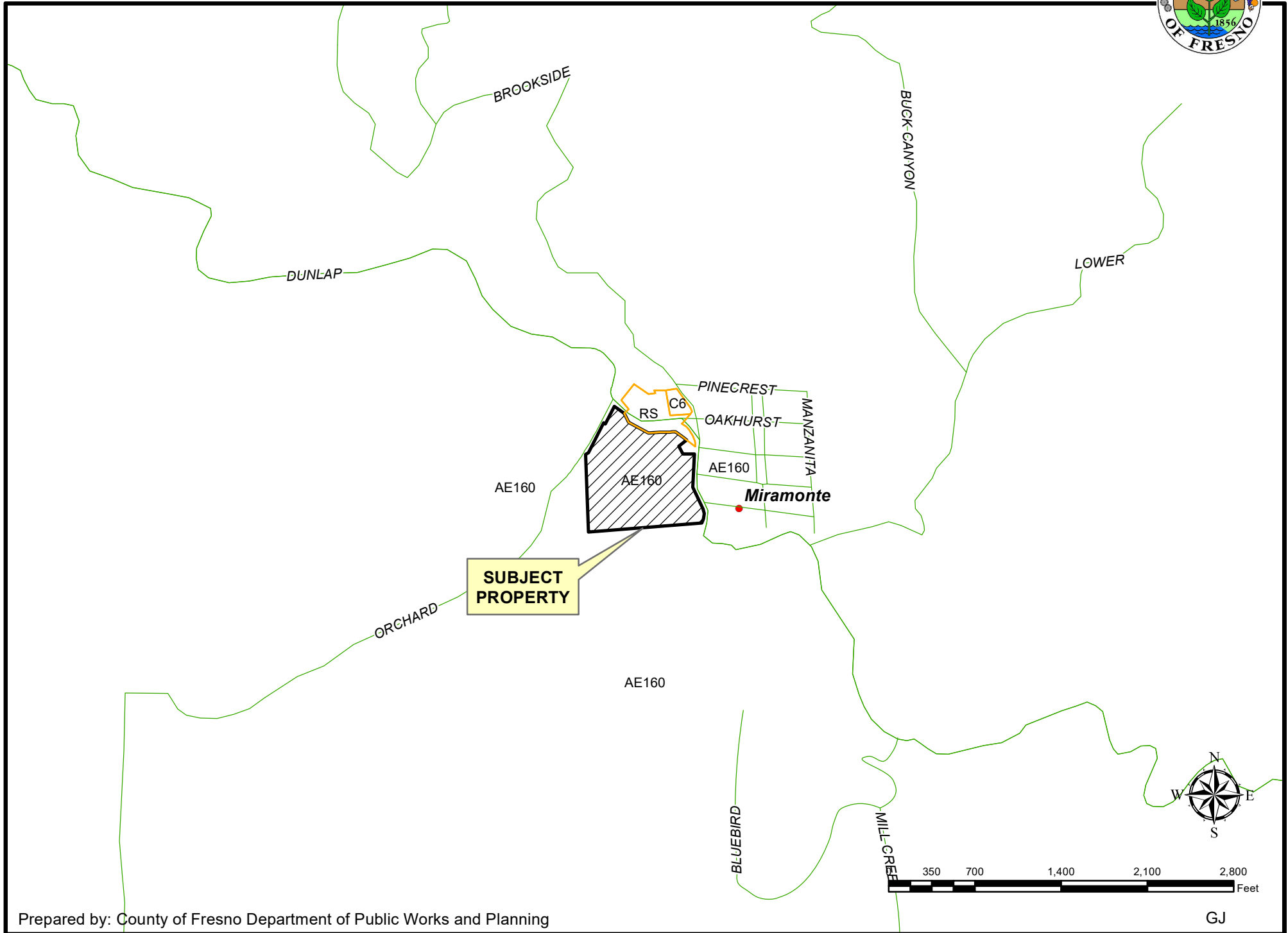
**EXHIBIT 1**

# LOCATION MAP

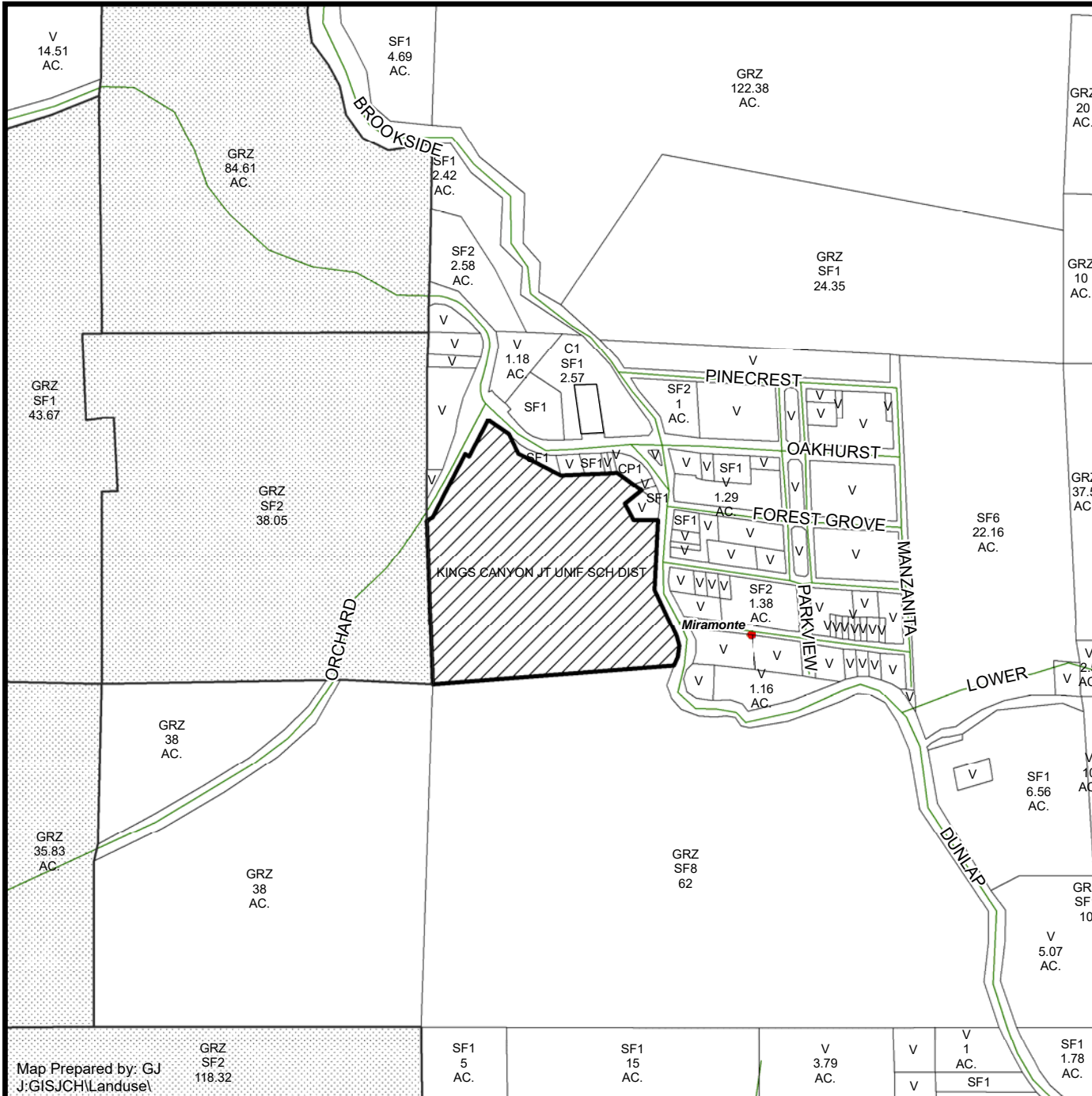




# EXISTING ZONING MAP



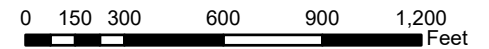
# EXISTING LAND USE MAP



LEGEND	
C#	- COMMERCIAL
CP#	- OFFICE COMM./PROF
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

**LEGEND:**

- Subject Property
- Ag Contract Land



Map Prepared by: GJ  
J:GISJCH\Landusel

GRZ  
SF2  
118.32

SF1  
5  
AC.

SF1  
15  
AC.

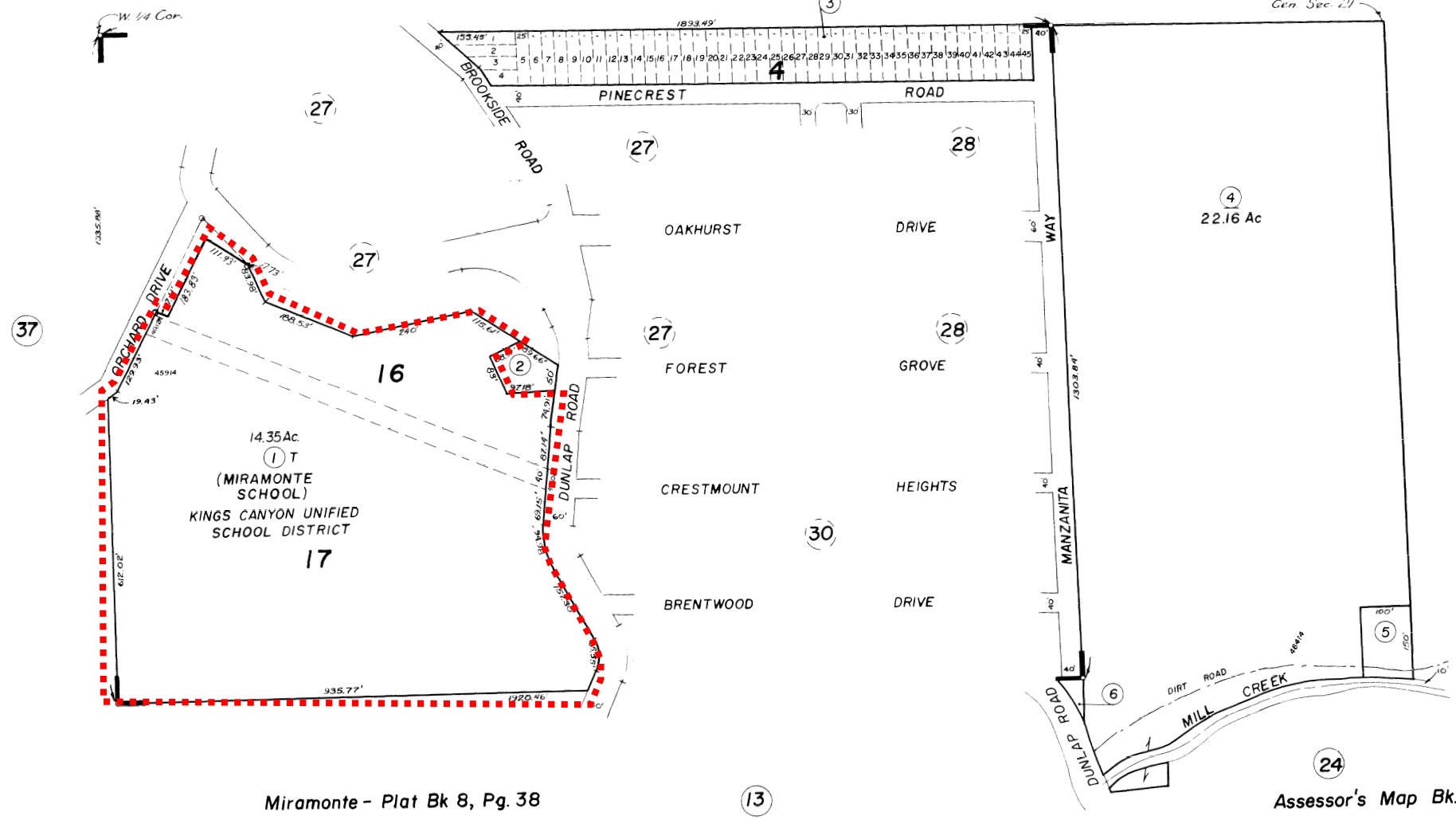
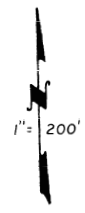
V  
3.79  
AC.

V  
1  
AC.  
SF1

SF1  
1.78  
AC.

