



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
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA August 23, 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. 5239 – TIME EXTENSION** filed by **BRATTON INVESTMENTS**, proposing to grant the second one-year time extension for Tentative Tract Map No. 5239, originally approved in 2008, which authorizes a planned unit development of 41 single-family residential parcels with a 2-acre minimum parcel size in the R-R (Rural Residential) Zone District. The subject property is located on the east side of Auberry Road between Caballero Road and Green Meadow Road, approximately 9 miles northeast of the city limits of the City of Clovis (SUP. DIST. 5) (APNs 138-021-75, -76).

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

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@co.fresno.ca.us

-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. 7468** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3615** filed by **JASON OSBORNE** on behalf of **CROWN CASTLE**, proposing to allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20

(Exclusive Agricultural, 20-acre minimum parcel size) Zone District The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (APN 005-070-13S) (Sup. Dist. 1). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7468, and take action on Unclassified Conditional Use Permit Application No. 3615 with Findings and Conditions.

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

3. **INITIAL STUDY APPLICATION NO. 7373, CLASSIFIED CONDITIONAL USE APPLICATION NO. 3593 and VARIANCE APPLICATION NO. 4049** filed by **MICHAEL OLIVER** on behalf of **HARRIS RANCH BEEF COMPANY**, proposing to allow expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to include a 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S & 10S); a 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S); and application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13) (SUP. DIST. 4). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7373, and take action on Classified Conditional Use Application No. 3593 and Variance Application No. 4049 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

4. **INITIAL STUDY APPLICATION NO. 7384, DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4522 and VARIANCE APPLICATION NO. 4050** filed by **BIOLA COMMUNITY SERVICES DISTRICT**, proposing to construct a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and to replace all existing water meters throughout the District. A Variance is required to allow the installation of six-foot-high fence and wall within the front-yard and street side-yard setbacks, where the maximum permitted wall and fence height is 3 feet. Authorize the existing well and chlorine enclosure, which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback. The project site is located on the north side of West F Street, at its intersection with North Third Street, within the unincorporated community of Biola (APN 016-265-10T) (SUP. DIST. 1). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384 and take action on Director Review and Approval Application No. 4522 and Variance Application No. 4050 with Findings and Conditions.

-Contact person, Chrissy Monfette (559) 600-4245, email: cmonfette@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

5. **GENERAL PLAN CONFORMITY APPLICATION (GPC)** filed by **CLOVIS UNIFIED SCHOOL DISTRICT**, proposing to acquire approximately 25 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed site is located on North Locan Avenue between Shields and Garland Avenues, adjacent to the City of Fresno (SUP. DIST.: 5) (APN: 310-230-24 and -34).

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

6. **ADOPTION OF THE YEAR 2019 PLANNING COMMISSION HEARING CALENDAR**

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

-Staff Report Included

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

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, no later than the Monday preceding the meeting by 9:00 a.m.



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 August 23, 2018

- SUBJECT:** Vesting Tentative Tract Map No. 5239 - Time Extension
- Grant the second one-year time extension for Tentative Tract Map No. 5239, originally approved in 2008, which authorizes the creation of 41 single-family residential parcels in the R-R (Rural Residential, 2-acre minimum parcel size) Zone District.
- LOCATION:** The subject property is located on the east side of Auberry Road between Caballero Road and Green Meadow Road, approximately 9 miles northeast of the city limits of the City of Clovis (SUP. DIST. 5) (APN's 138-021-75, -76).
- OWNER/
APPLICANT:** Bratton Investments
- STAFF CONTACT:** Danielle Crider, Planner
(559) 600-9669
- Marianne Mollring, Senior Planner
(559) 600-4569
- RECOMMENDATION:**
- Approve the second one-year time extension request for Tentative Tract Map No. 5239; 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. 12109, dated July 17, 2008 (Time Extension No. 1)
5. Subdivision Review Committee Report, Staff Report and Planning Commission Resolution dated June 29, 2006
6. Applicant's letter requesting the second one-year time extension

ENVIRONMENTAL DETERMINATION:

On August 15, 2006, the Fresno County Board of Supervisors adopted the Mitigated Negative Declaration for Initial Study No. 4993, prepared for Tentative Tract Map No. 5239, and Conditional Use Permit No. 3157, authorizing a planned residential development consisting of 41 lots with private roads on 164.53 acres in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines states that once an Environmental Impact Report (EIR) and/or Negative Declaration has been certified for a project, no subsequent EIR or 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 EIR (or Negative Declaration) was certified.

Staff has not received any comments or evidence indicating 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 48 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

Granting the proposed extension of Vesting Tentative Tract Map No. 5239 is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot Condition the granting of the requested 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 June 29, 2006, the Planning Commission approved Vesting Tentative Tract Map No. 5239, Classified Conditional Use Permit No. 3157, and Initial Study Application No. 4993, authorizing a planned residential development consisting of 41 lots with private roads on 164.53-acres in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

The Planning Commission granted a first one-year time extension on July 17, 2008, which extended the life of Tentative Tract Map No. 5239 to August 15, 2009. Subsequently, SB 1185 granted an automatic one-year time extension for the Tentative Map, resulting in a new expiration date of August 15, 2010. Two subsequent two-year legislative time extensions extended the map life until August 15, 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 August 15, 2018.

Since all automatic time extensions have been exhausted for the project, the subject request is to allow the second discretionary one-year time extension through the consideration of the Planning Commission. The Applicant filed the request for a second time extension on July 2, 2018.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5239 was approved August 15, 2006 concurrently with Initial Study Application No. 4993 and Classified Conditional Use Permit (CUP) No. 3157, 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 market conditions affecting residential development, and a failure to coordinate the joint development of infrastructure with surrounding properties.

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 second one-year time extension for Vesting Tentative Tract Map No. 5239 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to August 15, 2019.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

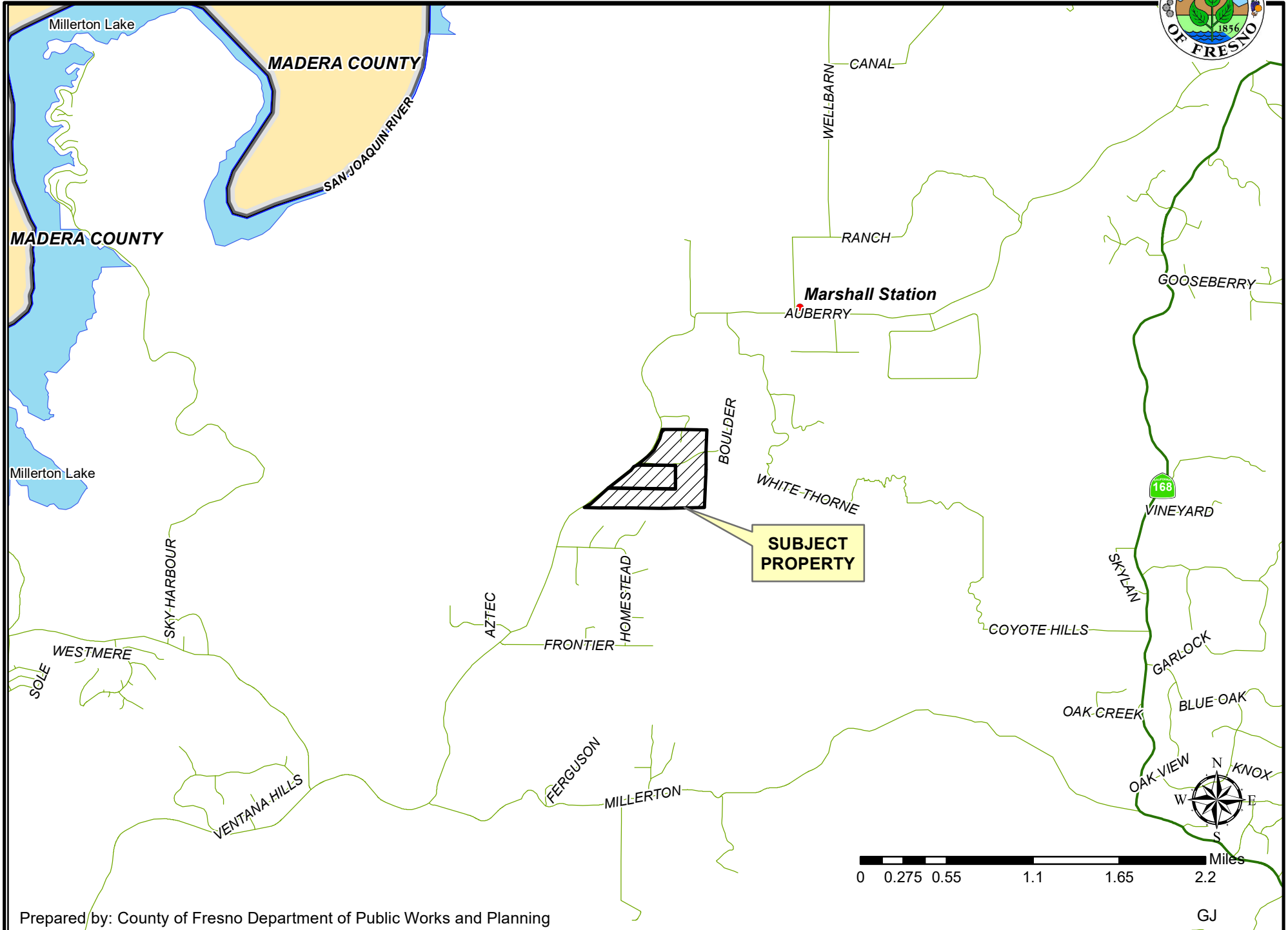
- Move to approve the second one-year time extension for Vesting Tentative Tract Map No. 5239; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

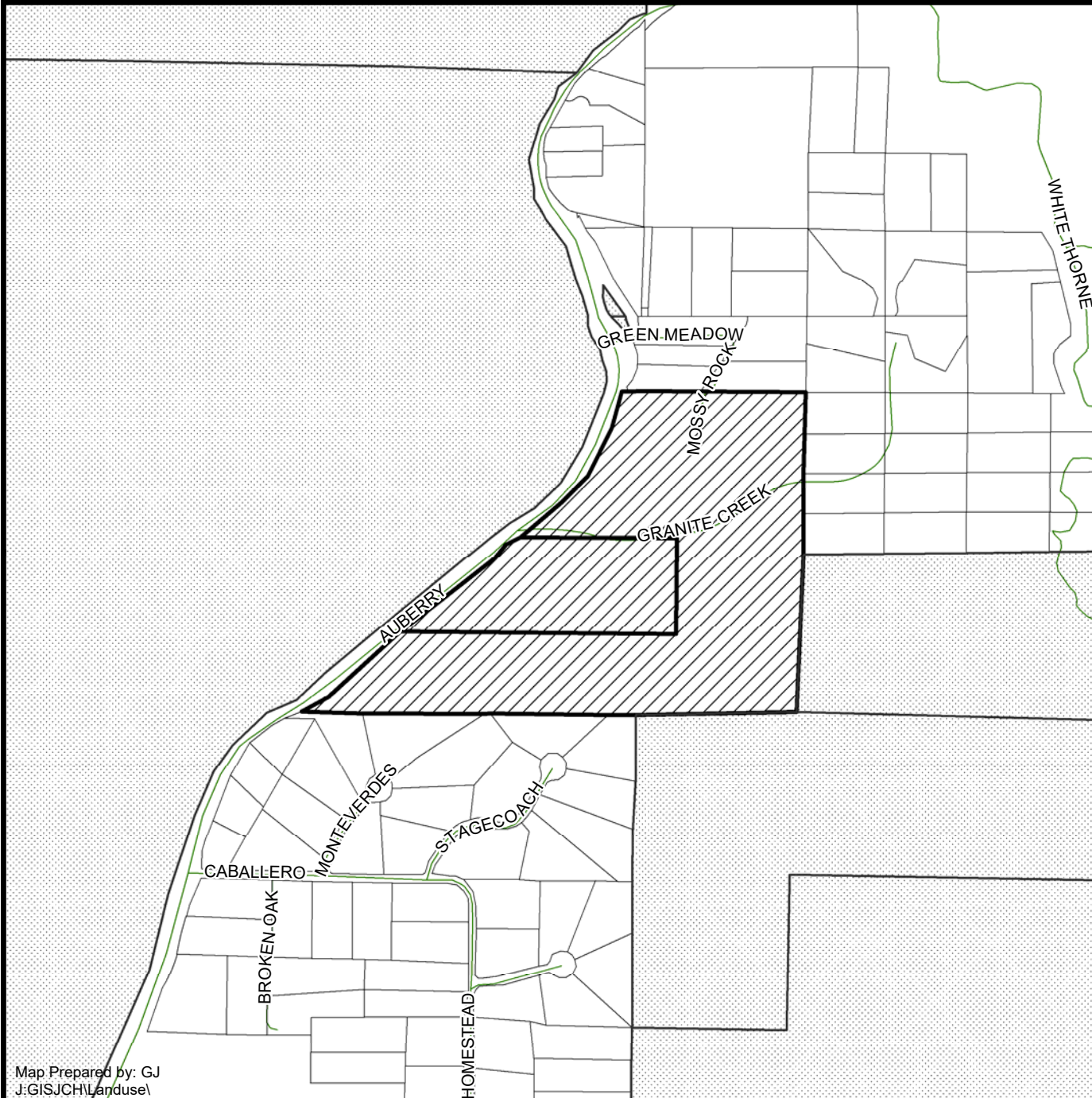
- Move to deny the second one-year time extension request for Vesting Tentative Tract Map No. 5239 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension 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.

DTC:ksn
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
LOCATION MAP

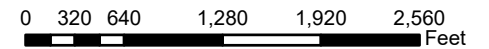
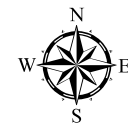


EXISTING LAND USE MAP



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

- LEGEND:**
-  Subject Property
 -  Ag Contract Land



Department of Public Works and Planning
Development Services Division



Inter Office Memo

DATE: July 17, 2008
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12109 - TENTATIVE TRACT MAP
APPLICATION NO. 5239 (TIME EXTENSION)

APPLICANT: James Bratton, Bratton Investments

REQUEST: Grant a one-year time extension for Tentative Tract Map Application No. 5239, which authorizes a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: The project is located on the east side of Auberry Road between Caballero and White Thorne Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

PLANNING COMMISSION ACTION:

At its hearing of July 17, 2008, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was then made by Commissioner Niswander and seconded by Commissioner Gill to approve the requested one-year time extension for Tentative Tract Map Application No. 5239.

This motion passed on the following vote:

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

No: None

Absent: None

Abstain: None

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

By:



Bernard Jimenez, Division Manager
Development Services Division

EXHIBIT "A"

Staff: The Fresno County Planning Commission accepted the Staff Report dated July 17, 2008.

Applicant: The applicant's representative expressed agreement with staff's recommendation, and provided the following points of information:

- The extension is requested due to economic considerations, as well as the finalization of all CSA agreements and requirements.

Others: No other individuals presented information in support of or in opposition to the proposal.



County of Fresno

Department of Public Works and Planning
ALAN WEAVER
Director

Subdivision Review Committee Report Agenda Item No. 2 June 29, 2006

SUBJECT: Initial Study Application No. 4993 and
Tentative Tract Application No. 5239

Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: On the on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

Applicant: James Bratton
Owner: B.W.I.

STAFF CONTACT: Lew Pond, Planning & Resource Analyst
(559) 262-4321

Chris Motta, Senior Staff Analyst
(559) 262-4241

RECOMMENDATION:

Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993 and approve Tentative Tract Map Application No. 5239 with recommended findings and conditions, and direct the Secretary to prepare a Resolution documenting the Commission's action.

REGIONAL JOBS INITIATIVE

If approved, this proposal should not impact the short and long-term objectives of the Regional Jobs Initiative (RJI) for the creation of jobs in Fresno County. There will be short-term job opportunities for activities associated with construction of the subdivision and housing improvements.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Surrounding Zoning
4. Tentative Tract Map
5. Elevations of Entrance Gate and Boundary Fence
6. Summary of Initial Study Application No. 4993
7. Project correspondence

PROJECT DESCRIPTION SUMMARY:

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

Proposed Use:

- Allow a planned residential development consisting of 41 lots with private roads, gated entry and community water system in the RR (Rural Residential, two-acre minimum parcel size) District.

Project Site:

- 164.53 acres

Existing Improvements:

- Three wells, unimproved private road, overhead high voltage power lines

Proposed Improvements:

- Subdivision infrastructure (private gate at the project entrance on Auberry Road, paved private interior roads, community water system, fire protection systems, underground utilities, etc.)

ENVIRONMENTAL ANALYSIS:

An Initial Study (Initial Study Application No. 4993) 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 6.

Notice of Intent of Mitigated Negative Declaration publication date: May 26, 2006.

PUBLIC NOTICE:

Notices were sent to 48 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.

BACKGROUND INFORMATION:

The subject application was originally submitted as a tentative tract consisting of 41 Rural Residential lots, with water to be provided by individual wells, and with each lot having public road access. During the scheduled May 26, 2005 Planning Commission hearing on the project, the applicant requested that the application be continued to allow the applicant to revise the proposal to include a community water system and private roads with a private gate to be installed at the site's Auberry Road access. Section 10.02c of the Sierra North Regional Plan and Policy LU-E.10 of the General Plan allow Planned Residential Developments utilizing community water and sewer systems in areas designated Foothill Rural Residential. Pursuant to Section 855.N.22 of the Zoning Ordinance, the applicant submitted Classified Conditional Use Permit Application No. 3157 on December 12, 2005 requesting that the subject project be allowed as a Planned Residential Development of 41 Rural Residential lots with a gated entrance and private roads. This application is being processed concurrently with Tentative Tract Map Application No. 5239 and is the subject of a separate staff report.

PROCEDURAL CONSIDERATIONS:

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 Subdivision Review Committee Report. Classified Conditional Use Permit Application No. 3157, proposing to allow planned

residential development of the property, has been submitted concurrently with this Tentative Tract Map Application proposal. Tentative Tract Map Application No. 5239 as proposed with a gated entry and private roads cannot be approved without approval of the Conditional Use Permit Application. Approval of both applications is final unless appealed to the Board of Supervisors within 15 (fifteen days) of the approval action.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

Date of Subdivision Review Committee Meeting:	May 13, 2005
Subdivider:	James Bratton
Engineer:	Yamabe & Horn
Location:	On the on the east side of Auberry Road between Caballero and Wellbarn Roads.
Nearest City Limits:	Approximately nine and one-half miles northeast of the City of Clovis and four miles southwest of the unincorporated community of Prather.
Number of Acres:	164.53 acres
Number of Lots:	41 lots
Minimum Lot Size:	2.3 acres
Proposed Source of Water:	Community system
Proposed Means of Sewage Disposal:	Individual sewage disposal system
Drainage:	To natural channels, with additional drainage generated by the development to be retained on-site.
General Plan Designation:	Foothill Rural Residential (Sierra North Regional Plan)
Zoning on Subject Property:	RR (See Surrounding Zone Map, Exhibit 3)
Surrounding Zoning:	RR, AE-40, AL-40, RC-160

Proposed Use:	Rural Residential
Land Use on Subject Property:	Vacant
Surrounding Land Use:	Grazing, Rural Residential Development, Single Family Residences

ANALYSIS / DISCUSSION:

Finding 1: *General Plan Consistency*

The subject 164.53-acre project site is designated Foothill Rural Residential in the Sierra North Regional Plan and is zoned RR. The property is located on the east side of Auberry Road between Caballero and Wellbarn Roads. Surrounding parcels are used for grazing or for single-family residences.

Policy PF-C.17, which applies countywide, states that the County shall, prior to any discretionary project related to land use, undertake a water supply evaluation that determines (a) whether the proposed water supply is adequate to meet the needs of the development, (b) the impact of the use of the proposed water supply will have on other water users, and (c) that the proposed water supply is sustainable. The applicant proposes a community water system with the water supplied by three on-site wells. The applicant was requested by the County Geologist to submit a hydrogeologic report per Section II-H of County Improvement Standards to demonstrate that underground water supplies will be adequate to serve the proposed use and that required General Plan water determinations can be made. The County, through a formal request for proposal process, selected the consulting geologist. The hydrogeologic report, dated March 1, 2006, prepared by Norbert Larsen, Consulting Geologist, was subsequently filed with the County which included pump tests of three five wells and monitoring of 12 nearby off-site wells located within an adjacent subdivision during the pumping phase of the testing. These pumping and monitoring wells are shown on Exhibit 5, Map of Well Sites and Observation Wells. Based upon the report, the Geologist has determined that the determinations as required by Policy PF-C.17 can be made for the project. These determinations have been made subject to the inclusion of mitigation measures requiring that: 1.) The proposed community water system be owned, operated and maintained by a County Service Area (CSA), 2.) Each lot shall be required to have two (2) water meters, one for the residence and the second for landscape irrigation needs, 3.) Only drip irrigation be allowed, 4.) A tiered rate schedule be adopted, 5.) The applicant develop and submit a groundwater monitoring program, 6.) Well No. 3 shall be limited to use only as a monitoring well, 7.) Well No. 6 shall be used only after additional testing to quantify impact on wells to the south of the project site and only to the extent that no significant impacts occur, and 8.) Onsite wells be equipped with dedicated pressure transducers and a data logger is to be provided to allow for groundwater monitoring.

Policy LU-E.17 of the General Plan states as follows:

The County shall consider the current inventory of undeveloped parcels when reviewing rezoning and subdivision proposals involving lands currently designated Rural Residential or Foothill Rural Residential. Such proposals shall generally not be considered appropriate until such time as at least sixty (60) percent of the available lots in the area have been developed.

This policy was added to the General Plan with approval of the General Plan Update in 2000.

Other than stating that the inventory required by Policy LU-E.17 be of "available lots in the area", no specific information is provided by the General Plan as to the size of the area to be surveyed. Subsequent to the 2000 General Plan Update, only one Foothill Rural Residential tract has been considered, Tentative Tract Map Application No. 5100. This tract, which was approved by the Board of Supervisors on appeal in January 2004, allowed division of eight parcels of land totaling 302.83 acres into 91 parcels with a minimum size of two acres. In that instance, the inventory was made of all lots designated Rural Residential or Foothill Rural Residential within a five mile radius of the project site, in which case, it was determined that 64% of the inventory of Rural Residential parcels were developed. The same methodology was utilized for the subject tract, based upon the best readily available data. The analysis relied on County Assessor's records, supplemented by building permit records and aerial photographs. This resulted in a determination that 58% of Rural Residential and Foothill Rural Residential designated properties within a five-mile radius of the site have been developed. The calculation included 91 lots authorized with approval of Tentative Tract Map Application No. 5100 in January 2004. The Final Map for these lots was recorded in March 2005. Prior to the recording of these parcels, the proportion of developed Rural Residential parcels within five miles of the subject site was 71%. The Plan Check Section of the Department of Public Works and Planning indicates that plan check activity for new residences on lots within the tract has been heavy. Based upon these considerations, including the language that includes the term "generally" in Policy LU-E.17, staff believes that the subject project is consistent with the policy.

Auberry Road is designated as a Scenic Drive in the General Plan. General Plan Policy OS-L.3 states that intensive land development proposals along a Scenic Drive, including subdivisions of more than four lots, shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The policy further provides that the design of said development proposals shall provide for maintenance for a natural open space area two hundred (200) feet in depth parallel to the right-of-way. The policy does allow for modification of the setback when topographic or vegetative characteristics preclude such a setback and when topographic or vegetative characteristics provide screening of building and parking areas from the right-of-way. The entrance gate proposed for the project in concurrent Conditional Use Permit Application (CUP) No. 3157 will be located

approximately 90 feet from the Auberry Road right-of-way. Conformance of the gate with GP Policy OS.L-3 is addressed in the staff report for CUP No. 3157.

With respect to the remainder of the project, portions of 11 of the proposed 41 lots are located within this 200-foot setback. In addition, an interior road approximately 1,600-foot in length is proposed to be constructed parallel to Auberry Road within the 200-foot setback. Based upon the following considerations, staff believes that a modification of the setback standard is warranted in the case of this project. The interior road in question serves a corridor of six proposed parcels lying between Auberry Road and Little Dry Creek as it meanders through the southwest portion of the tract. Requiring the road to be set back 200 feet would either reduce the lots to be served by the road to sizes less than the minimum two acres or result in potential impacts to the stream and its designated buffer area. The applicant has also requested to be allowed to construct improvements within the 200-foot setback on three of the 11 lots within this setback area. The area outside the setback on Lots 40 and 41 is either quite steep for housing construction or is heavily wooded. Because of the proximity of these lots to a designated wildlife movement corridor, no feasible parcel reconfiguration is possible. Staff believes that these considerations support a condition allowing improvements on these parcels (Lots 40 and 41) to be located within the 200-foot setback but no closer than 100 feet from the Auberry Road right-of-way. The applicant has also requested that improvements on Lot 37 be allowed as close as 150 feet from Auberry Road because the portion of this parcel lying outside the 200-foot setback is not large enough for a single-family residence. Staff believes that topographic features and vegetation in this area will effectively screen the improvements from Auberry Road and has included a condition allowing improvements on Parcel 37 as requested.

The owners of lots along the western boundary of the project may wish to erect fences that would be located within the 200-foot scenic setback area. To reduce potential visual impacts caused by such fences, the applicant proposes to construct a tract boundary fence along the eastern right-of-way line of Auberry Road, as described in the Operational Statement for concurrent CUP No. 3157 and depicted in Exhibit 5 of this report. The fence is proposed to be a white split rail wood fence. A condition is included allowing this fence and stipulating that no other fencing will be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, which shall be consistent with the design of the boundary fence.

Based upon these considerations, staff believes that the project conforms to General Plan Policy OS.L-3 if the development and operation of the project is in substantial compliance with the tentative tract map (Exhibit 4), entrance gate and fence elevation (Exhibit 5) and the Operational Statement associated with CUP No. 3157. Compliance with the latter document is a recommended condition of approval of CUP No. 3157.

The 1,600-foot interior road referred to above is proposed to be constructed immediately adjacent to Auberry Road. This may result in a traffic hazard in that motorists on Auberry Road may mistake the interior road for Auberry Road, particularly during night time hours. To address this concern, a condition is included at the request of the Development Engineering Division requiring that a berm be constructed to provide visual separation between the highway and the interior road. To enhance the appearance of the berm in keeping with the Scenic Drive objectives, the condition requires the berm to be landscaped with natural materials.

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 into the proposed subdivision will be provided via Auberry Road, which is classified as an Arterial in the General Plan. A condition of approval is included requiring additional road right-of-way to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills. In addition, direct access rights shall be relinquished along the Auberry Road frontage with the exception of one access point into the subdivision and one emergency access road.

Conditions recommended for this subdivision by the Development Engineering Division of the Department of Public Works and Planning require that the proposed interior roads be constructed to a County public road standard and that provisions be made for their maintenance.

The proposed development will result in an increase in vehicle traffic in the area. The Design Division of the Fresno County Department of Public Works and Planning, which is responsible for determining the adequacy of County roads and necessary improvements, reviewed the subject application and requested a traffic impact study which identified potential traffic impacts to county roads and one State highway. Mitigation measures are included requiring pro-rata shares for future signalization of various intersections and improvements to segments of Auberry Road and Copper Avenue, to reduce impacts to County roadways to a level of less than significant. A mitigation measure is also included requiring a pro-rata share of the cost of improvements to the SR 168/Auberry Road intersection, reducing impacts to State highways.

Policy PF-1.8 of the General Plan states that the County and school districts should work closely to secure adequate funding for new school facilities. The policy also states that the County shall support the school district's efforts to obtain appropriate funding methods such as school impact fees. The proposed project is located within the Sierra Unified School District and as the project develops, school impact fees will be paid to the District.

Policy PF-H.2 of the General Plan states that new development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities are provided. The property is located with State Responsibility Area for fire protection purposes. The applicant will be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.

Policy PF-G.2 of the General Plan states that the County shall strive to maintain a staffing ratio of two sworn Sheriff's officers per 1,000 residents served. The Board of Supervisors has recently directed that a funding mechanism be established to provide for this minimum level of staffing in areas experiencing new residential growth. This Initial Study prepared for the project also identified the need for enhanced police services. A condition has, therefore, been included as a mitigation reducing public service impacts to a level of less than significance by requiring creation of a Community Facilities District or other appropriate funding mechanism for this purpose.

The subject property is traversed by a seasonal stream and is located in a mixed oak woodland. The Open Space and Conservation element of the General Plan includes a number of policies which seek to protect oak woodlands and wetlands, as well as encouraging preservation of existing terrain and natural vegetation in visually sensitive areas. Staff has included a condition of approval requiring preparation of an Oak Management Plan for the property for review and approval prior to recordation of the Final Map. As discussed in the Environmental Effects Section below, several mitigation measures have been included related to protection of biological resources.

Based upon the above considerations, staff believes that the project can be found to be consistent with the General Plan.

Finding 2: Suitability of Site

The subject property is located in a foothill area at elevations ranging from about 750 feet to 1,100 feet above sea level. Some of the lots have grades in excess of 30%. In accordance with County Subdivision Improvement Standards, a soils report is required for the subdivision as a condition of the final map. The soils report needs to address any limitations on building in these excessive slopes.

Individual sewage disposal systems are proposed to serve the development. A sewage feasibility analysis was prepared for the project at the request of the Fresno County Department of Community Health, Environmental Health System (Health Department). The sewage feasibility analysis indicated that soils on the project site are adequate to accommodate individual sewage disposal systems with full replacement area. Per the feasibility analysis, a condition has been included which requires engineered sewage disposal systems for each lot.

The parcel is zoned Rural Residential, allowing parcel sizes no smaller than two acres. Lot sizes in the proposed tentative tract range from 2.30 to 5.17 acres. As indicated in the Finding 1 section above, the area allowed for building improvements will be limited on several lots to allow for scenic setbacks from Auberry Road. Also included is a condition requiring that stormwater runoff generated by new roads and buildings must be retained or detained in on-site basins. Notwithstanding these constraints and conditions, staff believes that the site is adequate for the use as proposed and that Finding 2 can be made.

Finding 3: Environmental Effects

The Subdivision Ordinance requires that a tentative tract map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The Initial Study, attached as Exhibit 5, identified a number of potential environmental impacts. Potential impacts related to compaction, overcovering of the soil, and wind and water erosion will be addressed by mandatory adherence to the County's Grading and Drainage Ordinance and County Building Code.

The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed the project and stated the project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Although the project itself may not generate significant air emissions, the Air District indicated that the project and others like it may make it more difficult to meet mandated emission reductions and air quality standards. The Air District indicated that the project will be subject to District Rules 4901 and 4902, which regulate the sale, installation and transfer of both wood-burning devices and natural gas-fired water heaters to limit the emissions of PM-10 and oxides of nitrogen. Regarding temporary impacts during construction, the District also noted that the construction phase of the project will be subject to certain aspects of District Regulation VIII, a series of rules designed to reduce PM-10 emissions generated by human activity. Adherence to these mandatory measures will adequately address the potential air impacts identified by the Air District. Therefore, no significant impacts to air quality are anticipated.

The Air District encourages other measures to reduce the project's overall level of emissions. These include careful selection and location of trees, installation of sidewalks and bikeways, and energy conserving features such as energy efficient appliances, natural gas or EPA-certified wood burning fireplaces, and natural gas and electrical outlets in outdoor areas to encourage use of clean-burning outdoor cooking appliances and landscape maintenance equipment. Information on these measures has been provided to the applicant.

A Biological Evaluation of the site was performed by Live Oak Associates dated September 16, 2003. Mixed oak woodland and button willow scrub associated with the natural drainage on the site were the only two habitats observed. The report concludes that the project will result in a less than significant impact to regional populations of special status animal species, and a less than significant impact on riparian habitat and regional wildlife movements. The report states that three special status plant species could be present on the site, the Madera Linanthus, Orange Lupine, and Mariposa Pussypaws. The State Department of Fish and Game (F&G) reviewed the evaluation and indicated that a Federally-listed species, the Valley Elderberry Beetle, could also be impacted by the project. Follow up surveys by Live Oak Associates, reported in letters dated April 27 and May 17, 2004, concluded that Mariposa Pussypaws, Orange Lupine, and Madera Linanthus were not observed on the site. Also, no Blue Elderberry shrubs providing habitat for the VELB were found. The report concludes that there would be no potential impacts to special status plant species.

As indicated in the Biologic Evaluation Report for the project, the project area contains Army Corps of Engineers (ACOE) jurisdictional "Waters of the United States". A report entitled "Waters of the United States, Table Mountain Creek Subdivision" was prepared by LOA dated March 26, 2004, and forwarded to the ACOE. By letter dated August 5, 2004, ACOE verified that the site contains 4.30 acres of waters of the United States, including wetlands.

The California Department of Fish and Game commented on the Biological Evaluation by letter dated April 13, 2004. Notwithstanding the conclusions of the evaluation that impacts to riparian habitat and wildlife movement would be less than significant, F&G requested that mitigation measures be adopted establishing stream setbacks and a wildlife movement corridor. Mitigation measures are included requiring two "no build, no disturb" outlots to be established. Outlot "A", consisting of 12.6 acres, is to be established as a wildlife movement corridor 180 feet wide. This corridor is coterminous with an easement held by PG&E for two sets of high voltage transmission lines that traverse the property. Outlot "B", consisting of 19.43 acres, includes the 4.30-acre Little Dry Creek together with a minimum 50-foot buffer from the upper edges of the creek or from the outer edge of the dripline of riparian vegetation, whichever is greater. It also includes a minimum 30-foot buffer from the upper edges of two tributaries of the creek. The designation of the outlots together with a "no build, no disturb" note on the Final Map will assure that these areas will remain in their natural state.

A Section 404 Permit from ACOE and a Section 1600-1603 Stream Bed Alteration Permit will be required for the proposed modification of the existing crossing of the stream by the private road traversing the site. This will reduce any potential erosion or siltation impacts to a less than significant level.

Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will

have a significant effect on the environment. Mitigations are included as required by this code section, along with the preparation of an Oak Management Plan in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).

A Cultural Resources Study of the site, dated August, 2003 and prepared by Donald G. Wren, Consulting Archeologist, identified four archeological sites. This study was reviewed by the Southern San Joaquin Valley Information Center, who requested that the identified sites be avoided. The project will be subject to a mitigation measure requiring an open space indenture agreement to protect the sites that will be attached as a covenant running with the land and noted on the final map.

As indicated in the Initial Study, Exhibit 5, potentially significant aesthetic impacts were identified in the environmental analysis. The existing 164.53-acre site is located in the foothills of the Sierra between the elevations of 750 and 1,100 feet. Typical of the foothill area, the site is classified as mixed oak woodland, with blue oaks, live oaks and foothill pines as the dominant species. The North Fork of Little Dry Creek traverses the site in a northeast to southwest direction, and a number of rock outcroppings are found on the parcel, mostly in the proximity of the stream. These factors enhance the aesthetic character of the site, although this quality is compromised to an extent by the presence of two high voltage transmissions line and towers that cross the property, also in a northeast to southwest direction.

As indicated in the Finding 1 discussion above, Auberry Road in this location is designated as a Scenic Highway in the General Plan, and mitigation measures are included to reduce aesthetic impacts as viewed from the highway. The mitigation measures included in the project to protect biological resources will also have the effect of significantly reducing aesthetic impacts. Under these measures, 32 acres of the 164.53-acre site are designated as open space outlots for the protection of riparian habitat along the stream and for wildlife movement. Site visits by staff and aerial photos confirm that almost all rock outcroppings are located along the stream and will, therefore, be protected within an outlot. Impacts on oak woodlands will be addressed in the Oak Management Plan that will incorporate the provisions of Section 21083.4 of the Public Resources Code. The provisions require replacement at a 5:1 ratio of all oak trees more than five inches in diameter at breast height that are removed by the project.

Based upon the above considerations, staff believes that this subdivision and related improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife in their environment provided the development complies with the recommended conditions of approval.

Finding 4: Public Utilities and Easements

All proposed utilities will be required to be placed underground in accordance with County requirements and easements for these utilities will be required as conditions of this map. County Design and Improvement Standards also 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, shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

The two overhead electrical transmission lines that traverse the tract are exempted from the County undergrounding requirement by the Design and Improvement Standards. These lines are owned by the Pacific Gas & Electric Company and are within a 180-foot access and maintenance easement. As indicated in Finding 3 above, this 180-foot corridor is also designated for wildlife movement and is noted as an outlot on the site plan.

Based upon these factors, staff believes that Finding 4 can be made.

Finding 5: Public Health

Neither the design of the subdivision, nor the type of improvements that are proposed are likely to negatively impact the health of future residents or the general public. Water will be provided by a community water system in accordance with mitigation measures, as discussed in Finding 1.

The Fresno County Fire Protection District (District) reviewed the project, including the proposed private gate access to the site. They reviewed the applicant's plans, which indicated the pressurized water system, location and size of water tanks, and location of fire hydrants. The Department determined that the project would meet the District's requirements with provision made for Knox Box gate access and subject to conformance with State SRA requirements and subject to provision of emergency access.

A condition is included requiring establishment of a funding mechanism to provide for maintenance of a staffing ratio of two sworn Sheriff's officers per 1,000 residents served. The Sheriff's Department reviewed the project and indicated no concern with their ability to provide service subject to provision that their office be provided the access code for the private gate.

As stated in Finding 2, each lot of the subdivision will be served by an individual septic system. As recommended by the sewage feasibility analysis prepared by the applicant's consultant and accepted by the Health Department, each individual septic system will be required to be engineered.

The Health Department has determined through review of water quality information provided by the applicant that all constituents or chemicals analyzed meet the standards adopted by the California Department of Health Services for community public water systems with the exception of coliform bacteria at well # 4. A note will be included stating that prior to the use of Well #4, additional bacteriological testing will be required.

Based on the above considerations, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with the conditions of approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Mitigated Negative Declaration prepared for this project.

Staff believes the required findings can be made based upon the factors cited in the analysis, the recommended conditions, and the notes regarding mandatory requirements. Staff therefore recommends that the project be approved.

PLANNING COMMISSION MOTIONS:

RECOMMENDED MOTION (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993; and
- Adopt findings noted in the staff report and approve Tentative Tract Map Application No. 5239, subject to the conditions listed below; and
- 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 Tentative Tract Map findings cannot be made for the following reasons [state which finding(s) and reasons], and move to deny the project; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

CONDITIONS:

A. AUBERRY ROAD

1. Additional road right-of-way shall be provided to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills.

Note: Limits of cuts and fills will be identified by the Subdivider through submission of a conceptual design for Auberry Road widening along the frontage of the subdivision, including supporting topographic survey features outside of the current road right-of-way.

2. Auberry Road is classified as an arterial and as such, the direct access point from the proposed subdivision shall be relinquished except at the locations of the 60-foot wide entrance road and an emergency access road.
3. Adequate sight distance shall be provided at the intersection of the entrance road and Auberry Road.
4. A 30-foot by 30-foot cutoff shall be provided at the entrance road and Auberry Road.
- *5. A natural open space area extending 200 feet from the easterly right-of-way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:
 - a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
 - b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.
 - c) The subdivider may construct a tract boundary fence within the

natural open space area and described as a white split rail wood fence in the Operational Statement for the concurrent Conditional Use Permit Application No. 3157. Said fence shall conform to this description and to the design depicted in Exhibit 5 of this report. No other fencing shall be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, and which shall be consistent with the design of the boundary fence.

d) The natural open space area shall be shown on the Final Map.

B. GATED ENTRY

1. Shall be constructed to a public road standard in accordance with County Improvement Standard A-2-b (28 feet of base and pavement plus transitions as needed). Applicant has proposed a median island within an 84-foot right-of-way at the entrance.
2. Vehicles denied access shall be able to exit the entrance in a continuous forward motion.
3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the "queuing theory" to insure that there is a 1% chance or less of a vehicle stopping in the public right-of-way due to a vehicle waiting to be granted access to the development. The analysis shall use a five-minute delay for the peak hour volume entering the development at the gate.
4. If a bypass lane with a separate call box or actuator is provided for the residents, their vehicles may be deducted from the analysis. This is assumed to be 90% of the peak hour traffic.
5. Each vehicle shall be given a 25-foot envelope in determining the setback from the public road.
6. The call box shall be located a minimum of 25 feet from the public right-of-way.
7. To address potential visual impacts from Auberry Road, a County Scenic Drive, the entrance gate structure shall be set back a minimum of 200 feet from Auberry Drive, unless a greater setback is required by other conditions of this subsection.
8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.

9. Access through the subject site shall continue to be provided to those properties and parcels to the north and east of the proposed tract that had previously utilized Granite Creek Road for ingress and egress. Since the extent of such previous access easement rights is unknown and could affect additional parcels that could be divided in the future, a telephone call box shall be placed at the entrance to allow for calls to be received at parcels outside of the tract boundary in order to permit access through the gate. Since the gate is within a potential wildfire area, the exit gate shall open outwardly and/or permit exit via a crash gate construction feature in the event of a power failure.