Department of Public Works and Planning  
Development Services Division

— NOTE —  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



Miramonte - Plat Bk 8, Pg. 38

Assessor's Map Bk. 195 - Pg. 29

County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

EXHIBIT 5



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COUNTY OF FRESNO

APR 17 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

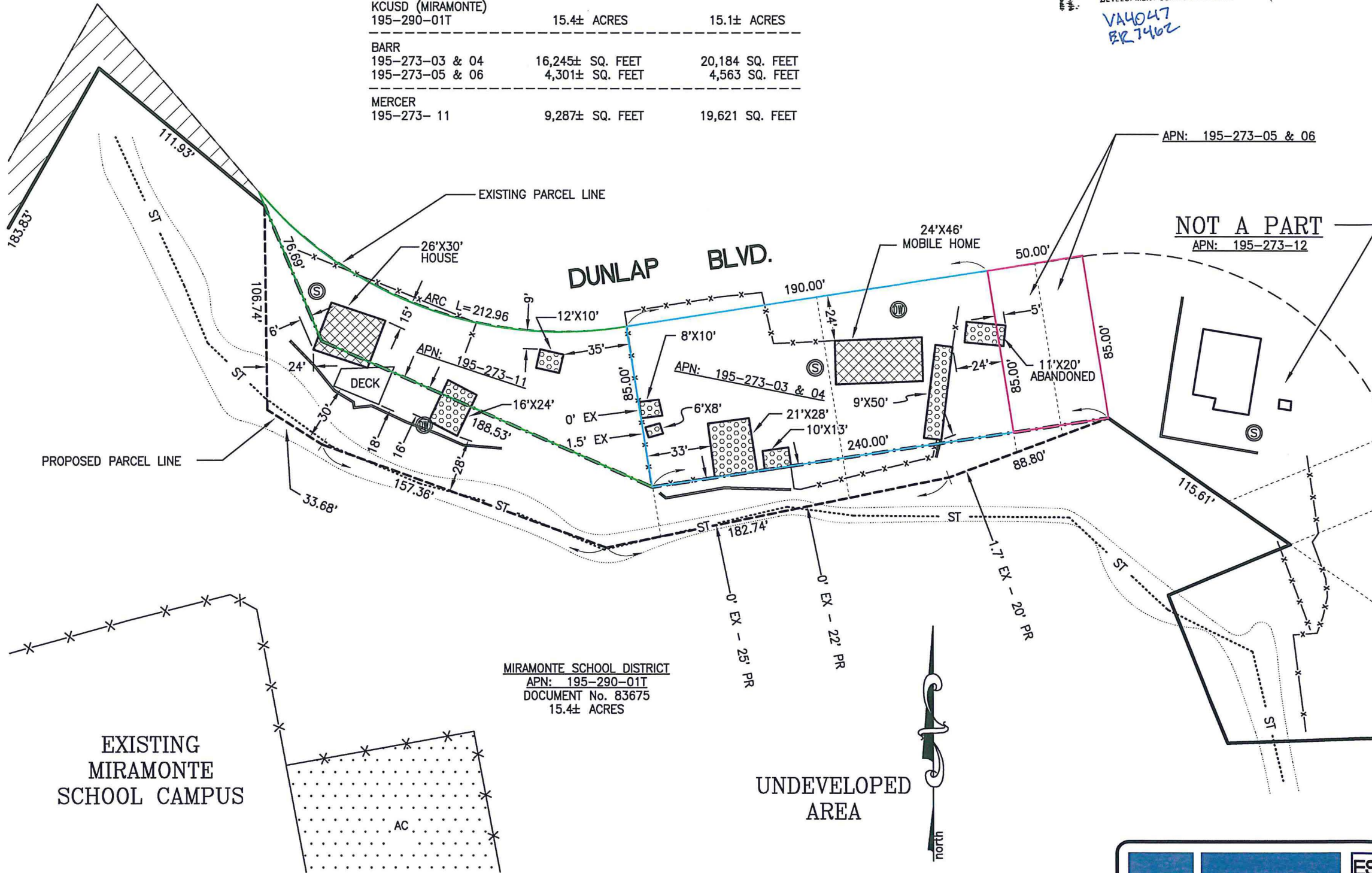
VA4047  
BR 7462

# VARIANCE APPLICATION

No. \_\_\_\_\_

SHEET 3 OF 3

OWNER	EXISTING LOT SIZE	PROPOSED LOT SIZE
KCUSD (MIRAMONTE) 195-290-01T	15.4± ACRES	15.1± ACRES
BARR 195-273-03 & 04 195-273-05 & 06	16,245± SQ. FEET 4,301± SQ. FEET	20,184 SQ. FEET 4,563 SQ. FEET
MERCER 195-273-11	9,287± SQ. FEET	19,621 SQ. FEET



**LEGEND:**

- SECTION LINE.
- PROPERTY LINE.
- - - RIGHT OF WAY.
- - - - NEW PROPERTY LINE.
- - - - - LINE TO BE REMOVED.
- X-X-X- FENCELINE
- X---X--- ROCK/RETAINING WALL.
- - - - - ST - - - - - STREAM CENTERLINE.
- [Cross-hatched] RESIDENCE
- [Dotted] OUTBUILDINGS
- [Dotted with AC] ASPHALT CONCRETE
- [Circle with T] DOMESTIC WELL
- [Circle with S] SEPTIC
- EX EXISTING SETBACK
- PR PROPOSED SETBACK

**RECORD OWNERS:**

195-273-11	DON AND ANITA MERCER.
195-273-03,04,05,06	JERRY D. BARR.
195-290-01T	MIRAMONTE SCHOOL DIST.

EXISTING  
MIRAMONTE  
SCHOOL CAMPUS

MIRAMONTE SCHOOL DISTRICT  
APN: 195-290-01T  
DOCUMENT No. 83675  
15.4± ACRES

UNDVELOPED  
AREA

**ESP SURVEYING**  
2598 N. MIAMI AVE.  
FRESNO, CA  
Tel. 559.442.0883  
Fax 559.442.0884  
www.espls.com

DATE OF SURVEY	xxxx
ESP JOB No.	17101
DRAWN BY	WJB
REVISION DATE	03/05/2018
REV. 1	.

EXHIBIT 6

**VARIANCE APPLICATION FINDINGS**

**Kings Canyon Unified School District**

**March 15, 2018**

**APPLICANT/OWNER:**

Kings Canyon Unified School District  
c/o Dr. John Quinto  
1502 "I" Street  
Reedley, CA 93654

Don Mercer and Anita Mercer  
45961 Dunlap Road  
Miramonte, CA 93641

Jerry D. Barr  
46011 Dunlap Road  
Miramonte, CA 93641

**REPRESENTATIVE:**

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

**Property Owner / Address / APN / Zone Designation / General Plan Land Use Designation:**

Kings Canyon Unified School District  
Miramonte School  
45914 Orchard Drive  
Miramonte, CA 93641  
APN 195-290-01T / AE-160 / Exclusive Agricultural

Don and Anita Mercer  
45961 Dunlap Road  
Miramonte, CA 93641  
APN 195-273-11 /RS / Rural Settlement

Jerry D. Barr  
46011 Dunlap Road. 46019 Dunlap Road and 46023 Dunlap Road  
Miramonte, CA 93641  
APN 195-273-03, 4, 5 & 6 /RS / Rural Settlement

**RECEIVED**  
COUNTY OF FRESNO

**APR 17 2018**

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**REQUEST:**

Grant a Variance to allow the realignment of property lines for two parcels adjacent to the Miramonte School campus of the Kings Canyon Unified School District (KCUSD) in the AE-160 Zone.

**BACKGROUND:**

The adjacent agricultural rural residential parcels were created in the early 1900's. Apparently during the Fresno County improvements to the bridge at Dunlap Blvd. and Orchard Dr. county survey crews determined that the Mercer and Barr parcels' improvements encroached onto adjacent property lines. Based on that information, KCUSD retained ESP Surveying to perform a boundary survey of the KCUSD Miramonte School site and the adjoining Mercer and Barr properties. The ESP survey confirmed the encroachments of improvements over property lines from the Mercer and Barr properties onto the KCUSD Miramonte School campus property.

KCUSD staff met with the Mercers and Barr and concluded that since the encroachments were not intentional and a resolution of the encroachments were in the best interest of the community. Therefore, KCUSD would process the subject Variance to allow for modifications to the existing property lines, to address the encroachments.

Rather than removing the encroaching improvements and causing hardship to the agricultural rural lot owners, KCUSD is working cooperatively with the adjoining neighbors and have proposed a Property Line Adjustment (PLA) to adjust property lines in order to accommodate the encroaching improvements.

Upon approval of the proposed Variance Application, the four affected parcels will deviate in size and setbacks as noted below:

**DEVIATION OF PROPERTY AREA (Before and After PLA)**

<u>Owner/APN(s)</u>	<u>Existing Parcel Area</u>	<u>Proposed Parcel Area</u>
<b>KCUSD</b> APN 195-290-01T	15.4± Acres	15.1± Acres
<b>Don and Anita Mercer</b> APN 195-273-11	9,287± sq. ft.	19,621± sq. ft.
<b>Jerry Barr</b> APN 195-273-03 & 04	16,245± sq. ft.	20,184± sq. ft.
<b>Jerry Barr</b> APN 195-273-05 & 06	4,301± sq. ft.	4,563± sq. ft.

**DEVIATION OF PROPERTY SETBACKS (Before and After PLA)**

**NOTE:** Distances in parenthesis () denote that structure extends beyond current property line.

<u>Owner/APN(s)</u>	<u>Existing Rear Yard</u>	<u>Proposed Side Yard</u>
<b><u>Don and Anita Mercer</u></b> APN 195-273-11	<b><u>26' X 30' Residence</u></b>	
	(6') Existing	(6') Existing
	39' Proposed	24' Proposed
	<b><u>16' X 24' Outbuilding</u></b>	
	(16') Existing	83' Existing
	28' Proposed	Unchanged
	<b><u>10' x 12' Outbuilding</u></b>	
	32' Existing	35' Existing
	76' Proposed	Unchanged
<b><u>Jerry Barr</u></b> APN 195-273-03, 04, 05, 06	<b><u>24' X 46' Residence (Mobile Home)</u></b>	
	33' Existing	39' Existing
	52' Proposed	Unchanged
	<b><u>8' x 10' Outbuilding</u></b>	
	36' Existing	0' Existing
	62' Proposed	Unchanged
	<b><u>21' x 28' Outbuilding</u></b>	
	0' Existing	33' Existing
	25' Proposed	Unchanged

**DEVIATION OF PROPERTY SETBACKS (Before and After PLA) (continued)**

<b><u>Owner/APN(s)</u></b>	<b><u>Existing Rear Yard</u></b>	<b><u>Proposed Side Yard</u></b>
<b><u>Jerry Barr (cont.)</u></b> APN 195-273-03, 04, 05, 06	<b><u>10' X 13' Outbuilding</u></b>	
	0' Existing	59' Existing
	22' Proposed	Unchanged
	<b><u>9' x 50' Outbuilding</u></b>	
	2' Existing	24' Existing
	20' Proposed	Unchanged
	<b><u>11 x 20 Outbuilding (abandoned)</u></b>	
	45' Existing	(5') Existing
	54' Proposed	Unchanged

**REQUIRED FINDINGS**

**FINDING 1:**

*Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?*

The Mercer and Barr parcels have existed for decades prior to the adoption of the county zoning ordinance. Neither the Mercer nor Barr improvements were constructed by the current owners.

Information suggests that the Mercer home was likely built in the 1930's. For unknown reasons property improvements were constructed over the property lines. Now that the encroachments have been identified, the most logical solution is to modify property lines in order to accommodate and effectively eliminate the aforementioned encroachments. The applicants believes that the Property Line Adjustment alternative is the simplest and most cost-effective method that would remedy the existing issue and that the physical improvements represent a physical circumstance that necessitates approval of the proposed Variance Application.

The proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for many years.



## REQUIRED FINDINGS (continued)

### FINDING 2:

*Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?*

Various options are available to resolve the encroachments. One such option would be to remove or relocate the improvements. However, this option is particularly burdensome by causing an extreme hardship to the Mercer and Barr families. Thankfully, the KCUSD is amenable to modifying their property boundary to resolve this issue in the least intrusive and least expensive manner possible.

Mill Creek exists between the KCUSD site and the Mercer and Barr parcels. The creek represents a logical boundary between the Mercer/Barr parcels and the KCUSD parcel. No changes or alterations to Mill Creek will occur. The creek will not be crossed or altered in any way. The creek represents a physical circumstance that supports the proposed Variance.

### FINDING 3:

*If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?*

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The sites are fully improved. No changes in improvements to the sites will occur as a result of this Variance.

Each parcel is served by its own well and septic tank leach field system. No modifications to those systems are proposed.

Dunlap Road and Orchard Drive are public roads of adequate width and pavement to serve the proposed reconfigured lots. No other property development standards will be modified.

No agricultural use of the parcels occurs.

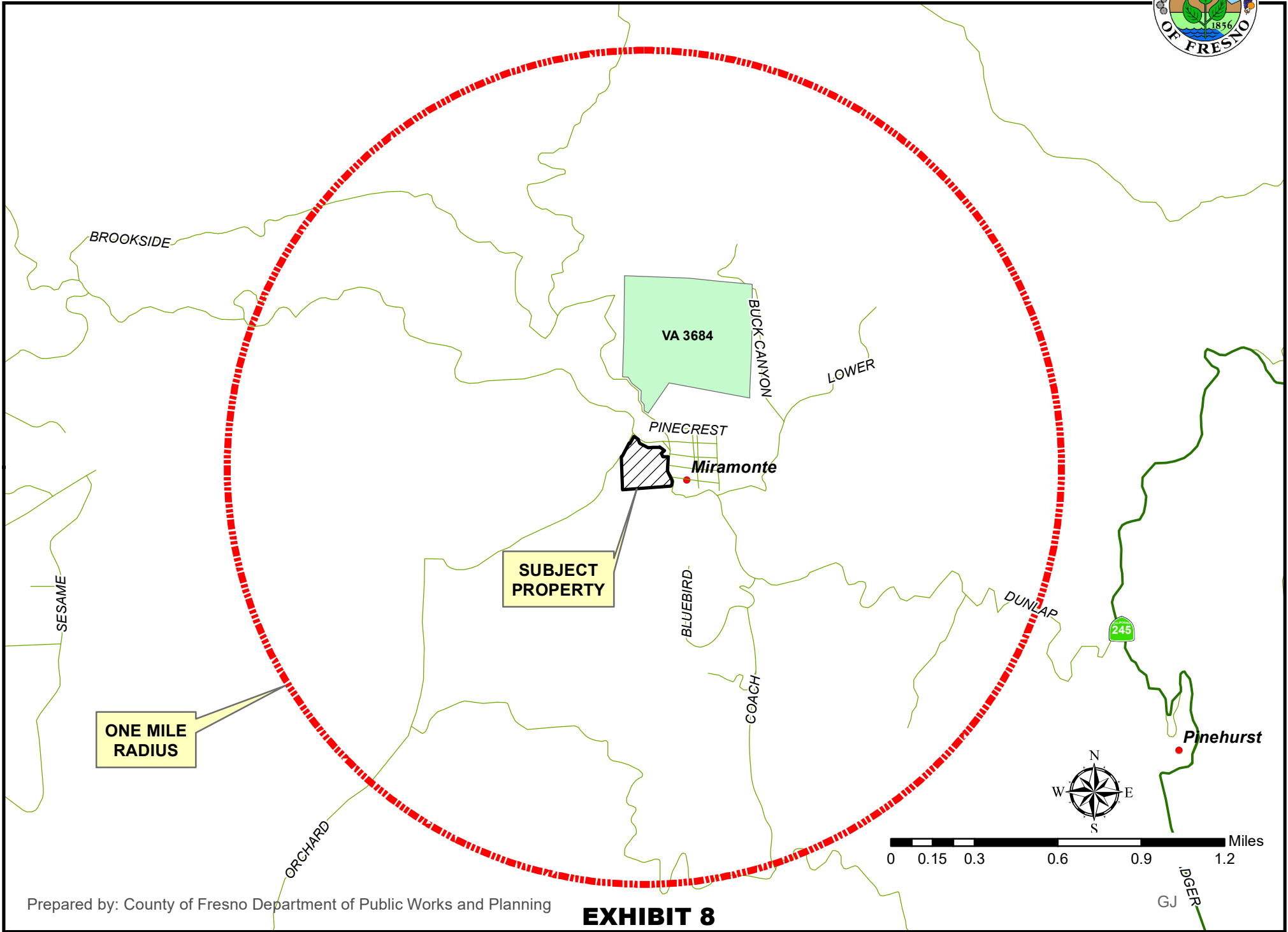
### FINDING 4:

*If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?*

The proposed Variance seeks to slightly modify the lot configurations of three parcels in order to avoid the corresponding parcel owners from removing structures placed on the KCUSD property. No changes in density or intensity of any of the involved parcels will occur.

The proposed Variance will not adversely affect the production of agriculture as no agricultural use of the property is occurring now or has occurred in the past decades. The only parcel capable of being a viable economic unit is the KCUSD that is used for a school campus open space. For these reasons, the proposed Variance does not conflict with the policies of the Fresno County General Plan.

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS





# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 July 26, 2018

**SUBJECT:** Initial Study Application No. 7215 and Classified Conditional Use Permit Application No. 3547

Allow a Solid Waste Processing Facility for the recovery of materials from construction waste and demolition waste on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District.

**LOCATION:** The subject parcel is located on the east side of Cedar Avenue, between American and Malaga Avenues, approximately 1,673 feet south of the nearest city limits of the City of Fresno (4664 S. Cedar Avenue) (Sup. Dist. 3) (APN 330-211-08).

**OWNER:** Daniel Bowen  
**APPLICANT:** Bowen Engineering and Environmental

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

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7215; and
- Approve Classified Conditional Use Permit (CUP) No. 3547 with recommended Findings, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Elevation Drawings
7. Applicant’s Operational Statement
8. Summary of Initial Study Application No. 7215
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	General Industrial in the County-adopted Roosevelt Community plan	No change
Zoning	M-3 (Heavy Industrial)	No change
Parcel Size	9.04 acres	No change
Project Site	9.04-acre parcel; Contractor’s Storage Yard authorized by Site Plan Review (SPR) No. 7049; 7,460 square-foot warehouse with office space and septic system; Liquefied Petroleum Gas (LPG) tank; water well; five water storage tanks (54,000 gallon collective capacity); stormwater retention basin; paved parking lot with two paved driveways accessing Cedar Avenue; 80-foot wide railroad easement (Atchison, Topeka and Santa Fe Railway) along eastern boundary of subject parcel (deeded to the State of California for High-Speed Rail purposes on July 20, 2016); private irrigation pipeline identified as Viau South Branch No. 232 along western boundary of subject parcel	<p>Solid Waste Processing Facility to recover concrete, asphalt concrete, wood and metal from construction waste and demolition waste; recovered materials will be sorted, processed and stockpiled at the subject parcel in order to be sold as usable materials.</p> <p>Proposed improvements to be utilized: 9,000 square-foot storage building; truck scale; portable crusher registered with the San Joaquin Valley Air Pollution Control District (Air District); permanent crusher may be installed on the subject parcel in the future.</p>

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Structural Improvements	7,460 square-foot warehouse with office space and septic system	No change
Nearest Residence	Approximately 20 feet south of the subject parcel	No change
Surrounding Development	Mixed agricultural, residential and industrial land uses; State Route (SR) 99 approximately one and a quarter-mile east of the subject parcel	No change
Operational Features	N/A	See discussion below under the <b>Background Information</b> section
Employees	N/A	Approximately 10
Customers	N/A	No on-site sales
Traffic Trips	N/A	Approximately 30 one-way truck trips (15 round trips) per day, seven days per week, year-round;  Approximately 20 one-way employee trips (10 round trips) per day, seven days per week, year-round.
Lighting	N/A	Outdoor lighting on site and building exterior
Hours of Operation	N/A	6:00am until 6:00pm, seven days per week, year-round;  Use of crushing equipment limited to 7:00am until 3:30pm, seven days per week, year-round.

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has

determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 15, 2018

**PUBLIC NOTICE:**

Notices were sent to 31 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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

**BACKGROUND INFORMATION:**

This proposal entails authorization of a Solid Waste Processing Facility on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District. According to the Operational Statement submitted for this proposal, the proposed Solid Waste Processing Facility will recover concrete, asphalt concrete, wood and metal from construction waste, and demolition waste. Further, the recovered materials will be sorted, processed and stockpiled at the subject parcel in order to be sold as usable materials.

The proposed Solid Waste Processing Facility will be operational from 6:00am until 6:00pm, seven days per week year-round; however, use of crushing equipment will be limited to 7:00am until 3:30pm. Further, the proposed facility will process approximately 15 truckloads of waste per day with approximately 20 tons of waste per truckload.

It is noted by Staff that the subject parcel is currently utilized by the Applicant as a Contractor's Storage Yard, as authorized by Site Plan Review (SPR) No. 7049, which was approved on May 8, 2000. Further, the existing Contractor's Storage Yard use will continue with the operation of the proposed Solid Waste Processing Facility. Existing improvements located on the subject parcel include a 7,460 square-foot warehouse with office space and septic system; Liquefied Petroleum Gas (LPG) tank; water well; five water storage tanks (54,000 gallon collective capacity); stormwater retention basin; and paved parking lot with two paved driveways accessing Cedar Avenue. Additionally, the subject parcel has an existing 80-foot wide railroad easement (Atchison, Topeka and Santa Fe Railway) along its eastern boundary that was deeded to the State of California for High-Speed Rail purposes on July 20, 2016. Further, an unlined Fresno Irrigation District (FID) canal identified as Viau Canal No. 25 is northerly adjacent to the northern property line of the subject parcel, and a private irrigation pipeline identified as Viau South Branch No. 232 traverses the western boundary of the subject parcel.

New improvements to be utilized with the proposed Solid Waste Processing Facility include a 9,000 square-foot storage building and a truck scale. Additionally, a portable crusher registered with the San Joaquin Valley Unified Air Pollution Control District (Air District) will be utilized with the proposed Solid Waste Processing Facility, and a permanent crusher may be installed on the subject parcel in the future.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	None (not adjacent to residentially-zoned property)	N/A	N/A
Parking	<p><u>Solid Waste Processing Facility:</u> One standard parking space for each two permanent employees; one standard parking space for each truck operated by the facility</p> <p><u>California Building Code:</u> At least one parking space for the physically handicapped per every 25 parking spaces at a facility</p>	Paved parking area with 10 standard parking spaces and one parking space for the physically handicapped	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	No change	Yes
Wall Requirements	None (not adjacent to residentially-zoned property)	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: Existing and proposed improvements satisfy the development standards of the M-3 (Heavy Industrial) Zone District. Completion of a mandatory Site Plan Review will ensure adequate area for parking and circulation.

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 subject parcel is adequate to accommodate the proposed use.

With regard to off-street parking, Solid Waste Processing Facilities are required to provide at least one standard parking space for each two permanent employees, and at least one standard parking space for each truck operated by the facility. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces at a facility. Regarding the subject proposal, the proposed Solid Waste Processing Facility will have approximately 10 employees and will operate three trucks. As such, the proposed Solid Waste Processing Facility needs to have at least eight standard parking spaces and at least one parking space for the physically handicapped. In this case, the subject parcel has an existing paved parking area with 10 standard parking spaces and one parking space for the physically handicapped.

Based on the above information, and with adherence to a Site Plan Review (SPR), which is a mandatory requirement for any new land use in the M-3 (Heavy Industrial) Zone District, staff believes the subject parcel will be adequate to accommodate the proposed use, vehicle circulation, and ingress/egress. Requirements of the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting, and right-of-way dedication.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 1 can be made.

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



*proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	Yes	Cedar Avenue: Very poor condition	No change
Direct Access to Public Road	Yes	Cedar Avenue: Two paved driveways	No change
Road ADT		Cedar Avenue: 1,500	Less than significant traffic increase
Road Classification		Cedar Avenue: Arterial	No change
Road Width		Cedar Avenue: 60-foot total existing right-of-way	See recommended Conditions of Approval attached as Exhibit 1
Road Surface		Cedar Avenue: Paved (pavement width: 28.7 feet)	No change
Traffic Trips		N/A	Approximately 30 one-way truck trips (15 round trips) per day, seven days per week, year-round;  Approximately 20 one-way employee trips (10 round trips) per day, seven days per week, year-round.
Traffic Impact Study (TIS) Prepared	No	N/A	None required, as the proposal will have a less than significant impact on traffic
Road Improvements Required		N/A	None required

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

City of Fresno Public Works Department: The Applicant should be required to provide the following at the subject parcel: 1) concrete curb, gutter, and sidewalk along the Cedar Avenue frontage, constructed in compliance with City of Fresno Public Works Department Standard P-5 development criteria; 2) underground all existing overhead utilities.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Cedar Avenue. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. These mandatory requirements have been included as Project Notes.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Cedar Avenue is a County-maintained road classified as an Arterial road. The minimum total width for an Arterial road right-of-way is 106 feet. Cedar Avenue has a total existing right-of-way of 60 feet at the subject parcel, with 30 feet east and 30 feet west of the section line. The County has adopted a Plan Line for Cedar Avenue that prescribes the 106-foot ultimate right-of-way for Cedar Avenue to be distributed as 76 feet east and 30 feet west of the section line. Therefore, the Applicant shall irrevocably offer an additional 46 feet of the subject parcel as future right-of-way for Cedar Avenue. This requirement has been included as a Condition of Approval.