C. INTERIOR ROADS AND CUL-DE-SACS

1. The entrance road (Granite Creek Road) shall be constructed to minimum 30 MPH design speed and in accordance with County Improvement Standard A-2b, but with 60 feet of right-of-way as shown on the tentative map (28 feet of pavement and base). The interior roads serving the lots shall be constructed to a 25 MPH. public road standard in accordance with County Improvement Standard A-1b (24-foot minimum width of pavement and base).
- *2. To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm. Landscaping of natural materials shall be planted on the berm and maintained by the Homeowner's Association until the plantings are self-sustaining. The applicant shall provide a landscaping plan to the County for review and approval.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at the intersection of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 MPH. design speed for the interior streets. Roads shall intersect at approximately 90-degree angles.
4. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
5. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
6. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
7. The 25 MPH design speed requires the interior roads to have a minimum curve radius of 230 feet.

8. The improvement plans shall clearly demonstrate how the 60-foot entrance road shall connect to the access road serving parcel maps east of the subject site. (Parcel Maps 7599, 7279, etc.).
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.

D. DRAINAGE AND EROSION CONTROL

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. Any additional runoff generated from this tract shall be retained or detained on-site or by other facilities acceptable to the Director of Public Works and Planning.
2. A Hydraulics and Hydrology report shall be prepared for the stream traversing the property. The report shall establish the limits of inundation from a 100 year storm, base flood elevations for the parcels fronting on the stream, and shall establish a high water level at the proposed bridge and flow rate at the bridge for design purposes.
3. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A copy of the Notice shall be provided to the County.
4. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

E. MAINTENANCE

1. A Zone of Benefit in County Service Area 35 or other method acceptable to the Director of Public Works and Planning shall be provided for the Maintenance of new roads and outlots. If the entrance road is gated, maintenance shall be by the Homeowner's Association or other entity acceptable to the Director.
2. The subdivider shall be required to secure the maintenance of the new roads for a period of two years after acceptance thereof.

3. Common facilities, including open space, private roads, and entrance gate, shall be maintained by a homeowners association.

F. UTILITIES

1. All utilities with the exception of the PG&E overhead transmission lines traversing the site shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
2. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
3. A ten-foot wide public utility easement shall be dedicated along all lot boundaries located adjacent to any street located within the tract.

G. STREET NAMES

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval from the Street Names Committee prior to final map approval.

H. FIRE PROTECTION:

1. The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works & Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
2. The property is located with State Responsibility Area for fire protection purposes. The applicant shall be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.
3. Engineered plans for the fire protection system shall be reviewed and approved by the fire protection district having jurisdiction for the area in addition to the County.

I. EMERGENCY ACCESS ROADS:

1. Shall be contained within easements (minimum 20' wide) 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 Department of Public

Works and Planning 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.

J. WATER AND SEWER

- *1. The proposed community water system shall be owned, operated and maintained by a County Service Area (CSA). Prior to the issuance of any building permits for any single family dwellings within the subject tract, the CSA shall submit an application and receive approval for a permit to operate a Public Water System. The permit application shall include supporting information, in the form of a technical report, and be submitted to the Fresno County Department of Community Health, Environmental Health Division for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact Ed Yamamoto at (559) 445-3357 for more information. The subdivider shall assist the CSA staff in preparing the necessary documentation for submission to the Environmental Health Division in order to secure a water purveyor permit for the community system. Well sites shall be designated as outlots, and shall be provided with easement access for maintenance purposes.
- *2. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map. Each lot shall be required to have two (2) water meters. One meter will serve the residence and the second meter will serve the landscape irrigation needs. All such meters shall be equipped with remote read sensors so that homeowners may monitor their water usage. The irrigation meter shall not be installed until a copy of the proposed landscaping plans for the lot is reviewed and approved by the Architectural Review Committee and submitted to the County Service Area for review and forwarding to the County Geologist for approval to ensure that the proposed landscaping will not require more water than is available for the lot. Upon recordation of the final map, this requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet.
- *3. Only drip irrigation shall be allowed. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.

- *4. Prior to recordation of the final map, a tiered rate schedule for the irrigation service for both domestic and landscaping use shall be adopted by the Board of Supervisors as the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the reconnection of the water supply for irrigation services.
- *5. Prior to recordation of the final map, the applicant shall develop and submit to the County Geologist and the Resources Division of Public Works & Development Services Department a groundwater monitoring program for the proposed community water system. The cost of ongoing monitoring shall be included in the rate schedule established by the County Service Area. Approval and acceptance of the groundwater monitoring program shall be made by the County Geologist.
- *6. Wells 2, 4 and 5 shall be used for the community water system. Well No. 3 shall be limited to use only as a monitoring well. Well No. 6 shall be used as a backup well, but only after additional testing to quantify impact on wells to the south and only to the extent that no significant impacts occur.
- *7. All onsite wells shall be equipped with dedicated pressure transducers and a data logger is to be provided.
- 8. All rights to ground water beneath the tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging any wells.
- *9. Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

K. SOILS REPORT

1. A soils report is required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the type of development as proposed.
2. Some lots have grades in excess of 30%. The soils report needs to address limitations on building in these excessive slopes.

L. BIOLOGICAL RESOURCES

*1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing 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. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- a) Outlot "A", consisting of 12.6 acres, shall be established as a wildlife movement corridor and for public utility purposes. Said corridor shall have a minimum width of 180 feet.
- b) Outlot "B", consisting of 19.43 acres, shall be established for creek riparian purposes and shall include the 4.30 acres depicted as "Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands" on the Yamabe & Horn Engineering, Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 feet buffer from the upper edges of Tributaries 3 and 5.
- c) Outlots "A" and "B" shall be managed and maintained by the Homeowners Association for the benefit of wildlife resources. Input on the management and maintenance shall be provided by a resource management professional(s) approved by the Department of Fish and Game.

- d) Only downward directed lighting shall be used in proximity to open space areas.

***2. OAK MANAGEMENT**

- a) The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).

- b) Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2.a.) above shall incorporate the following measures to mitigate the significant effect:

- (1) The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.
- (2) The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.
- (3) Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.
- (4) Replacement trees shall be maintained by the Homeowner's Association for a period of seven years

after planting. Maintenance shall include replacing dead or diseased trees.

- (5) Each lot purchaser shall review and understand the information contained in "Living Among the Oaks" and 'Wildlife Among the Oaks' publications prior to applying for a construction permit. These publications shall be provided by the applicant to each lot purchaser.

***3. RAPTOR PROTECTION**

The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

***4. ANNUAL REPORT**

The Homeowner's Association shall retain a qualified professional biologist to prepare and submit a report to the County and the State Department of Fish and Game for review and approval, on an annual basis, for a period of ten years following recordation of the final map. The subdivider and subsequent homeowner's association shall provide funds necessary to implement this condition, including any necessary corrective action. The report shall address the following:

- a) Compliance with state and federal wetland permit requirements.
- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the Condition No. L1 relating to the environmentally sensitive areas within the tract.
- d) Compliance with the approved Oak Management Plan, including mitigation measures.
- e) Compliance with the mitigation relating to tree-nesting raptors.
- f) List of mitigation measures not in compliance, with

recommended corrective action.

***M. TRAFFIC**

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:

a) Signalization improvements at the intersections of:

- Auberry and Millerton Roads
The project maximum share is 2.54%
- Auberry Road and Copper Avenue
The project maximum share is 0.95%
- Auberry Road and Marina Avenue
The project maximum share is 1.16%
- Copper and Willow Avenues
The project maximum share is 0.45%

b) Improvements to the road segment:

- Auberry Road from Copper Avenue to Millerton Road
The project maximum share is 1.12%

c) Improvements to the road segment:

- Copper Avenue from Auberry Road to Willow Avenue
The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962.)

NOTE: The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. The Public Facilities

Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

2. Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.

N. OUTLOTS

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all Outlots (except for Outlots conveyed to the CSA) shall be by the homeowners association for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No Outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any Outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgagees. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

O. OTHER CONDITIONS

- *1. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, the Department of Fish and Game shall be provided with appropriate streambed alteration notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
- *2. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army, Army Corps of Engineers and a Clean Water Act Section 401 Water Quality Certificate permit shall be obtained from the California Regional Water Quality Control Board.
- *3. Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the

subject property and identified in A Cultural Resources Resource Study of the Everton Property-Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.

- *4. 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.
5. Prior to recording a final map, an agreement incorporating the provisions of the "Right-to-Farm" notice (Ordinance Code Section 17.01.100) shall be entered into with Fresno County.
6. All conditions of concurrent Classified Conditional Use Permit Application No. 3157 shall be complied with.

* 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 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 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.
4. Prior to the use of Well #4, additional bacteriological testing will be required.

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MADERA COUNTY

LOCATION MAP



AUBERRY

PRATHER

168



Millerton Lake

AUBERRY RD

SUBJECT PROPERTY

MILLERTON RD

MILLERTON RD

TOLLHOUSE RD

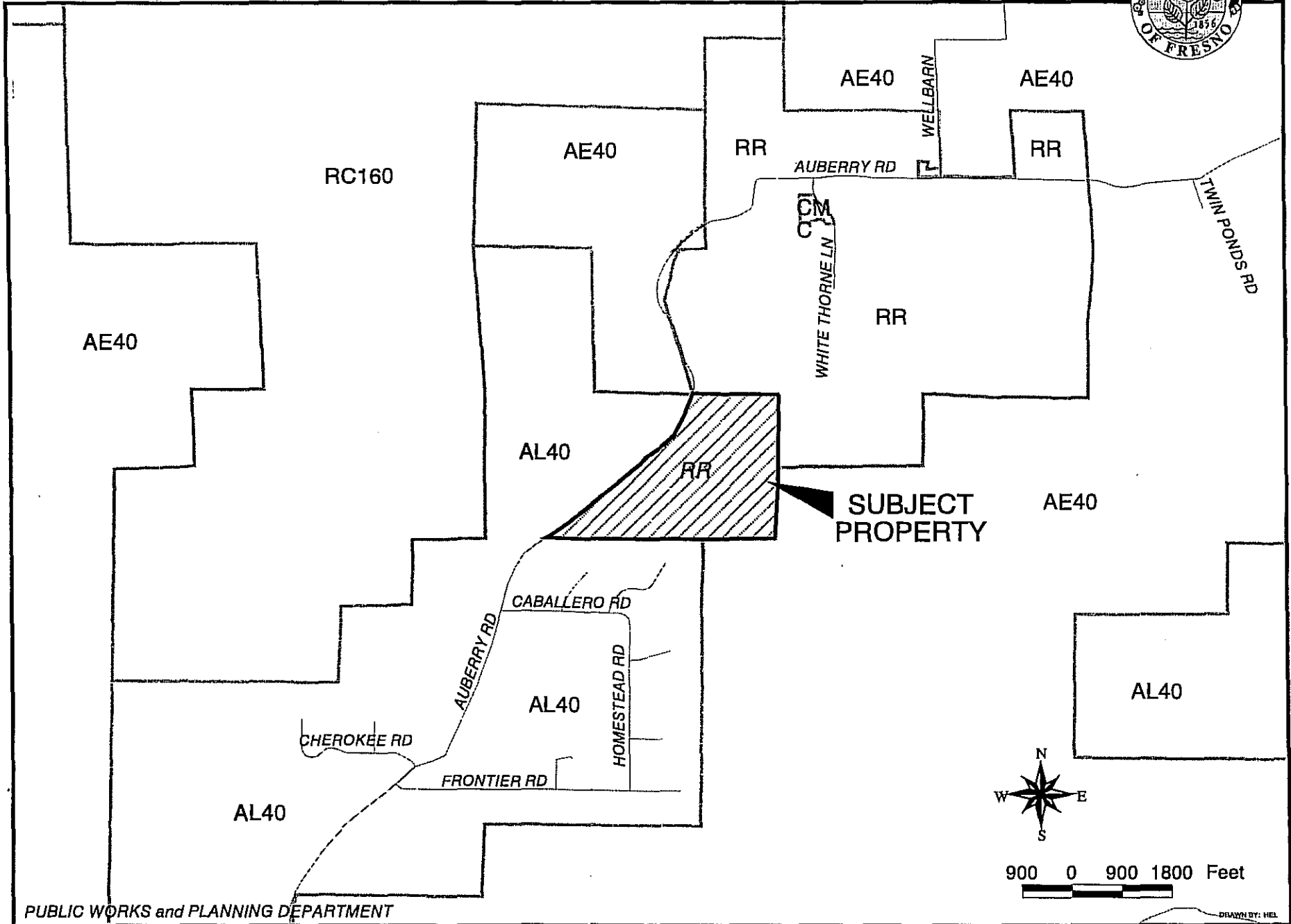
AUBERRY RD

TOLLHOUSE RD



0 0.5 1 1.5 2 2.5 3 Miles

EXISTING ZONING MAP



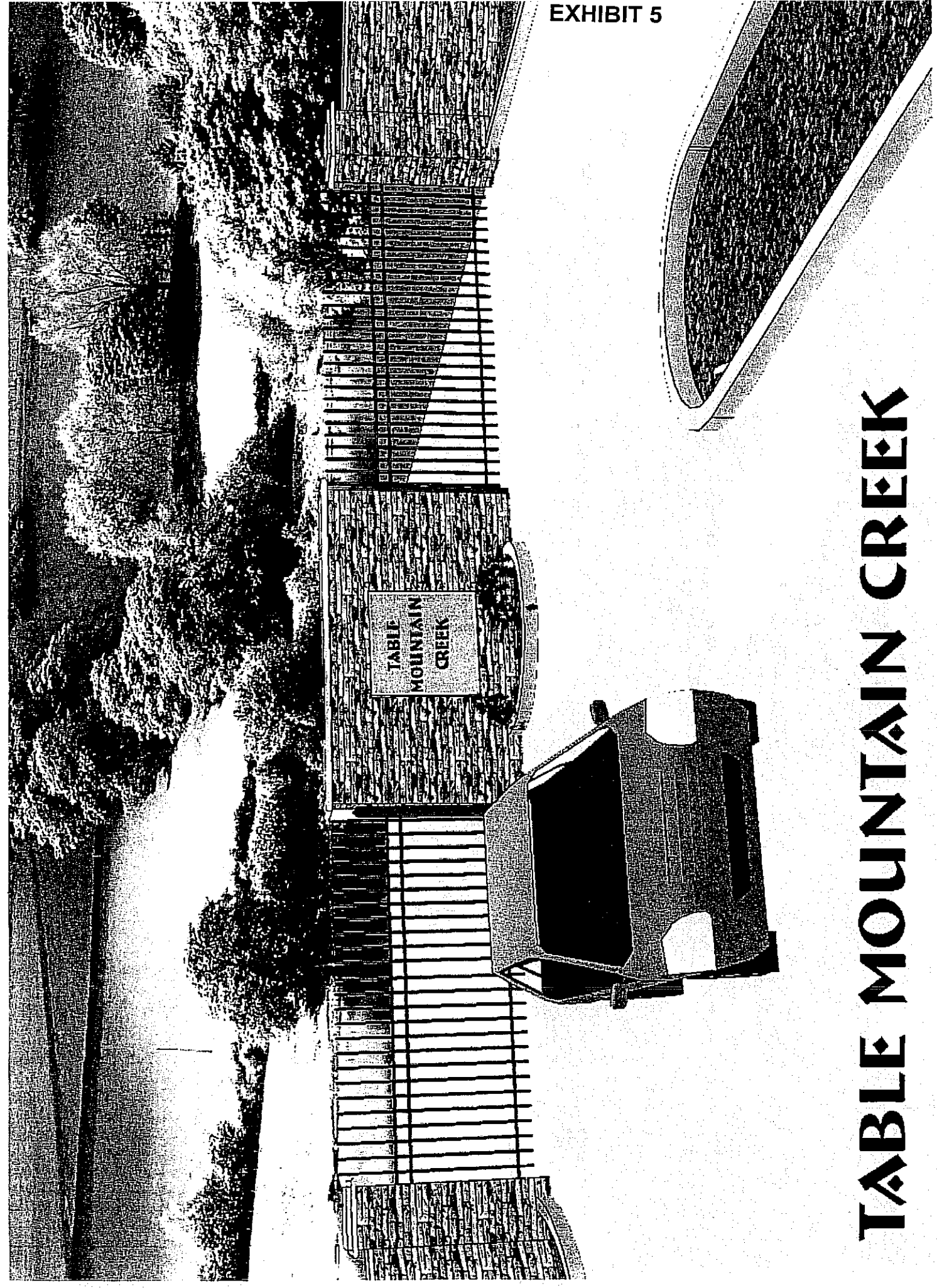
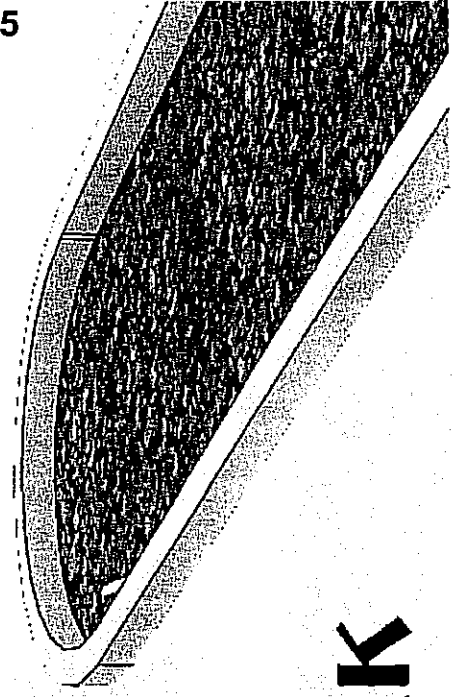


TABLE MOUNTAIN CREEK



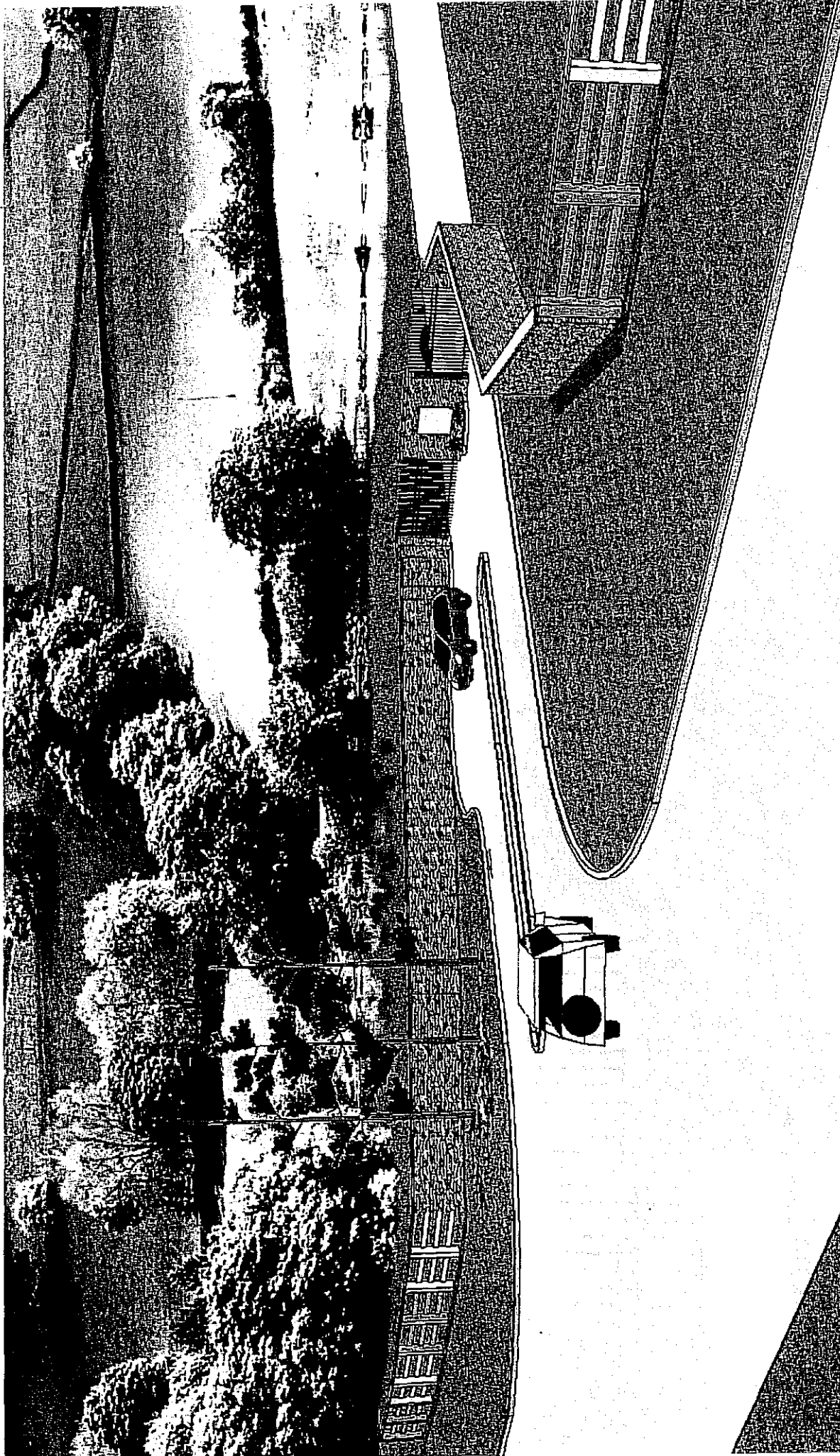


TABLE MOUNTAIN CREEK



DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

A. INTRODUCTION

1. **Project title:**
Tentative Tract Application No. 5239; Classified Conditional Use Permit Application No. 3157; Initial Study Application No. 4993
2. **Lead agency name and address:**
*Fresno County Department of Public Works and Planning
Development Services – 6th Floor
2220 Tulare Street, Fresno, CA 93721-2104*
3. **Contact person and phone number:**
Lew Pond, Planning & Resource Analyst (559) 262-4321
4. **Project location:**
The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).
5. **Project sponsor's name and address:**
James Bratton, 2763 N. Argyle Avenue, Fresno, CA 93727
6. **General plan designation:**
Rural Residential, Sierra North Regional Plan
7. **Zoning:**
RR (Rural Residential)
8. **Description of project:**
Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District. The project proposes a community water system and individual septic systems for each lot. Outlots are proposed for a utility easement through the site and to protect identified biological habitats. The project is proposed as a gated community with private roads.
9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**
The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather. The site is located in the foothills of the Sierra approximately four miles west of the unincorporated community of Prather. Single-family residential uses are located on two to five acre parcels north and south of the site on the east side of Auberry Road. The land east of the site and to the west across Auberry Road is used for grazing.

DEVELOPMENT SERVICES DIVISION

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the Initial Study Environmental Checklist on the following pages.

- Aesthetics
- Air Quality
- Cultural Resources
- Hazards & Hazardous Materials
- Land Use/Planning
- Noise
- Public Services
- Transportation/Traffic
- Mandatory Findings of Significance

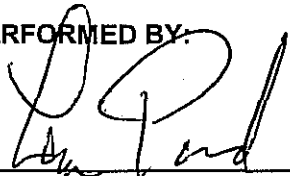
- Agriculture Resources
- Biological Resources
- Geology/Soils
- Hydrology/Water Quality
- Mineral Resources
- Population/Housing
- Recreation
- Utilities/Service Systems

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required, that have not been addressed within the scope of a previous Environmental Impact Report.

PERFORMED BY:

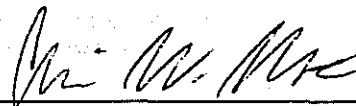


Lew Pond, Planning and Resource Analyst

Date:

4/20/06

REVIEWED BY:



Chris Motta, Senior Staff Analyst

Date:

4/20/06

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

Initial Study Application No. 4993

Tentative Tract Map Application No. 5239

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1-No Impact

2-Less Than Significant Impact

3-Less Than Significant Impact with Mitigation Incorporated

4-Potentially Significant Impact

1. AESTHETICS

Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 3 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

2. AGRICULTURAL RESOURCES

Would the project:

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

3. AIR QUALITY

Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 2 c) Result in a cumulatively considerable net increase of any

criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- 2 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

4. BIOLOGICAL RESOURCES

Would the project:

- 3 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 3 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 3 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 3 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife

- nursery sites?
- 3 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

5. CULTURAL RESOURCES

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Would the project:

- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

6. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 3 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 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?

8. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements?
- 3 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 1 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- 2 e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 2 f) Otherwise substantially degrade water quality?
- 1 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 1 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 1 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- 1 j) Inundation by seiche, tsunami, or mudflow?

9. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

10. MINERAL RESOURCES

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

11. NOISE

Would the project:

- 2 a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 2 c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 2 d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project

expose people residing or working in the project area to excessive noise levels?

- 1 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?

12. POPULATION AND HOUSING

Would the project:

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

13. PUBLIC SERVICES

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- 2 i) Fire protection?
- 3 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

14. RECREATION

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

15. TRANSPORTATION / TRAFFIC

Would the project:

- 3 a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- 3 b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 3 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Result in inadequate parking capacity?
- 1 g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 3 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 3 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which

- could cause significant environmental effects?
- 2 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 3 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

17. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 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 history or prehistory?

- 1 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 1 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Documents Referenced:

This Initial Study references the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services Division, 2220 Tulare Street, Fresno, California (corner of M & Tulare Streets).

- a. Fresno County General Plan, Policy Document
- b. Final EIR for the Fresno County General Plan, Policy Document
- c. Fresno County Zoning Ordinance
- d. Biological Evaluation Report; Live Oak Associates, Sept. 16, 2003
- e. Waters of the United States, Vesting Tentative Tract Map 5239, Live Oak Associates, March 26, 2004
- f. Traffic Impact Study, Peters Engineering Group, November 10, 2003
- g. Geology and Sewage Feasibility Study, Norbert Larsen, Ph.D.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: James Bratton

APPLICATION NOS: Initial Study Application No. 4993, Tentative Tract Map Application No. 5239, and Classified Conditional Use Permit Application No. 3157

DESCRIPTION: Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District. The subject property is located on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

1. 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 subject site lies in the foothills of the Sierra Nevada Mountains between the elevations of 750 and 1,100 feet. The site is located just east of Auberry Road, which is designated as an Arterial in the Transportation and Circulation Element of the General Plan, and is also designated as a Scenic Highway within the Open Space and Conservation Element of the General Plan.

DEVELOPMENT SERVICES DIVISION

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Auberry Road's designation as a Scenic Highway in the General Plan requires that the project be reviewed for conformance with the Scenic Roadway provisions of the Plan, including Goal OS-L, which is "To preserve, protect and maintain the scenic quality of land and landscape adjacent to scenic roads in Fresno County."

Approval of the project would result in the construction of a private gate at the project entrance, approximately two miles of interior roadways and allow construction of 41 single-family residences and related improvements, including a community water system and individual septic systems.

The north fork of Little Dry Creek, a seasonal stream that traverses the site in a northeast to southwest direction. The stream bed is parallel to Auberry Road, at a distance ranging from 200 to 800 feet. The creek is visible to passersby only at the very southwest corner of the site. This area is designated as an outlot for biological conservation purposes, and no improvements will be allowed that would alter the existing view of the creek from the road. There are no existing improvements on the site with the exception of a high voltage power line that traverses the site generally in a northeast to southwest direction. The transmission towers are constructed of lattice design of heavy steel materials. This line is within a 180-foot easement owned by PG&E.

As indicated by the tentative map, all but five or six of the proposed lots lie between the elevations of 800 and 950 feet. The remaining lots would allow homes to be constructed against a steep hillside rising from 950 to 1,100 feet at the southeastern corner of the site. The hillside terminates at an elevation of 1,275 feet, at a distance of approximately 700 feet off-site. No improvements are proposed on any ridge lines.

The Biological Evaluation prepared for the project classifies the site as mixed oak woodland, with blue oaks, live oaks and foothill pines as the dominant woodlands. Rock outcroppings are found on the site, particularly in the lower portions along Little Dry Creek.

In summary, the existing aesthetic quality of the site is considerable, but it is marred to some extent by the high voltage transmission line and its towers.

A number of mitigation measures included in the project to protect biological resources will also significantly reduce aesthetic impacts. An additional mitigation measure is included so that the resulting impact on aesthetic resources is at a less than significant level.

32 acres of the 164.53-acre site are designated as outlots for the protection of wildlife habitat and for wildlife movement. This includes all of Little Dry Creek, with a 50-foot buffer from the upper edges of the creek and two tributaries of the creek with a 30-foot buffer. No ground disturbance will be allowed within these outlots. On-site visits by staff and aerial photos show that almost all rock outcroppings are located along the stream and will, therefore, be protected within an outlot.

The applicant will also be required to prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan) and must include mitigation measures required pursuant to Section 21083.4 of the Public Resources Code, relating to conversion of oak woodlands. Any trees larger than five inches in diameter at breast height must be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road. Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.

To further reduce aesthetic impacts so that the resulting impact is less than significant, the following mitigation measure is included:

- (1) A natural open space area extending 200 feet from the southerly right-of way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:
 - (a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
 - (b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.

- (c) *A covenant shall be recorded with the Final Map requiring that any fences located within the established natural open space area be uniform in appearance and be designed to minimize visual impacts from the right-of-way.*
- (d) *The natural open space area shall be shown on the Final Map.*

Based upon these considerations and upon the adoption of the above described mitigation measures, aesthetic impacts of the project will be less than significant.

- 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:

Outside lighting would be allowed by the project in the form of lighting for new single-family residences and nighttime movement of vehicles. This impact is not considered to be significant. As a mitigation measure to reduce impacts to wildlife, a condition is included requiring only downward directed lighting in proximity to open space areas.

2. 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 project site is designated as Grazing Land on the Map of Farmlands of Statewide Importance. The project is located on a site designated Rural Residential in the General Plan and is zoned RR. The site is not subject to a Williamson Act contract.

3. 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?**

FINDING – Less Than Significant Impact:

The San Joaquin Valley Pollution Control District (Air District) reviewed this project and indicated that the entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10) and that the subject project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. The Air District indicated that although the project alone would not generate significant air emissions, the increase in emissions from the project and others like it, cumulatively reduce the air quality in the San Joaquin Valley. The Air District indicated that a concerted effort should be made to reduce project-related emissions.

The Air District states that the project will be subject to mandatory rules and regulations including District Rules 4901 and 4902 which regulate the sale, installation of wood burning devices and natural gas-fired water heaters to limit emissions of PM10 and Nox in residential developments; District Regulation VIII – Fugitive Dust Rules, a series of rules designed to reduce PM10 emissions generated by human activity; and District Rule 4641 relating to paving operations.

Adherence to the mandatory regulations would reduce air related impacts to a less than significant level.

The Air District further stated that there are a number of recommended, but non-mandatory, measures that can be incorporated into the design of the project to reduce the project's overall level of emissions. A list of these measures has been provided to the applicant.

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

FINDING – No Impact:

No such impacts were identified in the project analysis.

4. 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?**
- 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?**
- 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 Incorporated

A Biological Evaluation of the site was performed by Live Oak Associates (LOA) dated September 16, 2003. In relationship to plant life, mixed oak woodland and Button Willow Scrub associated with the natural drainage of the site were the only two habitats observed on the site. The report concludes that the project will result in a less than significant impact to regional populations of special status animal species, a less than significant impact on riparian habitat, and less than significant impact on regional wildlife movements. The report states that three special status plant species could be present on the site, the Madera Linanthus, Orange Lupine, and Mariposa Pussypaws. The State Department of Fish and Game (F&G) reviewed the evaluation and indicated that a Federally-listed species, the Valley Elderberry Beetle could also be impacted by the project. Follow up surveys by Live Oak Associates, reported in letters dated April 27 and May 17, 2004, concluded that the blue elderberry, a shrub providing habitat for the VELB, and that the Mariposa Pussypaws were not observed on the site.

As indicated in the Biologic Evaluation Report for the project, the project area contains Army Corps of Engineers (ACOE) jurisdictional "Waters of the United States". A report entitled "Waters of the United States, Table

Mountain Creek Subdivision” was prepared by LOA dated March 26, 2004, and forwarded to the ACOE. By letter dated August 5, 2004, ACOE verified that the site contains 4.30 acres of waters of the United States, including wetlands.

The State Department of Fish and Game commented on the Biological Evaluation by letter dated April 13, 2004. Notwithstanding the conclusions of the evaluation that impacts to riparian habitat and wildlife movement would be less than significant, F&G requested that mitigation measures be adopted establishing stream setbacks and a wildlife movement corridor.

Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Mitigations are included as required by this code section, along with the preparation of an Oak Management Plan in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).

The following mitigation measures are included to reduce potential impacts to biological resources to a less than significant level:

***Mitigation Measure**

1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing 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. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- (a) *Outlot “A” shall be established as a wildlife movement corridor. Said corridor shall have a minimum width of 180 feet.*
- (b) *Outlot “B” shall include the 4.30 acres depicted as “Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands” on the Yamabe & Horn Engineering,*

Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 foot buffer from the upper edges of Tributaries 3 and 5.

2. OAK MANAGEMENT

- (a) *The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).*
- (b) *Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2 above shall incorporate the following measures to mitigate the significant effect:*
 - i. *The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.*
 - ii. *The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.*
 - iii. *Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots*

shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.

- iv. Replacement trees shall be maintained by the Homeowner's Association for a period of seven years after planting. Maintenance shall include replacing dead or diseased trees.
- v. Each lot purchaser shall review and understand the information contained in "Living Among the Oaks" and "Wildlife Among the Oaks" publications prior to applying for a construction permit. The Homeowner's Association shall be responsible for providing a copy of these publications to each lot purchaser.

3. RAPTOR PROTECTION

- (a) The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

4. ANNUAL REPORT

- (a) The Homeowner's Association shall retain a qualified professional biologist to prepare and submit the following report to the County for review and approval, on an annual basis, for a period of ten years following recordation of the final map:
 - (i) Compliance with state and federal wetland permit requirements.
 - (ii) Possible degradation of wetland areas from erosion and sedimentation.
 - (iii) Compliance with the Condition No. 1 relating to the environmentally sensitive areas within the tract.

- (iv) *Compliance with the approved Oak Management Plan, including mitigation measures.*
- (v) *Compliance with the mitigation relating to tree-nesting raptors.*
- (vi) *List of mitigation measures not in compliance, with recommended corrective action.*

The subdivider and subsequent homeowner's association shall provide funds necessary to implement this condition, including any necessary corrective action.

- 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:

There are no adopted Habitat Conservation Plans, Natural Conservation plans or other approved local, regional, or state habitat conservation plans in the area of the project.

5. 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?**

FINDING – Less Than Significant Impact with Mitigation Incorporated:

A Cultural Resources Study of the site, dated August, 2003 and prepared by Donald G. Wren, Consulting Archeologist, identified four archeological sites. This study was reviewed by the Southern San Joaquin Valley Information Center, who requested that the identified sites be avoided. The project will be subject to the following mitigation measure, which will reduce potential impacts to archeological resources to a less than significant level.

***Mitigation Measure**

Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the subject property and identified in A Cultural Resources Resource Study of the Everton Property-Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.

- 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: - No Impact

No paleontological resource or human remains impacts were identified in the Cultural Resources Study.

6. 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:

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

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

FINDING – Less Than Significant Impact:

The project could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from new buildings and from new paved parking and circulation areas. These

effects are not considered significant because the applicant will be required to adhere to the Grading and Drainage Sections of the County Ordinance Code. The applicant will also be required to obtain an NPDES permit prior to construction or grading activities and to develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

- 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:

No such soils were identified in the Geology and Sewage Disposal Feasibility Study prepared for the project.

- 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 with Mitigation Incorporated:

Based upon the soil conditions of the site, the Department of Environmental Health (Health Department) requested that a sewage feasibility study be prepared to the potential for the site to support septic systems for the development. After review of the report, the Health Department recommended that the following mitigation measure be included:

***Mitigation Measure**

Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

7. 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?**

FINDING – No Impact

No hazardous materials impacts were identified in the analysis.

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

FINDING - No Impact:

No school is located within 1/4 mile of the project site.

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

FINDING - No Impact:

The project is not located on an active or historic 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 in the vicinity of an airport.

- 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 - No Impact:

The project is not located within a wildland area.

8. 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:

The applicant will be required to submit a Notice of Intent and a Storm Water Pollution Prevention Plan regarding storm water runoff from the site under National Pollutant Discharge Elimination System (NPDES) permit 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 With Mitigation Incorporated:

The applicant proposes a community water system with the water supplied by on-site wells. The applicant was requested by the County Geologist to submit a hydrogeologic report per Section II-H of County Improvement Standards to demonstrate that underground water supplies will be adequate to serve the proposed use and that required General Plan water determinations can be made. The County, through a formal request for proposal process, selected the consulting geologist. The hydrogeologic report, dated March 1, 2006 prepared by Norbert Larsen, Consulting Geologist, was subsequently filed with the County which included pump tests of three wells and monitoring of 12 nearby off-site wells located within an adjacent subdivision during the pumping phase of the testing. Based upon the report, the Geologist has determined that the following determinations can be made by the project, as required by Policy PF-C.17 of the General Plan: a.) the water supply is adequate to meet the highest demand that could be permitted on the lands in question, b.) that pumping-related physical impacts beyond the boundary of the property in question will not be significant, and c.) the proposed water supply is sustainable. The following mitigation measures are included to reduce water quantity impacts to a less than significant level:

***Mitigation Measures**

- *1. *The proposed community water system shall be owned operated and maintained by a CSA. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.*
- *2. *Each lot shall be required to have two (2) water meters. One meter shall serve the residence and the second meter shall serve the landscape irrigation needs.*
- *3. *Prior to recordation of the final map, the Governing Board of the CSA serving the project shall adopt a tiered rate schedule for domestic and for irrigation service for the annexed area. The rate for irrigation services shall be tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, and notification of over-use.*

Also, the Department of Environmental Health has determined through review of water quality information provided by the applicant that well waters on the site meets community water system standards.

- 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?**

FINDING – Less Than Significant Impact

The Army Corps of Engineers has verified that the North Fork of Little Dry Creek and tributaries are "Waters of the United States" as defined by Section 404 of the Clean Water Act. As indicated in the Biological Resources Section above, mitigation measures are included prohibiting ground disturbance in this wetland area, except that a Section 404 Permit will be required for one proposed crossing of the stream. This will reduce any potential erosion or siltation impacts to a less than significant level.

- 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 stream crossing discussed in the Biological Resources Section will not 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 Impact:

The applicant will be required to maintain natural drainage in a manner that will not significantly change the existing drainage characteristics of parcels adjacent to the development. Any additional runoff generated from the tract must be retained on site or by other facilities acceptable to the Director of Public Works and Planning.

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

FINDING – Less Than Significant Impact:

See 8 a) Site Hydrology and Water Quality above.

- 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 site is not within a 100-year flood plain or hazard area, no levee or dam is upstream of the site and no inundation hazards were identified in the analysis.

9. LAND USE AND PLANNING

- a) **Will the project physically divide an established community?**

FINDING - No Impact:

The site will not physically divide a community.

- 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 project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project is consistent with the County General Plan.

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

FINDING - No Impact:

The site will not conflict with any habitat or natural community conservation plan.

10. 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.

11. NOISE

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

Noise impacts associated with construction will be subject to the County Noise Ordinance, which is enforced by the County Department of Community Health. Based upon these considerations, noise impacts from the project will be less than significant.

- 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 in the vicinity of an airport or airstrip.

12. POPULATION AND HOUSING

- a) **Would the project induce substantial population growth either directly or indirectly?**

FINDING – Less Than Significant Impact:

The project would result in the construction of a maximum of 41 single-family residences on a 163-acre site in an area planned for Rural Residential development. The population growth resulting from the project is not considered significant based upon the County's adopted plans and policies.

- 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 – No Impact

The project site consists of vacant land.

13. 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**

FINDING – Less Than Significant Impact:

The Fresno County Fire Protection District (District) reviewed the project, including the proposed private gate access to the site. They reviewed the applicant's plans, which indicated location and size of water tanks and location of fire hydrants. The Department determined that the project would meet the District's requirements with provision made for KnoxBox gate access and subject to conformance with State SRA requirements and subject to provision of emergency access.

(ii) **Police protection**

FINDING – Less Than Significant Impact With Mitigation Incorporated

The Board of Supervisors has recently directed that a funding mechanism be established to provide for minimum level manning of Sheriff's 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 applicant has agreed to the following condition:

- *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.*

The Sheriff's office reviewed the project and indicated no concern with their ability to provide service subject to provision of the access code for the private gate and subject to approval of the mitigation measure above.

(iii) Schools

FINDING – No Impact

The project was routed to the Sierra Unified School District, who did not indicate concern.

(iv) Parks

(v) Other public facilities?

FINDING - No Impact:

The project will not result in any physical impacts associated with the provision of parks, or other new public facilities or services.

14. 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 impacts on recreational resources were identified in the analysis due to the non-residential uses proposed.

15. 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 Design Division of the Fresno County Department of Public Works and Planning identified potential impacts to the existing transportation system from traffic generated by the proposed project. A Traffic Impact Study (TIS) was required in order to determine the full extent of traffic

impacts. The applicant provided a TIS, prepared by Peters Engineering and dated November 10, 2003.