The subject parcel is located within the City of Fresno sphere-of-influence and is also located within a Fresno Metropolitan Flood Control District (FMFCD) Storm Drainage and Flood Control Master Plan. Therefore, the Applicant should be required to provide curb, gutter and sidewalk along the frontage of the subject parcel pursuant to City of Fresno development standards, and the County may enter into a Deferment Agreement for construction of these off-site improvements.

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

**Analysis:**

The subject parcel has two existing paved driveways accessing Cedar Avenue, which will be utilized by the proposed Solid Waste Processing Facility. No additional driveways are being requested with this proposal.

With regard to traffic, the proposed Solid Waste Processing Facility will generate approximately 30 one-way truck trips (15 round trips) per day, seven days per week, year-round. Additionally, the proposed Solid Waste Processing Facility will also generate approximately 20 one-way employee trips (10 round trips) per day, seven days per week, year-round.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which did not require a Traffic Impact Study (TIS) for the proposed use. Further, traffic to be generated by the proposed use does not exceed the threshold of 100 daily trips, which would require preparation of a TIS.

With regard to right-of-way, Cedar Avenue is a County-maintained road classified as an Arterial road. The minimum total width for an Arterial road right-of-way is 106 feet, which would typically require Cedar Avenue to have an ultimate right-of-way distributed as 53 feet east and 53 feet west of the section line. However, in this instance, the County has adopted a Plan Line for Cedar Avenue that prescribes the 106-foot ultimate right-of-way to be distributed as 76 feet east and 30 feet west of the section line. Cedar Avenue has a total existing right-of-way of 60 feet at the subject parcel, with 30 feet east and 30 feet west of the section line. As such, the Applicant shall irrevocably offer an additional 46 feet of the subject parcel as future right-of-way for Cedar Avenue. This requirement has been included as a Condition of Approval.

The City of Fresno Public Works Department reviewed this proposal and commented that the Applicant should be required to provide a concrete curb, gutter and sidewalk along the Cedar Avenue frontage of the subject parcel, constructed in compliance with City of Fresno Public Works Department Standard P-5 development criteria. The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning supported this request because the subject parcel is located within the City's sphere-of-influence and is also located within a Fresno Metropolitan Flood Control District (FMFCD) Storm Drainage and Flood Control Master Plan. However, no traffic hazard or emergency access issues were identified by the reviewing agencies to require such improvements. Further, the portions of Cedar Avenue that are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.

The City of Fresno Public Works Department also requested that the Applicant be required to underground all existing overhead utilities within the boundaries of the subject parcel. Staff does not believe there exists a nexus for such requirement.

Based on the above information, and with adherence to the recommended Conditions of Approval and mandatory Project Notes described above, staff believes that the surrounding roads serving the subject parcel will remain adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 2 can be made.

*Finding 3:* *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	7.35 acres	Warehouses	M-3	None
South	4.00 acres	Single-family residence	AL-20	20 feet south
	9.55 acres	Vacant	AL-20	None
East	16.44 acres	Vacant	M-3	None
West	20.00 acres	Single-family residence Vineyard	AL-20	180 feet west

**Reviewing Agency/Department Comments:**

California Regional Water Quality Control Board (Water Board): The proposed Solid Waste Processing Facility requires coverage under the 2014-0057-DWQ Storm Water Industrial General Permit (IGP). The industrial activity to occur at the proposed facility qualifies for Standard Industrial Classification (SIC) Code No. 5093 Scrap and Waste Materials, which

requires coverage under the IGP. The Applicant shall submit a Notice of Intent, Storm Water Pollution Prevention Plan (SWPPP), and Facility Site Plan to the Water Board for inclusion in the Storm Water Multiple Application and Report Tracking System (SMARTS). These mandatory requirements have been included as Project Notes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2125H, the project site is not subject to flooding from the 1%-chance storm (100-year storm). A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal. This mandatory requirement has been included as a Project Note.

Fresno County Department of Public Health, Environmental Health Division: Prior to commencing proposed operations, the facility operator shall obtain a Solid Waste Facility Transfer / Processing Facility permit from the Fresno County Department of Public Health as required by Public Resources Code, California Code of Regulations (CCR) Title 14 and Title 27. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the CCR, Title 22, Division 4.5. Any business that handles hazardous materials or hazardous waste above the following State reporting thresholds may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances. All hazardous waste shall be handled in accordance with requirements set forth in the CCR, Title 22, Division 4.5, which addresses proper labeling, storage and handling of hazardous wastes. These mandatory requirements have been included as Project Notes.

The Acoustical Analysis prepared for this proposal by WJV Acoustics, Inc. indicates that the proposed Solid Waste Processing Facility will comply with the Fresno County Noise Ordinance if project operations adhere to the mitigation measures described in the Acoustical Analysis. Therefore, the following Mitigation Measures have been included to reduce adverse noise-related impacts to a less than significant level: 1) Noise exposure from crusher and grinder operations at dwellings located west of the subject parcel shall be reduced by locating stockpiles of raw or processed materials onsite, between the crusher and grinder equipment and neighboring dwellings located west of the subject parcel; and 2) Stockpiles of raw or processed materials utilized as acoustic barriers shall be at least 15 feet tall to sufficiently shield noise from crusher operations, and at least 22 feet tall to sufficiently shield noise from grinder operations.

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 for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must 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 must include 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 mandatory requirements have been included as Project Notes. Due to the subject parcel being located within FMFCD Drainage Area CE, project development will require payment of an approximately \$135,238.00 FMFCD Drainage Fee. This mandatory

requirement has been included as a Project Note. FMFCD Drainage Fees are calculated by FMFCD and are re-evaluated by FMFCD on an annual basis each February.

Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into storm drain systems. This requirement has been included as a Mitigation Measure to reduce potential impacts to water quality to a less than significant level.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved plans for the project shall be approved by the Fire District prior to issuance of permits by the County. Further, the subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These mandatory requirements have been included as Project Notes.

San Joaquin Valley Air Pollution Control District (Air District): This proposal is expected to have no significant adverse impact on air quality. This proposal may be subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits required). Projects subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits required) are exempt from Air District Rule 9510 (Indirect Source Review). This proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal as the subject parcel is not located in a designated Water-Short area.

Resources Division of the Fresno County Department of Public Works and Planning: Operation of the proposed Solid Waste Processing Facility shall be in compliance with California Assembly Bill (AB) 341, which requires businesses generating four cubic yards or more of commercial solid waste per week to arrange for recycling services, and California AB 1826, which requires businesses generating four cubic yards or more of organic waste per week to arrange for organic waste recycling services. With regard to California AB 1826, organic waste refers to food waste, green waste, landscaping and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed with food waste.

Per California Code of Regulations (CCR) Title 14, the operator of the proposed Solid Waste Processing Facility shall submit quarterly reports to the Resources Division of the Fresno County Department of Public Works and Planning regarding all tonnages processed through the Solid Waste Processing Facility. Additionally, Fresno County Ordinance Code Section 8:23 (Recycling Haulers) requires those businesses that provide recycling services throughout Fresno County to register as a Recycling Hauler with the Resources Division of the Fresno County Department of Public Works and Planning. These mandatory requirements have been included as Project Notes.

Fresno County Sheriff's Department: The proposed use would have a negligible impact on law enforcement operations.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The subject parcel is located in an area of mixed agricultural, residential and industrial land uses, and State Route (SR) 99 is located approximately one and a quarter-mile to the east. As previously stated, the subject parcel is zoned M-3 (Heavy Industrial) and is currently utilized as a Contractor’s Storage Yard in accordance with SPR No. 7049. Further, the neighboring parcel to the north of the subject parcel is also zoned M-3 (Heavy Industrial) and has been improved with numerous warehouse buildings. Additionally, neighboring parcels to the east of the subject parcel are also zoned M-3 (Heavy Industrial), and numerous properties further to the east are zoned M-3 (Heavy Industrial) and are being utilized for a range of industrial activities including warehousing, solid waste processing and automotive recycling.

Neighboring parcels located to the south of the subject parcel are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have been improved with residences, the closest of which is located approximately 20 feet south of the subject parcel. Additionally, neighboring parcels located to the west of the subject parcel are also zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have also been improved with residences, the closest of which is located approximately 150 feet southwest of the subject parcel. Although neighboring parcels adjacently located to the south and west of the subject parcel have been improved with residential land uses, said properties are designated General Industrial in the County-adopted Roosevelt Community Plan. Further, said properties are also located within the City of Fresno Sphere-of-Influence (SOI) and are designated Heavy Industrial in the City of Fresno General Plan.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval, and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff finds that the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-F.29: County may approve rezoning requests and discretionary permits for new industrial development or expansion of existing industrial uses subject to conditions concerning the following criteria or other conditions adopted by the Board of Supervisors: a) Operational measures or specialized equipment to protect public health, safety and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gasses, heat and glare, dust and dirt,	With regard to Criteria “a”, an Initial Study (IS) was prepared for this proposal, which analyzed the potential environmental impacts resultant of the use, and found such impacts to be less than significant with the included Mitigation Measures.  With regard to Criteria “b”, Solid Waste Processing Facilities are required to provide at least one standard parking space for each two permanent employees, and at least one

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>combustibles, and other pollutants on abutting properties; b) Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors; c) Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties; d) Limitations on the industry's size, time of operation, or length of permit.</p>	<p>standard parking space for each truck operated by the facility. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces at a facility. Regarding the subject proposal, the proposed Solid Waste Processing Facility will have approximately 10 employees and will operate three trucks. Therefore, the proposed Solid Waste Processing Facility needs to have at least eight standard parking spaces and at least one parking space for the physically handicapped. In this case, the subject parcel has an existing paved parking area with 10 standard parking spaces and one parking spaces for the physically handicapped.</p> <p>With regard to Criteria "c", the subject parcel is located in an area of mixed agricultural, residential and industrial land uses. The neighboring parcel to the north of the subject parcel is zoned M-3 (Heavy Industrial) and has been improved with numerous warehouse buildings. Neighboring parcels to the east of the subject parcel are also zoned M-3 (Heavy Industrial), and numerous properties further to the east are zoned M-3 (Heavy Industrial) and are being utilized for a range of industrial activities including warehousing, solid waste processing and automotive recycling.</p> <p>Neighboring parcels located to the south of the subject parcel are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have been improved with residences, the closest of which is located approximately 20 feet south of the subject parcel. Additionally, neighboring parcels located to the west of the subject parcel are also zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have also been improved with residences, the closest of which is located approximately 150 feet southwest of the subject parcel. Although neighboring parcels adjacently located to the south and west of the subject parcel have been improved with residential land uses, said properties are designated General Industrial in the County-adopted Roosevelt Community Plan. Further, said properties are also located within the City of Fresno Sphere-of-Influence (SOI) and are designated Heavy Industrial in</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
	<p>the City of Fresno General Plan.</p> <p>With regard to Criteria “d”, a Condition of Approval has been included, which requires the operation to abide by the plans and operational statement approved by the Planning Commission.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-F.30: County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</p>	<p>The subject parcel utilizes an on-site water well and septic system in lieu of community water and sewer services. However, five water storage tanks with an aggregate capacity of 54,000 gallons have been installed on the subject parcel. Further, community water and sewer service connection was not required with the approval of Site Plan Review (SPR) No. 7049, which authorized the existing Contractor’s Storage Yard operation on the subject parcel.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-G.1: County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p>	<p>The City of Fresno Public Works Department reviewed this proposal and commented that the Applicant should be required to provide a concrete curb, gutter and sidewalk along the Cedar Avenue frontage of the subject parcel, constructed in compliance with City of Fresno Public Works Department Standard P-5 development criteria. However, no traffic hazard or emergency access issues were identified by reviewing agencies to require such improvements. Further, the portions of Cedar Avenue that are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.</p> <p>The City of Fresno Public Works Department also requested that the Applicant be required to underground all existing overhead utilities within the boundaries of the subject parcel. Staff does not believe there exists a nexus for such requirement.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation prior to consideration of any discretionary project</p>	<p>This proposal was reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>related to land use. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a. Determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question;</li> <li>b. Determination of the impact that use of the proposed water supply will have on other water users in Fresno County;</li> <li>c. Determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.</li> </ul>	<p>Planning, which did not identify any concerns with the project, as the subject parcel is not located in a designated Water-Short area.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-F.2: County shall locate all new solid waste facilities including disposal sites, resource recovery facilities, transfer facilities, processing facilities, composting facilities, and other similar facilities in areas where potential environmental impacts can be mitigated and the facilities are compatible with surrounding land uses. Site selection for solid waste facilities shall be guided by the following criteria: a) Solid waste facility sites shall not be located within the conical surface, as defined by Federal Aviation Regulations, Part 77, of a public use airport, except for enclosed facilities; b) Solid waste facilities shall not be sited on productive agricultural land if less productive lands are available; c) Solid waste facilities shall be located in areas of low concentrations of people and dwellings; d) Solid waste facilities shall be located along or close to major road systems. Facility traffic through residential neighborhoods should not be permitted. It is preferable that the roadways used for solid waste transfer conform to approved truck routes; e) Solid waste facilities shall not be located adjacent to rivers, reservoirs, canals, lakes, or other waterways.</p>	<p>With regard to Criteria “a”, the subject parcel is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.</p> <p>With regard to Criteria “b”, the subject parcel is not utilized for agricultural cultivation, the western half of the subject parcel is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2014), and the eastern half of the subject parcel is designated as Vacant or Disturbed Land on the Fresno County Important Farmland Map (2014). Thus, there will be no impact to productive farmland.</p> <p>With regard to Criteria “c”, the subject parcel is located in an area of mixed agricultural, residential and industrial land uses. Although neighboring parcels adjacently located to the south and west of the subject parcel have been improved with residential land uses, said properties are designated General Industrial in the County-adopted Roosevelt Community Plan. Further, said properties are also located within the City of Fresno Sphere-of-Influence (SOI) and are designated Heavy Industrial in the City of Fresno General Plan.</p> <p>With regard to Criteria “d”, the subject parcel has frontage on Cedar Avenue, which is classified as an Arterial road.</p> <p>With regard to Criteria “e”, no canals, streams</p>

Relevant Policies:	Consistency/Considerations:
	<p>or rivers are located within the boundaries of the subject parcel.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-F.6: County shall impose site development and operational conditions on new solid waste facilities in order to mitigate potential environmental impacts on existing and planned land uses in the area.</p>	<p>With adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on properties within the area of the proposal.</p> <p>Staff believes the proposal is consistent with this Policy.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as General Industrial in the County-adopted Roosevelt Community Plan.

According to General Plan Policy LU-F.29, the County may approve rezoning requests and discretionary permits for new industrial development or expansion of existing industrial uses subject to conditions concerning the following criteria or other conditions adopted by the Board of Supervisors: a) Operational measures or specialized equipment to protect public health, safety and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gasses, heat and glare, dust and dirt, combustibles, and other pollutants on abutting properties; b) Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors; c) Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties; d) Limitations on the industry’s size, time of operation, or length of permit.

According to General Plan Policy LU-F.30, the County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.

According to General Plan Policy LU-G.1, the County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.

According to General Plan Policy PF-C.17, the County shall undertake a water supply evaluation prior to consideration of any discretionary project related to land use. The evaluation shall include the following:

- a. Determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question;
- b. Determination of the impact that use of the proposed water supply will have on other water users in Fresno County;

- c. Determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.

According to General Plan Policy PF-F.2, the County shall locate all new solid waste facilities including disposal sites, resource recovery facilities, transfer facilities, processing facilities, composting facilities, and other similar facilities in areas where potential environmental impacts can be mitigated and the facilities are compatible with surrounding land uses. Site selection for solid waste facilities shall be guided by the following criteria: a) Solid waste facility sites shall not be located within the conical surface, as defined by Federal Aviation Regulations, Part 77, of a public use airport, except for enclosed facilities; b) Solid waste facilities shall not be sited on productive agricultural land if less productive lands are available; c) Solid waste facilities shall be located in areas of low concentrations of people and dwellings; d) Solid waste facilities shall be located along or close to major road systems. Facility traffic through residential neighborhoods should not be permitted. It is preferable that the roadways used for solid waste transfer conform to approved truck routes; e) Solid waste facilities shall not be located adjacent to rivers, reservoirs, canals, lakes, or other waterways.

According to General Plan Policy PF-F.6, the County shall impose site development and operational conditions on new solid waste facilities in order to mitigate potential environmental impacts on existing and planned land uses in the area.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

Based on the analysis provided above, staff believes the project is consistent with the Fresno County-adopted Roosevelt Community Plan. Applicable Policies regarding siting and use were reviewed for this proposal and found to be consistent.

**Noteworthy Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3547, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 7215; and

- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3547 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3547; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

DC:

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**Mitigation Monitoring and Reporting Program  
Initial Study No. 7215 / Classified Conditional Use Permit No. 3547  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	Prior to operation of the solid waste processing facility, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine towards adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
3.	Hydrology and Water Quality	Prior to operation of the Solid Waste Processing Facility, debris fencing (e.g. cloth or plastic addition to existing fencing) shall be provided along the northern boundary of the subject parcel in order to protect Viau Canal No. 25 from potential contaminants.	Applicant	Applicant/FMFCD	Ongoing
4.	Noise	Noise exposure from crusher and grinder operations at dwellings located west of the subject parcel shall be reduced by locating stockpiles of raw or processed materials onsite, between the crusher and grinder equipment and neighboring dwellings located west of the subject parcel.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
5.	Noise	Stockpiles of raw or processed materials utilized as acoustic barriers shall be at least 15 feet tall to sufficiently shield noise from crusher operations, and at least 22 feet tall to sufficiently shield noise from grinder operations.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
<b>Conditions of Approval</b>					
1.	Development and operation shall be in substantial conformance with the approved Site Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review (SPR).				
2.	The owners of the subject parcel shall record a document irrevocably offering 46 feet of the subject parcel to the County of Fresno as future right-of-way for Cedar Avenue (30 feet existing). The eastern line of said offer shall establish the building setback line for				

**EXHIBIT 1**

	<p>future development.</p> <p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The property owners are advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
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\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

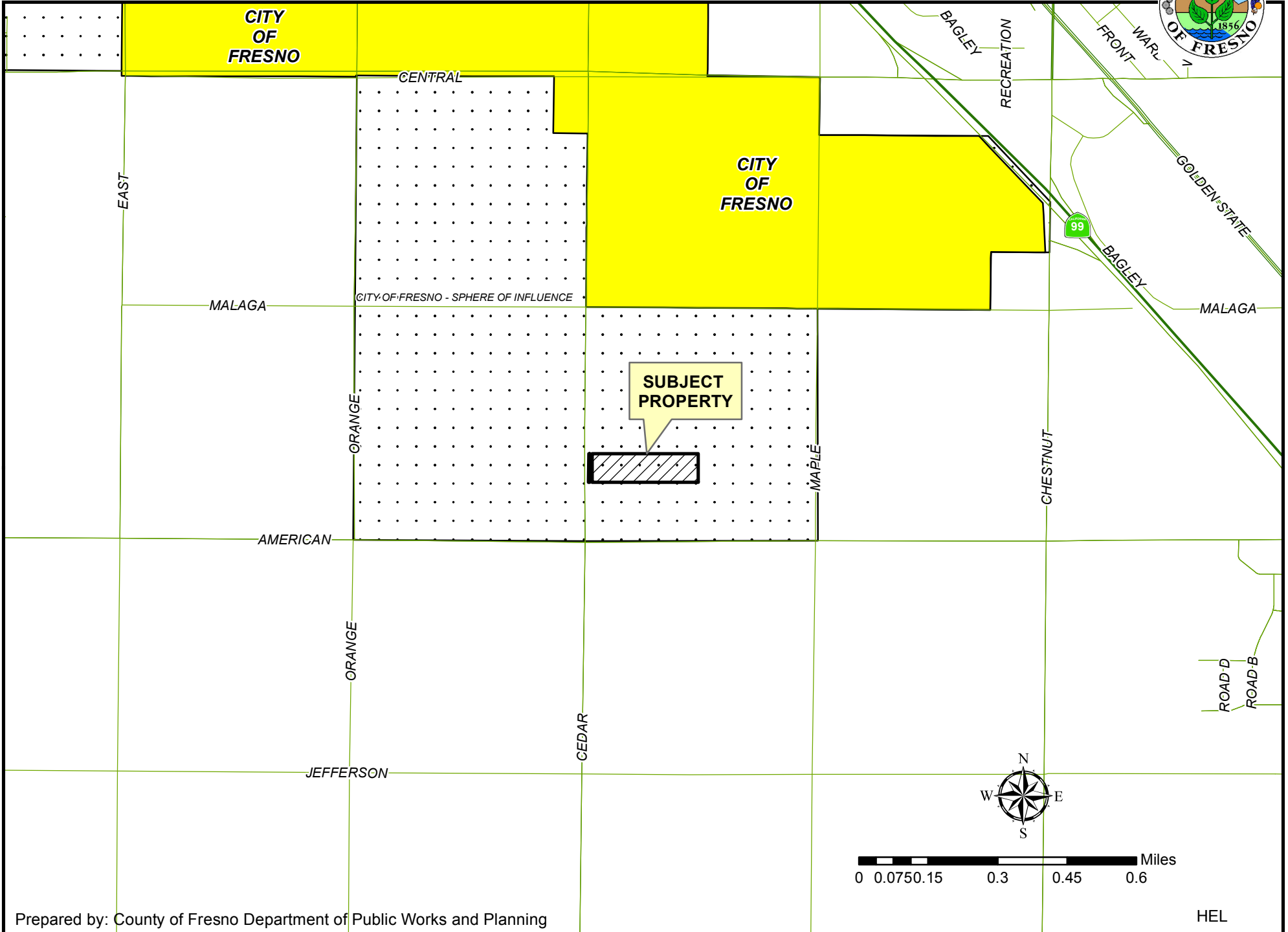
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Prior to the issuance of permits, a Site Plan Review (SPR) Application shall be submitted for review and approval by the Director of the Department of Public Works and Planning, in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting, and right-of-way dedication.
2.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Cedar Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	<p>California Regional Water Quality Control Board:  The proposed Solid Waste Processing Facility requires coverage under the 2014-0057-DWQ Storm Water Industrial General Permit (IGP).  The industrial activity to occur at the proposed facility qualifies for Standard Industrial Classification (SIC) Code No. 5093 Scrap and Waste Materials, which requires coverage under the IGP.  The Applicant shall submit a Notice of Intent, Storm Water Pollution Prevention Plan (SWPPP), and Facility Site Plan to the Water Board for inclusion in the Storm Water Multiple Application and Report Tracking System (SMARTS).</p>
5.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
6.	<p>Fresno County Department of Public Health, Environmental Health Division:  Prior to commencing proposed operations, the facility operator shall obtain a Solid Waste Facility Transfer / Processing Facility permit from the Fresno County Department of Public Health as required by Public Resources Code, California Code of Regulations (CCR) Title 14 and Title 27.  Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the CCR, Title 22, Division 4.5.  Any business that handles hazardous materials or hazardous waste above the following State reporting thresholds may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95:</p> <ol style="list-style-type: none"> <li>1) 55 gallons of liquid material</li> <li>2) 500 pounds of solid material</li> <li>3) 200 cubic feet of compressed gas</li> <li>4) The threshold planning quantity for extremely hazardous substances.</li> </ol> <p>All hazardous waste shall be handled in accordance with requirements set forth in the CCR, Title 22, Division 4.5, which addresses</p>

<b>Notes</b>	
	proper labeling, storage and handling of hazardous wastes.
7.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must 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 must include 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.
8.	Due to the subject parcel being located within FMFCD Drainage Area CE, project development will require payment of an approximately \$135,238.00 FMFCD Drainage Fee. FMFCD Drainage Fees are calculated by FMFCD and are re-evaluated by FMFCD on an annual basis each February.
9.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved plans for the project shall be approved by the Fire District prior to issuance of permits by the County.
10.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
11.	San Joaquin Valley Air Pollution Control District (Air District): This proposal may be subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits Required). This proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
12.	Resources Division of the Fresno County Department of Public Works and Planning: Operation of the proposed Solid Waste Processing Facility shall be in compliance with California Assembly Bill (AB) 341, which requires businesses generating four cubic yards or more of commercial solid waste per week to arrange for recycling services, and California AB 1826, which requires businesses generating four cubic yards or more of organic waste per week to arrange for organic waste recycling services. With regard to California AB 1826, organic waste refers to food waste, green waste, landscaping and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed with food waste. Per California Code of Regulations (CCR) Title 14, the operator of the proposed Solid Waste Processing Facility shall submit quarterly reports to the Resources Division of the Fresno County Department of Public Works and Planning regarding all tonnages processed through the Solid Waste Processing Facility. Additionally, Fresno County Ordinance Code Section 8:23 (Recycling Haulers) requires those businesses that provide recycling services throughout Fresno County to register as a Recycling Hauler with the Resources Division of the Fresno County Department of Public Works and Planning.