The TIS was reviewed by the Design Division, who concurred with the conclusions of the study, which identified that the project should include a mitigation requiring the applicant to contribute a pro-rata share of the cost of improvements to certain identified intersections to achieve acceptable levels of service. This mitigation will reduce potential transportation and circulation impacts to a less than significant level.

This project has been modified to incorporate the following provisions to mitigate potential adverse environmental effects identified to County roadways in order to mitigate potential future year 2025 traffic impacts.

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:

(a) Signalization improvements at the intersections of:

- Auberry and Millerton Roads
The project maximum share is 2.54%
- Auberry Road and Copper Avenue
The project maximum share is 0.95%
- Auberry Road and Marina Avenue
The project maximum share is 1.16%
- Copper and Willow Avenues
The project maximum share is 0.45%

(b) Improvements to the road segment of Auberry Road from Copper Avenue to Millerton Road

- The project maximum share is 1.12%

(c) Improvements to the road segment of Copper Avenue from Auberry Road to Willow Avenue

- The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962)

2. *The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.*

The State Department of Transportation (Caltrans) identified impacts to the intersection of SR 168 and Auberry Road. These impacts will be mitigated to a less than significant level with the adoption of the following mitigation measure:

3. *Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.*

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

FINDING - No Impact:

The project will not change air traffic patterns.

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

FINDING – Less Than Significant Impact With Mitigation Incorporated:

One of the interior roads in the tentative tract will be constructed as a frontage road directly adjacent to the south right-of-way line of Auberry Road, creating a potential traffic hazard for northbound Auberry Road traffic. To reduce this potential traffic hazard to a less than significant level, the following mitigation measure has been included:

- (1) *To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm or other physical barrier acceptable to the Director of Public Works and Planning. Landscaping of natural materials shall be planted on the*

berm and maintained by the Homeowner's Association until the plantings are self-sustaining.

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

FINDING - No Impact:

The project proposed to include private gate access, will be conditioned on the provision of adequate emergency access, which will be feasible based upon the interior road network, which allows for alternate points of emergency access to public roadways.

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

FINDING - No Impact:

The project will provide adequate off-street parking for the proposed use.

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

FINDING - No Impact:

The project will not conflict with any adopted transportation plans.

16. UTILITIES AND SERVICE SYSTEMS

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

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

FINDING – Less Than Significant Impacts With Mitigation Incorporated:

Wastewater will consist of domestic discharge that will be adequately treated with an on-site septic systems provided in accordance with the mitigation measure discussed in Section 6.e, Geology and Soils.

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

FINDING – Less Than Significant Impact:

See discussion in Section 8.c above, Hydrology and Water Quality

- d) **Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?**

FINDING – Less Than Significant Impact:

See discussion in Section 8(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 With Mitigation Incorporated:

See discussion in Section 6(e) Geology and Soils.

- f) **Would the project be served by a landfill with sufficient permitted capacity?**

- g) **Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING – No Impact:

No solid waste impacts were identified in the analysis.

17. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING – Less Than Significant Impact:

See Section 4. Biological Resources

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

FINDING – No Impact:

No cumulatively considerable impacts were identified in the 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 analysis.

ENVIRONMENTAL RECOMMENDATION

Based upon the Initial Study prepared for Tentative Tract Map Application No. 5239, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified with respect to noise, hazards and hazardous materials, agricultural resources, land use and planning, mineral resources, noise, population and housing, and recreation. Potential impacts related to aesthetics will be addressed with mitigation measures relating to building and road setbacks from Auberry Road. Potential impacts related to air quality will be addressed by compliance with permit requirements and public nuisance rules of the San Joaquin Valley Air Pollution Control District. Potential impacts related to geology, soils and storm water runoff, noise, and utilities and service systems will not be significant with adherence to the Grading, Drainage and Building Sections of the County Ordinance Code, County permit requirements, and the County Noise Ordinance, or will be reduced to a level of less than significance with inclusion of a mitigation requiring installation of septic systems in accordance with the sewage feasibility study prepared for the project. Potential construction water quality impacts will be addressed with adherence to a Storm Water Pollution Control Prevention Plan to be approved by the Regional Water Quality Control Board. Potential water quantity impacts will be addressed with mitigation measures requiring provision of water from a community water service and upon conservation measures. Potential impacts to biological and cultural resources will be addressed with mitigation measures reducing such impacts to a less than significant level. Potential traffic and transportation impacts will be reduced to a less than significant level with payment by the applicant of a pro-rata share of the cost of intersection improvements identified by the Traffic Impact Study prepared for the project. Potential police related impacts will be addressed with a mitigation requiring a funding mechanism to maintain minimum staffing levels for the Sheriff's department.

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June 17, 2006

TO: Fresno County Planning Commission
 Fresno County Department of Public Works and Planning
 Development Services Division
 Attn: Lew Pond
 2220 Tulare St., Suite "A"
 Fresno, CA 93721

FROM: Holly A. King
 22460 Homestead Rd., Clovis – Valerie Meadows Subdivision
 559-269-3310
 Representing Approximately 40 Neighboring Landowners

RE: Written Comments for Subject
 INITIAL STUDY APPLICATION NO. 4993
 TENTATIVE TRACT APPLICATION NO. 5239
 CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3157
 JAMES BRATTON – APPLICANT
 NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
 DECLARATION

Comments on the Initial Study – Environmental Checklist Form and Evaluation of Environmental Impacts

Hydrology and Water Quality

Mitigation #7 - As neighboring landowners, our main concern is the impact of an additional 41 lots (water users and septic systems) on our water quality and supply. The II-H Standards require that a water supply adequate to serve the needs of the proposed development be proven, the water supply is sustainable, AND that pumping-related physical impacts beyond the boundary of the property in question will not be significant.

- Norbert Larsen clearly has a conflict of interest related to this project and therefore was handicapped in the preparation of truly independent recommendation. The background that leads us to this conclusion is as follows:
 - Mr. Larsen has been engaged by the applicant and affiliated parties on numerous other projects in the past.
 - Mr. Larsen had an advantage over other respondents to the RFP in that he was engaged directly by the applicant to prepare the hydrogeologic report associated with this same project when it was proposed as an individual well project.

- When the County sent out the original RFP for the work on the Community Water System proposal, they sent it to a limited number of hydrology firms. The RFP had very high liability coverage requirements – a significant factor resulting in only two responses. The County later lowered the liability coverage requirements and did not notify those who were originally sent the RFP. This limited the number of potential “bidders”.
- Norbert W. Larsen, Ph.D. and Associates, Inc. submitted a Section II-H Report – Hydrogeology to Fresno County Development Services dated March 1, 2006. The narrative in the report did not indicate any impact from Well #6 on the neighboring landowners. (See page 18, bottom of the page – “Of the pumped wells, Well 6-2005 is clearly the most productive, and seems the logical choice for consideration. This well produces more than 120 gpm, it has exhibited no negative influence on any surrounding well) Yet when we reviewed the report and the data supporting the narrative, it was clear to us that the testing performed indicated there was an influence on the neighboring wells. We confirmed this conclusion with a geologist we engaged using private/individual funds. Only after we brought this to the County Geologist’s attention did he ask Mr. Larsen to review this point. A revision to the original report was issued by Mr. Larsen dated May 9, 2006. That revision reads, “Of the pumped wells, Well 6-2005 is clearly the most productive, and seems the logical choice for consideration. This well produces more than 120 gpm, has exhibited minimal influence on surrounding wells,” In addition, at the bottom of page 26, paragraph 9) in the original report, Larsen writes, “and that three wells were affected, but minimally to moderately.” In his revision, same page and paragraph, it reads, “and that three wells were affected, but minimally.” How does Mr. Larsen substantiate his change of opinion without any further testing? It appears he arbitrarily changed his mind without additional data to support that change. Inquiries to the County Geologist on two occasions have not been answered. As a mitigation, the staff report suggests Well #6 shall be used only after additional testing to quantify impact on wells to the south, and Well #6 will only be used to the extent that no significant impacts occur. There are several problems with this situation:
 - Well #6, as part of a thorough and complete II-H Standard Study **SHOULD HAVE BEEN** and **SHOULD BE** adequately tested **PRIOR** to approval of this application. An alternative would be to destroy this well such that it can not be used in the future since it has not been proven to not impact neighboring wells.
 - Who is going to determine the definition of significant? If you are one of the three neighboring wells that is impacted, the impact **IS** significant.
 - The “possible influence” should have been exposed by Mr. Larsen or the County Geologist. It should not have required individuals to use their own funds to do the work of trained geologists and representatives whose job it is to protect and work for the public good. Our bill was \$1,045.00 to

engage a geologist to review the hydrogeologic report, an expense that would not have needed to be incurred if Mr. Larsen had done a thorough review of the data initially, did not have a conflict of interest and/or the County Geologist had thoroughly reviewed the data.

Testing of Well #6 does not qualify as a mitigation measure as it should have been done prior to this hearing as part of a complete Section II-H report.

Mitigation #2 - A landscaping plan is to be submitted by each lot owner prior to installation of an irrigation meter. This plan is to be forwarded to the County Geologist “for approval to ensure that the proposed landscaping will not require more water than is available for the lot.” Who is determining how much water is available for the lot? The hydrogeologic report did not determine how much is specifically available for individual lots without impacting neighboring lots. Nor did it address water availability fluctuations in drought and wet years for individual lots. ***Without this determination, this does not qualify as a mitigation.***

Mitigation #3 – “Only drip irrigation shall be allowed.” Who is going to monitor and enforce this? The County – NO – they are understaffed as it is. The Homeowner’s Association – NO – they do not have effective regulatory or enforcement power. ***Therefore, since this can not be monitored or enforced, it does not qualify as a mitigation.***

Mitigation # 5 – A groundwater monitoring program for the proposed community water system will be developed. There is no discussion as to what this will accomplish. Will it be to gather data? What will be done with the data? If this is an early warning system to indicate impacts on neighbors, what will be the action taken to discontinue the impact? Just having a monitoring system is NOT a mitigation. What is done with the data gathered and how impacts to neighbors will be addressed IS a mitigation measure. ***Without a purpose, outcome, and method for addressing impacts, this does not qualify as a mitigation.***

Mitigation #6 – Well #3 shall be limited to use only as a monitoring well. This well needs to be capped and use prohibited. Otherwise there are no guarantees that in a water short year that this well will not be used. This well clearly had an impact on the neighbors. ***Limiting this well to a monitoring well is not a mitigation.*** Capping the well and/or destroying it is a mitigation as it ensures that it will not be used for water supply in the future.

Arsenic Levels – Earlier this year, the standards for arsenic levels were lowered from 50 to 10. This is proposed to be a community water system.

- Well #2 had an arsenic level of 17; Well #3 had a level of 16; Well #6 had a level of 11.8. Wells #2, 4, 5 and 6 are proposed to be used in this application, yet there is no discussion about this particular issue.

Discussion should be included as arsenic is not known to be particularly good for human health.

Water Supply for Fire System – No mention was made of the adequacy of the water supply for the fire suppression system in the hydrogeologic report.

Aesthetics

Auberry Road is designated as a Scenic Highway within the Open Space and Conservation Element of the General Plan. A natural open space area extending 200 feet from the southerly right-of-way line of Auberry Road is to be maintained according to this policy.

- Mitigation measures identified are not mitigations!!!! Allowing roads and structures in the 200 foot setback on 9 lots is not a mitigation measure. The required setback is being reduced. ***Allowing roads and structures in an area in which they are not allowed per the General Plan is the opposite of mitigation and therefore can not be considered a mitigation measure.*** It is just allowing them to legally violate the General Plan.
- The staff report indicates that only a small portion of Little Dry Creek can be seen from Auberry Road and this area will not be disturbed. Therefore, the outlot created around this small portion of Little Dry Creek IS a mitigation measure as it protects the scenic quality for this portion. But ironically, the staff report goes on to say that the outlot for the entire Creek AND the two tributary streams is a mitigation for the infraction on the scenic quality when YOU CAN'T EVEN SEE THEM. ***Therefore, this mitigation measure is broadly overstated.***
- A covenant recorded with the Final map that any fences located within the established natural open space (required anyway) be uniform in appearance and be designed to minimize visual impacts from the right-of-way. Who defines what uniform and minimize are? Who enforces this? And who monitors it? ***Allowing fences in an area where fences are restricted in the General Plan is not a mitigation measure.***

At a minimum, mitigation of the destruction of the Open Space along the Scenic Highway should be \$1,000 per acre paid as part of the approval of the application, AND an additional \$1,000 assessed upon the subsequent sale or transfer of ownership for each parcel within the project. These fees would be paid to the Sierra Foothill Conservancy or the California Rangeland Trust. These two organizations work to preserve Open Space, Habitat and Scenic areas. Similar mitigation was required with the approval of the Ventana Hills Development, also along Auberry Road.

Biological Resources

- Dept. of Fish and Game has requested that mitigation measures be adopted establishing stream setbacks and a wildlife movement corridor. On May 23, 2005, in the Superior Court of California, County of Fresno, Case Number 05CECG01571AMS was filed by the People of the State of CA vs CBB Construction. James Bratton, applicant, is a principal in CBB Construction. The case is related to a subdivision commonly known as Mallard Meadows. A Mitigation Agreement with Dept. of Fish and Game was entered into on or about June 14, 2002 to ensure compliance with the DFG rules and regulations during the construction and subsequent residential population of Mallard Meadows. The plaintiff alleges that the Defendants (applicant) failed to perform properly the terms of the Mitigation Agreement, and the terms of Streambed Alteration Agreements R4-2001-0065 and R4-2002-0080. This precedence does not give us a high level of confidence that mitigations as proposed in the subject application will be adhered to.
- Designating Outlot "A" as a wildlife movement corridor is not a mitigation. This outlot has a power line running down the middle of it and it could not be built on in the first place!!! ***This does not qualify as a mitigation – nothing is changed to offset the loss.***
- Oak Management – Who is going to monitor the ratio of trees replaced, whether they die and need to be replaced, whether homeowners "illegally" remove the oak trees? County Staff, Homeowner's Association? ***Without a feasible monitoring and enforcement system, this is an ineffective mitigation.***

Homeowner's Association Responsibilities

The following are to be the responsibilities of the Homeowner's Association:

- Page 8 & 9 – Replacement trees (oaks) shall be maintained by the Homeowner's Association for a period of seven years after planting. Maintenance shall include replacing dead or diseased trees.
- Page 9 – The Homeowner's Association will be responsible for providing a copy of the Oak Publications to each lot purchaser.
- Page 9 – Homeowner's Association shall retain a qualified professional biologist to prepare and submit a report (six components) and submit it to the County for review and approval, on an annual basis for a period of ten years.
- Page 10 – Provide funds necessary to implement the above condition, including any necessary corrective action.
- Page 16 – Architectural Review Committee will review landscaping plans and forward to the County Geologist for approval before an irrigation meter can be installed.
- Page 24 – Landscaping of natural materials shall be planted on the berm and maintained by the Homeowner's Association until the plantings are self-sustaining.

The challenge will be that basically, the Homeowner's Association does not have influential regulatory or enforcement power. This has been proven over and over again – Architectural Review Committees, Oak Management Committees, etc. are not consulted, homeowners do as they please and the Homeowner's Association does not have the resources or enforcement will to enforce the 5:1 ratio of replacing trees, or replacing dead trees, or approving and enforcing landscaping plans. It is not going to happen. Homeowner's Associations are volunteer organizations that place neighbors in the position of taking action against neighbors. This has been proven to ultimately be ineffective.

Summary

Several of the Mitigations identified do not qualify as mitigations as shown above. Therefore, this application does not qualify as a "mitigated" negative declaration as the mitigations are there are inadequate and ineffective mitigations.

Recommended Solutions

- Mitigations should be thought out and truly mitigate.
- Well #6 should be tested and the impact on neighboring wells should be determined BEFORE approval of this project.
- Well #3 – capped and destroyed so it can not be used in the future, especially in drought situations.
- \$1,000 per acre and \$1,000 upon the sale and transfer of the lots should be assessed and paid to either the Sierra Foothill Conservancy or the California Rangeland Trust. Those two organizations are in the business of protecting open space, scenic assets and natural resources – all of which are being diminished by this project.
- Private individuals be reimbursed for doing Larsen's and the County Geologist's work regarding the potential impacts of Well #6. This should have been considered by the professionals charged with the responsibility and the professional background to assess this.
- Groundwater monitoring program be long term, include thresholds for action and what action should be taken to safeguard neighboring wells. The proposed project should cover the water shortfalls indicated by the ground water monitoring program.
- Ground water from the wells supplying the proposed development will not be used to fill surface ponds.

- No retention/obstruction or diversion of the flows of Little Dry Creek for use in the project.
- Determination of adequate water supply for fire suppression system.
- No buildings or roads in the 200 foot setback as it diminishes scenic qualities.

Fresno County Department of Public Works and Planning
Development Services Division
Attn: Lew Pond
2220 Tulare St. Suite "A"
Corner of Tulare and "M" Streets
Fresno, CA 93721

June 23, 2006

Lew,

Please consider the following comments relative to the Initial Study Application No. 4993, Tentative Tract Application No. 5239 and Classified Conditional Use Permit Application No. 3157. Also known as the Table Mountain Creek Project. I will be urging the Fresno County Planning Commissioners to not accept the findings in the Notice of Intent to Adopt a Mitigated Negative Declaration for the Table Mountain Creek Project (TTM 5239) as currently proposed.

There are serious concerns about several of the Findings. The greatest is in the area of Hydrology and Water Quality. There are also concerns about the scenic destruction that is contrary with the County General Plan, the responsibilities placed upon the Homeowner's Association that are not realistic, and a number of detrimental activities to the environment that are not addressed in a manner that ensures compliance and/or provides a method for enforcement. Each of these areas of concern will be described in more detail.

Thanks you for the opportunity to provide feedback on this proposed development. Please feel free to contact me to discuss any of these issues further. I am more than happy to work with any interested party. You can reach me at 559-779-6677.

Todd Babarovich
22435 Monteverdes Lane
Clovis, CA 93619

Summary of Requirements to be Met Prior to Approval of Project TTM5239

Please require a plan to be developed that addresses the issue of interconnected wells. The data are very clear. That is not disputable. The statistical correlation is too strong to be discarded as it is in the Section II-H Report. Too many people are at serious risk if the Project Wells 3 and 6 are utilized.

This groundwater recharge model must be revisited. The amount of rainfall used in the model is greatly overstated. It is likely that this project will regularly drawdown on the groundwater supply. The number of homes is in excess of the availability of groundwater recharge.

There should be specific restrictions on how ground water is used and/or contained on the Project. Please prohibit the use of ground water for any water feature use. Also, please prohibit the use or the damming of any existing waterway for any purpose other than that for erosion control.

Please require a contingency plan be developed for below average rainfall years. There will be years of sustained below average rainfall. We can plan for this.

Please maintain Auberry Road as a Scenic Drive. Reduce the impact of this proposed Development by maintaining the 200' no development boundary. Reconfigure the lots along Auberry Road.

Please require that the outlot areas are placed off-limits during and after construction, including, but not limited to, the prohibition of vehicle traffic.

Maintenance of Mitigations need be performed by a third-party with sufficient funding established by the developer. Please make this a requirement for this development.

Please require identification of the surface runoff storage areas prior to the Final Map approval.

Section 8 Hydrology and Water Quality (page 14)

- 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.

Introduction

In meeting this condition, three factors must be met. The Project must prove adequate water, sustainable water, and no impact on neighboring properties. This Project has not met these three criteria using the mitigations as designed. There is not substantive documentation to prove that neighboring wells will not be negatively impacted.

The mitigations must provide as close to 100% assurance that everything possible will be done to protect the Wells and ultimately the value of the property. The proposed mitigations (including monitoring as proposed) come nowhere close to providing these assurances.

Supervisor Waterston has counseled the property owners in the foothill and mountain communities that we are to be "buyers beware". That is exactly what we are doing. We have spent many hours getting educated by the local experts and the County staff. It has been a very valuable education. It has shown that it is possible to provide a much greater level of mitigation without unreasonable effort or expense.

Background

As noted in the Section II-H Report – Hydrogeology as submitted by Norbert W. Larsen, Ph.D. and Associates, Inc., a number of homeowners participated in the pump tests of the Project Wells. The homeowners volunteered their wells for water level monitoring. Each had a sounding tube inserted into the well where a water level measurement could be taken. During the Project pump testing the Hydrogeologist monitored these wells in addition to the monitoring required for the Project Wells.

I applaud the County and the Developer for participating in this initiative. It should be noted as a significant move forward in attempting to better understand the nature of the water supply in the Foothills.

Results

This effort produced a very valuable and useful set of data that revealed that two of the Project Wells, 3 and 6, are interconnected with at least three homeowner wells in the neighboring sub-division. The data also showed that Project Wells 3 and 6 are also connected.

There were 12 wells monitored of which three showed an impact (referred to as Impacted Wells), all of which showed a statistically significant impact at the 99%+ level of confidence. And, although the Section II-H report shows that three of twelve wells were impacted it must be noted that those wells were in a tight cluster where three of five wells showed an impact (60%).

It is also noted in the Section II-H report that the wells impacted were "deeper" wells and that the shallow well homeowners have no impact (page 21). This is not necessarily true as most wells have a life span at the end of which a new well must be drilled. And the recent County Water study cited that newly drilled well depths are increasing. And, the Section II-H report cites that one of the Impacted Wells is a "deeper well", despite it being only 250' deep. A depth considered shallow in the industry.

Results continued

Therefore it is very likely that all homeowners in the area and those along the Lineaments will be impacted at some point.

Error! Objects cannot be created from editing field codes.

The map above shows that there are many more wells in the same area. If the 60% ratio of impacted to monitored wells holds for the other homes in the area, then there are many more homes impacted than the Section II-H Report identifies. These homes, as well as those proposed in the development, are expected to last many lifetimes.

We should be taking action today to ensure that we do not need to raise water as a significant issue at any point in the future with the County.

Please require a plan to be developed that addresses the issue of interconnected wells. The data are very clear. That is not disputable. The statistical correlation is too strong to be discarded as "minimal", as described in the Section II-H Report. Too many people are at serious risk if the Project Wells 3 and 6 are utilized.

Also it should be noted that the clear relationship between Project Wells 3 and 6 was not addressed in the first publication of the Section II-H Report. The report has been modified based upon the analysis performed by the homeowners. The second version of the Section II-H Report contained changes to reflect the relationship but there was no attempt to address the issue.

Statistical Analysis Details

The analysis was performed using the well depth data from the Section II-H Report. The depth of the water level in each individual well was compared to the time of the start and end of pumping on the each of the Project Wells 3 and 6.

The results indicate there is a statistically significant relationship between the pumping of Project Wells 3 and 6 and the change in the water depth in Impacted Wells One, Two, and Three. The start and end of the Project Well pumping accounted for a statistically significant amount of the change in the depth of the water in these Impacted Wells.

This relationship is very strong. So strong it is termed statistically significant at the 99% level of confidence (see T-Test results below). In other words, if we replicated the pumping tests over and over again, we would get the same results with a variance of less than 2.5%. The chance that we would get a different test result is less than .1% (one tenth of one percent).

Statistical Correlation

	Project Well 3	Project Well 6
Impacted Well One	68%	51%
Impacted Well Two	74%	58%
Impacted Well Three	56%	54%

The above table lists the level of correlation between each Impacted Well and the Project Wells 3 and 6. The percentages indicate the amount of change in the depth that can be directly attributed to the pumping wells. For example, 68% of the decline in the depth and subsequent rise in Impacted Well One is explained by the pumping of Project Well 3.

It is clear that there is a very strong relationship between Both Project Wells 3 and 6 and the Impacted Wells. The complete impact cannot be known until the Project Wells 3 and 6 are tested independent of each other. The proposed mitigation does state this but the fact is that there is a statistically significant impact and no additional testing will change that. These Project Wells should be taken 100% out of service on a permanent basis.

T-Test Level of Significance

	Project Well 3	Project Well 6
Impacted Well One	99.99%+	99.99%+
Impacted Well Two	99.99%+	99.99%+
Impacted Well Three	99.99%+	99.99%+

All levels of significance are greater than 99.99999999%.

Detailed Analysis on Impacted Wells

The Section II-H Report cites a relationship between Project Well 3 and the three Impacted Wells. This relationship is significant by any measure as evidenced by the following graphs.

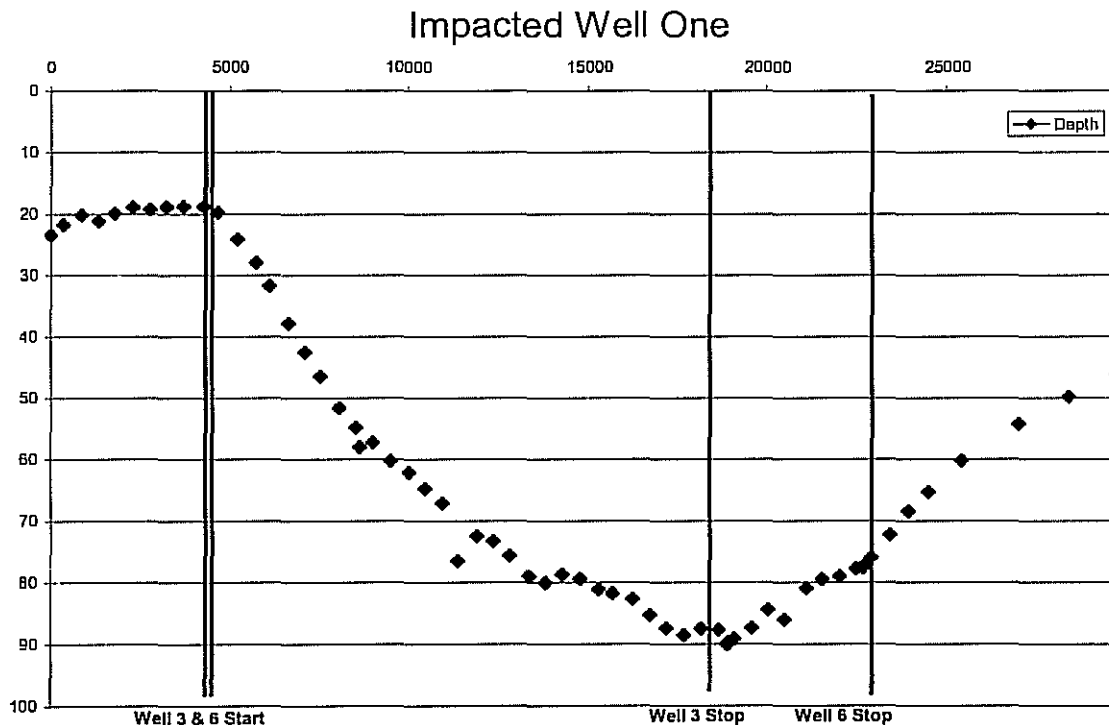
Impacted Well One

The graph below is for Impacted Well One. The X-Axis measurements along the top are number of minutes from the beginning of the monitoring period and the Y-Axis is depth to water. The vertical lines on the left side indicate the start of the pump testing and the lines on the right side indicate the end of the pump testing for Project Wells 3 and 6.

Notice how the water level remains fairly constant around 20 feet until the pumping on both Project Wells 3 and 6 begin. This drawdown continued to nearly 90 feet until Project Well 3 was shut down.

Then recovery began, quickly at first and then trailing off over time. Once Project Well 6 was shut down, the recovery increased once again and followed a pattern similar to that from the Project Well 3 shutdown.

This is a statistically significant relationship between both Project Wells 3 and 6 and the Impacted Well One. Also note that the well did not recover to the beginning static water level prior to ending the depth measurements.



Detailed Analysis on Impacted Wells continued

Impacted Well Two

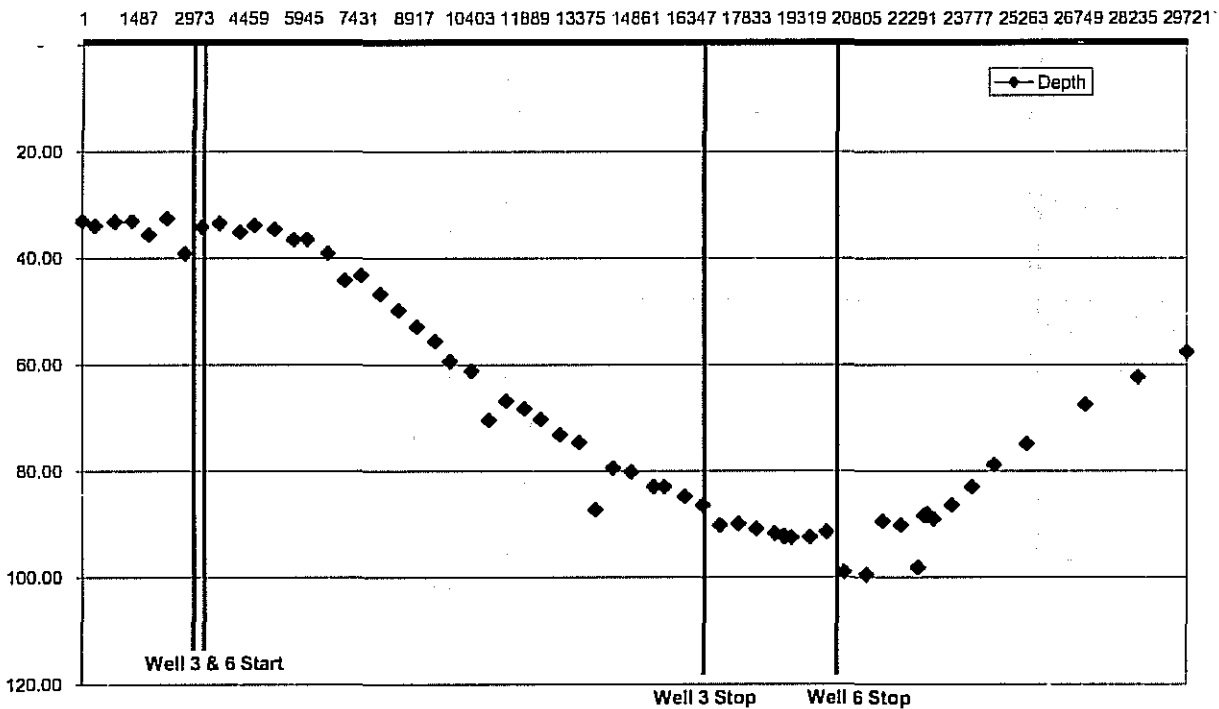
The graph below is for Impacted Well Two. This well displayed a similar response to Impacted Well One with the exception of the recovery rate. It increased at a much greater rate when Project Well 6 was shut down versus the rate associated with the Project Well 3 shut down.

Here the beginning water level remained fairly constant around 34 feet until the pumping on both Project Wells 3 and 6 began. This drawdown continued to over 90 feet.

Recovery began when Project Well 3 was shut down. Once Project Well 6 was shut down, the recovery increased and followed a pattern where recovery trailed off over time.

This is a statistically significant relationship between both Project Wells 3 and 6 and the Impacted Well Two. Also note that the well did not recover to the beginning static water level prior to ending the measurements.

Impacted Well Two



Detailed Analysis on Impacted Wells continued

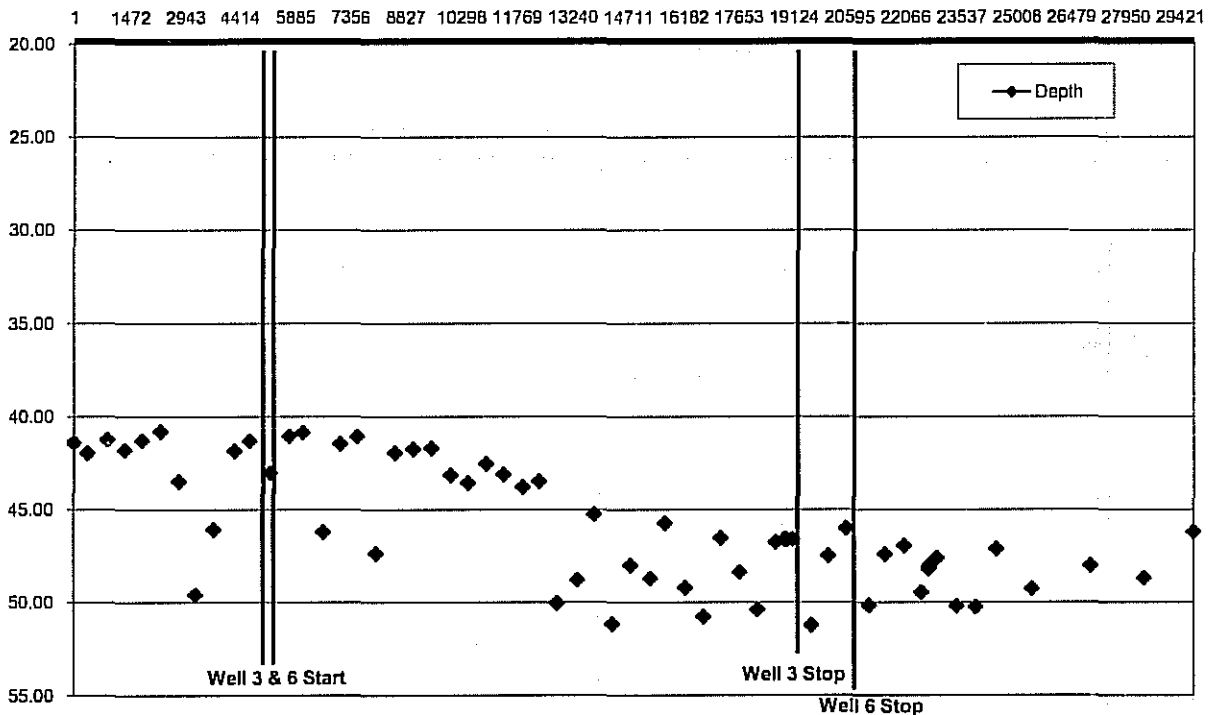
Impacted Well Three

The graph below is for Impacted Well Three. Notice how the water level remains fairly constant around 42 feet until the pumping on both Project Wells 3 and 6 began. This drawdown continued to nearly 50 feet until Project Well 3 was shut down.

Recovery is hard to pin point due to excessive variation. The data does indicate that the drawdown did cease at that point and there are several measurements that indicate recovery was underway.

This is a statistically significant relationship between both Project Wells 3 and 6 and the Impacted Well Three. Also note that the well did not recover to the beginning static water level prior to ending the measurements.

Impacted Well Three



Additional Points Relative to the Findings on Hydrology and Water Quality

Sensitivity to Rainfall Levels for the Recharge Model

In the Section II-H Report section titled “Recharge by Modified Water Budget” (pages 8-11) there is a model proposed that identifies the water that will be available to “recharge” the wells and provide a sustainable water supply. Without recharge of the wells, they would quickly dry up. The model takes into account Rainfall, Surface Water flow in Little Dry Creek and Septic System leaching as the sources for the recharge.

Using an annual average rainfall of 25.18 inches, the Project uses 87.9% of the annual amount of recharged water available for extraction. This displays the necessary recharge to determine Sustainability.

Further analysis of annual rainfall amounts in the area raise the issue of true sustainability. The average rainfall used for the model came from the Auberry Weather Station. This Station is located at an elevation much higher than the Project site.

There is a Station in Friant that is just as close to the Project site and only shows an average annual rainfall amount of 14.65 inches. This comes from measurements gathered since 1935.

Using the Piedra amount of 14.65 inches in the model results in an annual drawdown of over -124 acre feet. This raises serious questions as to the true sustainability of the recharge to the groundwater.

What if there is a similar rainfall pattern to that we experienced from the years 1997 to 2004? During this period, the average annual rainfall was met only 3 of 8 years. We can infer that the Project Wells would have a severe impact on the neighboring wells in this situation.

Using the same exact model and altering the amount of rainfall and runoff in proportion we find that the “break-even point”, where the recharge is exactly the same as the amount of water used, is only 22.1 inches. This is just 3 inches less than the annual average.

The Table below displays the results of the Recharge Model at varying annual rainfall amounts. The first column displays the values used in the Section II-H Report. Subsequent columns display various rainfall values and the corresponding impact on recharge.

	Auberry Station	Auberry Low Readings	Friant Station		Break Even
Annual Rainfall (inches)	25.18	12.5	14.65	16	22.1
Domestic Water Use	371.8	371.8	371.8	371.8	371.8
Rain % of Normal	100%	50%	58%	64%	91%
Recharge in Acre Feet	423	210	246	269	386
Septic Recharge	1.07	1.07	1.07	1.07	1.07
Total Recharge	424.07	211.0	247.1	269.8	387.3
Extracted by Domestic Use	8.79%	18%	15%	14%	10%
Excess or Drawdown %	1.21%	-8%	-5%	-4%	0%
Excess or Drawdown - Acre Feet	52.27	-161	-125	-102	0

Sensitivity to Rainfall Levels for the Recharge Model continued

One of the key elements of predicting rainfall amount is elevation above sea level. The graph below lists the annual rainfall amounts for various local weather stations. The relationship between elevation and rainfall is clear. The average rainfall amounts from Auberry that are used for these calculations represent an amount of rain that is greater than that falling on the Project and surrounding water basin. The actual average rainfall in this area is less than 25.18.

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The vast majority of the Project property lies below 1,000 feet and the entire basin is much less than 2,000 feet. The elevation of Auberry is at 2,000 feet. This is not a reasonable choice for the annual rainfall amount.

This groundwater recharge model must be revisited and corrected. It is likely that this project will regularly drawdown on the groundwater supply. This must be addressed.

The number of homes proposed for this project clearly exceed the number supported by the groundwater recharge model. The number of parcels must be lowered to meet the actual recharge.

Inconsistent Descriptions of the Impact in the Section II-H Report

The following are all the variations in the description of the impact of the Project Wells and the Impacted Wells. The Section II-H Report is very vague as to the actual level of impact between the Project Wells and the Impacted Wells. These vary from “negative impact” to “significant water level decline”.

The terms below seem to indicate an impact but the magnitude is not clear. It has a large range. This language is quite confusing.

“minor” (letter to P Desatoff dated 11, 15, 2005

“minimal influence” p 12

“measurable response” p 14

“small influence” p14

“negative impact” p18

“influenced by the pumping” p21

“significant water level decline” p22

“direct affect” p22

“very little recordable impact” p26

“minimal to moderate influence” p 26 changed to “minimal” in revised report.

“Well 6 showed no negative influence on any surrounding well” p 18 report v1

“three deeper wells revealed a steady decline in water depth during the pumping period” p21

Needed Restrictions

There should be specific restrictions on how ground water is used and/or contained on the Project. Please prohibit the use of ground water for any water feature use. This is to include but not be limited to ponds, lakes, and any other use that leads to excessive loss of water by evaporation.

Also, please prohibit the use or the damming of any existing waterway for any purpose other than that for erosion control. And the definition of erosion control must be set by the County, not the Developer. These requests are based on the current actions of the Developer of this Project.

Summary of Hydrology

The proposed mitigations are not mitigations at all, they are nothing more than monitoring. There needs to be steady fast regulations that protect the homeowners. Both Project Wells 3 and 6 should be taken permanently out of service and destroyed. Further drilling in the area should be prohibited.

There needs to be an independent review of the level of sustainability of the water supply. The pump testing was conducted when we have had significantly large amounts of rain. That will improve the production of the Project Wells. These test results could not have had better timing to ensure a high production of water.

Please require a contingency plan be developed for below average rainfall years. There will be years of sustained below average rainfall. We can plan for this. Our wells in this area are on interconnected fractures, so interconnected that it behooves us to act.

Section 1 Aesthetics (page 1)

Scenic Considerations (page 1)

Finding 1 – General Plan Consistency is not followed. According to Fresno County General Plan Policy OS-L.3, Auberry Road is designated as a Scenic Drive to preserve, protect and maintain the scenic quality in land and landscape adjacent to scenic roads in Fresno County. This designation comes with a restriction stating that there shall be no development within 200' of the road unless specific conditions are met. The conditions, which the County did not specify, indicate that this condition is applied very loosely, contrary to the reason the designation was added to the General Plan.

The proposed site plan places the highest density of homes will be along Auberry Road (see Map below). And, based on the natural flow of Little Dry Creek, there is little usable land for home site placement along Auberry Road. The Project is given unsubstantiated mitigations in this area. There are only economic reasons to allow for this type of mitigation. Why is the County Staff so concerned about increasing the Developer's profits at the expense of the residents of the County? This land was acquired less than five years ago by the Developer. It was known at that time that the area along Auberry Road was off-limits. There is no basis for any argument that this land should be exempt.

The view will be permanently damaged by the mitigations proposed by County Staff. A berm or fence, as proposed by the County, will not be sufficient given the topography. The other current construction in the area given this same mitigation is clear proof of its failure. Homes, walls and/or fences will be readily visible from all sections of Auberry Road.

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Scenic Considerations continued

Please maintain Auberry Road as a Scenic Drive. Reduce the impact of this proposed Development by maintaining the 200' no development boundary. It is not a Scenic Drive if one is looking at close proximity home construction. This may require parcel reduction but it should be viewed as removing parcels that had no right to be allowed by the County in the first place.

Biological Resources (page 6)

Overall Concerns

The Department of Fish and Game Study on the Project identified "a number of potential impacts", yet all have been mitigated away. The mitigations proposed are not proven to be effective and are weighted to allow the Project to move forward with too little regard to potential detrimental impacts. The requirement of a Biological annual report to be produced is great yet there is no mechanism to ensure compliance.

Also, compliance with these types of mitigations is questionable in this situation. Mitigation violations on a nearby existing Project (Mallard Meadows) have led to the County filing a lawsuit against this same Developer. This is currently scheduled to go to trial on August 7, 2006.

Outlots for Environmentally Sensitive Areas (page 7)

There will be the Establishment of 32 acres of outlots for “protection”. Sounds good but the reality is that this land is really PG&E high power line right-of-way and Little Dry Creek stream protection requirements. The mitigations state that “No ground disturbance will be allowed within these outlots.” And “...outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas...” referring to outlots A and B.

Yet the Project documentation indicates planned use of the existing PG&E dirt road within the “protected outlet” for emergency access. And this access will require major tree and vegetation clearing and road improvements in both outlots A and B. How can you propose that these two things can happen? The outlet land will be bulldozed. That is the most likely outcome.

Outlots should remain “as a wildlife movement corridor” during and long after construction. There are currently many species that utilize this land for habitat. The high density of this Project as compared to the surrounding parcels places increased importance on keeping these areas available. Please require that these areas are placed off-limit during and after construction, including, but not limited to, the prohibition of vehicle traffic.

Homeowner Association Responsibilities

The Homeowner’s Association is charged with unrealistic responsibility to ensure the mitigations are maintained. Following are items charged to the Homeowner’s Association:

Report to be produced annually for 10 years by a professional biologist to ensure Conditions are implemented and corrective action is taken,

Compliance with State and Federal wetland permit requirements,

Homeowner Association Responsibilities continued

Corrections to degradation of wetland areas from erosion and sedimentation,

Auberry Road berm landscaping and maintenance,

Outlots A and B maintained “for the benefit of wildlife resources”, with approval from Dept. of Fish and Game,

Replacement trees (5:1) ratio to those removed for seven years after planting,

Each buyer is required to read and understand two oak tree protection publications.

A report is to be submitted to the “County for review”. No specifics are offered as to who in the County will review this report and no guidelines are set for the County to ensure that this condition is followed.

Maintenance of Mitigations need be performed by a third-party with sufficient funding established by the developer. Please make this a requirement for this development.

Geology and Soils (page 11)

Area b) Erosion and Runoff (page 12)

The site is noted as having slopes ranging from 8% to 48% (Section II-H Report page 3). The mitigation for this states that “Excess runoff from improvements will be captured and detained on-site”. The potential for the problem was clearly identified yet nothing specific is noted on any documentation. The road construction alone will lead to a dramatic change in the runoff patterns for the land.

No evidence of this can be found on the proposed map, yet the need exists given the topography. All land where excess water capture is necessary is already taken up by home sites. How are the surrounding homeowners assured that this provision will be upheld? Significant damage could occur to neighboring properties.

Please require identification of the storage areas prior to the Final Map approval.



County of Fresno

Department of Public Works and Planning
ALAN WEAVER
Director

Subdivision Review Committee Report Agenda Item No. 2 June 29, 2006

SUBJECT: Initial Study Application No. 4993 and
Tentative Tract Application No. 5239

Allow a planned residential development consisting of 41 lots with a minimum parcel size of two acres with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: On the on the east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76).

Applicant: James Bratton
Owner: B.W.I.

STAFF CONTACT: Lew Pond, Planning & Resource Analyst
(559) 262-4321

**Chris Motta, Senior Staff Analyst
(559) 262-4241**

RECOMMENDATION:

Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993 and approve Tentative Tract Map Application No. 5239 with recommended findings and conditions, and direct the Secretary to prepare a Resolution documenting the Commission's action.

DEVELOPMENT SERVICES DIVISION

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

REGIONAL JOBS INITIATIVE

If approved, this proposal should not impact the short and long-term objectives of the Regional Jobs Initiative (RJI) for the creation of jobs in Fresno County. There will be short-term job opportunities for activities associated with construction of the subdivision and housing improvements.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Surrounding Zoning
4. Tentative Tract Map
5. Elevations of Entrance Gate and Boundary Fence
6. Summary of Initial Study Application No. 4993
7. Project correspondence

PROJECT DESCRIPTION SUMMARY:

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

Proposed Use:

- Allow a planned residential development consisting of 41 lots with private roads, gated entry and community water system in the RR (Rural Residential, two-acre minimum parcel size) District.

Project Site:

- 164.53 acres

Existing Improvements:

- Three wells, unimproved private road, overhead high voltage power lines

Proposed Improvements:

- Subdivision infrastructure (private gate at the project entrance on Auberry Road, paved private interior roads, community water system, fire protection systems, underground utilities, etc.)

ENVIRONMENTAL ANALYSIS:

An Initial Study (Initial Study Application No. 4993) 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 6.

Notice of Intent of Mitigated Negative Declaration publication date: May 26, 2006.

PUBLIC NOTICE:

Notices were sent to 48 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.

BACKGROUND INFORMATION:

The subject application was originally submitted as a tentative tract consisting of 41 Rural Residential lots, with water to be provided by individual wells, and with each lot having public road access. During the scheduled May 26, 2005 Planning Commission hearing on the project, the applicant requested that the application be continued to allow the applicant to revise the proposal to include a community water system and private roads with a private gate to be installed at the site's Auberry Road access. Section 10.02c of the Sierra North Regional Plan and Policy LU-E.10 of the General Plan allow Planned Residential Developments utilizing community water and sewer systems in areas designated Foothill Rural Residential. Pursuant to Section 855.N.22 of the Zoning Ordinance, the applicant submitted Classified Conditional Use Permit Application No. 3157 on December 12, 2005 requesting that the subject project be allowed as a Planned Residential Development of 41 Rural Residential lots with a gated entrance and private roads. This application is being processed concurrently with Tentative Tract Map Application No. 5239 and is the subject of a separate staff report.

PROCEDURAL CONSIDERATIONS:

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 Subdivision Review Committee Report. Classified Conditional Use Permit Application No. 3157, proposing to allow planned

residential development of the property, has been submitted concurrently with this Tentative Tract Map Application proposal. Tentative Tract Map Application No. 5239 as proposed with a gated entry and private roads cannot be approved without approval of the Conditional Use Permit Application. Approval of both applications is final unless appealed to the Board of Supervisors within 15 (fifteen days) of the approval action.

KEY INFORMATION PERTINENT TO STAFF ANALYSIS:

Date of Subdivision Review Committee Meeting:	May 13, 2005
Subdivider:	James Bratton
Engineer:	Yamabe & Horn
Location:	On the on the east side of Auberry Road between Caballero and Wellbarn Roads.
Nearest City Limits:	Approximately nine and one-half miles northeast of the City of Clovis and four miles southwest of the unincorporated community of Prather.
Number of Acres:	164.53 acres
Number of Lots:	41 lots
Minimum Lot Size:	2.3 acres
Proposed Source of Water:	Community system
Proposed Means of Sewage Disposal:	Individual sewage disposal system
Drainage:	To natural channels, with additional drainage generated by the development to be retained on-site.
General Plan Designation:	Foothill Rural Residential (Sierra North Regional Plan)
Zoning on Subject Property:	RR (See Surrounding Zone Map, Exhibit 3)
Surrounding Zoning:	RR, AE-40, AL-40, RC-160

Proposed Use:	Rural Residential
Land Use on Subject Property:	Vacant
Surrounding Land Use:	Grazing, Rural Residential Development, Single Family Residences

ANALYSIS / DISCUSSION:

Finding 1: *General Plan Consistency*

The subject 164.53-acre project site is designated Foothill Rural Residential in the Sierra North Regional Plan and is zoned RR. The property is located on the east side of Auberry Road between Caballero and Wellbarn Roads. Surrounding parcels are used for grazing or for single-family residences.

Policy PF-C.17, which applies countywide, states that the County shall, prior to any discretionary project related to land use, undertake a water supply evaluation that determines (a) whether the proposed water supply is adequate to meet the needs of the development, (b) the impact of the use of the proposed water supply will have on other water users, and (c) that the proposed water supply is sustainable. The applicant proposes a community water system with the water supplied by three on-site wells. The applicant was requested by the County Geologist to submit a hydrogeologic report per Section II-H of County Improvement Standards to demonstrate that underground water supplies will be adequate to serve the proposed use and that required General Plan water determinations can be made. The County, through a formal request for proposal process, selected the consulting geologist. The hydrogeologic report, dated March 1, 2006, prepared by Norbert Larsen, Consulting Geologist, was subsequently filed with the County which included pump tests of three five wells and monitoring of 12 nearby off-site wells located within an adjacent subdivision during the pumping phase of the testing. These pumping and monitoring wells are shown on Exhibit 5, Map of Well Sites and Observation Wells. Based upon the report, the Geologist has determined that the determinations as required by Policy PF-C.17 can be made for the project. These determinations have been made subject to the inclusion of mitigation measures requiring that: 1.) The proposed community water system be owned, operated and maintained by a County Service Area (CSA), 2.) Each lot shall be required to have two (2) water meters, one for the residence and the second for landscape irrigation needs, 3.) Only drip irrigation be allowed, 4.) A tiered rate schedule be adopted, 5.) The applicant develop and submit a groundwater monitoring program, 6.) Well No. 3 shall be limited to use only as a monitoring well, 7.) Well No. 6 shall be used only after additional testing to quantify impact on wells to the south of the project site and only to the extent that no significant impacts occur, and 8.) Onsite wells be equipped with dedicated pressure transducers and a data logger is to be provided to allow for groundwater monitoring.

Policy LU-E.17 of the General Plan states as follows:

The County shall consider the current inventory of undeveloped parcels when reviewing rezoning and subdivision proposals involving lands currently designated Rural Residential or Foothill Rural Residential. Such proposals shall generally not be considered appropriate until such time as at least sixty (60) percent of the available lots in the area have been developed.

This policy was added to the General Plan with approval of the General Plan Update in 2000.

Other than stating that the inventory required by Policy LU-E.17 be of “available lots in the area”, no specific information is provided by the General Plan as to the size of the area to be surveyed. Subsequent to the 2000 General Plan Update, only one Foothill Rural Residential tract has been considered, Tentative Tract Map Application No. 5100. This tract, which was approved by the Board of Supervisors on appeal in January 2004, allowed division of eight parcels of land totaling 302.83 acres into 91 parcels with a minimum size of two acres. In that instance, the inventory was made of all lots designated Rural Residential or Foothill Rural Residential within a five mile radius of the project site, in which case, it was determined that 64% of the inventory of Rural Residential parcels were developed. The same methodology was utilized for the subject tract, based upon the best readily available data. The analysis relied on County Assessor’s records, supplemented by building permit records and aerial photographs. This resulted in a determination that 58% of Rural Residential and Foothill Rural Residential designated properties within a five-mile radius of the site have been developed. The calculation included 91 lots authorized with approval of Tentative Tract Map Application No. 5100 in January 2004. The Final Map for these lots was recorded in March 2005. Prior to the recording of these parcels, the proportion of developed Rural Residential parcels within five miles of the subject site was 71%. The Plan Check Section of the Department of Public Works and Planning indicates that plan check activity for new residences on lots within the tract has been heavy. Based upon these considerations, including the language that includes the term “generally” in Policy LU-E.17, staff believes that the subject project is consistent with the policy.

Auberry Road is designated as a Scenic Drive in the General Plan. General Plan Policy OS-L.3 states that intensive land development proposals along a Scenic Drive, including subdivisions of more than four lots, shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The policy further provides that the design of said development proposals shall provide for maintenance for a natural open space area two hundred (200) feet in depth parallel to the right-of-way. The policy does allow for modification of the setback when topographic or vegetative characteristics preclude such a setback and when topographic or vegetative characteristics provide screening of building and parking areas from the right-of-way. The entrance gate proposed for the project in concurrent Conditional Use Permit Application (CUP) No. 3157 will be located

approximately 90 feet from the Auberry Road right-of-way. Conformance of the gate with GP Policy OS.L-3 is addressed in the staff report for CUP No. 3157.

With respect to the remainder of the project, portions of 11 of the proposed 41 lots are located within this 200-foot setback. In addition, an interior road approximately 1,600-foot in length is proposed to be constructed parallel to Auberry Road within the 200-foot setback. Based upon the following considerations, staff believes that a modification of the setback standard is warranted in the case of this project. The interior road in question serves a corridor of six proposed parcels lying between Auberry Road and Little Dry Creek as it meanders through the southwest portion of the tract. Requiring the road to be set back 200 feet would either reduce the lots to be served by the road to sizes less than the minimum two acres or result in potential impacts to the stream and its designated buffer area. The applicant has also requested to be allowed to construct improvements within the 200-foot setback on three of the 11 lots within this setback area. The area outside the setback on Lots 40 and 41 is either quite steep for housing construction or is heavily wooded. Because of the proximity of these lots to a designated wildlife movement corridor, no feasible parcel reconfiguration is possible. Staff believes that these considerations support a condition allowing improvements on these parcels (Lots 40 and 41) to be located within the 200-foot setback but no closer than 100 feet from the Auberry Road right-of-way. The applicant has also requested that improvements on Lot 37 be allowed as close as 150 feet from Auberry Road because the portion of this parcel lying outside the 200-foot setback is not large enough for a single-family residence. Staff believes that topographic features and vegetation in this area will effectively screen the improvements from Auberry Road and has included a condition allowing improvements on Parcel 37 as requested.

The owners of lots along the western boundary of the project may wish to erect fences that would be located within the 200-foot scenic setback area. To reduce potential visual impacts caused by such fences, the applicant proposes to construct a tract boundary fence along the eastern right-of-way line of Auberry Road, as described in the Operational Statement for concurrent CUP No. 3157 and depicted in Exhibit 5 of this report. The fence is proposed to be a white split rail wood fence. A condition is included allowing this fence and stipulating that no other fencing will be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, which shall be consistent with the design of the boundary fence.

Based upon these considerations, staff believes that the project conforms to General Plan Policy OS.L-3 if the development and operation of the project is in substantial compliance with the tentative tract map (Exhibit 4), entrance gate and fence elevation (Exhibit 5) and the Operational Statement associated with CUP No. 3157. Compliance with the latter document is a recommended condition of approval of CUP No. 3157.

The 1,600-foot interior road referred to above is proposed to be constructed immediately adjacent to Auberry Road. This may result in a traffic hazard in that motorists on Auberry Road may mistake the interior road for Auberry Road, particularly during night time hours. To address this concern, a condition is included at the request of the Development Engineering Division requiring that a berm be constructed to provide visual separation between the highway and the interior road. To enhance the appearance of the berm in keeping with the Scenic Drive objectives, the condition requires the berm to be landscaped with natural materials.

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 into the proposed subdivision will be provided via Auberry Road, which is classified as an Arterial in the General Plan. A condition of approval is included requiring additional road right-of-way to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills. In addition, direct access rights shall be relinquished along the Auberry Road frontage with the exception of one access point into the subdivision and one emergency access road.

Conditions recommended for this subdivision by the Development Engineering Division of the Department of Public Works and Planning require that the proposed interior roads be constructed to a County public road standard and that provisions be made for their maintenance.

The proposed development will result in an increase in vehicle traffic in the area. The Design Division of the Fresno County Department of Public Works and Planning, which is responsible for determining the adequacy of County roads and necessary improvements, reviewed the subject application and requested a traffic impact study which identified potential traffic impacts to county roads and one State highway. Mitigation measures are included requiring pro-rata shares for future signalization of various intersections and improvements to segments of Auberry Road and Copper Avenue, to reduce impacts to County roadways to a level of less than significant. A mitigation measure is also included requiring a pro-rata share of the cost of improvements to the SR 168/Auberry Road intersection, reducing impacts to State highways.

Policy PF-I.8 of the General Plan states that the County and school districts should work closely to secure adequate funding for new school facilities. The policy also states that the County shall support the school district's efforts to obtain appropriate funding methods such as school impact fees. The proposed project is located within the Sierra Unified School District and as the project develops, school impact fees will be paid to the District.

Policy PF-H.2 of the General Plan states that new development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities are provided. The property is located with State Responsibility Area for fire protection purposes. The applicant will be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.

Policy PF-G.2 of the General Plan states that the County shall strive to maintain a staffing ratio of two sworn Sheriff's officers per 1,000 residents served. The Board of Supervisors has recently directed that a funding mechanism be established to provide for this minimum level of staffing in areas experiencing new residential growth. This Initial Study prepared for the project also identified the need for enhanced police services. A condition has, therefore, been included as a mitigation reducing public service impacts to a level of less than significance by requiring creation of a Community Facilities District or other appropriate funding mechanism for this purpose.

The subject property is traversed by a seasonal stream and is located in a mixed oak woodland. The Open Space and Conservation element of the General Plan includes a number of policies which seek to protect oak woodlands and wetlands, as well as encouraging preservation of existing terrain and natural vegetation in visually sensitive areas. Staff has included a condition of approval requiring preparation of an Oak Management Plan for the property for review and approval prior to recordation of the Final Map. As discussed in the Environmental Effects Section below, several mitigation measures have been included related to protection of biological resources.

Based upon the above considerations, staff believes that the project can be found to be consistent with the General Plan.

Finding 2: Suitability of Site

The subject property is located in a foothill area at elevations ranging from about 750 feet to 1,100 feet above sea level. Some of the lots have grades in excess of 30%. In accordance with County Subdivision Improvement Standards, a soils report is required for the subdivision as a condition of the final map. The soils report needs to address any limitations on building in these excessive slopes.

Individual sewage disposal systems are proposed to serve the development. A sewage feasibility analysis was prepared for the project at the request of the Fresno County Department of Community Health, Environmental Health System (Health Department). The sewage feasibility analysis indicated that soils on the project site are adequate to accommodate individual sewage disposal systems with full replacement area. Per the feasibility analysis, a condition has been included which requires engineered sewage disposal systems for each lot.

The parcel is zoned Rural Residential, allowing parcel sizes no smaller than two acres. Lot sizes in the proposed tentative tract range from 2.30 to 5.17 acres. As indicated in the Finding 1 section above, the area allowed for building improvements will be limited on several lots to allow for scenic setbacks from Auberry Road. Also included is a condition requiring that stormwater runoff generated by new roads and buildings must be retained or detained in on-site basins. Notwithstanding these constraints and conditions, staff believes that the site is adequate for the use as proposed and that Finding 2 can be made.

Finding 3: Environmental Effects

The Subdivision Ordinance requires that a tentative tract map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

The Initial Study, attached as Exhibit 5, identified a number of potential environmental impacts. Potential impacts related to compaction, overcovering of the soil, and wind and water erosion will be addressed by mandatory adherence to the County's Grading and Drainage Ordinance and County Building Code.

The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed the project and stated the project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Although the project itself may not generate significant air emissions, the Air District indicated that the project and others like it may make it more difficult to meet mandated emission reductions and air quality standards. The Air District indicated that the project will be subject to District Rules 4901 and 4902, which regulate the sale, installation and transfer of both wood-burning devices and natural gas-fired water heaters to limit the emissions of PM-10 and oxides of nitrogen. Regarding temporary impacts during construction, the District also noted that the construction phase of the project will be subject to certain aspects of District Regulation VIII, a series of rules designed to reduce PM-10 emissions generated by human activity. Adherence to these mandatory measures will adequately address the potential air impacts identified by the Air District. Therefore, no significant impacts to air quality are anticipated.

The Air District encourages other measures to reduce the project's overall level of emissions. These include careful selection and location of trees, installation of sidewalks and bikeways, and energy conserving features such as energy efficient appliances, natural gas or EPA-certified wood burning fireplaces, and natural gas and electrical outlets in outdoor areas to encourage use of clean-burning outdoor cooking appliances and landscape maintenance equipment. Information on these measures has been provided to the applicant.

A Biological Evaluation of the site was performed by Live Oak Associates dated September 16, 2003. Mixed oak woodland and button willow scrub associated with the natural drainage on the site were the only two habitats observed. The report concludes that the project will result in a less than significant impact to regional populations of special status animal species, and a less than significant impact on riparian habitat and regional wildlife movements. The report states that three special status plant species could be present on the site, the Madera Linanthus, Orange Lupine, and Mariposa Pussypaws. The State Department of Fish and Game (F&G) reviewed the evaluation and indicated that a Federally-listed species, the Valley Elderberry Beetle, could also be impacted by the project. Follow up surveys by Live Oak Associates, reported in letters dated April 27 and May 17, 2004, concluded that and Mariposa Pussypaws, Orange Lupine, and Madera Linanthus were not observed on the site. Also, no Blue Elderberry shrubs providing habitat for the VELB were found. The report concludes that there would be no potential impacts to special status plant species.

As indicated in the Biologic Evaluation Report for the project, the project area contains Army Corps of Engineers (ACOE) jurisdictional "Waters of the United States". A report entitled "Waters of the United States, Table Mountain Creek Subdivision" was prepared by LOA dated March 26, 2004, and forwarded to the ACOE. By letter dated August 5, 2004, ACOE verified that the site contains 4.30 acres of waters of the United States, including wetlands.

The California Department of Fish and Game commented on the Biological Evaluation by letter dated April 13, 2004. Notwithstanding the conclusions of the evaluation that impacts to riparian habitat and wildlife movement would be less than significant, F&G requested that mitigation measures be adopted establishing stream setbacks and a wildlife movement corridor. Mitigation measures are included requiring two "no build, no disturb" outlots to be established. Outlot "A", consisting of 12.6 acres, is to be established as a wildlife movement corridor 180 feet wide. This corridor is coterminous with an easement held by PG&E for two sets of high voltage transmission lines that traverse the property. Outlot "B", consisting of 19.43 acres, includes the 4.30-acre Little Dry Creek together with a minimum 50-foot buffer from the upper edges of the creek or from the outer edge of the dripline of riparian vegetation, whichever is greater. It also includes a minimum 30-foot buffer from the upper edges of two tributaries of the creek. The designation of the outlots together with a "no build, no disturb" note on the Final Map will assure that these areas will remain in their natural state.

A Section 404 Permit from ACOE and a Section 1600-1603 Stream Bed Alteration Permit will be required for the proposed modification of the existing crossing of the stream by the private road traversing the site. This will reduce any potential erosion or siltation impacts to a less than significant level.

Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will

have a significant effect on the environment. Mitigations are included as required by this code section, along with the preparation of an Oak Management Plan in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).

A Cultural Resources Study of the site, dated August, 2003 and prepared by Donald G. Wren, Consulting Archeologist, identified four archeological sites. This study was reviewed by the Southern San Joaquin Valley Information Center, who requested that the identified sites be avoided. The project will be subject to a mitigation measure requiring an open space indenture agreement to protect the sites that will be attached as a covenant running with the land and noted on the final map.

As indicated in the Initial Study, Exhibit 5, potentially significant aesthetic impacts were identified in the environmental analysis. The existing 164.53-acre site is located in the foothills of the Sierra between the elevations of 750 and 1,100 feet. Typical of the foothill area, the site is classified as mixed oak woodland, with blue oaks, live oaks and foothill pines as the dominant species. The North Fork of Little Dry Creek traverses the site in a northeast to southwest direction, and a number of rock outcroppings are found on the parcel, mostly in the proximity of the stream. These factors enhance the aesthetic character of the site, although this quality is compromised to an extent by the presence of two high voltage transmissions line and towers that cross the property, also in a northeast to southwest direction.

As indicated in the Finding 1 discussion above, Auberry Road in this location is designated as a Scenic Highway in the General Plan, and mitigation measures are included to reduce aesthetic impacts as viewed from the highway. The mitigation measures included in the project to protect biological resources will also have the effect of significantly reducing aesthetic impacts. Under these measures, 32 acres of the 164.53-acre site are designated as open space outlots for the protection of riparian habitat along the stream and for wildlife movement. Site visits by staff and aerial photos confirm that almost all rock outcroppings are located along the stream and will, therefore, be protected within an outlot. Impacts on oak woodlands will be addressed in the Oak Management Plan that will incorporate the provisions of Section 21083.4 of the Public Resources Code. The provisions require replacement at a 5:1 ratio of all oak trees more than five inches in diameter at breast height that are removed by the project.

Based upon the above considerations, staff believes that this subdivision and related improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife in their environment provided the development complies with the recommended conditions of approval.

Finding 4: Public Utilities and Easements

All proposed utilities will be required to be placed underground in accordance with County requirements and easements for these utilities will be required as conditions of this map. County Design and Improvement Standards also 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, shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

The two overhead electrical transmission lines that traverse the tract are exempted from the County undergrounding requirement by the Design and Improvement Standards. These lines are owned by the Pacific Gas & Electric Company and are within a 180-foot access and maintenance easement. As indicated in Finding 3 above, this 180-foot corridor is also designated for wildlife movement and is noted as an outlot on the site plan.

Based upon these factors, staff believes that Finding 4 can be made.

Finding 5: Public Health

Neither the design of the subdivision, nor the type of improvements that are proposed are likely to negatively impact the health of future residents or the general public. Water will be provided by a community water system in accordance with mitigation measures, as discussed in Finding 1.

The Fresno County Fire Protection District (District) reviewed the project, including the proposed private gate access to the site. They reviewed the applicant's plans, which indicated the pressurized water system, location and size of water tanks, and location of fire hydrants. The Department determined that the project would meet the District's requirements with provision made for Knox Box gate access and subject to conformance with State SRA requirements and subject to provision of emergency access.

A condition is included requiring establishment of a funding mechanism to provide for maintenance of a staffing ratio of two sworn Sheriff's officers per 1,000 residents served. The Sheriff's Department reviewed the project and indicated no concern with their ability to provide service subject to provision that their office be provided the access code for the private gate.

As stated in Finding 2, each lot of the subdivision will be served by an individual septic system. As recommended by the sewage feasibility analysis prepared by the applicant's consultant and accepted by the Health Department, each individual septic system will be required to be engineered.

The Health Department has determined through review of water quality information provided by the applicant that all constituents or chemicals analyzed meet the standards adopted by the California Department of Health Services for community public water systems with the exception of coliform bacteria at well # 4. A note will be included stating that prior to the use of Well #4, additional bacteriological testing will be required.

Based on the above considerations, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with the conditions of approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Mitigated Negative Declaration prepared for this project.

Staff believes the required findings can be made based upon the factors cited in the analysis, the recommended conditions, and the notes regarding mandatory requirements. Staff therefore recommends that the project be approved.

PLANNING COMMISSION MOTIONS:

RECOMMENDED MOTION (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 4993; and
- Adopt findings noted in the staff report and approve Tentative Tract Map Application No. 5239, subject to the conditions listed below; and
- 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 Tentative Tract Map findings cannot be made for the following reasons [state which finding(s) and reasons], and move to deny the project; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

CONDITIONS:

A. AUBERRY ROAD

1. Additional road right-of-way shall be provided to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills.

Note: Limits of cuts and fills will be identified by the Subdivider through submission of a conceptual design for Auberry Road widening along the frontage of the subdivision, including supporting topographic survey features outside of the current road right-of-way.

2. Auberry Road is classified as an arterial and as such, the direct access point from the proposed subdivision shall be relinquished except at the locations of the 60-foot wide entrance road and an emergency access road.
3. Adequate sight distance shall be provided at the intersection of the entrance road and Auberry Road.
4. A 30-foot by 30-foot cutoff shall be provided at the entrance road and Auberry Road.
- *5. A natural open space area extending 200 feet from the easterly right-of-way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:
 - a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
 - b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.
 - c) The subdivider may construct a tract boundary fence within the

natural open space area and described as a white split rail wood fence in the Operational Statement for the concurrent Conditional Use Permit Application No. 3157. Said fence shall conform to this description and to the design depicted in Exhibit 5 of this report. No other fencing shall be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, and which shall be consistent with the design of the boundary fence.

d) The natural open space area shall be shown on the Final Map.

B. GATED ENTRY

1. Shall be constructed to a public road standard in accordance with County Improvement Standard A-2-b (28 feet of base and pavement plus transitions as needed). Applicant has proposed a median island within an 84-foot right-of-way at the entrance.
2. Vehicles denied access shall be able to exit the entrance in a continuous forward motion.
3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the “queuing theory” to insure that there is a 1% chance or less of a vehicle stopping in the public right-of-way due to a vehicle waiting to be granted access to the development. The analysis shall use a five-minute delay for the peak hour volume entering the development at the gate.
4. If a bypass lane with a separate call box or actuator is provided for the residents, their vehicles may be deducted from the analysis. This is assumed to be 90% of the peak hour traffic.
5. Each vehicle shall be given a 25-foot envelope in determining the setback from the public road.
6. The call box shall be located a minimum of 25 feet from the public right-of-way.
7. To address potential visual impacts from Auberry Road, a County Scenic Drive, the entrance gate structure shall be set back a minimum of 200 feet from Auberry Drive, unless a greater setback is required by other conditions of this subsection.
8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.

9. Access through the subject site shall continue to be provided to those properties and parcels to the north and east of the proposed tract that had previously utilized Granite Creek Road for ingress and egress. Since the extent of such previous access easement rights is unknown and could affect additional parcels that could be divided in the future, a telephone call box shall be placed at the entrance to allow for calls to be received at parcels outside of the tract boundary in order to permit access through the gate. Since the gate is within a potential wildfire area, the exit gate shall open outwardly and/or permit exit via a crash gate construction feature in the event of a power failure.

C. INTERIOR ROADS AND CUL-DE-SACS

1. The entrance road (Granite Creek Road) shall be constructed to minimum 30 MPH design speed and in accordance with County Improvement Standard A-2b, but with 60 feet of right-of-way as shown on the tentative map (28 feet of pavement and base). The interior roads serving the lots shall be constructed to a 25 MPH. public road standard in accordance with County Improvement Standard A-1b (24-foot minimum width of pavement and base).
- *2. To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm. Landscaping of natural materials shall be planted on the berm and maintained by the Homeowner's Association until the plantings are self-sustaining. The applicant shall provide a landscaping plan to the County for review and approval.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at the intersection of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 MPH. design speed for the interior streets. Roads shall intersect at approximately 90-degree angles.
4. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
5. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
6. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
7. The 25 MPH design speed requires the interior roads to have a minimum curve radius of 230 feet.

8. The improvement plans shall clearly demonstrate how the 60-foot entrance road shall connect to the access road serving parcel maps east of the subject site. (Parcel Maps 7599, 7279, etc.).
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.

D. DRAINAGE AND EROSION CONTROL

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. Any additional runoff generated from this tract shall be retained or detained on-site or by other facilities acceptable to the Director of Public Works and Planning.
2. A Hydraulics and Hydrology report shall be prepared for the stream traversing the property. The report shall establish the limits of inundation from a 100 year storm, base flood elevations for the parcels fronting on the stream, and shall establish a high water level at the proposed bridge and flow rate at the bridge for design purposes.
3. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A copy of the Notice shall be provided to the County.
4. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

E. MAINTENANCE

1. A Zone of Benefit in County Service Area 35 or other method acceptable to the Director of Public Works and Planning shall be provided for the Maintenance of new roads and outlots. If the entrance road is gated, maintenance shall be by the Homeowner's Association or other entity acceptable to the Director.
2. The subdivider shall be required to secure the maintenance of the new roads for a period of two years after acceptance thereof.

3. Common facilities, including open space, private roads, and entrance gate, shall be maintained by a homeowners association.

F. UTILITIES

1. All utilities with the exception of the PG&E overhead transmission lines traversing the site shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
2. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
3. A ten-foot wide public utility easement shall be dedicated along all lot boundaries located adjacent to any street located within the tract.

G. STREET NAMES

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval from the Street Names Committee prior to final map approval.

H. FIRE PROTECTION:

1. The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works & Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
2. The property is located with State Responsibility Area for fire protection purposes. The applicant shall be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.
3. Engineered plans for the fire protection system shall be reviewed and approved by the fire protection district having jurisdiction for the area in addition to the County.

I. EMERGENCY ACCESS ROADS:

1. Shall be contained within easements (minimum 20' wide) 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 Department of Public

Works and Planning 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.

J. WATER AND SEWER

- *1. The proposed community water system shall be owned, operated and maintained by a County Service Area (CSA). Prior to the issuance of any building permits for any single family dwellings within the subject tract, the CSA shall submit an application and receive approval for a permit to operate a Public Water System. The permit application shall include supporting information, in the form of a technical report, and be submitted to the Fresno County Department of Community Health, Environmental Health Division for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact Ed Yamamoto at (559) 445-3357 for more information. The subdivider shall assist the CSA staff in preparing the necessary documentation for submission to the Environmental Health Division in order to secure a water purveyor permit for the community system. Well sites shall be designated as outlots, and shall be provided with easement access for maintenance purposes.
- *2. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map. Each lot shall be required to have two (2) water meters. One meter will serve the residence and the second meter will serve the landscape irrigation needs. All such meters shall be equipped with remote read sensors so that homeowners may monitor their water usage. The irrigation meter shall not be installed until a copy of the proposed landscaping plans for the lot is reviewed and approved by the Architectural Review Committee and submitted to the County Service Area for review and forwarding to the County Geologist for approval to ensure that the proposed landscaping will not require more water than is available for the lot. Upon recordation of the final map, this requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet.
- *3. Only drip irrigation shall be allowed. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.

- *4. Prior to recordation of the final map, a tiered rate schedule for the irrigation service for both domestic and landscaping use shall be adopted by the Board of Supervisors as the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the reconnection of the water supply for irrigation services.
- *5. Prior to recordation of the final map, the applicant shall develop and submit to the County Geologist and the Resources Division of Public Works & Development Services Department a groundwater monitoring program for the proposed community water system. The cost of ongoing monitoring shall be included in the rate schedule established by the County Service Area. Approval and acceptance of the groundwater monitoring program shall be made by the County Geologist.
- *6. Wells 2, 4 and 5 shall be used for the community water system. Well No. 3 shall be limited to use only as a monitoring well. Well No. 6 shall be used as a backup well, but only after additional testing to quantify impact on wells to the south and only to the extent that no significant impacts occur.
- *7. All onsite wells shall be equipped with dedicated pressure transducers and a data logger is to be provided.
- 8. All rights to ground water beneath the tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging any wells.
- *9. Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.

K. SOILS REPORT

1. A soils report is required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the type of development as proposed.
2. Some lots have grades in excess of 30%. The soils report needs to address limitations on building in these excessive slopes.

L. BIOLOGICAL RESOURCES

*1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing 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. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- a) Outlot "A", consisting of 12.6 acres, shall be established as a wildlife movement corridor and for public utility purposes. Said corridor shall have a minimum width of 180 feet.
- b) Outlot "B", consisting of 19.43 acres, shall be established for creek riparian purposes and shall include the 4.30 acres depicted as "Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands" on the Yamabe & Horn Engineering, Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 feet buffer from the upper edges of Tributaries 3 and 5.
- c) Outlots "A" and "B" shall be managed and maintained by the Homeowners Association for the benefit of wildlife resources. Input on the management and maintenance shall be provided by a resource management professional(s) approved by the Department of Fish and Game.

- d) Only downward directed lighting shall be used in proximity to open space areas.

*2. OAK MANAGEMENT

- a) The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).
- b) Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2.a.) above shall incorporate the following measures to mitigate the significant effect:
 - (1) The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.
 - (2) The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.
 - (3) Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.
 - (4) Replacement trees shall be maintained by the Homeowner's Association for a period of seven years

after planting. Maintenance shall include replacing dead or diseased trees.

- (5) Each lot purchaser shall review and understand the information contained in “Living Among the Oaks” and ‘Wildlife Among the Oaks’ publications prior to applying for a construction permit. These publications shall be provided by the applicant to each lot purchaser.

*3. RAPTOR PROTECTION

The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

*4. ANNUAL REPORT

The Homeowner’s Association shall retain a qualified professional biologist to prepare and submit a report to the County and the State Department of Fish and Game for review and approval, on an annual basis, for a period of ten years following recordation of the final map. The subdivider and subsequent homeowner’s association shall provide funds necessary to implement this condition, including any necessary corrective action. The report shall address the following:

- a) Compliance with state and federal wetland permit requirements.
- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the Condition No. L1 relating to the environmentally sensitive areas within the tract.
- d) Compliance with the approved Oak Management Plan, including mitigation measures.
- e) Compliance with the mitigation relating to tree-nesting raptors.
- f) List of mitigation measures not in compliance, with

recommended corrective action.

*M. TRAFFIC

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:

a) Signalization improvements at the intersections of:

- Auberry and Millerton Roads
The project maximum share is 2.54%
- Auberry Road and Copper Avenue
The project maximum share is 0.95%
- Auberry Road and Marina Avenue
The project maximum share is 1.16%
- Copper and Willow Avenues
The project maximum share is 0.45%

b) Improvements to the road segment:

- Auberry Road from Copper Avenue to Millerton Road
The project maximum share is 1.12%

c) Improvements to the road segment:

- Copper Avenue from Auberry Road to Willow Avenue
The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962.)

NOTE: The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. The Public Facilities

Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

2. Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.

N. OUTLOTS

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all Outlots (except for Outlots conveyed to the CSA) shall be by the homeowners association for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No Outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any Outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgagees. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

O. OTHER CONDITIONS

- *1. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, the Department of Fish and Game shall be provided with appropriate streambed alteration notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
- *2. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army, Army Corps of Engineers and a Clean Water Act Section 401 Water Quality Certificate permit shall be obtained from the California Regional Water Quality Control Board.
- *3. Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the

subject property and identified in A Cultural Resources Resource Study of the Everton Property-Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.

- *4. 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.
5. Prior to recording a final map, an agreement incorporating the provisions of the "Right-to-Farm" notice (Ordinance Code Section 17.01.100) shall be entered into with Fresno County.
6. All conditions of concurrent Classified Conditional Use Permit Application No. 3157 shall be complied with.

* 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 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 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.
4. Prior to the use of Well #4, additional bacteriological testing will be required.

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Inter Office Memo

DATE: August 15, 2006

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 11983 - Initial Study Application No. 4993, Tentative Tract Map Application No. 5239, and Classified Conditional Use Permit Application No. 3157

APPLICANT: James Bratton
OWNER: B.W.I.

REQUEST: Allow a planned residential development consisting of 41 lots with private roads on a 164.53-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) District.

LOCATION: The east side of Auberry Road between Caballero and Wellbarn Roads, approximately four miles west of the unincorporated community of Prather (SUP. DIST.: 5) (APN: 138-021-75, 76)

PLANNING COMMISSION ACTION:

At its hearing of June 29, 2006, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Milligan and seconded by Commissioner Laub to adopt the Mitigated Negative Declaration prepared for the project; and

- Adopt the recommended findings of fact and approve Classified Conditional Use Permit Application No. 3157 subject to the conditions listed in Exhibit "B"; and

- Adopt the recommended findings of fact and approve Tentative Tract Map Application No. 5239 subject to the conditions listed in Exhibit "B".

This motion passed on the following vote:

VOTING: Yes: Commissioners Milligan, Laub, Hammerstrom, Phillips
 No: Commissioners Abrahamian, Yancey
 Absent: Commissioners Goodman, Woolf
 Abstain: None

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

By: _____
Bernard Jimenez, Manager
Development Services Division

BJ:lb
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- 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 Classified Conditional Use Permit No. 3157 is tied to Tentative Tract No. 5239 and will expire upon expiration of the Tentative Tract Map. Provision is made that the Conditional Use Permit may be extended in conjunction with an extension request of the tentative tract map.

Attachments

EXHIBIT "A"

Initial Study Application No. 4993
Vesting Tentative Tract Map Application No. 5239
Classified Conditional Use Permit Application No. 3157
Site Plan Review No. 7603

Staff: The Fresno County Planning Commission considered the Staff Report dated June 29, 2006, and heard a summary presentation by staff.

Applicant: The applicant's representative concurred with the Staff Report and the recommended condition(s). He offered the following information to clarify the intended use:

- The hydrological test shows project feasibility even though the testing was done when wells were being pumped simultaneously, which would never occur after the project is completed.
- Oak trees should not be removed unless required for access drives and building pads.
- The requested community water system will facilitate fire protection.
- All residents who currently use the private road through the site were contacted by the applicant, and we don't believe there will be any objection to the private gate.

Others: One individual who said he resides just south of the project site spoke in support of the application.

Six individuals presented information in opposition to the application, indicating concerns with the adequacy of hydrological study performed for the project, that the use will impact on the yields of off-site wells, and that the use does not comply with the County's Scenic Highway standards and will cause negative aesthetic impacts.

Correspondence: Three letters in opposition to the project and one letter in support were presented to the Planning Commission. Ten

letters were presented to the Planning Commission from owners of adjacent properties who currently use the private road through the site indicating no concern with the installation of a gate across the road as proposed by the applicant.