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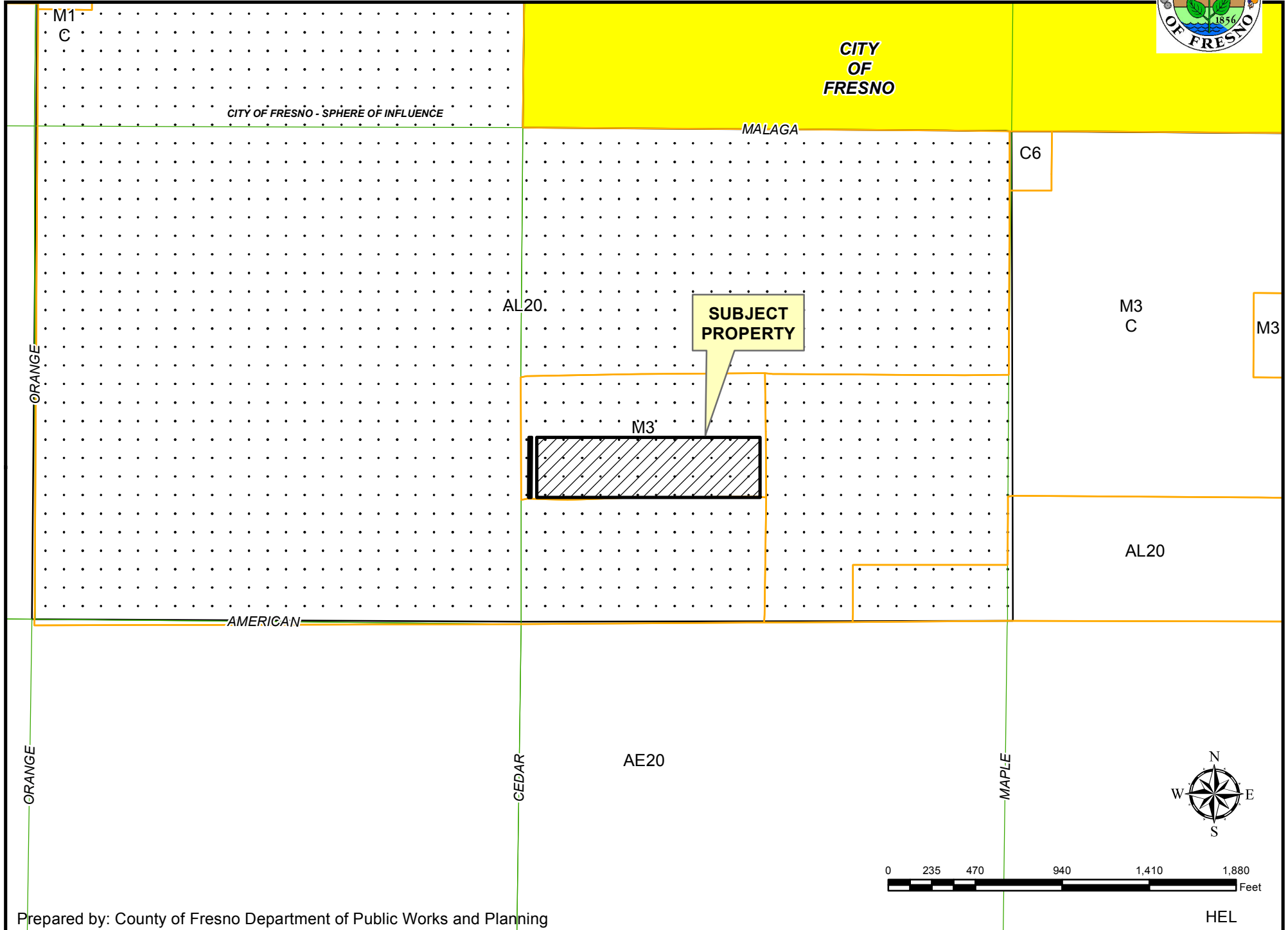
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# LOCATION MAP

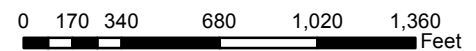
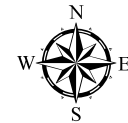
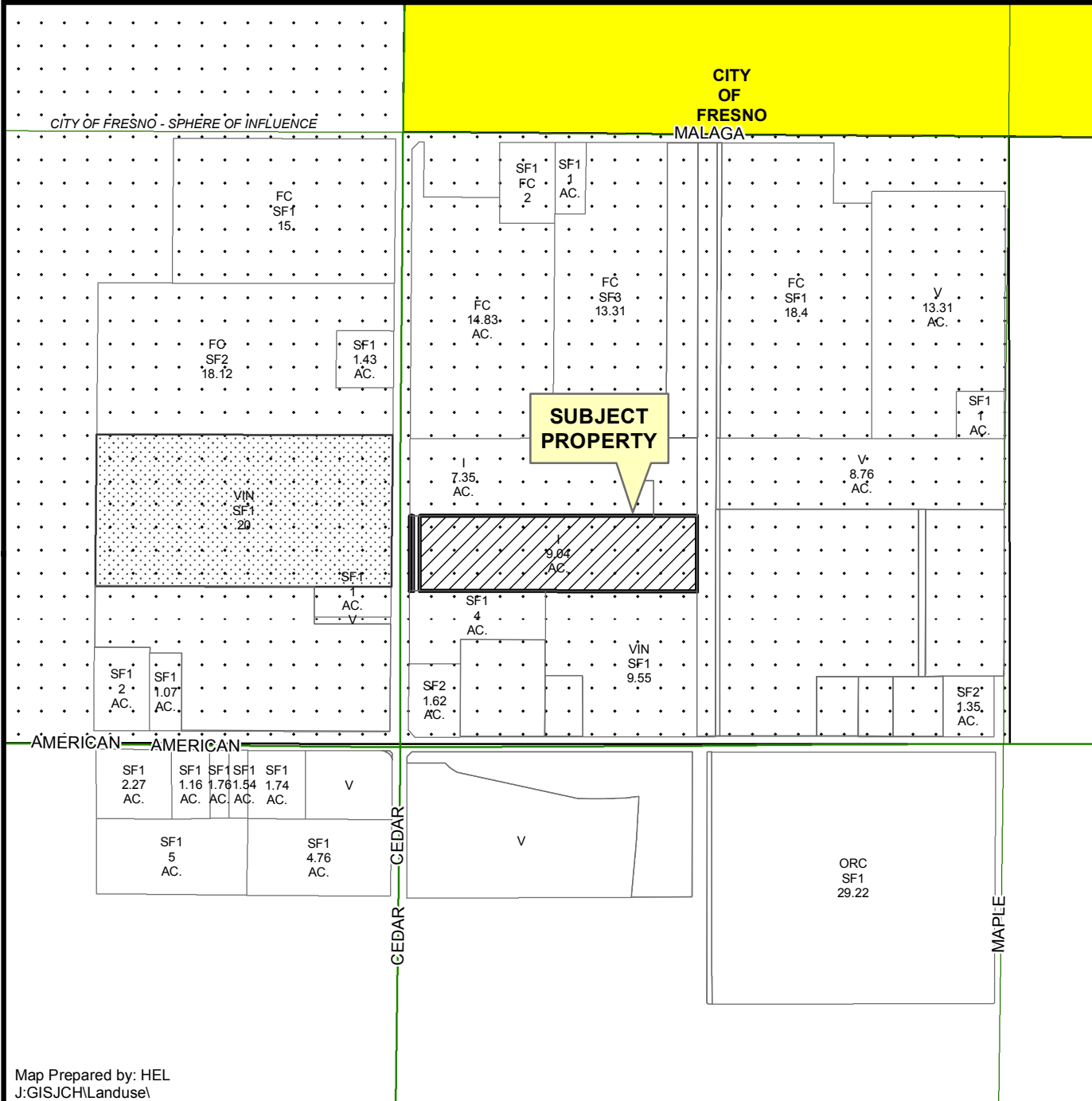