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EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 4993
Tentative Tract Map Application No. 5239
Classified Conditional Use Permit Application No. 3157

CONDITIONAL USE PERMIT NO. 3157

1. Development and operation of the facility shall be in substantial compliance with the site plan and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map Application No. 5239 shall be complied with.
3. This permit shall be tied to Tentative Tract Map Application No. 5239. If that tract expires, the conditional use permit shall also expire.

Note: In accordance with Section 873-I of the Zoning Ordinance, expiration of a conditional use permit authorizing a tentative tract map shall be concurrent with the expiration date of the tentative map and may be extended in the same manner as said map.

TENTATIVE TRACT MAP APPLICATION NO. 5239

A. AUBERRY ROAD

1. Additional road right-of-way shall be provided to the Arterial standard of 53 feet of half right-of-way on the applicant's side of the road, plus additional area as needed for cuts and fills.

Note: Limits of cuts and fills will be identified by the Subdivider through submission of a conceptual design for Auberry Road widening along the frontage of the subdivision, including supporting topographic survey features outside of the current road right-of-way.

2. Auberry Road is classified as an arterial and as such, the direct access point from the proposed subdivision shall be relinquished except at the locations of the 60-foot wide entrance road and an emergency access road.

3. Adequate sight distance shall be provided at the intersection of the entrance road and Auberry Road.
4. A 30-foot by 30-foot cutoff shall be provided at the entrance road and Auberry Road.
- *5. A natural open space area extending 200 feet from the easterly right-of-way line of Auberry Road, widened in accordance with Condition A.1, shall be maintained parallel to Auberry Road, as follows:
 - a) General Plan Policy OS-L.3.d provides that the open space area be 200 feet in width, but allows modification of the setback requirement when topographic or vegetative conditions preclude such a setback or provide screening of buildings and parking areas from the right-of-way. Accordingly, the interior road providing access to Lots No. 31 through 36 may be located within the 200-foot setback area, structures may be allowed within the 200-foot natural open space area for Lot 37, but no closer than 150 feet from the right-of-way line, and structures may be allowed within the 200-foot natural open space area for Lots No. 40 and 41, but no closer than 100 feet from the right-of-way line.
 - b) No structures shall be allowed within the 200-foot natural open area on Lots No. 31 through 36, 38 and 39.
 - c) The subdivider may construct a tract boundary fence within the natural open space area and described as a white split rail wood fence in the Operational Statement for the concurrent Conditional Use Permit Application No. 3157. Said fence shall conform to this description and to the design depicted in Exhibit 5 of this report. No other fencing shall be allowed within the 200-foot natural open space area except lot line fencing that may be constructed by private owners, and which shall be consistent with the design of the boundary fence.
 - d) The natural open space area shall be shown on the Final Map.

B. GATED ENTRY

1. Shall be constructed to a public road standard in accordance with County Improvement Standard A-2-b (28 feet of base and pavement plus transitions as needed). Applicant has proposed a median island within an 84-foot right-of-way at the entrance.

2. Vehicles denied access shall be able to exit the entrance in a continuous forward motion.
3. The call box or actuator setback from the public right-of-way shall be determined by statistical analysis using the “queuing theory” to insure that there is a 1% chance or less of a vehicle stopping in the public right-of-way due to a vehicle waiting to be granted access to the development. The analysis shall use a five-minute delay for the peak hour volume entering the development at the gate.
4. If a bypass lane with a separate call box or actuator is provided for the residents, their vehicles may be deducted from the analysis. This is assumed to be 90% of the peak hour traffic.
5. Each vehicle shall be given a 25-foot envelope in determining the setback from the public road.
6. The call box shall be located a minimum of 25 feet from the public right-of-way.
7. To address potential visual impacts from Auberry Road, a County Scenic Drive, the entrance gate structure shall be set back a minimum of 200 feet from Auberry Drive, unless a greater setback is required by other conditions of this subsection.
8. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
9. Access through the subject site shall continue to be provided to those properties and parcels to the north and east of the proposed tract that had previously utilized Granite Creek Road for ingress and egress. Since the extent of such previous access easement rights is unknown and could affect additional parcels that could be divided in the future, a telephone call box shall be placed at the entrance to allow for calls to be received at parcels outside of the tract boundary in order to permit access through the gate. Since the gate is within a potential wildfire area, the exit gate shall open outwardly and/or permit exit via a crash gate construction feature in the event of a power failure.

C. INTERIOR ROADS AND CUL-DE-SACS

1. The entrance road (Granite Creek Road) shall be constructed to minimum 30 MPH design speed and in accordance with County Improvement Standard A-2b, but with 60 feet of right-of-way as shown on the tentative map (28 feet of pavement and base). The interior

roads serving the lots shall be constructed to a 25 MPH. public road standard in accordance with County Improvement Standard A-1b (24-foot minimum width of pavement and base).

- *2. To mitigate a potentially significant traffic hazard as well as provide visual screening, the frontage road along the Auberry Road right-of-way shall be separated from Auberry Road by a berm. Landscaping of natural materials shall be planted on the berm and maintained by the Homeowner's Association until the plantings are self-sustaining. The applicant shall provide a landscaping plan to the County for review and approval.
3. Twenty-foot by twenty-foot corner cutoffs shall be provided at the intersection of all interior roads. Adequate sight distance shall be provided at all intersections based upon a 25 MPH. design speed for the interior streets. Roads shall intersect at approximately 90-degree angles.
4. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
5. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.
6. A County Standard B-2 cul-de-sac shall be provided at the end of all cul-de-sac roads.
7. The 25 MPH design speed requires the interior roads to have a minimum curve radius of 230 feet.
8. The improvement plans shall clearly demonstrate how the 60-foot entrance road shall connect to the access road serving parcel maps east of the subject site. (Parcel Maps 7599, 7279, etc.).
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.

D. DRAINAGE AND EROSION CONTROL

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.

Any additional runoff generated from this tract shall be retained or detained on-site or by other facilities acceptable to the Director of Public Works and Planning.

2. A Hydraulics and Hydrology report shall be prepared for the stream traversing the property. The report shall establish the limits of inundation from a 100 year storm, base flood elevations for the parcels fronting on the stream, and shall establish a high water level at the proposed bridge and flow rate at the bridge for design purposes.
3. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent shall be filed with the Regional Water Quality Control Board. A copy of the Notice shall be provided to the County.
4. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.

E. MAINTENANCE

1. A Zone of Benefit in County Service Area 35 or other method acceptable to the Director of Public Works and Planning shall be provided for the Maintenance of new roads and outlots. If the entrance road is gated, maintenance shall be by the Homeowner's Association or other entity acceptable to the Director.
2. The subdivider shall be required to secure the maintenance of the new roads for a period of two years after acceptance thereof.
3. Common facilities, including open space, private roads, and entrance gate, shall be maintained by a homeowners association.

F. UTILITIES

1. All utilities with the exception of the PG&E overhead transmission lines traversing the site shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
2. Any existing utilities within or adjacent to this tract not in conformance with these requirements shall be removed or placed underground.
3. A ten-foot wide public utility easement shall be dedicated along all lot boundaries located adjacent to any street located within the tract.

G. STREET NAMES

1. The internal roads within the subdivision shall be named. The subdivider shall obtain approval from the Street Names Committee prior to final map approval.

H. FIRE PROTECTION:

1. The design of the fire protection water system with location and number of fire hydrants together with the size of the water mains shall conform to County Standards and shall be approved by the Director of the Department of Public Works & Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
2. The property is located with State Responsibility Area for fire protection purposes. The applicant shall be required to comply with rules and regulations pertaining to water, emergency access, roads, and fuels mitigation established by the California Department of Forestry and the County's Ordinance Code as specified in Chapter 15.60.
3. Engineered plans for the fire protection system shall be reviewed and approved by the fire protection district having jurisdiction for the area in addition to the County.

I. EMERGENCY ACCESS ROADS:

1. Shall be contained within easements (minimum 20' wide) 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 Department of Public Works and Planning 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.

J. WATER AND SEWER

- *1. The proposed community water system shall be owned, operated and maintained by a County Service Area (CSA). Prior to the issuance of any building permits for any single family dwellings within the subject tract, the CSA shall submit an application and receive approval for a permit to operate a Public Water System. The permit application shall include supporting information, in the form of a technical report, and be submitted to the Fresno County Department of Community Health,

Environmental Health Division for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact Ed Yamamoto at (559) 445-3357 for more information. The subdivider shall assist the CSA staff in preparing the necessary documentation for submission to the Environmental Health Division in order to secure a water purveyor permit for the community system. Well sites shall be designated as outlots, and shall be provided with easement access for maintenance purposes.

- *2. All service connections shall be metered. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map. Each lot shall be required to have two (2) water meters. One meter will serve the residence and the second meter will serve the landscape irrigation needs. All such meters shall be equipped with remote read sensors so that homeowners may monitor their water usage. The irrigation meter shall not be installed until a copy of the proposed landscaping plans for the lot is reviewed and approved by the Architectural Review Committee and submitted to the County Service Area for review and forwarding to the County Geologist for approval to ensure that the proposed landscaping will not require more water than is available for the lot. Upon recordation of the final map, this requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet.
- *3. Only drip irrigation shall be allowed. This requirement shall be recorded as a covenant running with the land and shall be noted on an attached map sheet of the Final Map.
- *4. Prior to recordation of the final map, a tiered rate schedule for the irrigation service for both domestic and landscaping use shall be adopted by the Board of Supervisors as the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the reconnection of the water supply for irrigation services.
- *5. Prior to recordation of the final map, the applicant shall develop and submit to the County Geologist and the Resources Division of Public Works & Development Services Department a groundwater monitoring

program for the proposed community water system. The cost of ongoing monitoring shall be included in the rate schedule established by the County Service Area. Approval and acceptance of the groundwater monitoring program shall be made by the County Geologist.

- *6. Wells 4 and 5 shall be used for the community water system. Well No. 3 shall be limited to use only as a monitoring well. Well No. 6 shall be used as a backup well, but only after additional testing to quantify impact on wells to the south and only to the extent that no significant impacts occur. Well 2 cannot be used unless and until arsenic levels are reduced to a level meeting established water quality standards.
- *7. All onsite wells shall be equipped with dedicated pressure transducers and a data logger is to be provided.
8. All rights to ground water beneath the tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging any wells.
- *9. Individual engineered sewage disposal systems shall be installed in accordance with the Geology and Sewage Feasibility Study prepared by Norbert W. Larsen, Ph.D., dated November 28, 2003 and numbered NWL 21053. Such a system, following an on-site investigation, must be designed and installation certified by a California registered civil engineer or registered geologist. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.
10. Should the CSA proposed to add additional well(s) as water source for the community system serving the project and such well(s) are proposed to be located within 1,500 feet of the southern boundary of the site, notification of such proposal shall be provided by the CSA to surrounding property owners.

K. SOILS REPORT

1. A soils report is required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the type of development as proposed.
2. Some lots have grades in excess of 30%. The soils report needs to address limitations on building in these excessive slopes.

L. BIOLOGICAL RESOURCES

*1. OUTLOTS FOR ENVIRONMENTALLY SENSITIVE AREAS

In order to protect wildlife resources, outlots as listed below shall be identified as no-construction/no-disturbance environmentally sensitive areas on the final map and shall remain in their natural state. The final map and the private Covenants, Conditions and Restrictions (C.C. & R's) shall state that ground disturbing 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. 5239, or the cutting or removal of any natural vegetation, is prohibited unless otherwise approved by the Director of Public Works and Planning after consideration of the recommendations of the California Department of Fish and Game.

- a) Outlot "A", consisting of 12.6 acres, shall be established as a wildlife movement corridor and for public utility purposes. Said corridor shall have a minimum width of 180 feet.
- b) Outlot "B", consisting of 19.43 acres, shall be established for creek riparian purposes and shall include the 4.30 acres depicted as "Tributary Waters of the United States meeting the Technical Criteria of Jurisdictional Wetlands" on the Yamabe & Horn Engineering, Inc. map dated 6/27/2003, and verified by the Army Corps of Engineers by letter dated August 5, 2004, together with a minimum 50-foot buffer from the upper edges of the North Fork of Little Dry Creek or from the outer edge of the dripline of riparian vegetation, whichever is greater, and a minimum 30 feet buffer from the upper edges of Tributaries 3 and 5.
- c) Outlots "A" and "B" shall be managed and maintained by the Homeowners Association for the benefit of wildlife resources. Input on the management and maintenance shall be provided by a resource management professional(s) approved by the Department of Fish and Game.
- d) Only downward directed lighting shall be used in proximity to open space areas.

*2. OAK MANAGEMENT

- a) The subdivider shall prepare an Oak Management Plan for review and approval by the County prior to recordation of the Final Map. The Plan shall be prepared in accordance with the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11 of the General Plan).
- b) Pursuant to Section 21083.4 of the Public Resources Code, the County has determined that the project will result in a conversion of oak woodlands that will have a significant effect on the environment. Accordingly, the Oak Management Plan prepared under Condition *2.a.) above shall incorporate the following measures to mitigate the significant effect:
 - (1) The subdivider shall pay a one time mitigation fee of \$175.00 per lot to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, and further agrees to establish a covenant that requires the payment by the seller of an additional \$1,000.00 to the Conservation Fund upon the subsequent sale or transfer of ownership for each parcel within the project.
 - (2) The subdivider shall establish a monitoring protocol that identifies all oak trees at least five inches in diameter at breast height that are to be removed at the time the roadway system and individual lots are developed. The Plan shall include a map showing all trees proposed for removal.
 - (3) Any trees that are removed shall be replaced within the boundary of the tract at a ratio of 5:1. Trees removed for road construction shall be replaced within the 200-foot natural open space area parallel to the right-of-way for Auberry Road (see Condition No. 8). Trees removed for development on residential lots shall be replaced elsewhere on the lot. Replacement trees shall be a minimum of five gallons in planting size.
 - (4) Replacement trees shall be maintained by the Homeowner's Association for a period of seven years after planting. Maintenance shall include replacing dead or diseased trees.

- (5) Each lot purchaser shall review and understand the information contained in "Living Among the Oaks" and 'Wildlife Among the Oaks' publications prior to applying for a construction permit. These publications shall be provided by the applicant to each lot purchaser.

*3. RAPTOR PROTECTION

The subdivider shall have a qualified biologist survey the Project site for tree nesting raptors 30 days prior to the onset of construction if construction is to begin during the raptor nesting season (February through August). No construction or ground disturbance shall take place during nesting seasons within 300 feet of any active raptor nest identified on the site until after the young have dispersed. Biological monitoring shall occur until the young have dispersed. A report shall be submitted to the County and to the Department of Fish and Game summarizing the results of each survey and subsequent biological monitoring.

*4. ANNUAL REPORT

The Homeowner's Association shall retain a qualified professional biologist to prepare and submit a report to the County and the State Department of Fish and Game for review and approval, on an annual basis, for a period of ten years following recordation of the final map. The subdivider and subsequent homeowner's association shall provide funds necessary to implement this condition, including any necessary corrective action. The report shall address the following:

- a) Compliance with state and federal wetland permit requirements.
- b) Possible degradation of wetland areas from erosion and sedimentation.
- c) Compliance with the Condition No. L1 relating to the environmentally sensitive areas within the tract.
- d) Compliance with the approved Oak Management Plan, including mitigation measures.
- e) Compliance with the mitigation relating to tree-nesting raptors.
- f) List of mitigation measures not in compliance, with recommended corrective action.

*M. TRAFFIC

1. Prior to issuance of a building permit, the applicant shall enter into an agreement with the County agreeing to participate on a pro-rata share basis in the funding of future off-site traffic improvements for the year 2025 for the improvements defined in items (a) through (c) below. The traffic improvements and the project's maximum pro-rata share of the associated costs are as follows:

a) Signalization improvements at the intersections of:

- Auberry and Millerton Roads
The project maximum share is 2.54%
- Auberry Road and Copper Avenue
The project maximum share is 0.95%
- Auberry Road and Marina Avenue
The project maximum share is 1.16%
- Copper and Willow Avenues
The project maximum share is 0.45%

b) Improvements to the road segment:

- Auberry Road from Copper Avenue to Millerton Road
The project maximum share is 1.12%

c) Improvements to the road segment:

- Copper Avenue from Auberry Road to Willow Avenue
The project maximum share is 0.85%

(The current total estimated pro-rata cost of these improvements is \$197,962.)

NOTE: The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The fee shall be paid prior to issuance of building permits based on the traffic generated by a specific use authorized by a Site Plan Review that substantially increases traffic generation. The Public Facilities Fee shall be related to off-site road improvements, plus costs

required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

2. Prior to issuance of a building permit the applicant shall enter into an agreement with Caltrans agreeing to pay \$1,410 to Caltrans as the project's pro rata share of the estimated cost for funding improvements to the State Route 168/ Auberry Road intersection.

N. OUTLOTS

1. The use of all Outlots shall be designated on the recorded map.
2. Ownership of all Outlots (except for Outlots conveyed to the CSA) shall be by the homeowners association for the benefit of all owners, as an undivided interest by all the lot owners, or by other method approved by the Director. No Outlot shall be developed, except as allowed by the Fresno County Zoning Ordinance, nor shall any Outlot be divided or be encumbered by a mortgage or other lien as security for a debt without the prior written consent of the Board of Supervisors, and 66-2/3 percent of the owners and mortgagees. The County is the intended beneficiary of this provision and shall have the right to enforce this provision by all available remedies, legal and equitable. This condition shall be included in a recorded covenant to run with the land.

O. OTHER CONDITIONS

- *1. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, the Department of Fish and Game shall be provided with appropriate streambed alteration notification pursuant to Fish and Game code sections 1600-1603 et. Seq.
- *2. Prior to the start of any construction involving dredging or filling of material into the approximately 4.30 acres of identified and verified wetlands, a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army, Army Corps of Engineers and a Clean Water Act Section 401 Water Quality Certificate permit shall be obtained from the California Regional Water Quality Control Board.
- *3. Prior to recordation of the final map, Open Space Easement Indenture Agreements shall be executed between the County and the property owner to protect several significant archaeological sites found on the

subject property and identified in A Cultural Resources Resource Study of the Everton Property-Granite Creek Road Fresno County dated August, 2003, prepared by Don Wren, consulting Archaeologist. Prior to recordation of the final map, this requirement shall be recorded as a covenant running the land and shall be noted on an attached map sheet.

- *4. 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.
5. Prior to recording a final map, an agreement incorporating the provisions of the "Right-to-Farm" notice (Ordinance Code Section 17.01.100) shall be entered into with Fresno County.
6. All conditions of concurrent Classified Conditional Use Permit Application No. 3157 shall be complied with.

* 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.

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 4993
Classified Conditional Use Permit Application No. 3157
Tentative Tract Application No. 5239

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

Initial Study Application:	\$2,687.00
Conditional Use Permit Application:	\$3,390.00
Tentative Tract Application	\$15,680.00
Health Department Review:	\$1,515.00
Total Fees Collected	\$23,272.00

DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

July 2, 2018

Marianne Mollring, Senior Planner
Department of Public Works and Planning
2220 Tulare Street
Fresno, CA 93721

SUBJECT: Tentative Tract 5239 Table Mountain Creek/Auberry Road

Dear Marianne:

Reference is made to Tentative Tract No. 5239. On behalf of my client, Mr. James Bratton and Bratton Investments, I respectfully request that a time extension of the subject map be granted. Enclosed is a check for the required extension request submittal fee.

Market conditions over which my client has no control necessitate the subject extension. Efforts to coordinate a joint development of infrastructure with nearby properties have not been successful.

I trust that this information is of assistance to you. If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

RECEIVED
COUNTY OF FRESNO

JUL 02 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

cc: Mr. James Bratton
Ms. Christi Fleming



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 August 23, 2018

SUBJECT: Initial Study Application No. 7468 and Unclassified Conditional Use Permit Application No. 3615

Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (Sup. Dist. 1) (APN 005-070-13S).

OWNER: R&N Packing LLC
APPLICANT: Crown Castle

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7468; and
- Approve Unclassified Conditional Use Permit No. 3615 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 and Detail Drawing
6. Existing Communication Tower Map
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7468
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	9.25 acres	No change
Project Site	Agricultural	280-foot monopole and related equipment in a 100-foot by 100-foot fenced lease area
Structural Improvements	Four factory-related structures	280-foot monopole, outdoor cabinets, 6-foot chain-link fence, and three standby generators
Nearest Residence	Greater than one mile away	No change
Surrounding Development	Agricultural uses	No change
Operational Features	N/A	Unmanned wireless communications facility
Employees	None	No change
Traffic Trips	None	One monthly visit for maintenance purposes

Criteria	Existing	Proposed
Lighting	None	Tower lighting will be required by the Federal Aviation Administration (FAA), and hooded and downturned lighting may be installed in the equipment area for maintenance purposes
Hours of Operation	N/A	24 hours per day, 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. During the circulation of the Initial Study, the California Department of Fish and Wildlife (CDFW) returned comments noting that the project site and surrounding area could provide suitable nesting and foraging habitat for the Swainson’s Hawk (SWHA), a protected species. The new mitigation suggested by CDFW has been incorporated in the Initial Study and Mitigation Measures to ensure that any nearby SWHA nests are identified and that appropriate measures are taken to avoid impacting this species. According to California Government Code Section 15073.5.4, recirculation of a Mitigated Negative Declaration is not required when “new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.” In this case, CDFW’s comments have resulted in an amplification of required biological mitigation. As a result, the Initial Study was not recirculated. A summary of the Initial Study and all changes made is included as Exhibit 8.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: July 16, 2018.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,350 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 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 Conditional Use Permit 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 corresponds with federal law.

BACKGROUND INFORMATION:

This project proposes the establishment of a new wireless communications facility consisting of a 280-foot monopole with panel antennas and microwave dishes, outdoor shelters for equipment, and three generators to be contained in a 100-foot by 100-foot fenced lease area. This lease area would be located in the northwest corner of a 9.25-acre parcel currently used as a packing facility, and will be accessible via an existing private dirt road that runs from Nees Avenue through a parking area to the proposed tower site. The fencing will be chain link, which matches the existing fencing in the area.

The proposed facility is approximately 10 miles east of the nearest city limits of the City of Firebaugh, and will replace an existing tower located across Nees Avenue from the project site, which is scheduled for decommissioning. The existing tower that the proposed tower is intended to replace is the only tower within a five-mile radius of the project site. The land lease for the existing tower is expiring and will not be renewed, so the tower must be replaced to maintain coverage in the area. Colocation of the communication companies on the existing tower are anticipated to transfer to the new tower.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (south): 500 feet Side (east): 550 feet Side (west): 31 feet Rear (north): 39 feet	Yes
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: No Comments.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections are required for all on-site improvements. This comment shall be included as a Project Note.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1400H, the parcel is not subject to flooding from the 100-year storm.

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

Analysis:

Staff review of the Site Plans provided for this project has confirmed that the proposed improvements will satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Based on the above information, staff believes that the subject parcel is adequate in size and shape to accommodate the proposed use.

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

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Nees Avenue	No change
Direct Access to Public Road	No	Unpaved access to packing plant and employee parking	Unpaved access through parking area to proposed equipment area established by lease agreement

Road ADT		Nees Avenue: 2200 Russell Avenue: 1200	Less than significant impact, approximately two additional trips per month for maintenance purposes, after construction
Road Classification		Nees Avenue: Expressway Russell Avenue: Expressway	No change
Road Width		Nees Avenue: 50 feet north of the section line; 63 feet required Russell Avenue: 30 feet north of the section line; 53 feet required	No change
Road Surface		Nees Avenue: Paved (pavement width: 32.7 feet) Russell Avenue: Paved (pavement width: 32 feet)	No change
Traffic Trips		Agricultural	One additional two-way trip per month
Traffic Impact Study (TIS) Prepared	No	N/A	No significant increase to traffic expected from maintenance visits
Road Improvements Required		N/A	None required

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Nees Avenue is classified as an Expressway with an existing 50-foot right-of-way north of the section line along the parcel frontage, per Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet.

Nees Avenue is a County-maintained road. Records indicate this section of Nees Avenue, from Russell Avenue to Mullux Avenue, has an ADT of 2,200, pavement width of 32.7 feet, and structural section of 0.55' AC/0.5' AB/1.17' AS, and is in poor condition.

Russell Avenue is classified as an Expressway with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet.

Russell Avenue is a County-maintained road. Records indicate this section of Russell Avenue, from Nees Avenue to 1.29 miles N/O Nees Avenue, has an ADT of 1,200, pavement width of 32 feet, and structural section of 0.4' AC/0.5' AB/1.4' AS, and is in very good condition.

For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. This comment shall be included as a project note.

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: Both Nees Avenue and Russell Avenue are classified as Expressways in the County General Plan. Typically, an Expressway could require an ultimate right of way of 126 feet, 63 feet each side of the section line. Setbacks to any new fencing or structures should be based upon at least this 63-foot dimension from the section line. However, it is noted that the subject parcel does not front on Russell Avenue, and its westerly property line is 85 feet from the section line.

Russell Avenue also has two plan lines on file, but there is no plan line for Russell between approximately Herndon Avenue and the Shepherd Avenue alignment. Therefore, there is no plan line information on file in the vicinity of this parcel.

Site access is proposed to utilize an existing drive approach off Nees Avenue. No additional drive approaches will be permitted through this land use application. This comment shall be included as a Project Note.

If any improvements are proposed on the existing drive approach, an encroachment permit will be required from the Road Maintenance and Operations Division, (559) 600-4240. This comment shall be included as a Project Note.

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

Analysis:

The property owner and Crown Castle have entered into a legal agreement guaranteeing that Crown Castle will be able to access their lease area through the subject parcel and its access point on Nees Avenue for the length of the communication tower's life. The wireless communication facility will be unmanned and will only require infrequent maintenance visits.

No dedication of right-of-way will be required on Russell Avenue because the subject parcel does not front on Russell Avenue. No dedication of right-of-way will be required on Nees Avenue due to the large distance between the communication tower and Nees Avenue (over 500 feet), the determination that the proposed project will not have a significant impact on traffic, and the limited scope of the proposed project.

Based on the above information, and with adherence to the mandatory Project Notes discussed in this Staff Report, staff believes that the streets in proximity to the subject parcel will be 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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North/East	304.54 acres	Agricultural - Orchard	AE-20	N/A
West	36.00 acres	Field Crop	AE-20	N/A
	9.50 acres	Agricultural - Orchard	AE-20	N/A
South	9.93 acres	Agricultural	AE-20	N/A

Reviewing Agency/Department Comments:

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.

All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This comment will be included as a mandatory Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: 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. This comment will be included as a mandatory Project Note.

A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application. This comment will be included as a mandatory Project Note.

Fresno County Department of Agriculture: No comments.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The aesthetic impact of the proposed tower was determined to be less than significant by Initial Study Application No. 7468 due to its location and the fact that it is essentially replacing an existing 280-foot communication tower at the same intersection.

The Federal Aviation Administration (FAA) reviewed the proposed project and determined that it would not have a significant impact on air traffic with incorporation of the required lighting and striping of the tower. Additionally, the Agricultural Commission was not concerned that the proposed project would interfere with any existing crop dusting operations for the agricultural cultivation in the project vicinity.

Based on the above information and with adherence to the recommended Mitigation Measures, Conditions of Approval, and Project Notes attached as Exhibit 1, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Mitigation Measures and 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*

Relevant Policies:	Consistency/Considerations:
Policy LU-A.1 The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.	The proposed use will only take up 10,000 square-feet of space, and will not result in any currently cultivated land becoming uncultivated in the future. The subject property is currently used as a packing facility, and this agriculture-related operation will not be negatively impacted by the proposed tower. Additionally, the proposed tower will replace an existing tower across Nees Avenue from the site, and will provide continued cell service to the area. Due to operational requirements, the proposed use cannot be located in a city or unincorporated community.
Policy LU-A.2 The County shall allow by right in areas designated Agriculture activities related to the production of food and fiber and support uses incidental and secondary to the on-site agricultural operation.	The proposed communication tower will provide continued cell service to agricultural businesses and employees in the area. This operation is not directly related to the production of food and fiber, and is therefore not allowed by right. The approval of discretionary Conditional Use Permit No. 3615 would allow the siting of the proposed operation in this agricultural area.

Relevant Policies:	Consistency/Considerations:
<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 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.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is not subject to a Williamson Act Contract.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

The Wireless Communications Guidelines address several concerns with cell towers, including site placement, colocation opportunities, and alternative site locations. The Applicant anticipates colocation on the proposed tower, and space on the tower and in the equipment area has been reserved for future colocators.

Based on the above considerations, staff believes that the proposal is consistent with the Wireless Communication Guidelines and the County General Plan.

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 Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3615, 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. 7468; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3615, 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. 3615; 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. 7468/Unclassified Conditional Use Permit Application No. 3615
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets, unless the lighting is required by the Federal Aviation Administration (FAA).	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	A qualified biologist shall conduct a survey for nesting raptors prior to the onset of construction activities, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). If ground-disturbing activities take place between February 1 and September 15, a pre-construction survey for active nests must be conducted by a qualified biologist no more than 10 days prior to the onset of these ground-disturbing activities.	Applicant	Applicant/PW&P	Prior to construction
3.	Biological Resources	If an active SWHA nest is found, no construction may take place within one half-mile of the nest until the end of breeding season (September 15) or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. If this is not feasible, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the project can avoid take. If SWHA cannot be avoided, acquisition of an Incidental Take Permit (ITP) could be warranted.	Applicant	Applicant/PW&P	Prior to construction
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

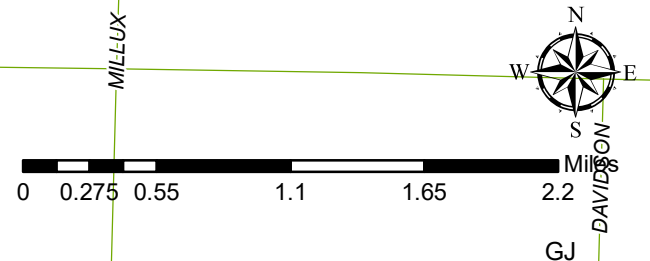
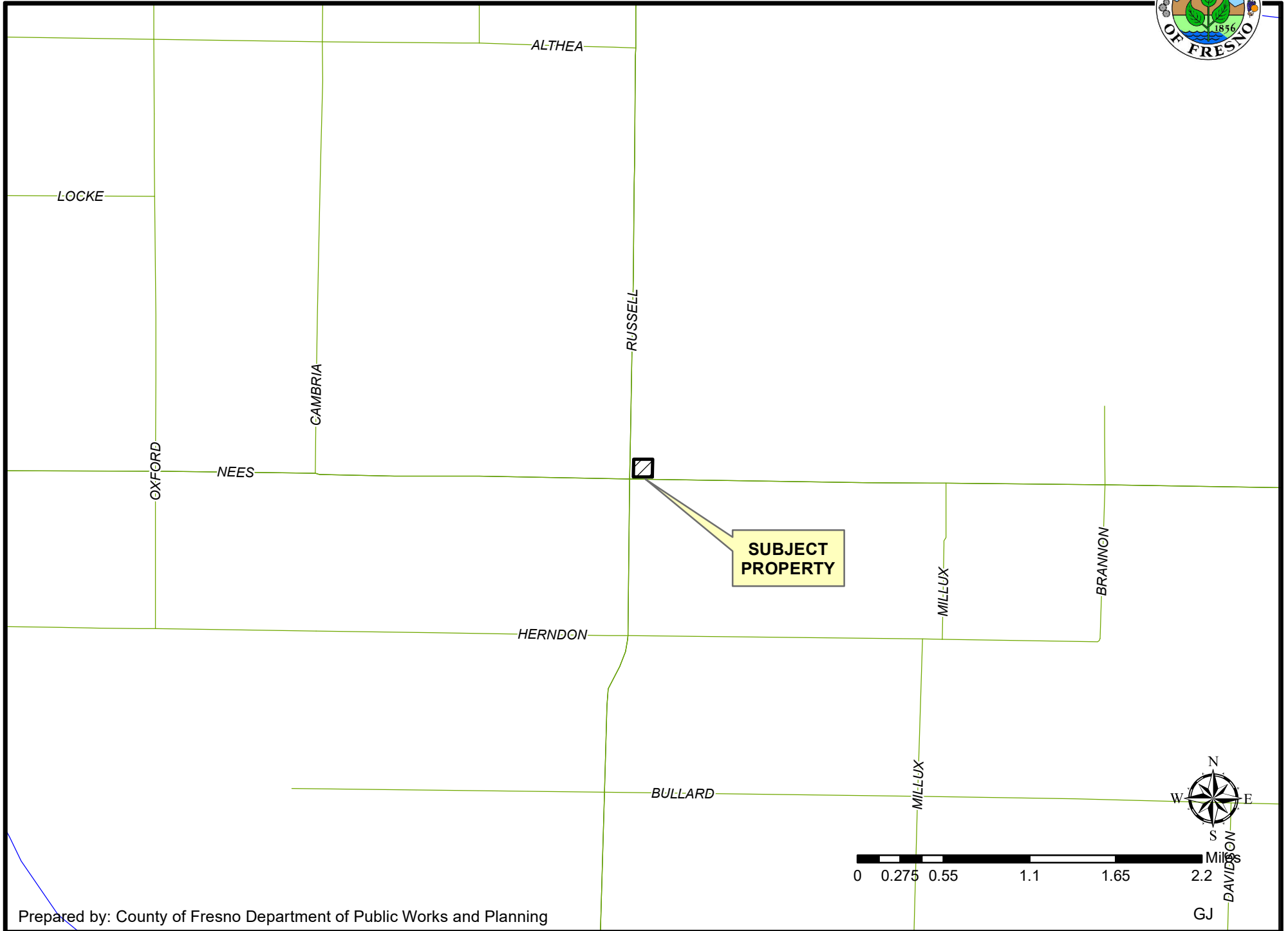
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevation, and Operational Statement approved by the Commission.
2.	The approval of this application shall expire in the event the use of the tower ceases for a period in excess of two years. At such time, the tower and related facilities shall be removed and the lease area shall be restored as nearly as practical to its original condition. This stipulation shall be recorded as a Covenant running with the land. Note: This department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Unclassified Conditional Use Permit (CUP) No. 3615 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.
3.	For any unpaved or gravel surface access roads, the first 100-feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
4.	No additional drive approaches will be permitted through this land use application.
5.	If any improvements are proposed on the existing drive approach, an encroachment permit will be required from the Road Maintenance and Operations Division, (559) 600-4240.
6.	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5.
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.

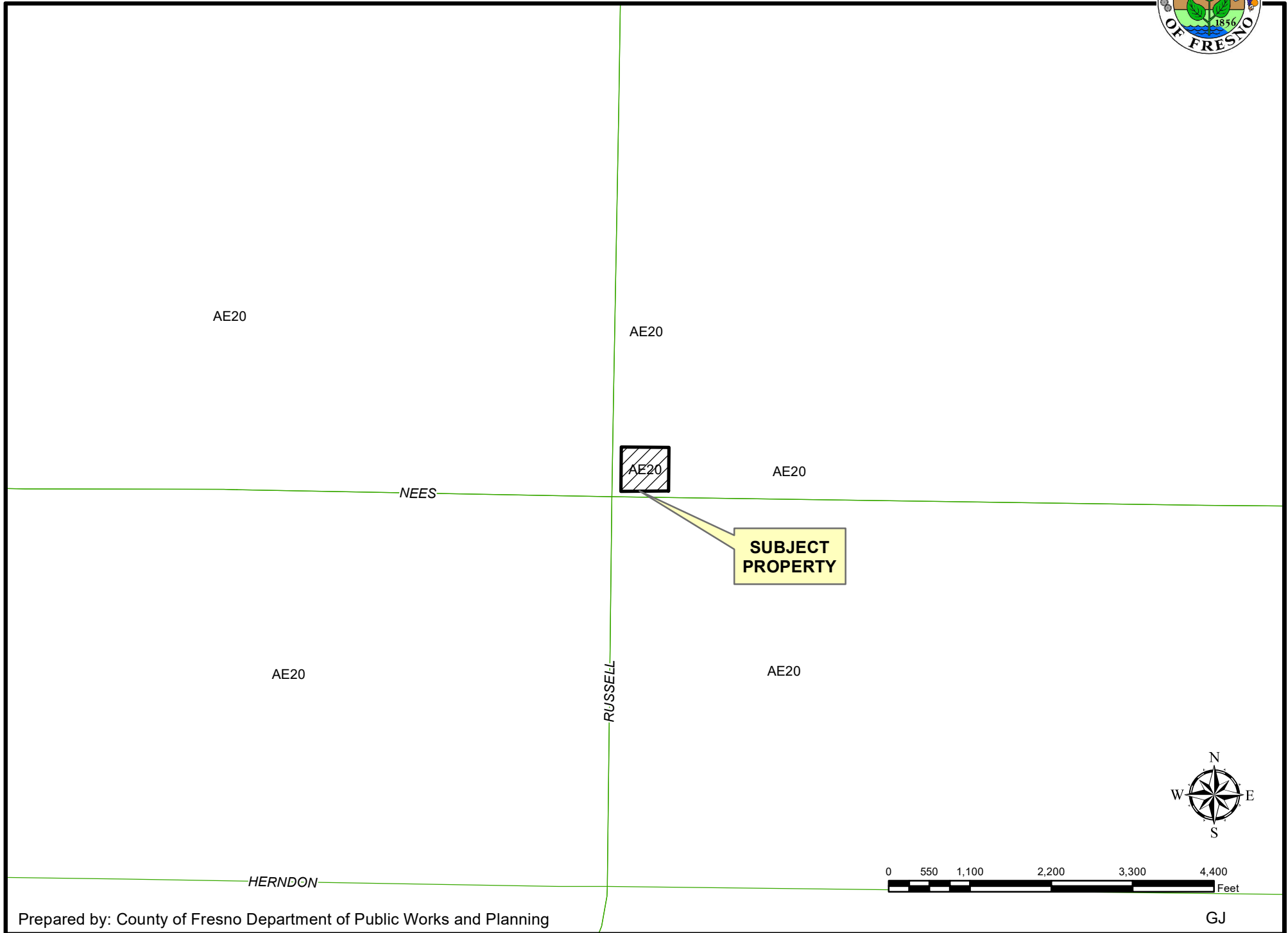
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LOCATION MAP



EXISTING ZONING MAP



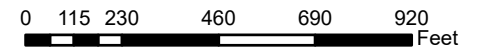
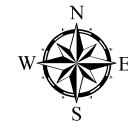
EXISTING LAND USE MAP



LEGEND
C - COMMERCIAL
FC - FIELD CROP
I - INDUSTRIAL
MHP - MOBILE HOME PARK
ORC - ORCHARD
PAH - PACKING HOUSE
SC - SEASONAL CROP
V - VACANT

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division



SITE #: BU 845798
SITE NAME: NEES AVE.
CITY: FIREBAUGH
STATE: CA
COUNTY: FRESNO
DESIGN TYPE: NEW WIRELESS COMMUNICATION FACILITY

PLAN PREPARED FOR:

CROWN CASTLE
 CROWN CASTLE TOWERS 06-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94688

PROJECT INFORMATION:
NEES AVE.
BU 845798
 47020 W. NEES AVENUE
 FIREBAUGH, CA 99222
 FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS			
REV	DATE	DESCRIPTION	BY
0	01-09-2018	80% ZONING	HF
1	02-07-2018	REVISED 80% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED 80% ZONING	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:

SAC WIRELESS
 SAC AE DESIGN GROUP, INC.
 5015 SHOREHAM PLACE, SUITE 108
 SAN DIEGO, CA 92122
 WWW.SACWIRELESS.COM
 (619) 578-5785

LICENSE:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

PROJECT INFORMATION

ADDRESS

47020 W. NEES AVENUE
FIREBAUGH, CA 99222

PROPERTY OWNER

TURLOCK FRUIT COMPANY
NEILL CALLIS, SALES & GENERAL MANAGER
P.O. BOX 130
TURLOCK, CA 95381
TELEPHONE: (209) 694-7207

JURISDICTION

FRESNO COUNTY

LAND DESCRIPTION OF SUBJECT PARCEL

ZONING: AE20
 A.P.N.: 006-070-198
 CURRENT USE: EXCLUSIVE AGRICULTURE

NEW USE: UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY

PROJECT OWNER

CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94688

PROJECT DESCRIPTION

SCOPE OF WORK:

- PROPOSED 280'-0" TALL LATTICE TOWER
- PROPOSED 100'-0" x 100'-0" CHAINLINK FENCE W/ BARBED WIRE EQUIPMENT ENCLOSURE
- PROPOSED ELECTRICAL METER W/ FUSED DISCONNECT, INTERSECT CABINET W/ GENERATOR REC. & TELCO BOX
- REMOVAL OF EXISTING TOWER AT 47750 WEST NEES AVENUE, FIREBAUGH, CA 99222 ONCE REPLACEMENT STRUCTURE IS BUILT (ANY APPLICABLE PERMITS TO BE OBTAINED SEPARATELY)

CONSULTING TEAM

ARCHITECT

SAC WIRELESS
NESTOR POPOWYCH, AIA
5015 SHOREHAM PLACE, SUITE 108
SAN DIEGO, CA 92122
CONTACT: CHRISTINA MYRICK
TELEPHONE: (619) 738-3630
FAX: (619) 738-3630

CROWN CASTLE PROJECT MANAGER

CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94688
CONTACT: JOEL TALBMAN
TELEPHONE: (480) 784-2414

PROJECT PLANNING & PERMITTING

BEACON DEVELOPMENT, LLC
CONTACT: JASON OSBORNE
EMAIL: JASON@BEACONDEV.NET
TELEPHONE: (415) 629-8888

CODE COMPLIANCE

- 2016 CALIFORNIA ADMINISTRATIVE CODE
- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA ENERGY CODE

INDEX OF DRAWINGS

NUMBER	NAME OF SHEET	REV
T-1	TITLE SHEET	4
D-1	PRELIMINARY SURVEY	1
A-0	DIAGRAMMATIC LOCATION	4
A-1	OVERALL SITE PLAN	4
A-2	ENLARGED SITE PLAN	4
A-3	NORTH & EAST ELEVATIONS	4
A-4	SOUTH & WEST ELEVATIONS	4

VICINITY MAP



DRIVING DIRECTIONS

- DIRECTIONS TO: 47020 W. NEES AVENUE**
- START OUT GOING EAST ON W NEES AVE TOWARD N MILLIK RD. (10.82 MI.)
 - W NEES AVE BECOMES 12TH ST. (0.18 MI.)
 - TURN RIGHT ONTO N ST/CA-53. (0.29 MI.)
 - TAKE THE 1ST LEFT ONTO 13TH ST. (1.18 MI.)
 - 13TH ST BECOMES AVENUE 7 1/2. (5.15 MI.)
 - TURN ALIGHT RIGHT ONTO AVENUE 7. (4.97 MI.)
 - TURN RIGHT ONTO ROAD 16. (0.99 MI.)
 - TURN LEFT ONTO AVENUE 8. (1.06 MI.)
 - TURN LEFT ONTO HIGHWAY 145/CA-145. (1.00 MI.)
 - TURN RIGHT ONTO AVENUE 7. (9.92 MI.)
 - TURN LEFT ONTO GOLDEN STATE BLVD. (0.04 MI.)
- FROM: FRESNO YOSEMITE INTERNATIONAL AIRPORT**
- MERGE ONTO CA-99 S. (0.44 MI.)
 - MERGE ONTO CA-190 E VIA EXIT 138S TOWARD MONA CANYON. (5.82 MI.)
 - TAKE THE PEACH AVE EXIT, EXIT 62. (0.88 MI.)
 - TURN LEFT ONTO N PEACH AVE. (0.91 MI.)
 - N PEACH AVE BECOMES E CLINTON WAY. (0.21 MI.)
 - YOU HAVE REACHED YOUR DESTINATION ON THE RIGHT

NOTES:

OWNER(S): R&N PACKING LLC
 APN: 005-070-135

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE PRELIMINARY TITLE REPORT BY: XXXXXXXX TITLE COMPANY, ORDER NO. XXXXX-XXXXXX-XX, DATED XXXXXXXX XX, XXXX. WITHIN SAID TITLE REPORT THERE ARE XXXX (XX) EXCEPTIONS LISTED, XXXX (XX) OF WHICH ARE EASEMENTS AND XXXX (XX) OF WHICH CAN NOT BE PLOTTED.

THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 065029, PANEL NO. 1400H, DATED FEBRUARY 18, 2009 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, WHICH ARE AREAS OF MINIMAL FLOOD HAZARD.

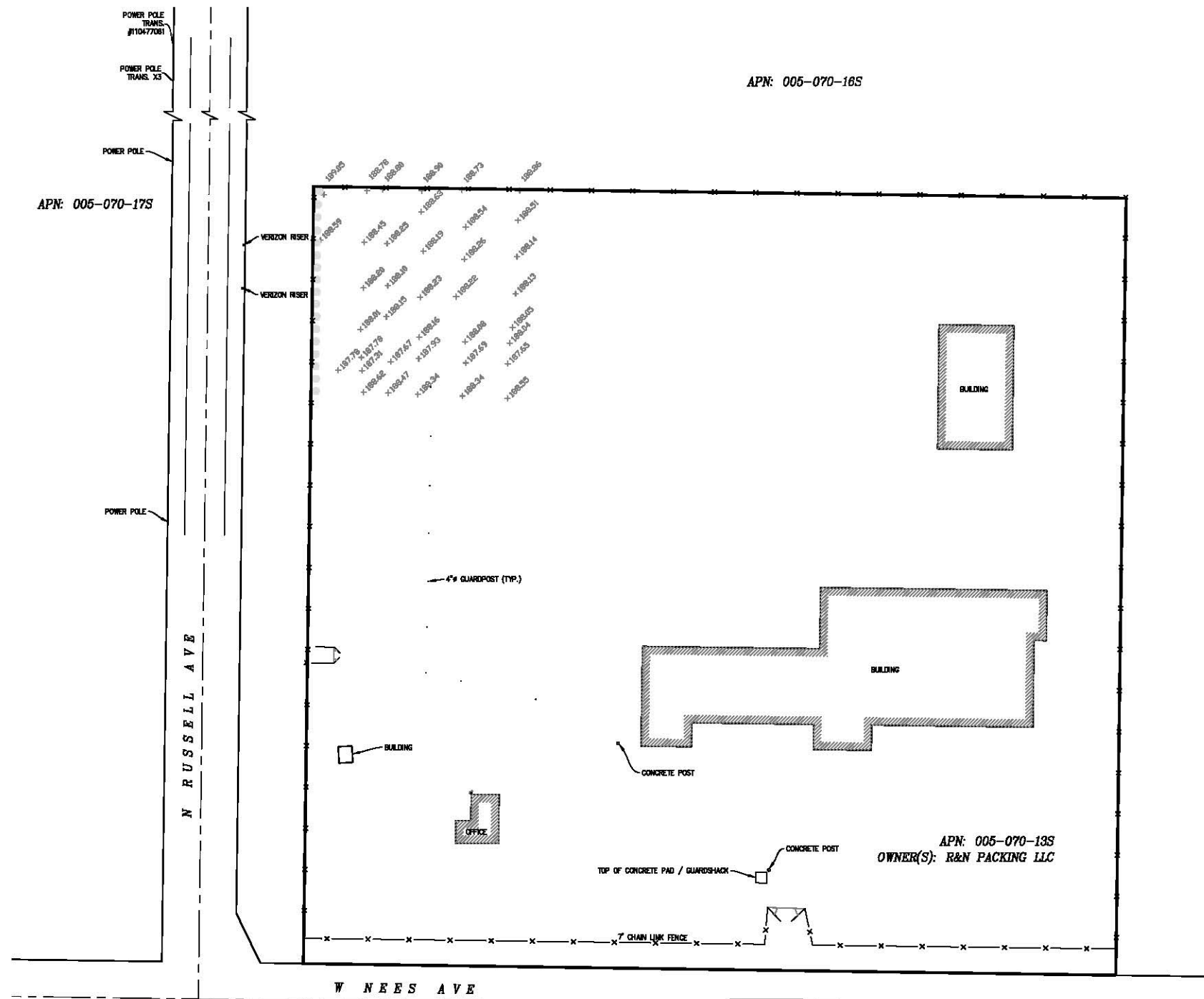
THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 00° 00' 00.00" N, NAD 83
 LONG. 000° 00' 00.00" W, NAD 83
 ELEV. 000.0' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order B250.19D for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.

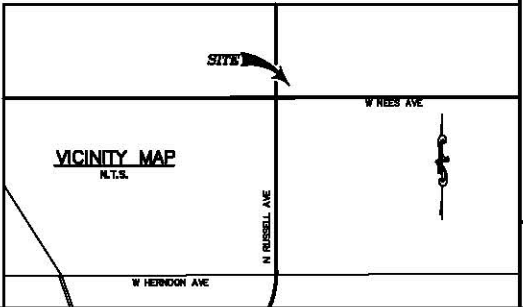
APN: 005-070-175

APN: 005-070-165



LEGEND

	SITE BOUNDARY LINE
	OVERHEAD POWER/TELCO LINE
	PROPERTY BOUNDARY
	POWER POLE
	GROUND ELEVATION
	CONCRETE PAD
	P.O.B. POINT OF BEGINNING
	P.O.C. POINT OF COMMENCEMENT



845798
 NEES AVE
 47920 W NEES AVE.
 FIREBAUGH, CALIFORNIA
 FRESNO COUNTY

C-1



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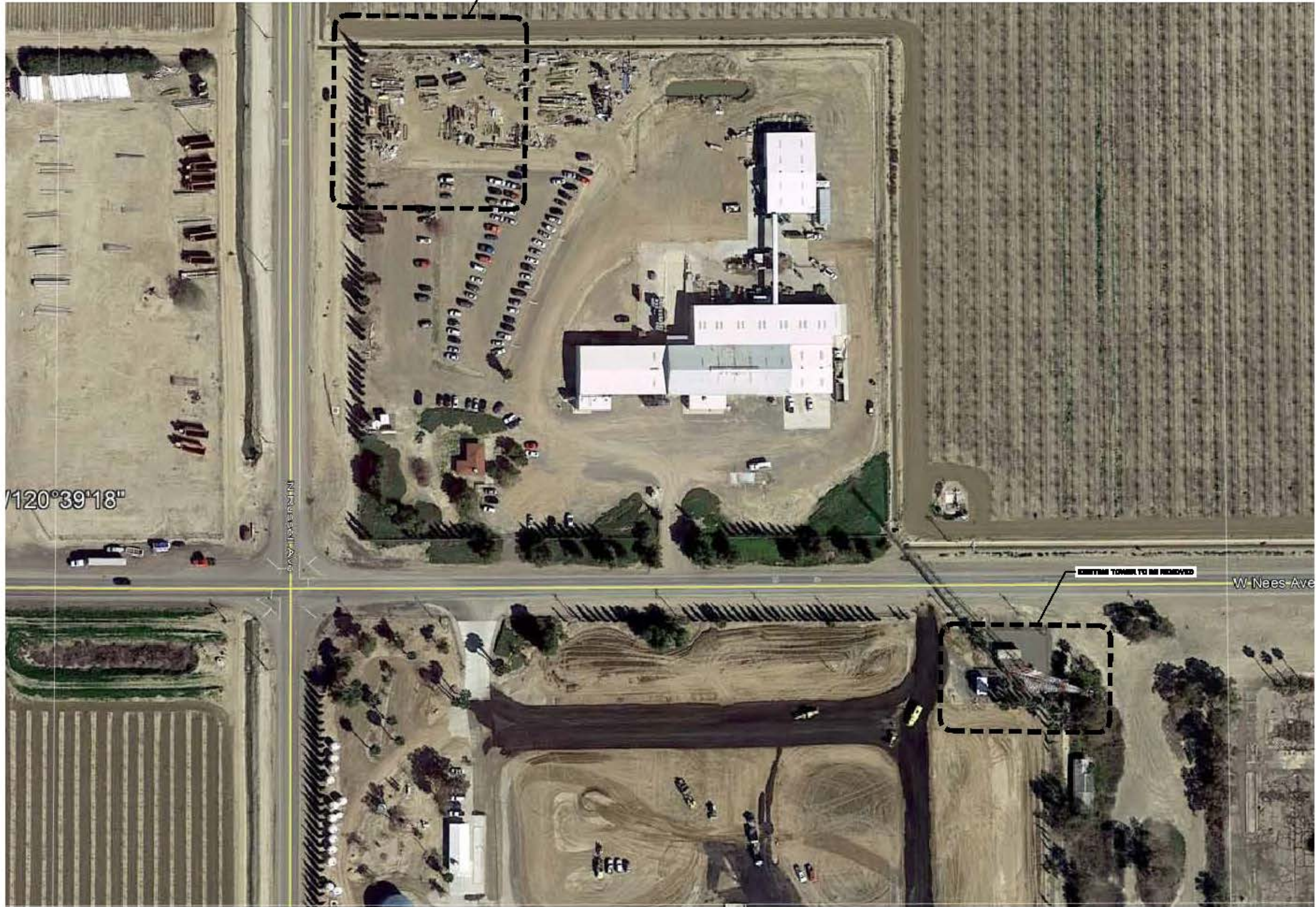
PROFESSIONAL SEAL:
FOR EXAMINATION ONLY

REVISION

#	DATE	DESCRIPTION	BY
1	12-28-17	PRELIMINARY ISSUE	EJ
2			
3			
4			
5			
6			
7			
8			
9			
10			

SMITHCO JOB NO.: 82-1007
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- SURVEYOR'S NOTES**
1. BASIS OF BEARING: BEARINGS SHOWN HEREIN ARE GEODETIC, DETERMINED BY GPS OBSERVATION.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREIN ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.



PROPOSED EQUIPMENT & ANTENNA AREA, SEE ENLARGED SITE PLAN
 1
 A-0

120°39'18"

NIRKUSSELA AVE

KRYTUM TOWER TO BE REMOVED

W Nees Ave

PLAN PREPARED FOR:
CROWN CASTLE
 CROWN CASTLE TOWERS 08-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94588

PROJECT INFORMATION:
NEES AVE.
BU 845798
 4780 W. NEES AVENUE
 FRESNANO, CA 93722
 FRESNO

CURRENT ISSUE DATE:
 04-17-2018

ISSUED FOR:
 ZONING SUBMITTAL

REVISIONS

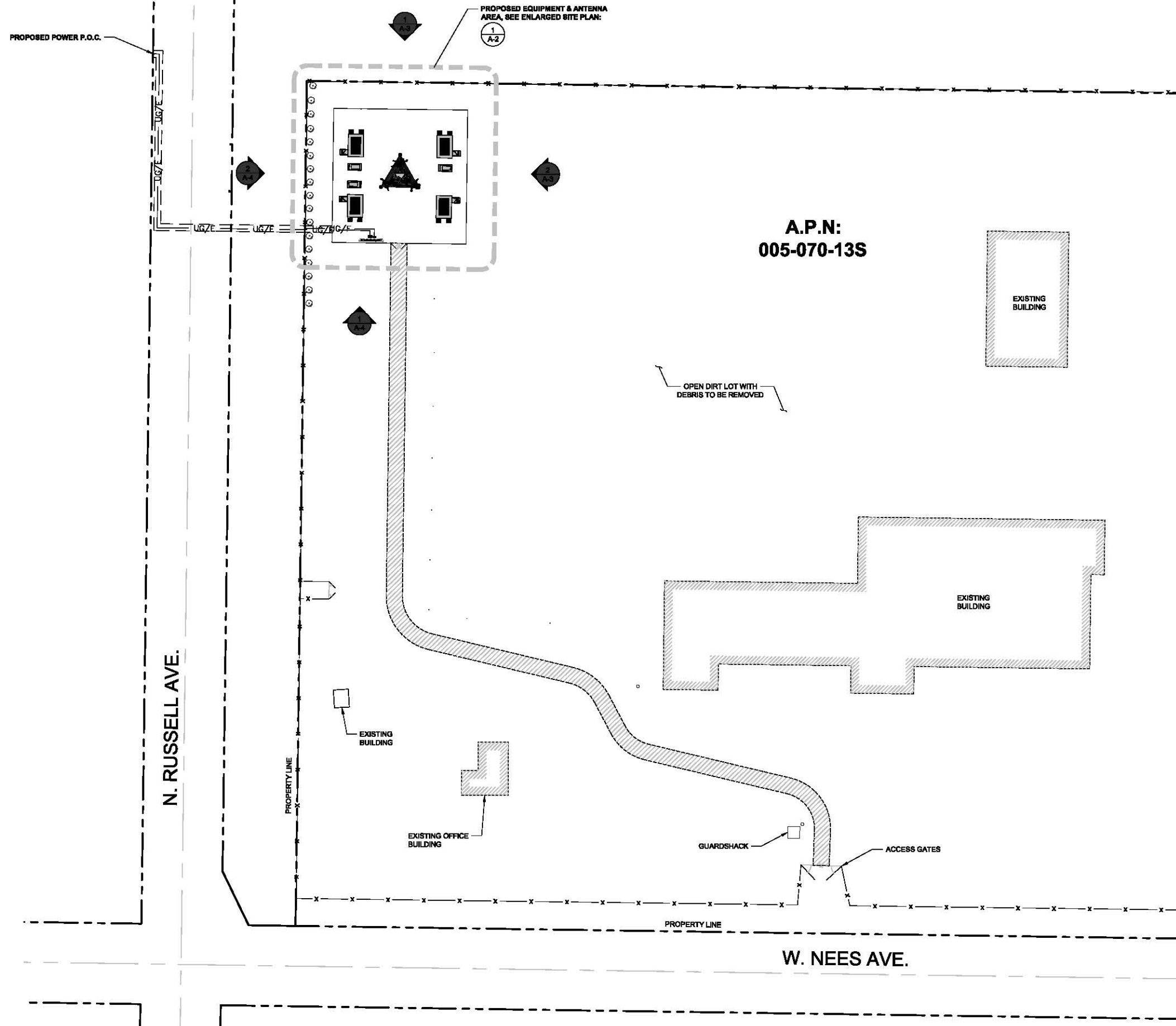
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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED ROW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:
SAC
 WIRELESS
 SAC AE DESIGN GROUP, INC.
 2018 W. SHENHAM PLACE, SUITE 108
 SAN DIEGO, CA 92122
 WWW.SACAEDESIGN.COM
 619.704.1770

LICENSURE:

SHEET TITLE:
 DIAGRAMMATIC LOCATION

SHEET NUMBER:
A-0



**A.P.N:
005-070-13S**

N. RUSSELL AVE.

W. NEES AVE.

OVERALL SITE PLAN

40' 0 20' 40' SCALE: 1" = 40'-0" (24x36)
(OR) 1/2" = 40'-0" (11x17)

1

PLAN PREPARED FOR:
CROWN CASTLE
CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:
**NEES AVE.
BU 845798**
47820 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:
04-17-2018

ISSUED FOR:
ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:
SAC WIRELESS
SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, SUITE 150
SAN DIEGO, CA 92122
www.sack.com
619.736.3766

LICENSURE:

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
A-1

PLAN PREPARED FOR:



CROWN CASTLE
 CROWN CASTLE TOWERS 06-2, LLC
 4301 HACIENDA DRIVE, SUITE 410
 PLEASANTON, CA 94588

PROJECT INFORMATION:

**NEES AVE.
 BU 845798**

47820 W. NEES AVENUE
 FIREBAUGH, CA 93622
 FRESNO

CURRENT ISSUE DATE:

04-17-2018

ISSUED FOR:

ZONING SUBMITTAL

REVISIONS

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1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:



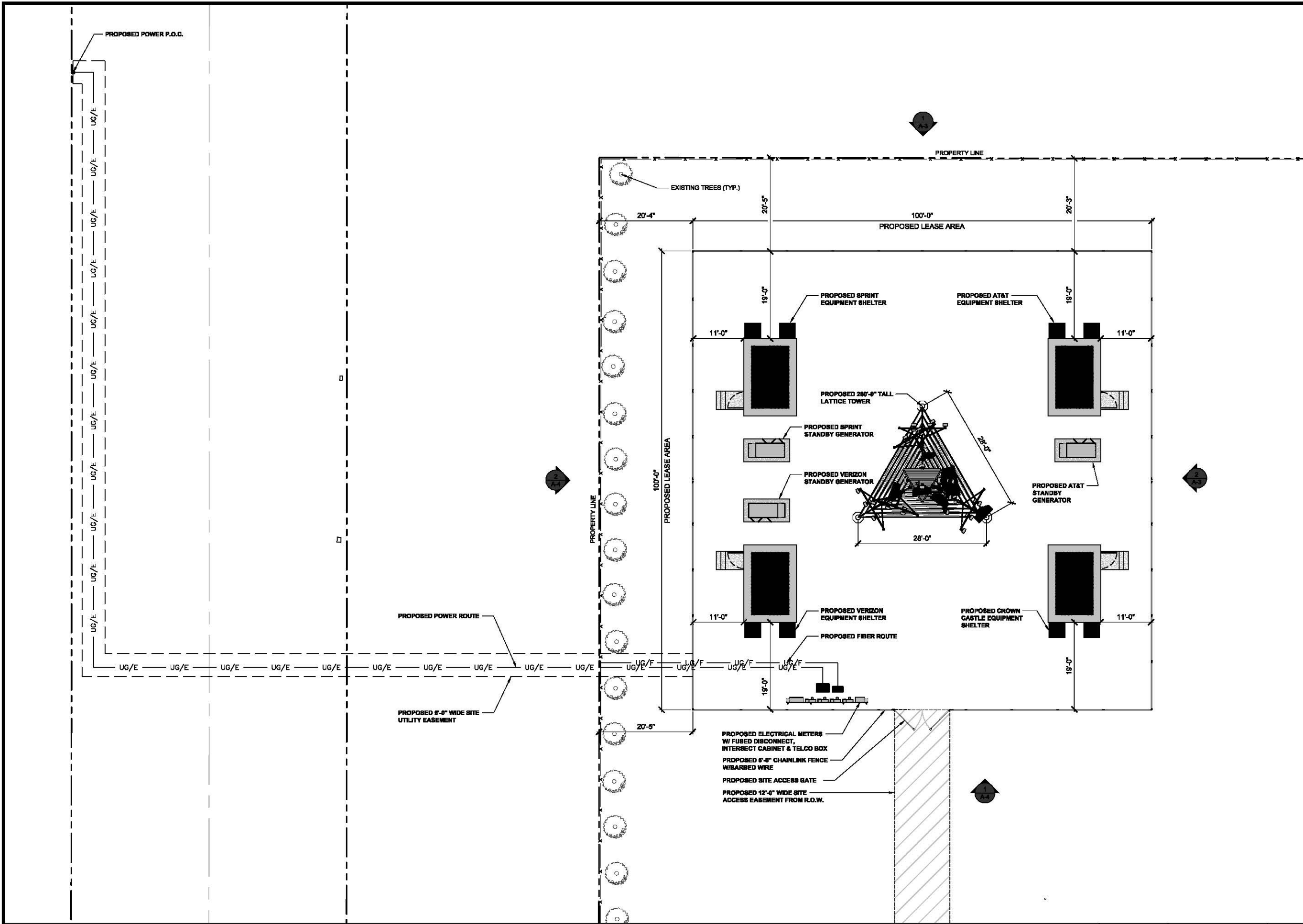
LICENSURE:

SHEET TITLE:

ENLARGED SITE PLAN

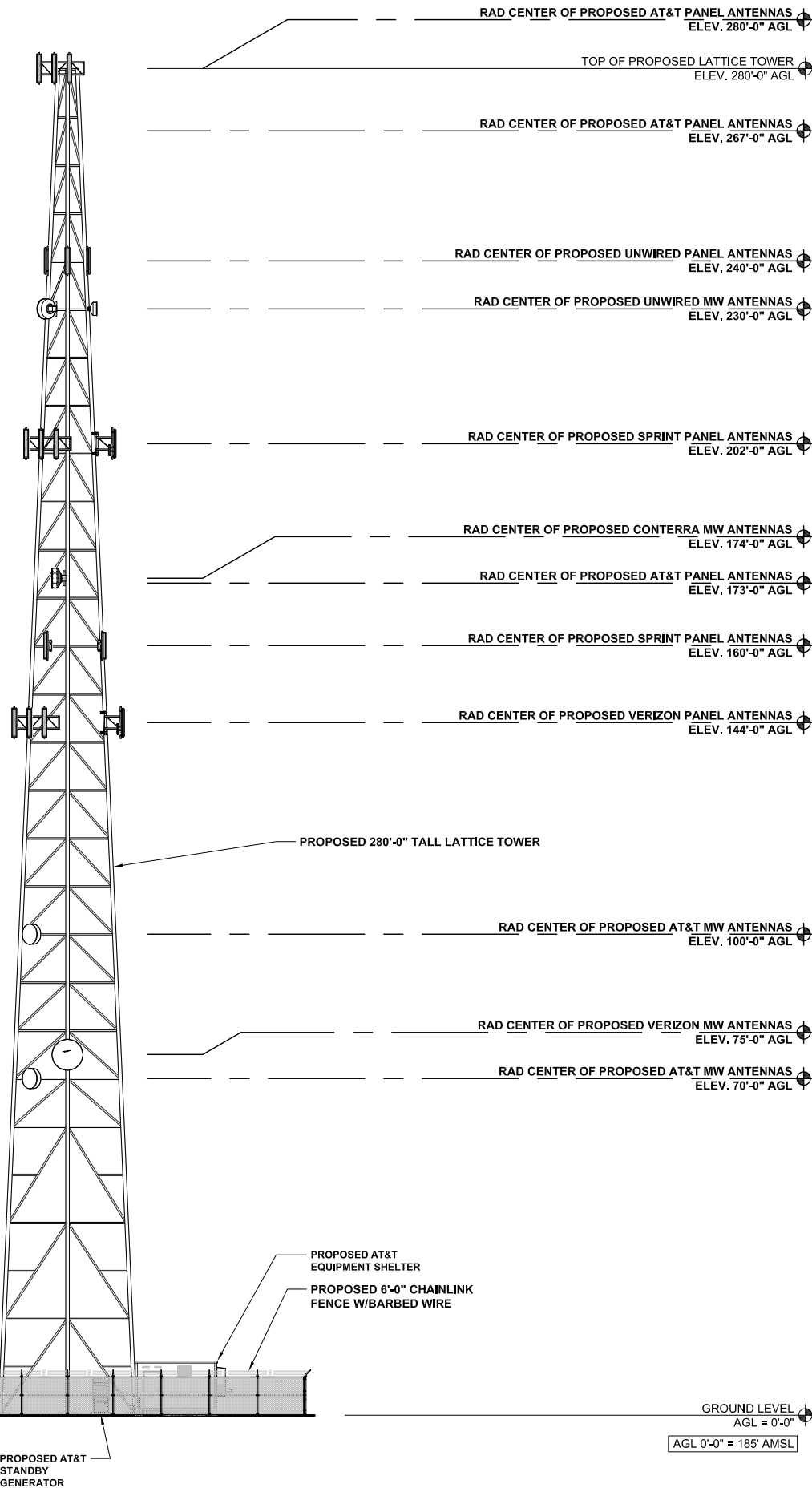
SHEET NUMBER:

A-2



ENLARGED SITE PLAN

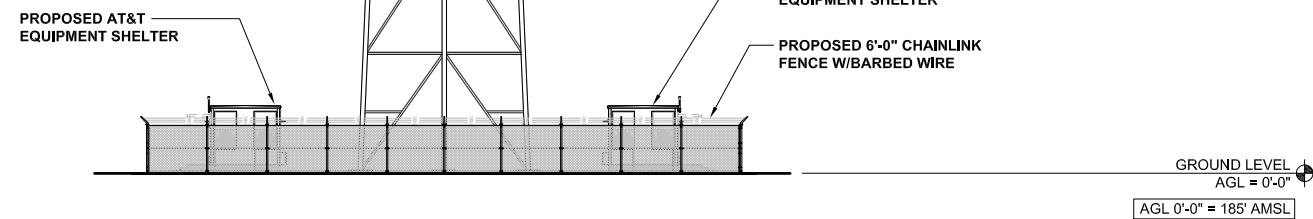
0 5' 10' SCALE: 1" = 10'-0" (24x36)
 (OR) 1/2" = 10'-0" (11x17) **1**



EAST ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17)

2



NORTH ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17)

1

PLAN PREPARED FOR:



CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:

NEES AVE.
BU 845798

47920 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:

04-17-2018

ISSUED FOR:

ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
0	01-09-2018	90% ZONING	HF
1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:



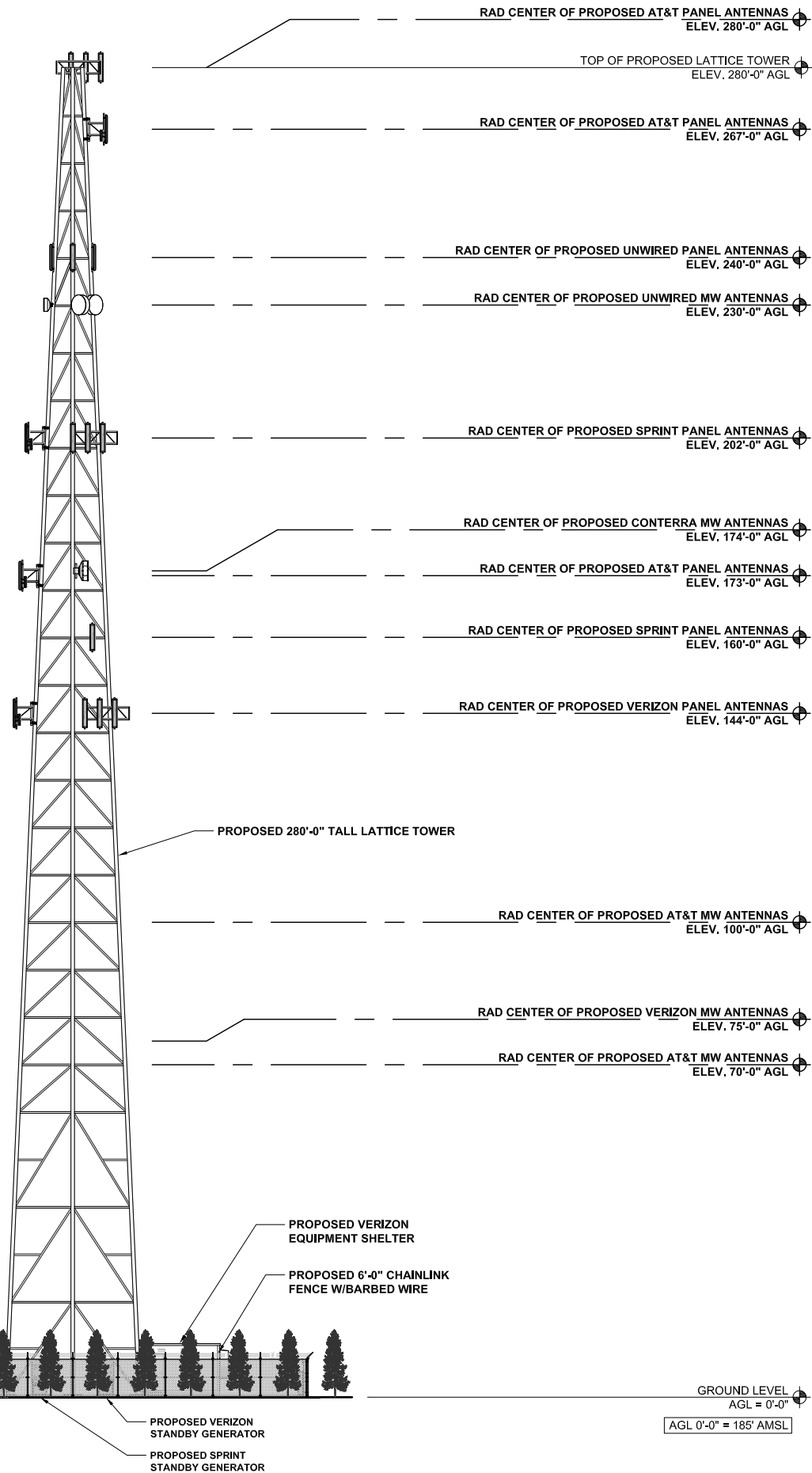
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SHEET TITLE:

NORTH & EAST ELEVATIONS

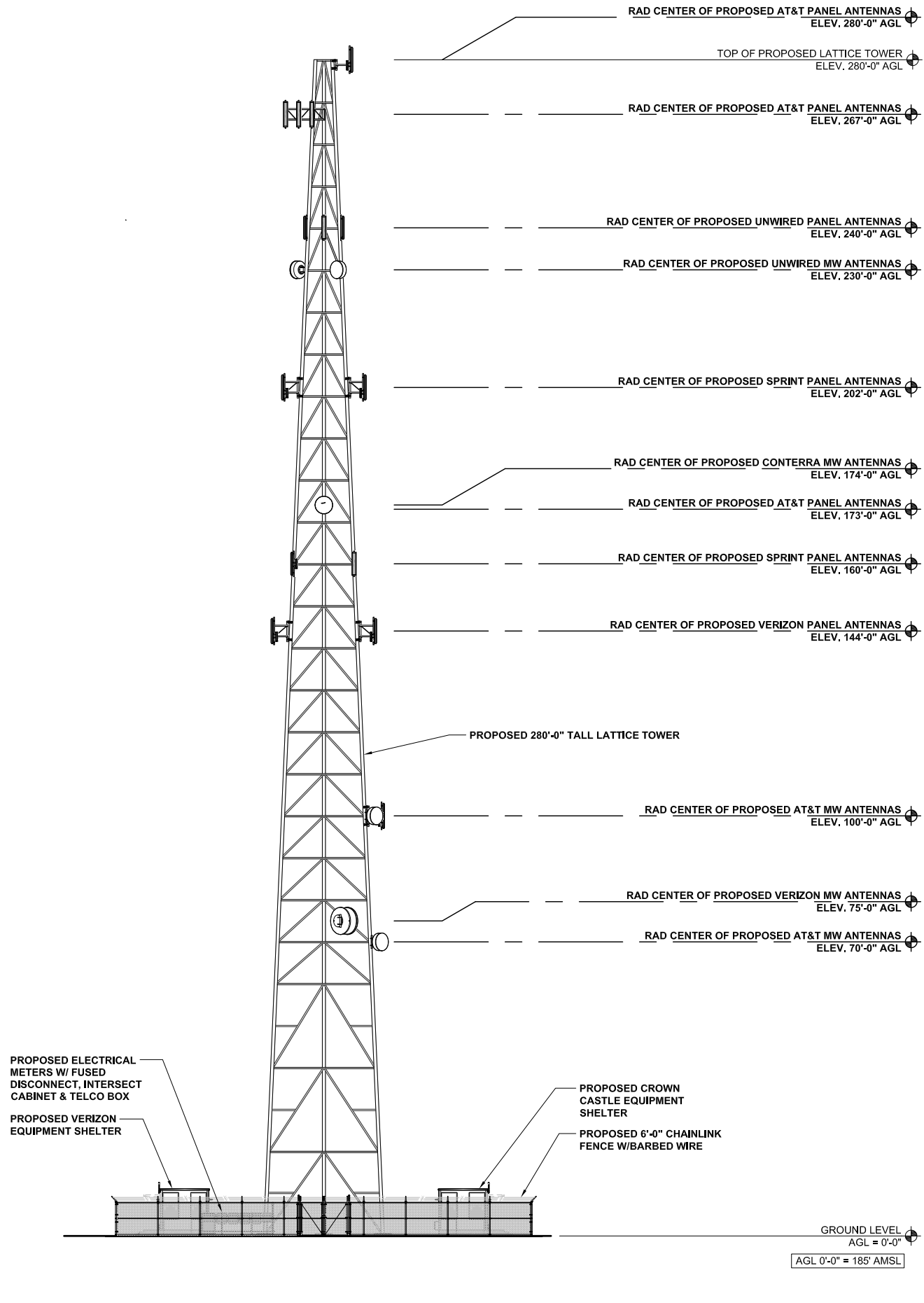
SHEET NUMBER:

A-3



WEST ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **2**



SOUTH ELEVATION

0 4' 8" 16' SCALE: 1/16" = 1'-0" (24x36)
(OR) 1/32" = 1'-0" (11x17) **1**

PLAN PREPARED FOR:

CROWN CASTLE
CROWN CASTLE TOWERS 06-2, LLC
4301 HACIENDA DRIVE, SUITE 410
PLEASANTON, CA 94588

PROJECT INFORMATION:

NEES AVE.
BU 845798

47920 W. NEES AVENUE
FIREBAUGH, CA 93622
FRESNO

CURRENT ISSUE DATE:

04-17-2018

ISSUED FOR:

ZONING SUBMITTAL

REVISIONS

REV	DATE	DESCRIPTION	BY
0	01-09-2018	90% ZONING	HF
1	02-07-2018	REVISED 90% ZONING	CM
2	03-02-2018	100% ZONING	CM
3	04-10-2018	REVISED SOW	CM
4	04-17-2018	100% ZONING	CM

PLANS PREPARED BY:

SAC
WIRELESS
SAC AE DESIGN GROUP, INC.
5015 SHOREHAM PLACE, SUITE 150
SAN DIEGO, CA 92122
www.sacw.com
619.736.3766

LICENSURE:

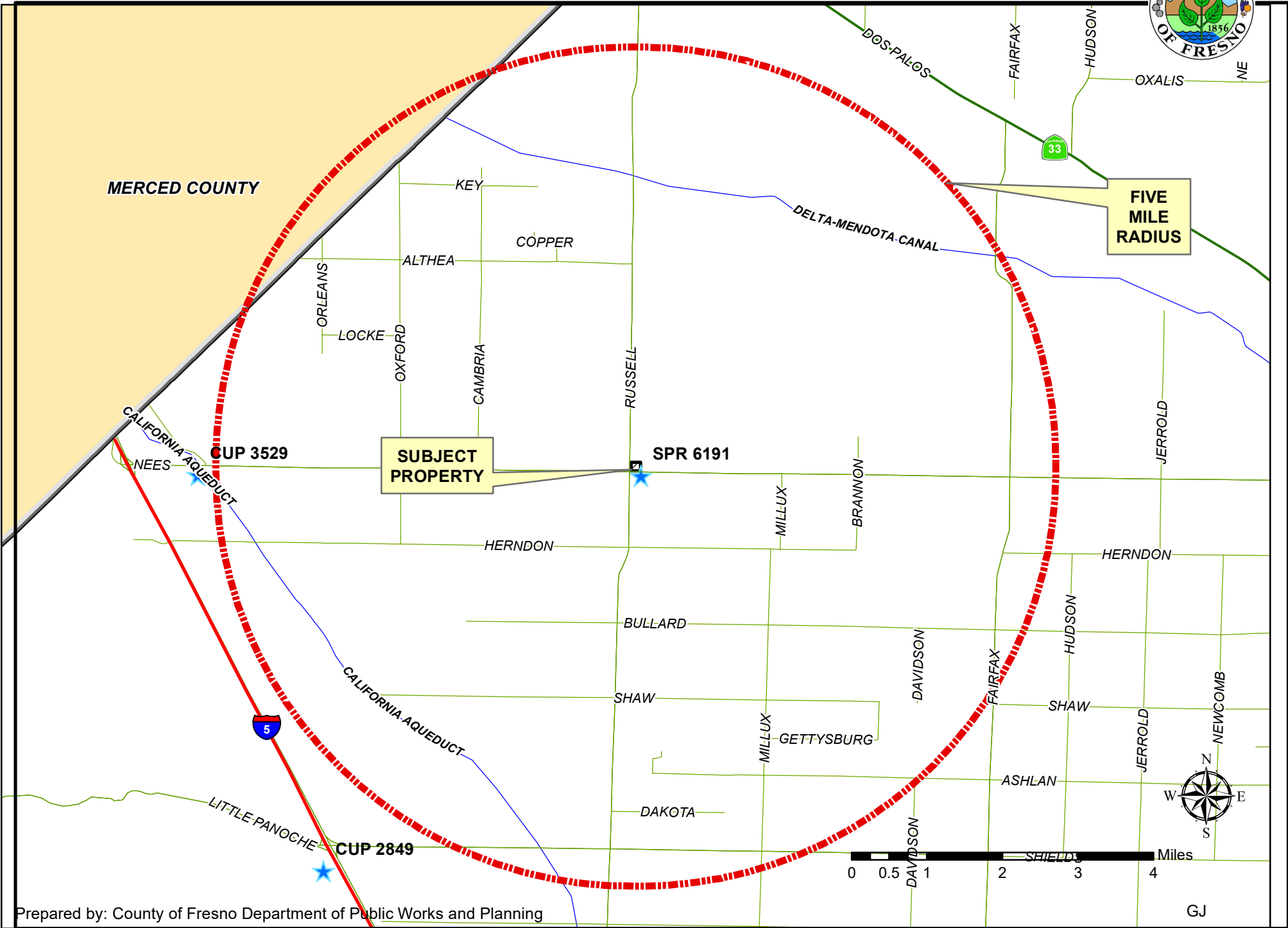
SHEET TITLE:

SOUTH & WEST ELEVATIONS

SHEET NUMBER:

A-4

CELL TOWER VICINITY MAP





RECEIVED
COUNTY OF FRESNO

MAY 02 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

CUP 3015



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

PROJECT PROPOSED LOCATION

Crown Castle Telecommunication Facility
47920 West Nees Avenue, Firebaugh, CA 93622
Site Name: Nees Ave.
APN: 005-070-13S

Nature of Request

Crown Castle seeks a Planning Department approval to build a new wireless telecommunication facility with a lattice tower at R&N Packing LLC 47920 West Nees Avenue, Firebaugh, CA. The purpose of this facility would be to maintain coverage (3) major telecom carriers, namely AT&T, Verizon, and Sprint who provide cellular communications for thousands of residents/farmers/motorists. The subject area is currently supported by AT&T, Verizon, and Sprint with an existing telecom facility on an adjacent parcel located at 47759 West Nees Avenue.