# EXISTING ZONING MAP



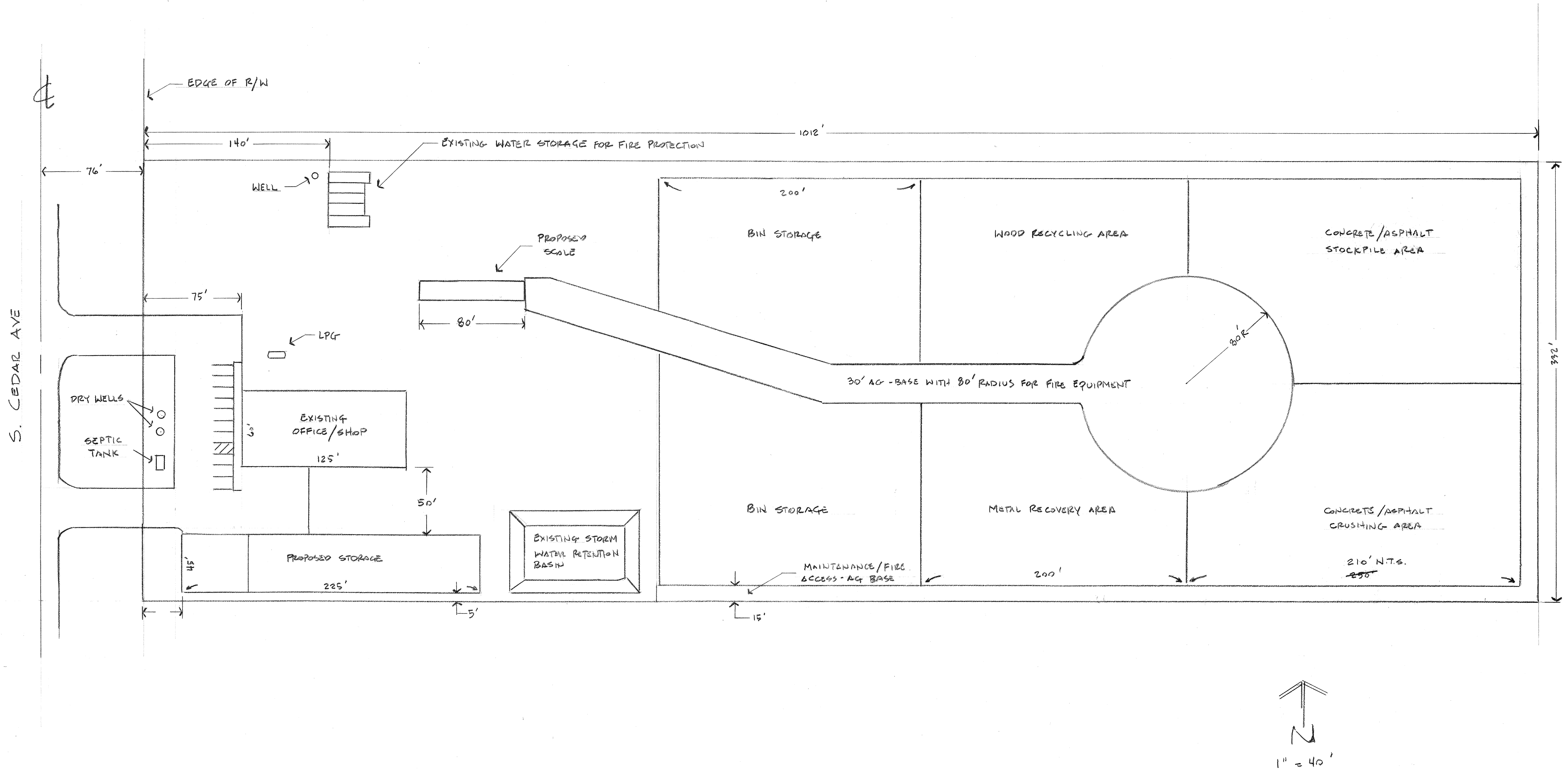
# EXISTING LAND USE MAP



Department of Public Works and Planning  
Development Services Division

Map Prepared by: HEL  
J:GISJCHLanduseI

REVISIONS	BY



S. CEDAR AVE

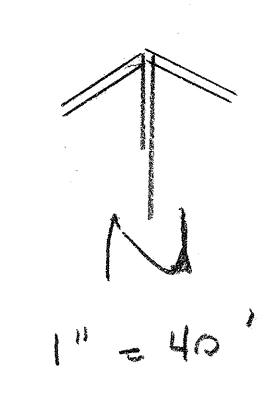
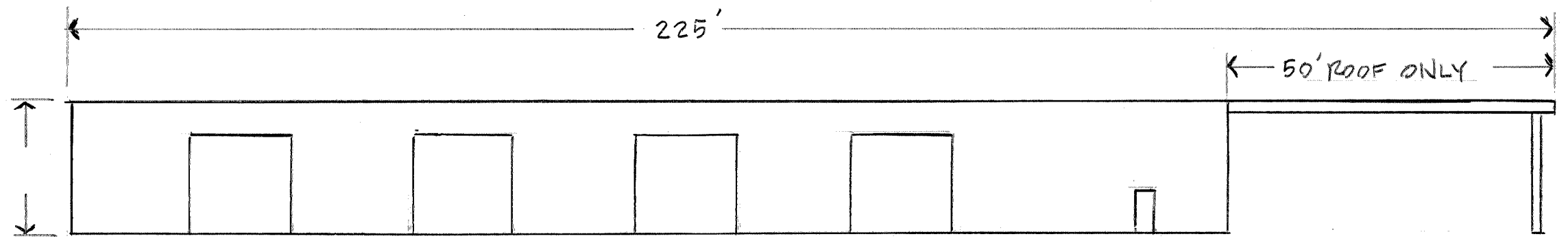


EXHIBIT 5

BOWEN ENGINEERING  
 4664 S. CEDAR AVE

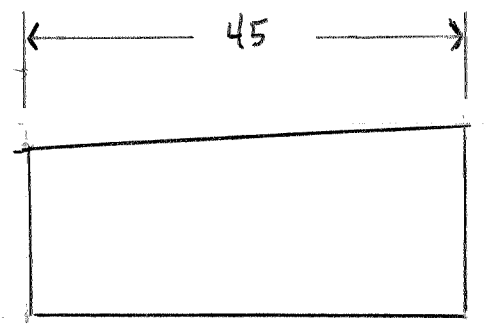
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Sheet	1
Of	1 Sheets



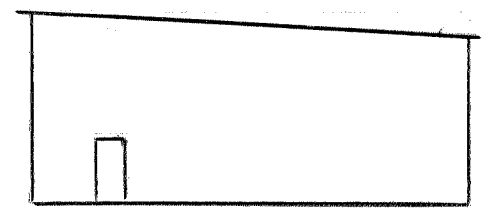
NORTH



SOUTH



EAST



WEST

**EXHIBIT 6**

## OPERATIONAL STATEMENT

### Project Location:

4664 S. Cedar Avenue  
APN 330-211-08

CUP 3547  
RECEIVED  
COUNTY OF FRESNO

OCT 05 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

### Project Description:

Bowen Engineering and Environmental was established in 1993. It is a local, family owned business. Bowen specializes in asbestos/lead abatement, interior selective demolition, complete demolition, plant dismantling, hazardous soil removal/remediation, underground tank removal, and excavation to name a few.

Bowen established its' contractor's yard at the subject parcel in 2000. A 7,460 square foot building was constructed which serves as office, storage, and maintenance. There is ample paved parking existing. There are also three water storage tanks with a capacity of 54,000 gallons for fire protection. A 9000 square foot building for storage is proposed as an addition to contractor's yard activities. A scale is also proposed for the operation described below.

Bowen now desires to establish a construction and demolition waste recovery facility. Various materials including concrete, asphalt concrete, wood and metal will be sorted, stockpiled, processed, and resold as usable materials. Crushing equipment consists of a portable crusher that is registered with the SJVUAPCD. A permanent crusher may be installed at the site in the future.

Operational hours for the contractor's yard operations would be 7 days a week from 6:00 a.m. to 6 p.m. Crushing activities will be limited to the hours of 7:00 a.m. to 3:30 p.m. There are virtually no customers or visitors at the site. The site will be used for the current contractor's yard and the proposed waste recovery operation. There are 10 existing employees with no plans for any additional employees in the near future. There are 8 company vehicles and 20 pieces of heavy equipment.

Materials to be processed will be strictly limited to the materials created in the company's demolition activities. No other materials from other individuals or companies will be processed. Approximately fifteen (15) loads of 20 tons each are to be processed daily. The loads will arrive and get weighed, and then proceed to the processing area. Not more than one truck will be processed at a time. A turn around at the end of the access to the processing area with an 80 foot radius has been provided as requested by the Fresno County Fire Protection District. Concrete and asphalt concrete will be brought in crushed, stockpiled, and resold. The portable crusher will convey the crushed material to stockpiles not greater than 25 feet in height. Minimal processing is required for the metal recovery. Wood chipping, shredding, and processing will be

eventually be phased in. It is anticipated that approximately 2 to 5 percent of incoming material will be waste. No hazardous waste will be produced by this operation. Any waste needing special attention is identified and separated at the demolition site and placed in containers for proper disposal. Waste material from the proposed on-site operation will be stored in roll-off bins and taken to the landfill. No other waste is created in the crushing operation.

There is an existing private water well on-site. Water usage is limited to basically the restroom use of the 3 employees who work on-site and the portable crusher. The crusher has a built in dust control device that applies enough water to control dust created by the crushing. It uses approximately 300 gallons per hour. There is virtually no water runoff as all of the water stays on the crushed material and evaporates in the storage piles.

No additional signage is proposed. Additional site lighting will be provided. All lighting fixtures will be hooded and directed away from adjoining properties. There is an existing perimeter chain-link fence. No additional fencing is proposed.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Bowen Engineering and Environmental
- APPLICATION NOS.: Initial Study Application No. 7215 and Classified Conditional Use Permit Application No. 3547
- DESCRIPTION: Allow a Solid Waste Processing Facility for the recovery of materials from construction waste and demolition waste on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District.
- LOCATION: The subject parcel is located on the east side of Cedar Avenue, between American and Malaga Avenues, approximately 1,673 feet south of the nearest city limits of the City of Fresno (4664 S. Cedar Avenue) (Sup. Dist. 3) (APN 330-211-08).

### 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 authorization of a Solid Waste Processing Facility on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District. According to the Operational Statement submitted for this proposal, the proposed Solid Waste Processing Facility will recover concrete, asphalt concrete, wood and metal from construction waste and demolition waste. Further, the recovered materials will be sorted, processed and stockpiled at the subject parcel in order to be sold as usable materials.*

*The proposed Solid Waste Processing Facility will be operational from 6:00am until 6:00pm, seven days per week year-round; however, use of crushing equipment will be limited to 7:00am until 3:30pm. Further, the proposed facility will process approximately 15 truck loads of waste per day with approximately 20 tons of waste per truck load.*

*It is noted by Staff that the subject parcel is currently utilized by the Applicant as a Contractor's Storage Yard, as authorized by Site Plan Review (SPR) No. 7049, which was approved on May 8, 2000. Further, the existing Contractor's Storage Yard use will continue with the operation of the proposed Solid Waste Processing Facility. Existing improvements located on the subject parcel include a 7,460 square-foot warehouse with office space and septic system; Liquefied Petroleum Gas (LPG) tank; water well; five water storage tanks (54,000 gallon collective capacity); stormwater retention basin; and paved parking lot with two paved driveways accessing Cedar Avenue. Additionally, the subject parcel has an existing 80-foot wide railroad easement (Atchison, Topeka and Santa Fe Railway) along its eastern boundary that was deeded to the State of California for High-Speed Rail purposes on July 20, 2016. Further, an unlined Fresno Irrigation District (FID) canal identified as Viau Canal No. 25 is northerly adjacent to the northern property line of the subject parcel, and a private irrigation pipeline identified as Viau South Branch No. 232 traverses the western boundary of the subject parcel.*

*New improvements to be utilized with the proposed Solid Waste Processing Facility include a 9,000 square-foot storage building and a truck scale. Additionally, a portable crusher registered with the San Joaquin Valley Unified Air Pollution Control District (Air District) will be utilized with the proposed Solid Waste Processing Facility, and a permanent crusher may be installed on the subject parcel in the future.*

*The subject parcel is located in an area of mixed agricultural, residential and industrial land uses, and State Route (SR) 99 is located approximately one and a quarter-mile to the east. As previously stated, the subject parcel is zoned M-3 (Heavy Industrial) and is currently utilized as a Contractor's Storage Yard in accordance with SPR No. 7049. Further, the neighboring parcel to the north of the subject parcel is also zoned M-3 (Heavy Industrial) and has been improved with numerous warehouse buildings. Additionally, neighboring parcels to the east of the subject parcel are also zoned M-3 (Heavy Industrial), and numerous properties further to the east are zoned M-3 (Heavy Industrial) and are being utilized for a range of industrial activities including warehousing, solid waste processing and automotive recycling.*

*Neighboring parcels located to the south of the subject parcel are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have been improved with residences, the closest of which is located approximately 20 feet south of the subject parcel. Additionally, neighboring parcels located to the west of the subject parcel are also zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and have also been improved with residences, the closest of which is located approximately 150 feet southwest of the subject parcel. Although neighboring parcels adjacently located to the south and west of the subject parcel have been improved with residential land uses, said properties are designated General Industrial in the County-adopted Roosevelt Community Plan. Further, said properties are also located within the City of Fresno Sphere-of-Influence (SOI) and are designated Heavy Industrial in the City of Fresno General Plan.*

*Considering that the subject parcel is not located along a designated Scenic Highway, that no scenic vistas or scenic resources were identified near the proposal, and the existing industrial land uses in the area of the subject parcel, 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 which has the potential of generating light and glare in the area. As such, all outdoor lighting fixtures shall be required to be hooded and directed so as to not shine towards adjacent properties and roads. This requirement will be included as a Mitigation Measure.*

\* **Mitigation Measure**

1. *Prior to operation of the solid waste transfer facility, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine towards adjacent properties and roads.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

FINDING: NO IMPACT:

*The western half of the subject parcel is classified as Urban and Built-Up Land on the Fresno County Important Farmland Map (2014), and the eastern half of the subject parcel is designated as Vacant or Disturbed Land on the Fresno County Important Farmland Map (2014). Further, the subject parcel is not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract), and is not located on forest land.*

### 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 Unified Air Pollution Control District (Air District), which did not identify any concerns related to the proposed Solid Waste Processing Facility. However, this proposal may be subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits Required). Staff notes that projects subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits Required) are exempt from Air District Rule 9510 (Indirect Source Review). Additionally, this proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules will reduce air quality impacts of the proposal 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; 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:

*The subject parcel is located in an area of mixed agricultural, residential and industrial land uses, and has been previously disturbed as said parcel has been historically utilized as a Contractor's Storage Yard. Further, neighboring parcels have been historically utilized for agricultural, residential and industrial land uses and, therefore, have also been previously disturbed. This proposal was reviewed by the California Department of Fish and Wildlife (CDFW), which did not identify any concerns related to the project. This proposal was also reviewed by the U.S. Fish and Wildlife Service (USFWS), which also did not identify any concerns related to the project. 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 CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; or 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 of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