Property Description

The subject property is zoned AG (Agricultural) and is owned by R&N Packing LLC and operated as a Commercial Farm.

Project Description

This is an unmanned telecommunication facility consisting of the installation of a new 280' lattice tower, a 100'x100' Crown Castle multi-carrier fenced compound consisting of the installation and operation of antennas and associated equipment. This project is located on private property and will continue to provide wireless coverage in the local community as the existing tower will be decommissioned. The installation will not adversely affect the surrounding area and will have no impact on traffic other than during construction activities, which take less than 30 days and will not interfere with any farming activities either.

The proposal includes the following scope of work:

- PROPOSED 280'-0" TALL LATTICE TOWER – Please see pages A-3, and A-4 which reflect all carriers to be located on tower.
- PROPOSED 100'-0" X 100'-0" CHAINLINK FENCE W/BARBED WIRE EQUIPMENT ENCLOSURE
- PROPOSED ELECTRICAL METER W/FUSED DISCONNECT, INTERSECT CABINET W/GENERATOR REC. & TELCO BOX
- REMOVAL OF EXISTING TOWER AT 47759 WEST NEES AVENUE, FIREBAUGH, CA 93622 (Removal permits would be obtained pursuant to Fresno County Code)



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

Statement of Operations

This proposed facility will be to replace a currently operating wireless telecommunication facility that we be decommissioned upon construction of a “new” wireless facility to maintain cellular and emergency coverage in the area. This facility will be an unmanned facility operating 24 hours a day, 7 days per week, and 52 weeks per year. There will not be any employees as the facility is unmanned, entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. Upon completion of construction, fine-tuning of the facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. Periodic testing and maintenance to keep the facility operational will require a service vehicle to access the property occasionally but no parking spaces will be required. No goods are sold on this facility location, materials to be used for construction are outlined in the zoning drawings included with the zoning package. This facility will not cause unsightly appearance in the area as it will be painted to jurisdictional requirements and will not have any solid or liquid waste as well as no requirement for additional water usage. There will be no advertising of the facility but there will be owner, safety, and required signing as set forth by the FCC and local jurisdiction. Two new small buildings will be added within the 100’x100’ compound and fencing to house and protect sensitive equipment, fencing with barbed wire will encompass the 100’x100’ lease area and tower as a security measure as well as lighting for the top and sides of the 280’ lattice tower as required by the FAA and local jurisdiction.

Zoning Analysis

The site of the proposed facility is currently zoned AE (Exclusive Agricultural District). An existing site with the same height tower is located across the street from the “new” proposed site location, and based on a number of issues, we will need to relocate the facility and in order to maintain coverage for the area. Crown Castle has secured a ground lease area at 47920 West Nees Ave., Firebaugh, CA. The existing site currently has a 280’ lattice tower with AT&T, Verizon and Sprint (along with other smaller telecom companies) located on the tower, Crown is proposing a similar tower for the new proposed site location. Based on a Pre-App Meeting with Ms. Danielle Crider, of the Fresno County Planning Department, we have been instructed to submit for a Conditional Use Permit which would be taken into consideration by Fresno County staff.

Alternative Sites Analysis

As requested, Beacon Development has provided a separate document for submission to the County of Fresno which identifies all neighboring telecom facilities within roughly a (10+) mile radius. Please understand, even taking into account the topography in this particular area, most cellular systems can only transmit 3-5 miles, depending on a number of factors. Our analysis reflects a number of adjacent sites, most of which are over (8) miles away and would not provide coverage in our requested area coupled with the fact we are requesting to *replace* the tower on the adjacent property. Please note, during our pre-app meeting we discussed Ms. Danielle Crider and discussed the project and process, namely in our review of colocations, using another property with an existing tower would be preferred, but given there are no immediate towers, we need to reflect them on our supplemental report. With the above being said, please find an attached PowerPoint report which reflects our findings.



3 Rovina Lane
Petaluma, CA 94952
T 415-529-8868
jason@beacondev.net

Compliance with Federal Regulations

Crown Castle (as the owner of the facility) will not only comply with all FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards, but ensure our respective tenants do as well. In addition, the company will comply with all FAA rules on site location and operation. We have also provided an EMF Study which reflects our adherence to FCC guidelines for RF exposure.

Federal Regulations Applicable to This Application

Federal law and the FCC's rules implementing the law require that this permit application be processed to a final decision by this jurisdiction without delay. Specifically, because this application proposes to install new equipment on a new tower outside the public rights of way, this application must be approved or denied within one hundred fifty (150) days from its submission, today.¹

Moreover, pursuant to FCC regulations, this application is deemed complete 30 days after today, unless written notice is provided to the applicant.² If the application is incomplete, within the next 30 days written notice must be provided specifying any items missing to make the application complete.³ For each item missing, the written notice must specify the code provision, ordinance, application instruction, or otherwise publically-stated procedure that requires the submission of the information.⁴

The Telecommunications Act limits the authority of local jurisdictions by, among other restrictions, requiring approval within a reasonable period of time. In submitting this application, Crown Castle expressly reserves all of its Federal and State Rights, including, without limitation, its rights under federal and state law to challenge the requirement for a discretionary permit for its proposed installation. Neither the act of submitting the application nor anything contained therein shall be construed as a waiver of any such rights.

Please send all written requests for additional information regarding this application to:

Jason F. Osborne
Beacon Development, LLC
3 Rovina Lane
Petaluma, CA 94952
(415) 529-8868 mbl
jason@beacondev.net



¹ *In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review*, Declaratory Ruling, 24 FCC Rcd. 13994 ¶¶ 32, 45-46 (2009) (“*FCC Shot Clock Order*”); *In the matter of Acceleration of Broadband Deployment By Improving Wireless Facilities Siting Policies*, Report and Order, FCC 14-153, WT Docket No. 13-238, ¶ 272 (FCC Oct. 21, 2014) (“*Wireless Infrastructure Order*”) (clarifying that DAS nodes that involve installation of new poles trigger the 150 day shot clock).

² *Wireless Infrastructure Order* at ¶¶ 257, 259.

³ *Wireless Infrastructure Order* at ¶¶ 259-260.

⁴ *Id.*



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Crown Castle
- APPLICATION NOS.: Initial Study Application No. 7468 and Unclassified Conditional Use Permit Application No. 3615
- DESCRIPTION: Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (Sup. Dist. 1) (APN 005-070-13S).

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

FINDING: NO IMPACT:

There are no scenic vistas or State scenic highways near the proposed project. These resources will not be impacted.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project site is currently used as an agricultural processing facility, and the nearby land uses include field crops, orchards, commercial uses, and a mobile home park. There is an existing 280-foot lattice communication tower on the south side of Nees Avenue, approximately 1,000 feet from the proposed 280-foot lattice tower. The

existing tower will be removed upon completion of the proposed tower. The proposed 280-foot tower will be set back approximately 545 feet north of Nees Avenue behind a chain-link fence, existing foliage, a single-story office building, and a dirt field used for automobile parking. The existing tower is only set back 90 feet south of Nees Avenue without any foliage or structures to soften its aesthetic impact. Therefore, the aesthetic impact of the proposed tower will be substantially less from Nees Avenue than the existing tower.

The proposed tower will also be set back approximately 110 feet from Russell Avenue, behind an existing chain-link fence and developed trees. The land directly across Russell Avenue from the proposed cell tower is used for the storage of agricultural equipment and agricultural cultivation, and it is enclosed by a chain-link fence with barbed wire. On the northerly adjacent parcel there is a 304-acre active agricultural operation with no residential structures. The proposed communication tower is not expected to negatively impact the aesthetics of these immediately-adjacent parcels.

In addition to the proposed tower, there will be a 100-foot by 100-foot area containing the base of the communication tower and related equipment. This area will be surrounded by a 6-foot-tall chain-link fence topped with barbed wire. This type of fencing is used on the subject property and on adjacent properties, so it will be compatible with the aesthetics of the area.

- 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:

Through the FAA (Federal Aviation Administration) Aeronautical Evaluation, it was determined that lighting will be required on the proposed structure to minimize any hazard to air traffic. Additional lighting in the equipment area may be required for security and maintenance purposes, and the following Mitigation Measure will ensure that these lights are not a nuisance to the community. There are no residential structures on the properties surrounding the proposed project which could be negatively impacted by necessary lighting. Excessive lighting is not characteristic of an agricultural area such as this, and the following mitigation will ensure that the proposed project is compatible with the area.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets, unless the lighting is required by the Federal Aviation Administration (FAA).*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use?

FINDING: NO IMPACT:

The subject parcel is not classified as prime, unique, or important farmland. These resources will not be affected.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with a Williamson Act Contract. However, the project site is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and is designated as an area of agricultural use in the Fresno County General Plan (FCGP). The existing use of the property, an asparagus processing plant, is agricultural by nature. The proposed communication tower will not affect this use, and it will only take up 10,000 square feet of currently uncultivated land.

- 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?

FINDING: NO IMPACT:

The project is not located in a Timberland area. No forest land will be converted to non-forest land.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project is not located in a Timberland area, and the surrounding agricultural uses will not be negatively impacted by the proposed project.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The only emissions that will result from the proposed project will be during construction-related activities or during the intermittent use of the proposed generator. The County of Fresno is a non-attainment area for PM-2.5 and Ozone. However, these short-term and minor emission contributions will not conflict with applicable Air Quality Plans or contribute to any violation of air quality standards in the area.

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

FINDING: NO IMPACT:

The only odors that could be emitted as a part of this project would result from the intermittent use of generators during testing and power outages. These generators will be located in an enclosed 100-foot by 100-foot area, only to be occasionally accessed by maintenance workers. They will be over 300 feet from the nearest structure, an agricultural processing facility.

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:

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

~~The California Department of Fish and Wildlife reviewed the proposed project and did not have any concerns about candidate, sensitive, or special-status species or habitat conservation. The project impact area includes a 10,000 square-foot equipment area that is proposed on space currently used for machinery storage, is heavily trafficked, and is void of vegetation. It also includes the undergrounding of utility lines beneath an existing road and short stretch of barren earth, and an access easement through an existing dirt parking area. A heavily trafficked area with no vegetation is an unlikely habitat, and the limited impact area makes any impacts less than significant.~~

Swainson's Hawks (SWHA) are known to nest in the vicinity of the Project area, and the agricultural fields surrounding the project site are suitable for foraging. The mature trees located on the project site or within one half-mile of the project site have a high likelihood of hosting SWHA nests. Appropriate mitigation will be required to ensure that construction activities do not disturb this protected species.

The project area is not located on or near a riparian habitat, wetland, or sensitive natural community. No trees will be removed as a result of this project; there are no Habitat or Natural Community Conservation Plans pertaining to the area.

* **Mitigation Measure(s)**

- 1. A qualified biologist shall conduct a survey for nesting raptors prior to the onset of construction activities, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). If ground-disturbing activities take place between February 1 and September 15, a pre-construction survey for active nests must be conducted by a qualified biologist no more than 10 days prior to the onset of these ground-disturbing activities.***
- 2. If an active SWHA nest is found, no construction may take place within a one-half mile of the nest until the end of breeding season (September 15) or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. If this is not feasible, the applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the project can avoid take. If SWHA cannot be avoided, acquisition of an Incidental Take Permit (ITP) could be warranted.***

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 impact area includes a 10,000 square-foot equipment area that is proposed on space currently used for machinery storage and is heavily trafficked. The project also includes the undergrounding of utility lines beneath an existing road and short stretch of barren earth. The project is not in an area of high archaeological sensitivity, and no interested tribes expressed concerns about archaeological resources when given the opportunity to review the proposed project. It is not expected that the project will unearth cultural resources, but the following Mitigation Measure will ensure a less than significant impact if they are encountered.

* **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; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County General Plan Background Report (FCGPBR) Figure 9-5, the project area’s probability of experiencing a seismic hazard in 50 years is 20-40%.

However, the nearest structure is over 300 feet away, and the proposed tower will be engineered to withstand the anticipated seismic hazard.

4. Landslides?

FINDING: NO IMPACT:

The proposed project is not located in an area of steep slopes (FCGPBR Figure 7-2). The topography of the area is quite flat, and the proposed project will not change that or increase the risk of loss, injury, or death due to landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the communication tower and undergrounding of the necessary utilities will require the disturbance of existing topsoil. However, this disturbance area is very limited, no existing vegetation will be removed, there is an abundance of permeable ground surrounding the project, and the topography of the area is very flat. Substantial erosion will not result from the proposed project.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: NO IMPACT:

The proposed project does not include any activities that will increase the possibility of on-site 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:

According to the Fresno County General Plan (Figure 7-1), expansive soils are not a concern in or around the project area.

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 sewers or wastewater disposal systems are proposed.

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:

During construction activities, greenhouse gas emissions will be produced by construction vehicles. After construction is complete, the only emissions will be from proposed generators, which are not the primary energy source for the project and will only be run during power outages and for testing purposes. Additionally, the only traffic that this project will generate after construction is approximately 1-2 round trips per month for maintenance purposes. The proposed project will not conflict with any greenhouse gas emissions goals.

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:

As a part of the proposed project, propane or gasoline tanks may be installed to fuel the backup generators. 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:

The project is not located within one quarter-mile of a school. The nearest school is 2.45 miles south of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is adjacent to two hazardous waste facilities, Pacific Farm Corporation and Panoche Pilot Scale Biotreatment Plant. The proposed development will not be located on or disturb either of these sites.

- 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, or within two miles of a private or public 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 location is classified as being non-wildland and non-urban. The Fresno County Fire Protection District and the Fresno County Sheriff-Coroner Department were provided the opportunity to comment on the proposed project and expressed no concerns. The location of the proposed cell tower and equipment area is currently surrounded by barren earth, and is over 300 feet away from the nearest structure. This project will not conflict with an existing emergency response plan, and it will not expose people or structures to additional risk of loss.

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 project is not water reliant, so it will neither produce substandard water nor deplete groundwater supplies.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some grading may occur during project construction, but the project area is flat, and very little impermeable ground cover is proposed. The project will not result in substantially altered drainage patterns or substantial erosion. The project will not utilize any water resources, nor will it produce polluted runoff. The nearest body of water is a canal running approximately 2.5 miles north of the project site. The project will not alter any streams or rivers, and it will not contribute to flooding. A grading permit will be required for any grading work proposed as a part of this project.

- 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; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project is not located within a 100-year floodplain, and does not include any new housing. The proposed project will not result in seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

The proposed project will not divide an established community; it will only allow the construction of a communication tower on a parcel currently used for agricultural processing facility. Fresno County General Plan Policy PF-J.4 requires compliance with

the Wireless Communication Guidelines for siting communication towers in unincorporated areas of the County, and these guidelines will be adhered to.

- 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 designated Agricultural in the Fresno County General Plan (FCGP). Telecommunication towers are a compatible use with agriculture if they do not significantly displace farmland. The proposed development will not displace any active farming operation and it will not interfere with the existing agricultural facility.

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

FINDING: NO IMPACT:

This site is not located in an area subject to a 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 Fresno County General Plan Mineral Resources Location Map, Figure 7-7, indicates that the proposed project is not near any known mineral resources. If unknown minerals resources are present, the proposed project would not eliminate these resources or affect their accessibility because only 10,000 square feet of land will be developed as a result of the proposed project.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The communication tower will be an unmanned operation, which will be accessed once or twice per month by maintenance workers. The communication tower and related equipment are not expected to produce significant noise or vibration after construction activities are complete. The only potential source of noise and vibration after construction is complete is four backup generators that will only be used intermittently, and are not the primary source of power for the project. The equipment area is more than 300 feet from the Asparagus Packing House, and this use will not be impacted by these potential sources of noise and vibration.

- 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 proposed project is not located in the vicinity of an airport or private air strip.

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 communication tower will not induce population growth, eliminate existing housing, or displace anyone from their homes. Population and housing will not be impacted.

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:

There are no schools or parks within the project site vicinity. The installation of a communication tower will not affect any public facilities or services or create an increased demand for such services. The Fresno County Sheriff-Coroner Department expressed no concerns about the proposed project.

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 proposed communication tower will not affect the usage of parks or recreational facilities because it will not affect the population or demographics of the community. No new parks or recreational facilities will need to be constructed as a result of the proposed project.

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:

After construction, the tower will be unmanned. The project is expected to generate 1-2 round-trip maintenance visits per month. The project will not contribute to traffic congestion or conflict with any traffic plans or programs.

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

FINDING: NO IMPACT:

The proposed project has been reviewed by the Federal Aviation Administration (FAA), and it was determined that the proposed tower will not be a hazard to aviation. It will be marked and lighted for the safety of aircraft.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed lattice tower will appear very similar to an existing lattice tower that it will replace. It will not pose any additional traffic hazard as a result of its design.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The proposed project will not affect emergency access to any existing structures. The Fresno County Fire Protection District and Sheriff-Coroner Department expressed no concerns regarding the proposed project.

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 proposed project will not inhibit the use of pedestrian facilities or the implementation of related 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; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- 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 cell tower would not create solid waste or wastewater after construction has been completed. The proposed project will use no water, and will not affect existing utilities.

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 biological and cultural resources were considered, and it was determined that with the incorporation of the Mitigation Measure included in Section V, any impacts to these resources will be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulative impacts, such as traffic congestion, greenhouse gas emissions, water quality, or aquifer depletion are expected to be significantly impacted by the approval of the proposed project.

- 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 to human beings, either direct or indirect, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3615, 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 Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, ~~Biological Resources~~, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic have been determined to be less than significant.

Potential impacts relating to Aesthetics, **Biological Resources**, and Cultural Resources have been determined to be less than significant with compliance with the 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.

DTC:ksn

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7468	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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): Danielle Crider, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Applicant (Name): Jason Osborne (Crown Castle)	Project Title: CUP 3615		
Project Description: Allow a new wireless communication facility consisting of a 280-foot-tall lattice tower with panel antennas, microwave antennas, and a 100-foot by 100-foot fenced area to contain the tower and related ground equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the north side of W. Nees Avenue approximately 55 feet east of its intersection with N. Russell Avenue, approximately 10 miles west of the nearest city limits of the City of Firebaugh (47920 W. Nees Avenue) (APN: 005-070-13S) (Sup. Dist. 1).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3615, 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 Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Transportation/Traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, and Cultural Resources have been determined to be less than significant with compliance with the 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.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – July 16, 2018		Review Date Deadline: Planning Commission – August 23, 2018	
Date: TBD	Type or Print Signature: Danielle Crider Planner	Submitted by (Signature):	

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 August 23, 2018

SUBJECT: Initial Study Application No. 7373, Classified Conditional Use Permit Application No. 3593, Variance Application No. 4049

Allow expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to include:

1. A 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S & 10S);
2. A 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S); and
3. Application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13).

LOCATION: The project site is located on the west side of S. McCall Avenue between E. Clarkson and E. Elkhorn Avenues approximately 2.1 miles southwest of the nearest city limits of the City of Kingsburg (16277 S. McCall Avenue, Selma) (SUP. DIST. 4) (APN 393-141-06, 08S, 09S, 10S & 13).

OWNER: Harris Ranch Beef Company (HRBC)
APPLICANT: Michael Oliver, HRBC

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7373; and
- Approve Classified Conditional Use Permit No. 3593 with recommended Findings and Conditions; and
- Approve Variance No. 4049; 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 Plans/Elevations
6. Applicant’s Operational Statement
7. Applicants’ Statement of Variance Findings
8. Summary of Initial Study (IS) Application No. 7373
9. Conditions of Approval for CUP No. 2855, 2297, 2251, 2061, 1666, 1474, 674 and 145
10. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	<ul style="list-style-type: none">• 59.9 acres (APN 393-141-09S &10S)• 20-acre (APN 393-141-08S)• 77.99 and 78.79 acres (APN 393-141-06 & 13)	No change
Project Site	<ul style="list-style-type: none">• Guard-shack• Cattle holding pens• Boiler and refrigeration rooms	Expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural,

Criteria	Existing	Proposed
	<ul style="list-style-type: none"> • Employee welfare facilities • Truck maintenance and truck-wash facility • Meat processing and cold storage facility • Administrative offices • Processing buildings • Dry storage building • Fueling stations • Truck docks • Fire apparatus and water storage tank • Wastewater treatment lagoons • Storm water retention basins • Truck and employee parking 	<p>20-acre minimum parcel size) Zone District to include:</p> <ol style="list-style-type: none"> 1. A 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S &10S) 2. A 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S) 3. Application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13) to grow Sudan grass and winter forage
Structural Improvements	<ul style="list-style-type: none"> • Guard-shack • Cattle holding pens • Boiler and refrigeration rooms • Employee welfare facilities • Truck maintenance and truck-wash facility • Meat processing and cold storage facility • Administrative offices • Processing buildings • Dry storage building • Fueling stations • Truck docks • Fire apparatus and water storage tank • Truck and employee parking 	<ul style="list-style-type: none"> • 33,491 square-foot finished goods warehouse distribution center • 54,907 square-foot processing building • 7,500 square-foot processing building • Wastewater treatment facility with related improvements
Nearest Residence	30 feet south of the project site	None

Criteria	Existing	Proposed
Surrounding Development	Farmlands with sparse single-family residences to the north, south, and east of the project site	No change
Operational Features	Cattle slaughtering and meat processing facility	See above "Project Site"
Employees	1,000	No change
Customers	None. The existing facility is a wholesale operation	N/A
Traffic Trips	<p>Per the Traffic Impact Study prepared for the project by Peters Engineering Group and dated June 5, 2018:</p> <p>Vehicles entering the site per 24 hours:</p> <ul style="list-style-type: none"> 1,000 passenger vehicles; 11 two-axle; 6 three-axle; 90 five-axle <p>Vehicles exiting the site per 24 hours:</p> <ul style="list-style-type: none"> 1,016 passenger vehicles; 10 two-axle; 7 three-axle; 3 four-axle; 90 five-axle <p>Trip Generation</p> <ul style="list-style-type: none"> 388 project peak-hour trips from 5:15 a.m. to 6:15 a.m. (one-way trips 353 in and 35 out, including 2.3 percent truck trips) 111 AM peak-hour trips from 7:15 a.m. to 8:15 a.m. (one-way trips 84 in and 27 out, including 17 percent truck trips) 313 PM peak-hour trips from 4:45 p.m. to 5:45 p.m. (one-way trips 31 in and 282 out, including 2 percent truck trips) 	<p>Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group, the project generates more truck trips than previously identified in Conditional Use Permit No. 2855, causing a significant pavement impact on McCall Avenue by increasing the TI (Traffic Index) by 0.5. To mitigate the impact, the TIS recommended that the project should make monetary contribution toward improvement of McCall Avenue. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning approved Mitigation Measures (Exhibit 1) would require the project to pay its pro-rata share toward roadway structural section improvement for McCall Avenue (overlay with 0.15' Hot Mix Asphalt thickness) from E. Clarkson to the project site access and from the project site access to E. Elkhorn Avenue</p>
Lighting	Outdoor lighting around existing improvements and for on-site parking	Outdoor lighting to provide for the safety and security of the facility

Criteria	Existing	Proposed
Hours of Operation	<ul style="list-style-type: none"> • Year-round, seven days a week, 24 hours a day with trucks going to and from the facility • Employees work 8-hour shifts between 6am and 5pm, 5 days a week 	No change

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

ENVIRONMENTAL ANALYSIS:

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

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: July 13, 2018

PUBLIC NOTICE:

Notices were sent to 19 property owners within 1320 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 Zoning Ordinance Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a CUP Application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

A Variance (VA) may be approved only if four findings specified in the Zoning Ordinance, Section 877 are made by the Planning Commission.

Both Applications (CUP and VA) before the Commission for consideration represent an interrelated request for a single project. However, the subject CUP Application and the concurrent VA Application shall be considered separately. Denial of the CUP will also deny the VA; the denial of the VA will not automatically deny the CUP, but would require modifications to the project's design. The CUP may still be approved subject to meeting four Findings.

BACKGROUND INFORMATION:

The subject cattle slaughtering and meat processing facility, originally known as Selma Beef, was established on the property in the early 1900s. Harris Ranch Beef Company bought the facility in 1976 and has owned and operated it since.

On March 30, 1953, the Planning Commission approved Special Use Permit No. 145 to establish the use as a conforming use and allow the expansion of the facility to add beef coolers for storage of edible products. In later years, the Planning Commission approved Conditional

Use Permit Nos. 674, 1474, 1666, 2061, 2251, 2297 and 2855 (including VA No. 3607) on January 6, 1966, December 16, 1977, December 19, 1979, April 19, 1984, December 18, 1986, September 10, 1987 and May 21, 1998, respectively, to allow further expansion of the facility. This included animal slaughtering, meat processing and packaging, dead animal and offal reduction for tallow, chiller and refrigerated warehouse, hide processing room, truck garage, lunch room, maintenance area, office building, restrooms, locker rooms, employee parking, and paved circulation drive. Fresno County also approved multiple Site Plan Reviews over the years.

The current applications (CUP No. 3593 and VA No. 4049) propose to allow a 33,491 square-foot, 36.9-foot-tall, finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks. Additional improvements include a 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, secondary wastewater treatment facility with related improvements, and a 19.28-acre treated wastewater retention basin. The project also proposes to allow irrigation of 77.99 and 78.79 acres of farmland with treated wastewater from the facility to grow Sudan Grass and winter forage as cattle feed.

The project will be constructed in four phases. Phase 1 of the project includes a secondary wastewater treatment facility with related improvements (includes operation building/structures, storage tanks, elevated walkway, aeration basins, pumps, etc.), 180,000 square-foot anaerobic pond, and a 19.28-acre treated wastewater retention basin. Phase 2 of the project includes a 33,491 square-foot finished goods warehouse distribution center. Phase 3 of the project includes a 54,907 square-foot processing building, employee and truck parking, and all-weather fire lane. Phase 4 includes a 7,500 square-foot processing building.

THE FOLLOWING ANALYSIS ADDRESSES CONDITIONAL USE PERMIT APPLICATION NO. 3593:

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

	Current Standard:	Proposed Operation:	Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (McCall Avenue; east property line): 600 feet Side (north property line): 430 feet Side (south property line): 370 feet Rear (west property line): 1,056 feet	Yes
Parking	<ul style="list-style-type: none"> One parking space for every two permanent employees 	<ul style="list-style-type: none"> 1,177 parking spaces (937 existing; 240 proposed) for 1,000 employees/sales persons (maximum 	Yes

	Current Standard:	Proposed Operation:	Standard Met (y/n)
	<ul style="list-style-type: none"> • One parking space for each company sales person • One parking space for each company vehicle 	500 parking spaces required) <ul style="list-style-type: none"> • 15 truck parking spaces 	
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	40 feet between animal shelter and building for human occupancy	1,545 feet	Yes
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code The property is enclosed by an eight-foot-tall chain-link fence	No change	N/A
Septic Replacement Area	100 percent for existing system	Evaluation and approval of the existing sewage disposal system is required by the Fresno County Department of Public Works and Planning and the Regional Water Quality Control Board.	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No changes to the existing wells and no new wells are to be drilled. The facility will continue to operate as a non-transient non-community water system per the approval granted by the California Department of Public Health, Division of Drinking Water.	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is recommended as a Condition of Approval for the project.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements exceed the minimum building setback requirements of the AE-20 Zone District. The improvements will be set back approximately 600 feet from the east property line (35 feet required), 430 feet from the north property line (20 feet required), 370 feet from the south property line (20 feet required) and 1,056 feet from the west property line (20 feet required).

Concerning off-street parking for the proposal, the Zoning Ordinance requires parking standards of the AE Zone District, which is one parking space for every two permanent employees, one parking space for each company sales person and one parking space for each company vehicle. Based on the existing 1,000 employees/sales persons, the project requires 500 parking spaces. As shown on the Site Plan (Exhibit 5), the project provides for 1,177 parking spaces (937 existing; 240 proposed), which meets the requirement.

Based on the above information and with adherence to Site Plan Review, included as a Condition of Approval to address design of parking and circulation areas, access, on-site grading and drainage, fire protection, signage and lighting, staff believes the site is adequate in size and shape to accommodate the proposal.

Recommended Conditions of Approval:

See Mitigation Measures and 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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	McCall Avenue; Fair condition	The project will pay its fair share towards roadway structural section improvement for McCall Avenue
		Clarkson Avenue; Fair condition	No change

		Existing Conditions	Proposed Operation
Direct Access to Public Road	Yes	McCall Avenue; Fair condition	See above
Road ADT (Average Daily Traffic)		900 (McCall Avenue) 3600 (Clarkson Avenue)	No change No change
Road Classification		Local (McCall Avenue) Local (Clarkson Avenue)	No change No change
Road Width		<ul style="list-style-type: none"> 30-foot right-of-way west of section line (McCall Avenue) 20-foot right-of-way south of section line (Clarkson Avenue) 	No change No change
Road Surface		Asphalt concrete paved (McCall and Clarkson Avenues)	No change
Traffic Trips		<p>Per the Traffic Impact Study prepared for the project by Peters Engineering Group and dated June 5, 2018:</p> <p>Vehicles entering the site per 24 hours:</p> <ul style="list-style-type: none"> 1,000 passenger vehicles; 11 two-axle; 6 three-axle; 90 five-axle <p>Vehicles exiting the site per 24 hours:</p> <ul style="list-style-type: none"> 1,016 passenger vehicles; 10 two-axle; 7 three-axle; 3 four-axle; 90 five-axle <p>Trip Generation</p> <ul style="list-style-type: none"> 388 Project peak-hour trips from 5:15 a.m. to 6:15 a.m. (one-way trips 353 in and 35 out, including 2.3 percent truck trips) 111 AM peak-hour trips from 7:15 a.m. to 8:15 a.m. (one-way trips 84 in and 27 out, including 17 percent truck trips) 	<p>Per the Traffic Impact Study prepared for the project by Peters Engineering Group, the project generates more truck trips than previously identified in Conditional Use Permit No. 2855, causing a significant pavement impact on McCall Avenue by increasing the TI (Traffic Index) by 0.5. To mitigate the impact, the TIS recommended that the project should make monetary contribution toward improvement of McCall Avenue. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning approved Mitigation Measures (Exhibit 1) would require the project to pay its pro-rata share toward roadway structural section improvement for McCall Avenue (overlay with 0.15' Hot Mix Asphalt thickness) from E. Clarkson to the project site access and from the project site access to E. Elkhorn Avenue</p>

		Existing Conditions	Proposed Operation
		<ul style="list-style-type: none"> 313 PM peak-hour trips from 4:45 p.m. to 5:45 p.m. (one-way trips 31 in and 282 out, including 2 percent truck trips) 	
Traffic Impact Study (TIS) Prepared	Yes	See above "Traffic Trips"	Per the Traffic Impact Study prepared, the project will participate in the pro-rata share costs to pay for roadway improvements (McCall Avenue). This requirement has been included in Mitigation Measures in Exhibit 1 of this report.
Road Improvements Required		McCall Avenue; Fair condition	The project would require McCall Avenue overlay with 0.15' Hot Mix Asphalt thickness from E. Clarkson to the project site access and from the project site access to E. Elkhorn Avenue.

Reviewing Agency/Department Comments:

Design Division of the Fresno County Department of Public Works and Planning: Prior to the issuance of building permits for the project, the Applicant shall enter into an agreement with the County of Fresno to participate in pro-rata share costs toward roadway structural section improvement for McCall Avenue. Details of the required improvements and pro-rata shares have been included as a Mitigation Measure in Exhibit 1 of this report.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. A 10-foot by 10-foot corner cutoff should be improved for sight distance purposes at the existing driveway onto McCall Avenue. Any access driveway shall be set back a minimum of 10 feet from the property line. These requirements have been included as Project Notes.

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

Analysis:

The project site fronts McCall and Clarkson Avenues which are Local roads in fair condition, and are maintained by the County. No new site access is proposed by this application. The existing paved access off McCall Avenue located at the northeast corner of the project site will continue to provide main access to the property. However, the current dirt access off McCall Avenue, located at the southeast corner of the property, will be improved to an all-weather base fire access road.

According to the Applicant’s Operational Statement (Exhibit 6), CUP No. 2855 was approved in 1998 for 520 employees and the following daily truck trips: 17 cattle trucks, 31 trucks exporting finished products and by-products, and two visitors daily (50 trucks, 100 trips). In addition, according to the Operational Statement, the facility currently has 1,000 employees and generates 217 daily truck trips (combined entering and exiting the site) and will not increase the number of employees or trucks trips as a result of the expansion proposed by this application.

The Traffic Impact Study (TIS) prepared for the project by Peters Engineering and dated June 5, 2018 evaluated the impacts of the project based on the Applicant’s existing operation authorized by CUP No. 2855. The TIS analyzed five intersections, including the project’s site access for A.M. and P.M. peak-hour traffic impacts, and also performed a Traffic Index (TI) analysis. The analysis showed that all of the five studied intersections are and will be operating at acceptable Level of Service (LOS) C or better in all study scenarios. Given that LOS C or better is acceptable for Fresno County when the facility is outside of the Spheres of Influence of the City of Fresno and City of Clovis, no mitigation was required for the project. However, the TI analysis showed the project’s truck traffic will have a significant impact to the roadway of McCall Avenue between Clarkson Avenue and Elkhorn Road. The project’s truck traffic will have increased the TI of the roadway by 0.5, which is considered a significant impact. To mitigate the impact, the TIS recommended the project’s monetary contribution toward pavement maintenance on McCall Avenue. The Design and Road Maintenance and Operations Divisions of the Department of Public Works and Planning, and California Department of Transportation concurred with the TIS finding and a pro-rata share cost estimate was prepared as a Mitigation Measure for off-site improvements to mitigate the project’s impact to McCall Avenue. The Applicant has accepted the Mitigation Measures and they are listed in Exhibit 1 of this report.

Based on the above information, and with adherence to the Mitigation Measures and Project Notes as described above, staff believes McCall Avenue at the project site can accommodate the traffic generated by this proposal.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	63.25 acres 4.68 acres	Single-Family Residence; fruit orchard	AE-20	None
South	19.93 acres 83.28 acres 163.9 acres	Single-Family Residences; fruit orchard	AE-20	30 feet

Surrounding Parcels				
East	19.55 acres	Fruit orchard	AE-20	937 feet
West	212.4 acres	Fruit orchard	AE-20	None

Reviewing Agency/Department Comments:

The Fresno County Department of Public Works and Planning, Building and Safety Section: Pursuant to the Fresno County Local Agency Management Plan (LAMP), where the quantity or quality of the sewage is in excess of 3,500 gallons per day design flow, the method of sewage treatment and dispersal shall be first approved and permit issued by the Regional Water Quality Control Board.

This requirement has been included as a Condition of Approval.

Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: 1) There is a 100 percent or more increase in the quantities of a previously-disclosed material; and 2) The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, and Division 4.5. Per the California Plumbing Code Appendix H, access to septic tanks shall be maintained; and Section 6.9 Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.

The facility shall update and resubmit the Risk Management Plan (RMP) within six months if there is a significant change to the regulated process. RMP's must be updated at least once every five years. The RMP shall be submitted sooner than the five-year anniversary date if any of the changes specified in 40 CFR (Code of Federal Regulations) 68.190(b) occur.

In an effort to protect groundwater it is required that all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work.

The aforementioned requirements have been included as Project Notes.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: A dust palliative should be required on all un-paved parking and circulation areas. A Site Plan Review should be conditioned to ensure all zoning requirements, policies, mitigation measures/conditions of land use approval, lighting, ADA, public welfare, and circulation requirements, are satisfied. These requirements have been included as Conditions of Approval.

The driveways shall be concrete or asphalt concrete paved a minimum of 24 feet for the first 100 feet off the edge of the road right-of-way. Any additional entrance shall be asphalt concrete

driveway approach 24 to 35 feet in width, as approved by the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning. ADA (Americans with Disabilities Act) stalls for the physically disabled shall conform to state standards and be located as close as possible to the main entrance of buildings where employees work. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Consolidated Irrigation District (CID): The Consolidated Irrigation District (CID) Hatch Ditch pipeline runs south along the west side of McCall Avenue from just south of Clarkson Avenue and terminates at the northeast corner of the parcel identified by APN 393-141-10S. The Consolidated Irrigation District shall be consulted for any development near the pipeline.

The Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. A Grading Permit or Voucher may be required for any grading proposed with this application. Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.

Fresno County Fire Protection District: The project shall comply with the latest California Code of Regulations Title 24 – Fire Code, and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County. The project shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control District (Air District): The following Air District rules may apply to the project: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all proposed improvements on the property.

The aforementioned requirements have been included as Project Notes.

Dumna Wo Wah Tribal Government: A consultation between the Tribe and the County (per Assembly Bill 52) has concluded and the archeological research conducted for the project found no evidence of Tribal Cultural Resources on the project site (see the following analysis).

Central Valley Regional Water Quality Control Board; Water and Natural Resources Division of the Fresno County Department of Public Works and Planning; Fresno County Sheriff-Coroner; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe: No concerns with the proposal.

Analysis:

The project site is currently developed with various buildings/structures, ponding basins and parking and circulation areas related to an existing cattle meat processing/packaging facility. The adjacent farmland to the north and west of the site contains field crops, and farmland to the south and east of the site contains orchard. Sparse single-family residences are also located on

the surrounding farmland.

As noted earlier, the existing cattle slaughtering and meat processing facility has been operating on the property since 1900. Special Use Permit No. 145 was approved in 1953 to recognize the use and allow the facility expansion. Between 1966 and 1998, six Conditional Use Permits were approved to allow further expansion of the facility to include animal slaughtering, meat processing and packaging, dead animal and offal reduction for tallow, chiller and refrigerated warehouse, hide processing room, truck garage, lunch room, maintenance area, office building, restrooms and locker rooms, and employee parking and paved circulation drive.

The subject application (CUP No. 3593) entails the addition of a finished goods warehouse distribution center with truck docks, processing buildings, employee and truck parking, anaerobic pond, secondary wastewater treatment facility, and a treated wastewater retention basin, including irrigation of farmland with treated wastewater from the facility. As noted by the Applicant, the proposed expansion is for an automated beef processing system to increase product and packaging efficiency.

The Initial Study prepared for this project identified potential impacts related to aesthetics, and transportation/traffic. Regarding aesthetics, all outdoor lighting would be required to be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding transportation/traffic, the project would be required to pay its pro-rata share in the funding of off-site road improvement (McCall Avenue). These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality; and public services have been determined to be less than significant. The project will comply with the Air District Rule 9510 and permitting requirements; require an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; obtain a Grading Permit or Voucher; require sewage treatment and dispersal according to the requirements of the Fresno County Local Agency Management Plan (LAMP) administered by Fresno County Department of Public Works and Planning, Building and Safety Section; handle hazardous materials/wastes according to the requirements of the California Health and Safety Code (HSC) and submit a Hazardous Materials Business Plan; require abandonment of all water wells within the project area; comply with the current Fire Code and Building Code; and annex the property to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements have been included as a Condition of Approval and Project Notes and will be addressed through Site Plan Review.

According to the San Joaquin Valley Air Pollution Control District (Air District), the project would comply with the Health Impact Assessments (HRA) prepared by the Applicant if the nearest residential receptor to the project site is demolished and not rebuilt. This requirement has been included as a Condition of Approval.

According to the Central Valley Regional Water Quality Control Board (RWQCB) review of the proposal, the proposed secondary wastewater treatment (WWT) facility will improve the wastewater treatment capabilities for the wastewater at the current facility and will discharge water to the land in accordance with and in compliance with applicable water quality objectives of the region. As such, RWQCB expressed no concerns regarding the use of treated wastewater onto the 77.99-acre and 78.79-acre farmland to grow crops.