*The subject parcel is not located in an area designated to be highly or moderately sensitive for archeological resources. Further, the subject parcel has been historically utilized as a Contractor's Storage Yard. Existing improvements located on the subject parcel that are utilized in conjunction with the Contractor's Storage Yard operation include a 7,460 square-foot warehouse with office space and septic system; Liquefied Petroleum Gas (LPG) tank; water well; five water storage tanks (54,000 gallon collective capacity); stormwater retention basin; and paved parking lot with two paved driveways accessing Cedar Avenue. Considering the existing use of the subject parcel as a Contractor's Storage Yard and the on-site improvements associated with said use, staff believes the subject parcel has been previously disturbed and no impacts to cultural resources are anticipated with the proposed Solid Waste Processing Facility.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The area where the subject parcel is located is designated as Seismic Design Category D in the California Geological Survey. As such, a Geotechnical Investigation shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal. This mandatory requirement will be included as a Project Note.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The subject parcel has predominately flat topography, and limited grading activity is necessary for development of the proposed improvements. However, a Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal. This mandatory requirement will be included as a Project Note.*

- 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 subject parcel 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:

*Existing improvements located on the subject parcel include a 7,460 square-foot warehouse building with office space that utilize an existing on-site septic system; however, no new septic systems are being requested with the proposed Solid Waste Processing Facility. Further, this proposal was reviewed by the Environmental Health Division of the Fresno County Department of Public Health, which expressed no concerns regarding 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 any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to a less than significant level.*

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal entails authorization of a Solid Waste Processing Facility to recover concrete, asphalt concrete, wood and metal from construction waste and demolition waste. Additionally, these recovered materials will be sorted, processed and stockpiled at the subject parcel in order to be sold as usable materials.*

*Per the Environmental Health Division of the Fresno County Department of Public Health, prior to commencing proposed operations, the facility operator shall obtain a Solid Waste Facility Transfer / Processing Facility permit from the Fresno County Department of Public Health as required by Public Resources Code, California Code of Regulations (CCR) Title 14 and Title 27. Additionally, facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the CCR, Title 22, Division 4.5. Further, any business that handles hazardous materials or hazardous waste above the following State reporting thresholds may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances. All hazardous waste shall be handled in accordance with requirements set forth in the CCR, Title 22, Division 4.5, which addresses proper labeling, storage and handling of hazardous wastes. These mandatory requirements will be included as Project Notes.*

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

*There are no schools located within one-quarter mile of the subject parcel.*

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

FINDING: NO IMPACT:

*No hazardous materials sites are located within the boundaries of the subject parcel.*

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the project analysis.*

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

FINDING: NO IMPACT:

*The subject parcel 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 for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must 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 must include 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 mandatory requirements will be included as Project Notes.*

*According to the California Regional Water Quality Control Board (Water Board), the proposed Solid Waste Processing Facility requires coverage under the 2014-0057-DWQ Storm Water Industrial General Permit (IGP). The industrial activity to occur at the proposed facility qualifies for Standard Industrial Classification (SIC) Code No. 5093 Scrap and Waste Materials, which requires coverage under the IGP. The Applicant shall submit a Notice of Intent, Storm Water Pollution Prevention Plan (SWPPP), and Facility Site Plan to the Water Board for inclusion in the Storm Water Multiple Application and Report Tracking System (SMARTS). These mandatory requirements will be 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/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the project. Further, the subject parcel is not located in a designated water-short area.*

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

*No streams or rivers are located within the boundaries of the subject parcel.*

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*Permanent improvements associated with this proposal will not cause significant changes in absorption rates, drainage patterns or the rate and amount of surface run-off, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.*

*According to the Fresno Metropolitan Flood Control District (FMFCD), due to the subject parcel being located within FMFCD Drainage Area CE, project development will require payment of an approximately \$135,238.00 FMFCD Drainage Fee. This mandatory requirement will be included as a Project Note. FMFCD Drainage Fees are calculated by FMFCD and are re-evaluated by FMFCD on an annual basis each February.*

*Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into storm drain systems. This requirement will be included as a Mitigation Measure to reduce potential impacts to water quality to a less than significant level.*



\* **Mitigation Measure**

1. *Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.*

F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*An unlined Fresno Irrigation District (FID) canal identified as Viau Canal No. 25 is northerly adjacent to the northern property line of the subject parcel. In order to protect Viau Canal No. 25 from potential contaminants associated with the proposed use, debris fencing (e.g. cloth or plastic addition to existing fencing) shall be provided along the northern boundary of the subject parcel. This requirement will be included as a Mitigation Measure to reduce potential impacts to water quality to a less than significant level.*

\* **Mitigation Measure**

1. *Prior to operation of the Solid Waste Processing Facility, debris fencing (e.g. cloth or plastic addition to existing fencing) shall be provided along the northern boundary of the subject parcel in order to protect Viau Canal No. 25 from potential contaminants.*

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

FINDING: NO IMPACT:

*No new housing is being requested with this proposal.*

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

FINDING: NO IMPACT:

*The project site is not subject to flooding from the 1% chance storm (100-year storm).*

I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

*The subject parcel is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.*

## 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 approximately 1,673 feet south of the nearest city limits of the City of Fresno.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The subject parcel is located within an area designated General Industrial in the Fresno County-adopted Roosevelt Community Plan, which provides for a full range of manufacturing, processing and storage facilities. Further, the subject parcel is located within the City of Fresno Sphere-of-Influence (SOI) and is designated Heavy Industrial in the City of Fresno General Plan.*

- 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.*

## 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. The subject parcel is not located in any mineral resource area identified in Policy OS-C.2 of the General Plan.*

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The proposed Solid Waste Processing Facility will be operational from 6:00am until 6:00pm, seven days per week year-round, processing approximately 15 truck loads of waste per day with approximately 20 tons of waste per truck load. However, use of crushing equipment will be limited to 7:00am until 3:30pm. Further, the Applicant submitted an Acoustical Analysis for this proposal, which was prepared by WJV Acoustics, Inc.*

*According to the Environmental Health Division of the Fresno County Department of Public Health, the Acoustical Analysis prepared for this proposal by WJV Acoustics, Inc. indicates that the proposed Solid Waste Processing Facility use will comply with the Fresno County Noise Ordinance if project operations adhere to the mitigation measures described in the Acoustical Analysis. As such, the following Mitigation Measures will be included in order to reduce adverse noise-related impacts to a less than significant level:*

\* **Mitigation Measures**

1. *Noise exposure from crusher and grinder operations at dwellings located west of the subject parcel shall be reduced by locating stockpiles of raw or processed materials onsite, between the crusher and grinder equipment and neighboring dwellings located west of the subject parcel.*
2. *Stockpiles of raw or processed materials utilized as acoustic barriers shall be at least 15 feet tall to sufficiently shield noise from crusher operations, and at least 22 feet tall to sufficiently shield noise from grinder operations.*

- 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 subject parcel is not located in the vicinity of a public airport or private airstrip, 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 construct or displace housing and will not 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 (Fire District) which did not identify any concerns with the project. The proposal must comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved plans for the project must be approved by the Fire District prior to issuance of permits by the County. Further, the subject parcels must annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These mandatory requirements will be included as Project Notes.

- 2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Fresno County Sheriff's Department, which did not identify any concerns related to the proposal.*

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to the City of Fresno Public Works Department, the Applicant should be required to provide a concrete curb, gutter, and sidewalk along the Cedar Avenue frontage of the subject parcel, constructed in compliance with the City of Fresno Public Works Department Standard P-5 development criteria. However, no substantial traffic hazard or substantial emergency access issue were identified by the City of Fresno to*

*require such improvements under the California Environmental Quality Act (CEQA). Further, the portions of Cedar Avenue that are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.*

## 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:

*No such impacts were identified in the project analysis.*

## 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:

*The subject parcel has frontage on Cedar Avenue, which is a County-maintained roadway classified as an Arterial road. Cedar Avenue has a total existing right-of-way of 106 feet at the subject parcel, with 76 feet east and 30 feet west of the section line. The minimum total right-of-way for an Arterial road is 106 feet. As such, the total existing right-of-way for Cedar Avenue satisfies the minimum right-of-way standard for the Arterial road classification, and no additional right-of-way dedication for Cedar Avenue is required for the proposed Solid Waste Processing Facility. Further, the existing Contractor's Storage Yard operation located on the subject parcel has an existing paved parking area with two existing 30-foot-wide paved driveways accessing Cedar Avenue, which will be utilized by the proposed Solid Waste Processing Facility.*

*According to the Operational Statement submitted for this proposal, the proposed Solid Waste Processing Facility will process approximately 15 truck loads of waste per day year-round, with approximately 20 tons of waste per truck load. Further, the existing Contractor's Storage Yard operation located on the subject parcel has 10 employees, eight vehicles and 20 pieces of heavy equipment; however, no additional employees are being requested with the subject land use proposal.*

*According to the California Department of Transportation (Caltrans), operation of the proposed Solid Waste Processing Facility will generate approximately 58 one-way a.m. peak-hour trips (29 round trips) and approximately 38 one-way p.m. peak-hour trips (19 round trips), based upon Institute of Transportation Engineers (ITE) Trip Generation Land Use Code 120 (General Heavy Industrial). It is noted by staff that a.m. peak-hour*

trips are defined as 7:00 a.m. to 9:00 a.m., and p.m. peak-hour trips are defined as 4:00 p.m. to 6:00 p.m.

*This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the proposed Solid Waste Processing Facility, nor did said agency require preparation of a Traffic Impact Study (TIS).*

- 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. No such impacts were identified in the project analysis.*

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to the City of Fresno Public Works Department, the Applicant should be required to provide a concrete curb, gutter, and sidewalk along the Cedar Avenue frontage of the subject parcel, constructed in compliance with the City of Fresno Public Works Department Standard P-5 development criteria. However, no substantial traffic hazard or substantial emergency access issue were identified by the City of Fresno to require such improvements under the California Environmental Quality Act (CEQA). Further, the portions of Cedar Avenue that are contiguous with the subject parcel do not have any existing curbs, gutters or sidewalks.*

- 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:

*This proposal will not conflict with any adopted alternative transportation plans. 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 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 storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal entails authorization of a Solid Waste Processing Facility to recover concrete, asphalt concrete, wood and metal from construction waste and demolition waste. Additionally, these recovered materials will be sorted, processed and stockpiled at the subject parcel in order to be sold as usable materials.*

*Per the Resources Division of the Fresno County Department of Public Works and Planning, operation of the proposed Solid Waste Processing Facility shall be in compliance with California Assembly Bill (AB) 341, which requires businesses generating four cubic yards or more of commercial solid waste per week to arrange for recycling services, and California AB 1826, which requires businesses generating four cubic yards or more of organic waste per week to arrange for organic waste recycling services. With regard to California AB 1826, organic waste refers to food waste, green waste, landscaping and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed with food waste.*

*Per California Code of Regulations (CCR) Title 14, the operator of the proposed Solid Waste Processing Facility shall submit quarterly reports to the Resources Division of the Fresno County Department of Public Works and Planning regarding all tonnages*

*processed through the Solid Waste Processing Facility. Additionally, Fresno County Ordinance Code Section 8:23 (Recycling Haulers) requires those businesses that provide recycling services throughout Fresno County to register as a Recycling Hauler with the Resources Division of the Fresno County Department of Public Works and Planning.*

*These mandatory requirements will be included as Project Notes.*

## 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:

*Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis.*

*Pursuant to discussion in Section V (Cultural Resources), no such impacts on archeological or cultural resources were identified in the project analysis.*

- 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 Classified Conditional Use Permit Application No. 3547, 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, cultural resources, mineral resources, population and housing, or recreation.



Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, and transportation and traffic have been determined to be less than significant.

Potential impacts relating to aesthetics, hydrology and water quality, noise, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

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

DC:

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7215	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Derek Chambers, Planner	Area Code: 559	Telephone Number: 600-4205	Extension: N/A
Applicant (Name): Bowen Engineering and Environmental	Project Title: Classified Conditional Use Permit Application No. 3547		
Project Description: Allow a Solid Waste Processing Facility for the recovery of materials from construction waste and demolition waste on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District. The subject parcel is located on the east side of Cedar Avenue, between American and Malaga Avenues, approximately 1,673 feet south of the nearest city limits of the City of Fresno (4664 S. Cedar Avenue) (Sup. Dist. 3) (APN 330-211-08).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3547, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to agricultural and forestry resources, cultural resources, mineral resources, population and housing, or recreation.  Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, public services, and transportation and traffic have been determined to be less than significant.  Potential impacts relating to aesthetics, hydrology and water quality, noise, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.  The Initial Study and MND are available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 15, 2018		Review Date Deadline: July 16, 2018	
Date: June 6, 2018	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Derek Chambers Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**