The project site is not within any area designated as moderately or highly sensitive to

archeological finds. Pursuant to AB (Assembly Bill) 52, County staff routed the project to the Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No request for consultation was received by any tribe except the Dumna Wo Wah Tribe. Staff initiated consultation with the Tribe to determine the project’s potential impact to Tribal Cultural Resources (TCRs). As part of this process, an Archaeological Records Search for the site from the Southern San Joaquin Valley Information Center reported no cultural resources on the property and a Sacred Lands Search from the Native American Heritage Commission was negative for any sacred sites on the property. The Tribe was consulted for the identification of any TCRs on the property that establishes the existence of resources which satisfy the criteria of Public Resources Code section 21074(a)(2). However, with no evidence provided, staff concluded that the project will have no significant effects on TCRs and there is no need to impose Mitigation Measures on the project relative to TCRs.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, 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 an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures and 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*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.</p>	<p>With regard to Criteria “a”, the project entails expansion of an existing cattle slaughtering and meat processing facility authorized by discretionary land use approvals. With regard to Criteria “b”, the 59.9-acre project site is classified as “Urban and Built-Up Land” on the 2014 Fresno County Important Farmland Map and is pre-disturbed with improvements related to the existing facility. With regard to Criteria “c”, the project will have no impact on groundwater resources due to no additional water usage. With regard to Criteria “d”, the project site is adjacent to the City of Kingsburg, which can provide workforce for the facility.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>As discussed above in Policy LU-A.3, the subject proposal is a compatible use with agriculture. The proposed improvements will be confined within a 59.9-acre pre-disturbed,</p>

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>non-agricultural land, secured by eight (8)-foot-tall chain-link perimeter fencing. No impact would occur on the adjacent farming operations. The project meets these policies.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project site is not located in a water-short area of Fresno County. Water currently used by the existing cattle slaughtering and meat processing facility comes from on-site wells. The subject proposal will not consume additional water to impact groundwater resources. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with the project. The project meets this policy.</p>
<p>Policy HS-B.1: County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>The project will comply with the California Code of Regulations Title 24 - Fire Code and require the Fresno County Fire Protection District's approval prior to the issuance of building permits. The project meets this policy.</p>
<p>Policy HS-F.1: County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>The proposal will handle all hazardous waste in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5 and discussed in this report. The project meets this policy.</p>

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the Fresno County General Plan. Policy LU-A.3 states that agriculturally-related activities and value-added processing facilities may be allowed by discretionary permit in areas designated agriculture, subject to meeting a number of specific criteria. Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and mitigation measures where appropriate; Policy PF-C.17 requires a sustainable water supply for the project; and Policy HS-B.1 requires identification of potential fire hazards and evaluation of the effectiveness of preventive measures to reduce the risk to life and property. Policy HS-F.1 requires that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.

Analysis:

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/ Consideration. Concerning this policy, the existing slaughtering and meat processing facility established in the early 1900s has received several land use entitlements that were granted between 1953 and 1998 to allow for the expansion of the facility as described in the “Background Information.” All previous Conditional Use Permits processed after 1976 (when Policy LU-A.3, Criteria a, b, c, and d were adopted) resulted in the determination that the use met the above-specified criteria. The current proposal, which seeks to expand the use by adding facilities in support of the existing use, will not change the basic nature of the operation or result in a significantly more intense use.

Concerning consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the project is a compatible use pursuant to Policy LU-A.3, will be secured by the existing perimeter fencing, and will maintain adequate distance from adjacent farming operations.

Concerning consistency with Policy PF-C.17, Policy HS-B.1, and Policy HS-F.1, the project will not increase water consumption, will comply with the California Code of Regulations Title 24 – Fire Code, will obtain Fresno County Fire Protection District’s approval prior to the issuance of building permits, and will adhere to state laws regarding the handling of hazardous materials.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

THE FOLLOWING ANALYSIS ADDRESSES VARIANCE APPLICATION NO. 4049:

Staff research indicates that no other building height-related Variance applications were filed within one mile of the subject property. However, the Planning Commission approved Variance No. 3607 on May 21, 1998, which allowed a 42-foot-high meat processing and refrigerated warehouse on the project site.

Findings 1: There are exceptional or Extraordinary Circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

Findings 2: Such 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.

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The AE-20 Zone District requires a 35-foot building height. A Variance Application is required to waive the requirements to allow a 36.9-foot building height.

No other comments specific to the building height were expressed by reviewing Agencies or Departments.

Analysis:

This Variance proposal entails a request to allow a maximum height of 36.9 feet for the proposed finished goods warehouse distribution center proposed by Conditional Use Permit Application No. 3593. The maximum height allowed in the AE-20 Zone District is 35 feet.

In order to make Findings 1 and 2 of the “Findings Necessary for the Granting of a Variance” (Exhibit 7) a determination must be made that the property is subject to an exceptional or extraordinary circumstance that does not apply to other properties in the same zoning district, and that a substantial property right shared by other property owners must be demonstrated.

In support of Finding 1, the Applicant states that the proposed 36.9-foot-tall building will match with the height of the existing building on the property. Further, the building will store pallets of finished goods to be moved by forklift to attached shipping docks for distribution, necessitating the additional height.

In support of Finding 2, the Applicant states that an additional shipping dock (proposed by CUP No. 3593) will allow loading of more trailers at once instead of moving trailers to parking lot and swapping them out.

The proposed 36.9-foot-high goods warehouse distribution center will connect to the existing meat processing and cold storage facility and is an essential part of the facility operations. Staff review of the Site Plan and aerial photographs show that the proposed building area is limited in space due to the surrounding structures. Thus, space restriction and the use of the building to store pallets of finished goods, which requires greater height, justifies a building design with a higher elevation. Staff concurs with the Applicant regarding the other similar height building on the property. There is a 42-foot-tall meat processing and refrigerated warehouse on the property authorized by Variance No. 3607.

A consideration in addressing Findings 1 and 2 is whether there are alternatives that would avoid the need for the Variance. As the proposed building height directly relates to the function of the building, the only alternative would be to either reduce the building height, which may result in less efficient use of the building, or eliminate the use from the proposal. Given both options are undesirable by the Applicant, staff believes a building height of 36.9 feet is acceptable and would fit to the use of the building. Based on this discussion, staff believes Findings 1 and 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Findings 1 and 2 can be made.

Finding 3: *The proposal will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.*

Analysis:

The primary purpose of the height requirement for building structures is to protect the aesthetic character of the neighborhood. Without building height standards, extreme height variations can occur between buildings on adjacent properties, which can negatively affect the appearance along streets.

Building height regulations in the agricultural districts address a number of considerations, including community aesthetic standards, fire protection capabilities, and agricultural practices such as crop dusting.

The project site is developed with buildings/structures, ponding basins and parking and circulation areas related to an existing cattle slaughtering and meat processing facility. The site is located in an agricultural area comprised of field crops with sparse single-family residences.

In support of Finding 3, the Applicant states that granting of a height variance of 1.9 feet will not be detrimental to the public in the vicinity.

The proposed 36.9-foot-tall building will be set back approximately 430 feet to the north, 370 feet to the south and 600 feet to the east of the adjacent properties. Staff notes that the building is 5.3 feet shorter than the existing 42-foot-high meat processing and refrigerated warehouse on the property approved by Variance No. 3607. For that reason, staff concurs with the Applicant that granting of a height variance of 1.9 feet over the maximum 35 feet allowed in the AE Zone District would not necessarily create substantial visual impacts to the neighborhood. In addition, the building height will have no impact on crop dusting operation in the area and has not raised any concerns from the Fresno County Fire Protection District. The project will adhere to the fire protection requirements as noted in Exhibit 1 of this report.

Given the above discussion, staff believes that Finding 3 can be made

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: Granting of this variance will not be contrary to the objectives of the General Plan Consistency.

Analysis:

The subject property is designated Agricultural in the Fresno County General Plan. The General Plan policies do not specifically address building height. Therefore, approval of the Variance would not be in conflict with the Agricultural Policies of the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

CONCLUSION:

Staff believes the required findings can be made for Classified Conditional Use Permit Application No. 3593 based on the factors cited in the analysis and the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff also believes the required findings can be made for Variance Application No. 4049 based on the factors cited in the analysis. Therefore, staff recommends adoption of the Mitigated Negative Declaration prepared for this project and approval of Classified Conditional Use Permit No. 3593 and Variance No. 4049, subject to the recommended conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7373; and
- Determine that the required findings can be made and approve Classified Conditional Use Permit No. 3593, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Determine that the required findings can be made and approve Variance No. 4049; subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3593; and
- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4049; 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.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3593 - See VA 4049\SR\CUP 3593 VA 4049 SR.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7373/Classified Conditional Use Permit Application No. 3593/Variance Application No. 4049
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Transportation/ Traffic	<p>Prior to the issuance of building permits for the proposed project (expansion of the existing cattle slaughtering and meat processing facility) the Applicant shall enter into an agreement with the County of Fresno agreeing to participate in pro-rata shares developed in the funding of off-site road improvements as defined in items a and b below.</p> <p>a. The Applicant shall pay their pro-rata share of \$26,124.00 toward roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from E. Clarkson to the Project site access.</p> <p>b. The Applicant shall pay their pro-rata share of \$73,316.00 toward roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from the Project site access to E. Elkhorn Avenue.</p> <p>The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>	Applicant	Applicant/PW&P	As noted

EXHIBIT 1

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.
2.	All Conditions of Conditional Use Permit No. 2855, 2297, 2251, 2061, 1666, 1474, 674 and 145 shall remain in full force and effect except where superseded by this application.
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
4.	A dust palliative shall be required on all unpaved parking and circulation areas.
5.	Pursuant to the Fresno County Local Agency Management Plan (LAMP), where the quantity or quality of the sewage is in excess of 3,500 gallons per day design flow, the method of sewage treatment and dispersal shall be first approved and permit issued by the Regional Water Quality Control Board.
6.	For the project to be in compliance with Health Risk Assessments approved by the San Joaquin Valley Air Pollution Control District, the Applicant-owned single-family residence at 16481 S. McCall Avenue, Selma, CA (Assessor's Parcel Number: 393-141-12) shall be demolished and not be replaced by another house. Prior to demolition, the Applicant shall obtain a demolition permit from the Fresno County Department of Public Works and Planning.

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Construction plans, building permits and inspections will be required for all improvements on the property. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 for plans, permits and inspections.
3.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: 1) There is a 100 percent or more increase in the quantities of a previously-disclosed material; and 2) The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, and Division 4.5. • Per California Plumbing Code Appendix H, access to septic tanks shall be maintained and Section 6.9 Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible

Notes

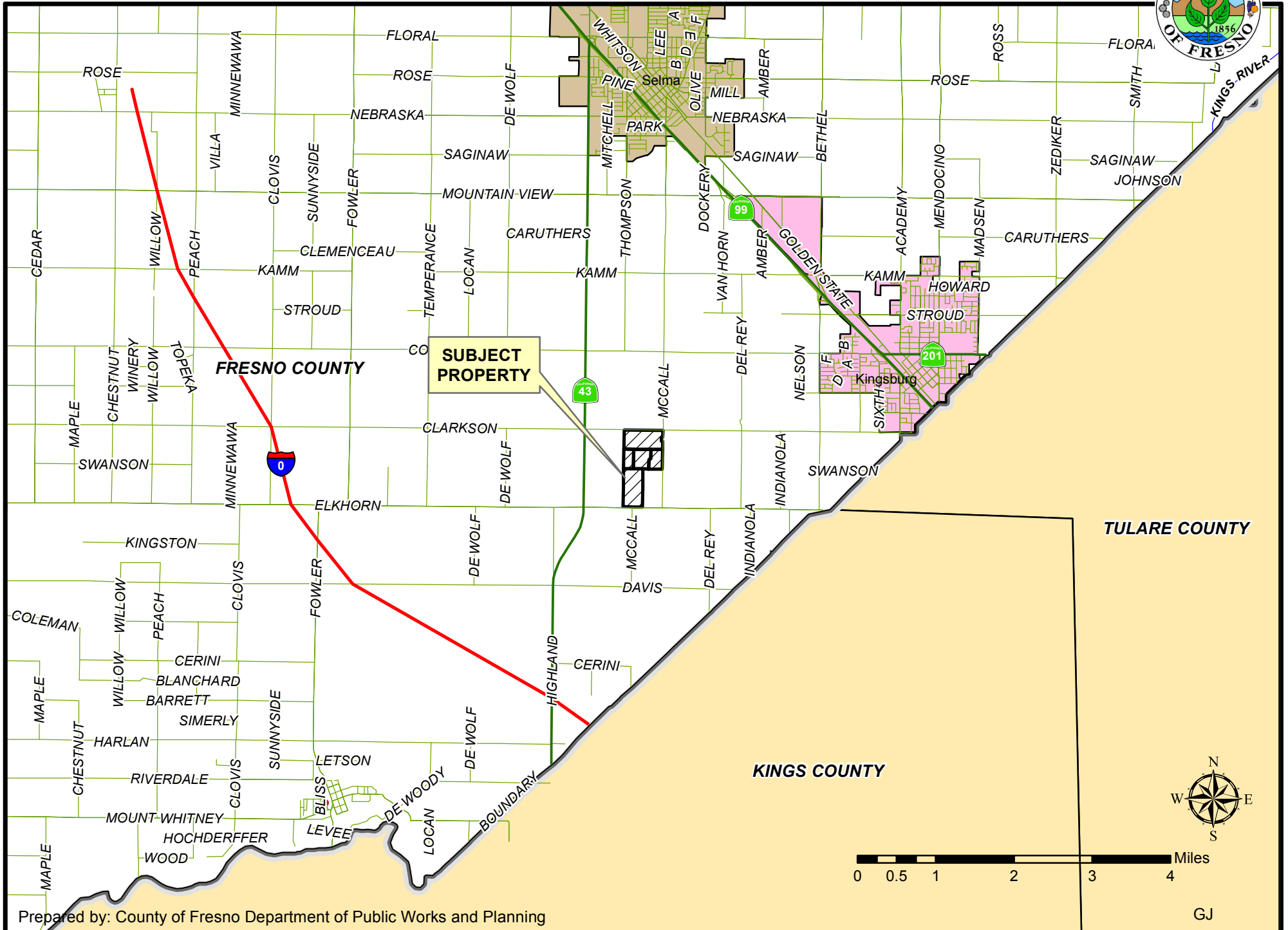
	<p>evaporation of sewer effluent.</p> <ul style="list-style-type: none">• The facility shall update and resubmit the Risk Management Plan (RMP) within six months if there is a significant change to the regulated process. RMP's must be updated at least once every five years.• The RMP shall be submitted sooner than the five-year anniversary date if any of the changes specified in 40 CFR (Code of Federal Regulations) 68.190(b) occur.• In an effort to protect groundwater it is required that all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor.• For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work.
4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none">• Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division.• A 10-foot by 10-foot corner cutoff should be improved for sight distance purposes at the existing driveway onto McCall Avenue.• Any access driveway shall be set back a minimum of 10 feet from the property line.• An Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.• A grading permit or voucher for any grading proposed with this application.• Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.
5.	<p>To address air quality impacts resulting from the project, the project may be subject to the following San Joaquin Valley Air Pollution Control District rules:</p> <ul style="list-style-type: none">• District Regulation VIII (Fugitive PM10 Prohibitions)• Rule 4601 (Architectural Coatings)• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed• Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials
6.	<p>To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• The driveways shall be concrete or asphalt concrete paved a minimum of 24 feet from the first 100 feet off the edge of the road right-of-way.• Any additional entrance shall be asphalt concrete driveway approach 24 to 35 feet in width, as approved by the Road Maintenance and Operations (RMO) Division.• ADA stalls for the physically disabled shall conform to state standards and be located as close as possible to the main entrance of buildings where employees work.

Notes	
	<ul style="list-style-type: none"> • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through Site Plan Review.</p>
7.	The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. The property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
8.	The Consolidated Irrigation District (CID) Hatch Ditch pipeline runs south along the west side of McCall Avenue from just south of Clarkson Avenue and terminates at the northeast corner of the parcel identified by APN 393-141-10S. The Consolidated Irrigation District shall be consulted for any development near the pipeline.

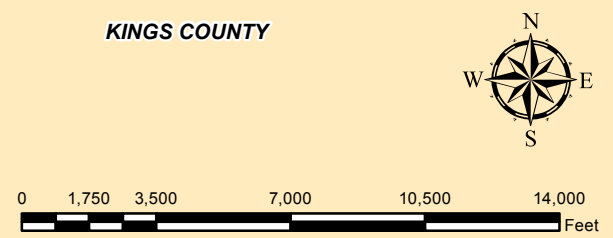
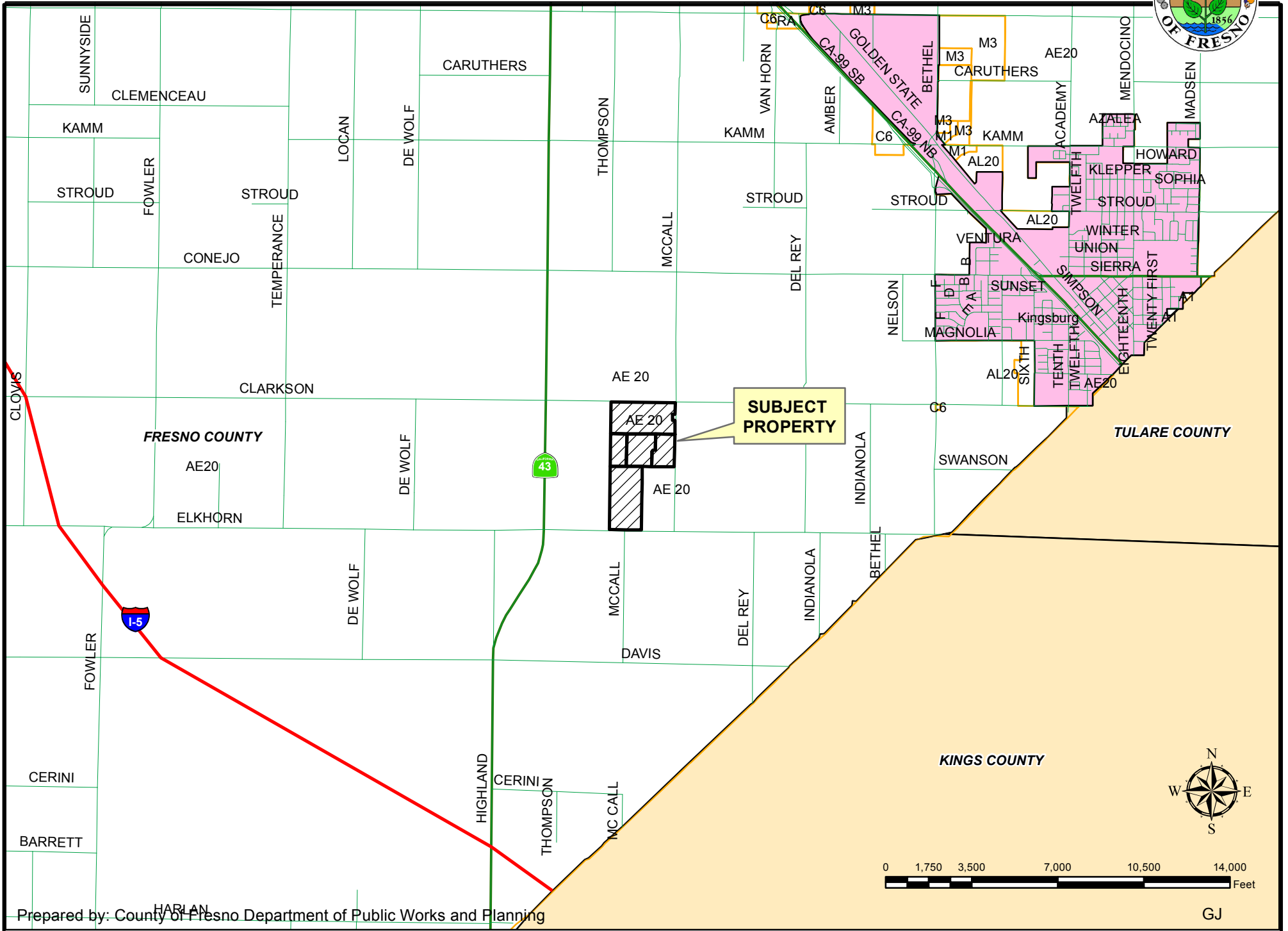
EA:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3593 - See VA 40449\SR\CUP 3593 MMRP (Ex 1).docx

LOCATION MAP



EXISTING ZONING MAP



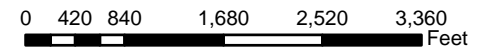
EXISTING LAND USE MAP



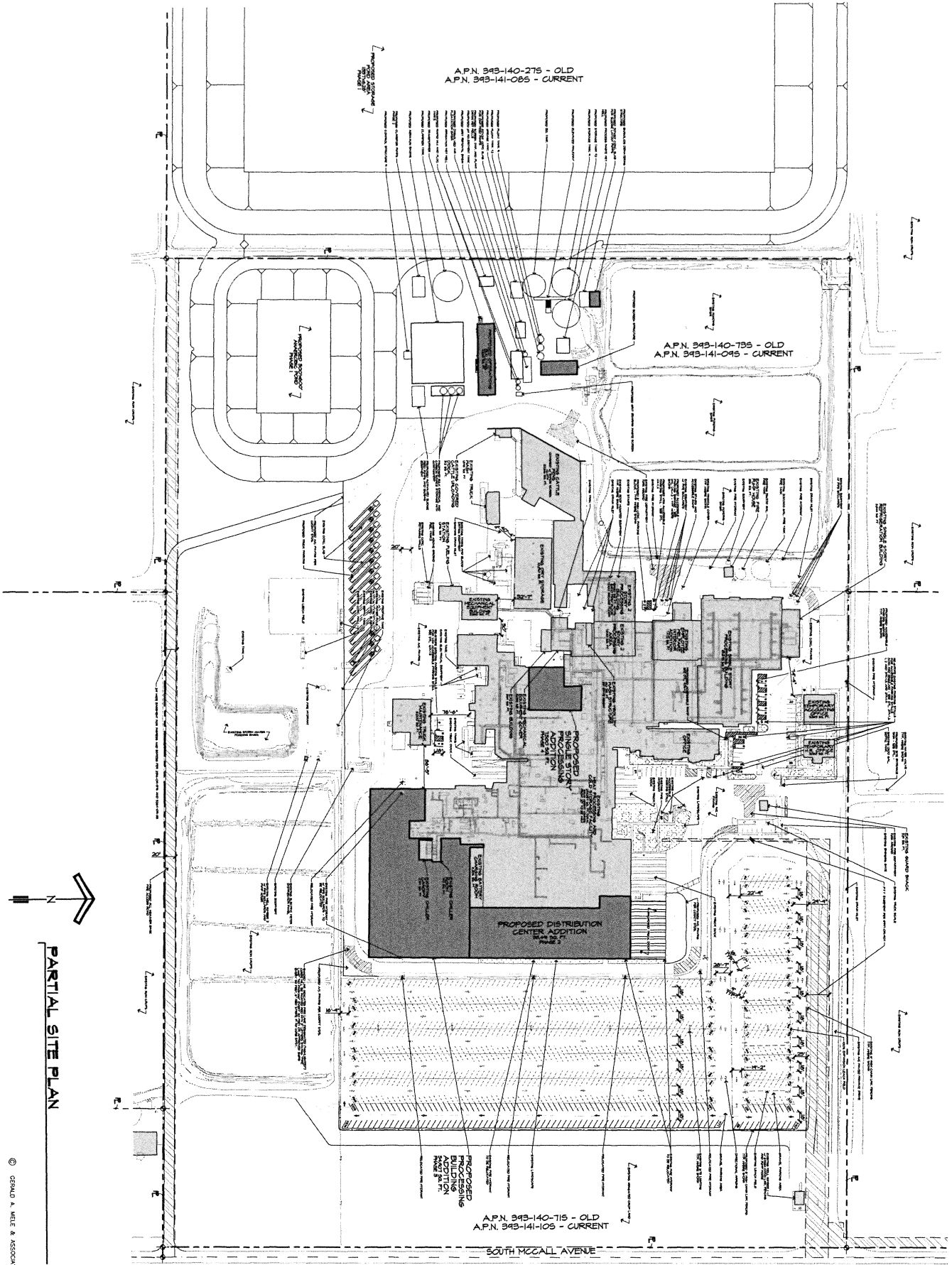
LEGEND
V - VACANT
FC - FIELD CROP
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
VIN - VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



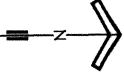
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A.P.N. 343-141-085 - CURRENT

A.P.N. 343-140-795 - OLD
A.P.N. 343-141-045 - CURRENT

A.P.N. 343-140-715 - OLD
A.P.N. 343-141-105 - CURRENT

SOUTH MCCALL AVENUE

PARTIAL SITE PLAN



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Date	04/18/18
Scale	1" = 80'-0"
Dr. By	S. COON
Job No.	2017124
Dwg. No.	1728240
Sheet	A-1.1
Revision No.	2

No.	Issue/Revision	Date/By

PROPOSED PROJECT FOR

HARRIS
BREP COMPANY
1477 20th ST. SE
BIRMINGHAM, AL 35203

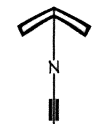
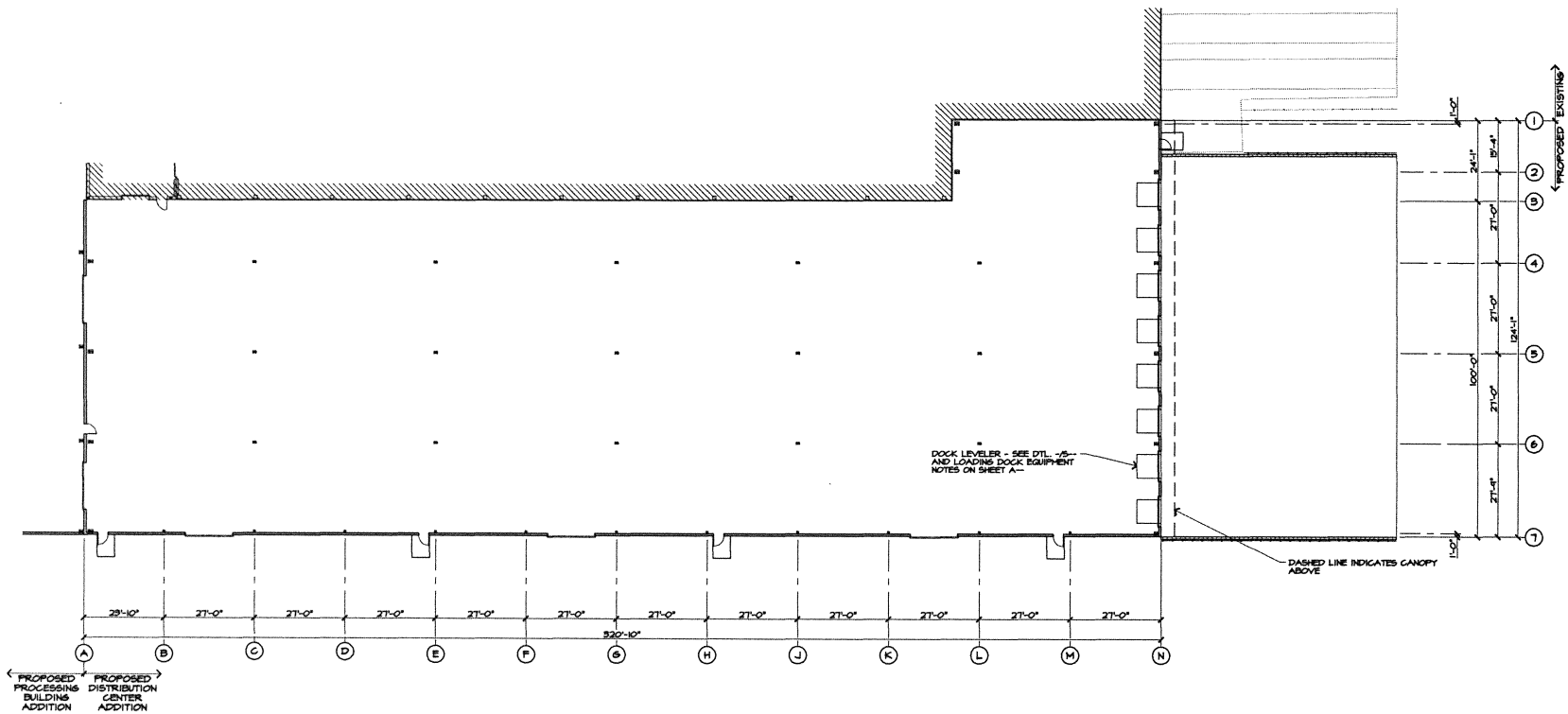
PROJECT

2017 C.U.P.

DESIGNED BY

GMA GERALD MELE & ASSOCIATES, INC.
7337 N. FIRST ST., SUITE 110 FRENCH CREEK, CA 95726 (916)432-1111 FAX (916)432-1110
CONSULTING ENGINEERS AND ARCHITECTS

GERALD A. MELE, P.E., SE
MARTIN R. WOOD, P.E., SE
ROBERT A. SANDERS, ARCHITECT
BRIG S. EDWARDS, P.E., SE
JACOB G. KENNEDY, P.E.



BUILDING COORDINATION PLAN
DISTRIBUTION CENTER ADDITION - PHASE 2

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WAREHOUSE DISTRIBUTION CENTER

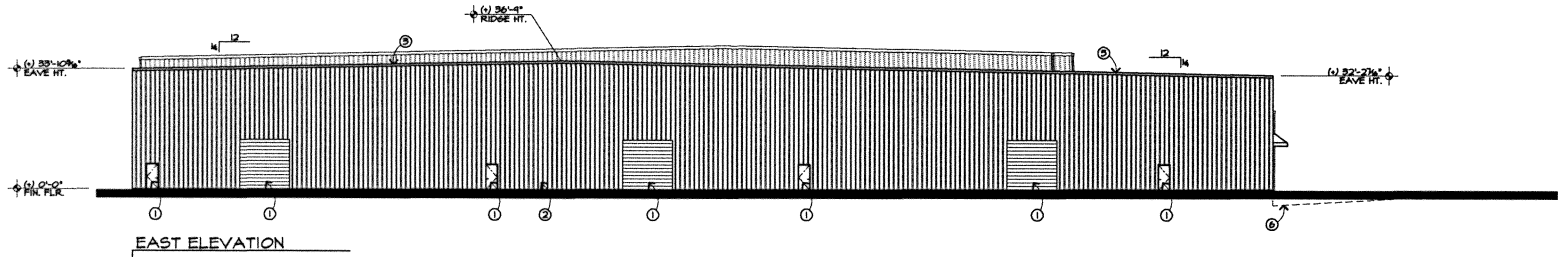
DESIGNED BY
GMA
GERALD A. MELE & ASSOCIATES, INC.
CONSULTING ENGINEERS AND ARCHITECTS
707 N. 10TH ST., SUITE 1100, MILWAUKEE, WI 53233-1117
PHONE: 414.224.0000
WWW.GMA-ARCHITECTS.COM

PROJECT
2017 CUP

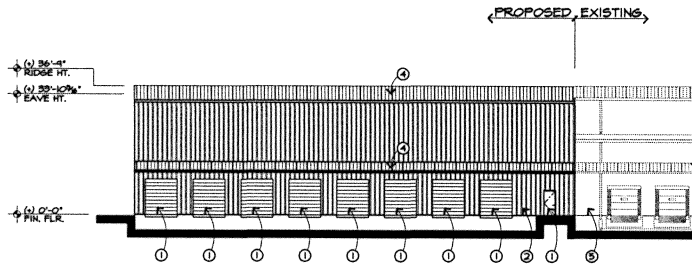
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HARRIS
HARRIS CORPORATION
10000 W. WISCONSIN AVENUE
MILWAUKEE, WI 53226-3000

No.	Issue/Revision	Date/By

Date	09/20/17
Scale	1/8" = 1'-0"
Dr. By	S. ODOM
Job No.	2017124
Dwg. No.	1122B/C/P
Sheet	A-2.2
Revision No.	



EAST ELEVATION



NORTH ELEVATION

EXTERIOR MATERIAL LIST:

- MARK DESCRIPTION
- ① DOOR - SEE FLOOR PLAN
 - ② INSULATED METAL PANEL - BY M.B.M.
 - ③ RAKE TRIM - BY M.B.M.
 - ④ METAL ROOFING - BY M.B.M.
 - ⑤ EXISTING BUILDING
 - ⑥ TRUCK DOCK

DESIGNED BY
GMA
 GERALD MELE & ASSOCIATES, INC.
 737 N. PIER ST., SUITE 110, IRVINE, CA 92714 (949) 251-1111
 CONSULTING ENGINEERS AND ARCHITECTS
 REGISTERED PROFESSIONAL ENGINEERS AND ARCHITECTS
 STATE OF CALIFORNIA

PROJECT
 2017 C.U.P.

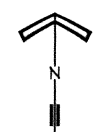
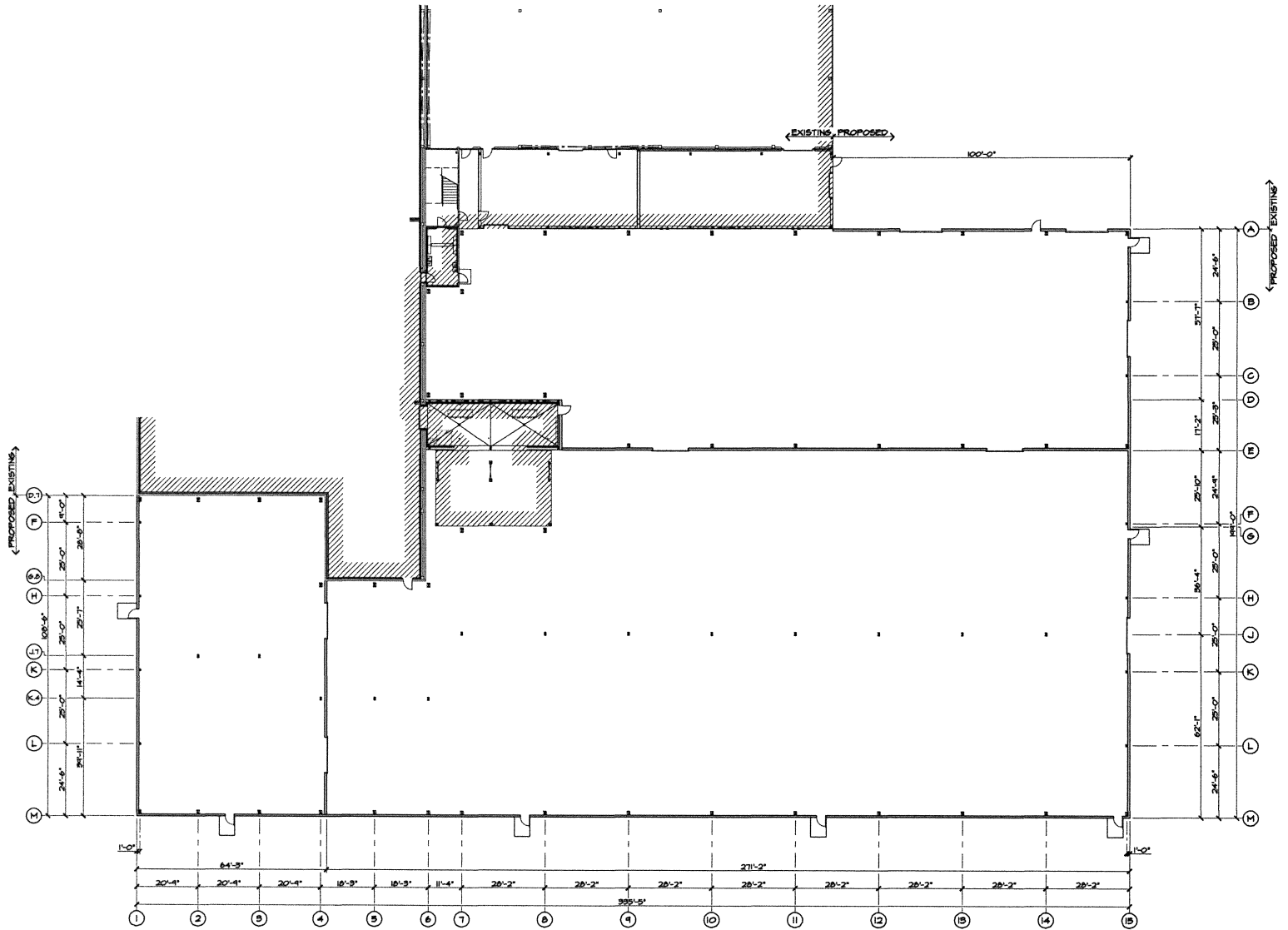
PROPOSED PROJECT FOR
HARRIS
 31111 HARRIS BLVD., SUITE 100
 IRVINE, CA 92618

No.	Issue/Revision	Date/By

Date	09/20/17
Scale	1/8" = 1'-0"
Dr. By	S. ODDM
Job No.	2017124
Dwg. No.	1122MELV
Sheet	A-3.2
Revision No.	1

EXTERIOR ELEVATIONS
 DISTRIBUTION CENTER ADDITION - PHASE 2

WAREHOUSE DISTRIBUTION CENTER
BUILD'G HEIGHT: 36'-9"



BUILDING COORDINATION PLAN
 PROCESS ADDITION - PHASE 3

PROCESSING BUILD'G

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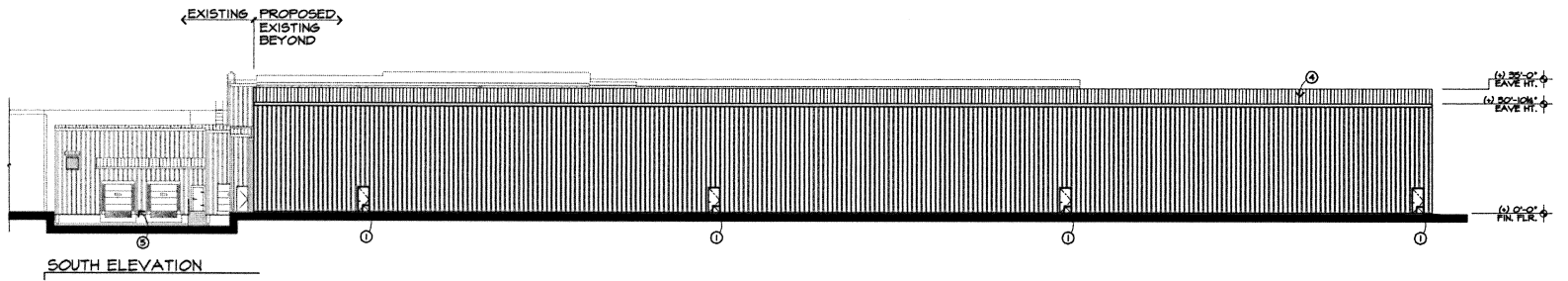
DESIGNED BY
GMA
 GERALD A. MELE & ASSOCIATES, INC.
 CONSULTING ENGINEER AND ARCHITECT
 707 N. 10TH ST., SUITE 110 WENDELL, GA 30258-0903-1111 (770) 866-3116
 GERALD A. MELE, P.E., LEED AP
 ROBERT A. WOODRUFF, PROJECT MANAGER
 JAMES S. LINDSEY, P.E., LEED AP

PROJECT
2017 C.U.P.

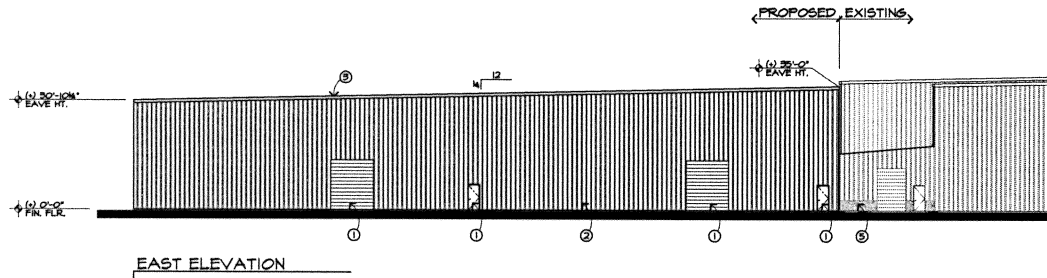
PROPOSED PROJECT FOR
HARRIS
 HARRIS CORPORATION
 811 W. 10TH ST., SUITE 110
 WENDELL, GA 30258

No.	Name/Revision	Date/By

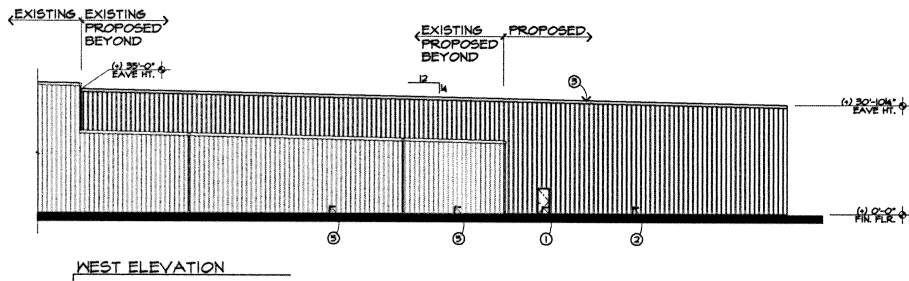
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Scale	1/8" = 1'-0"
Dr. By	S. GDDM
Job No.	2017124
Dwg. No.	112PBCP
Sheet	A-2.1
Revision No.	



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

EXTERIOR MATERIAL LIST:

- | MARK | DESCRIPTION |
|------|-----------------------------------|
| ① | DOOR - SEE FLOOR PLAN |
| ② | INSULATED METAL PANEL - BY M.B.M. |
| ③ | RAKE TRIM - BY M.B.M. |
| ④ | METAL ROOFING - BY M.B.M. |
| ⑤ | EXISTING BUILDING |

EXTERIOR ELEVATIONS
PROCESS ADDITION - PHASE 3

PROCESSING BUILD'G

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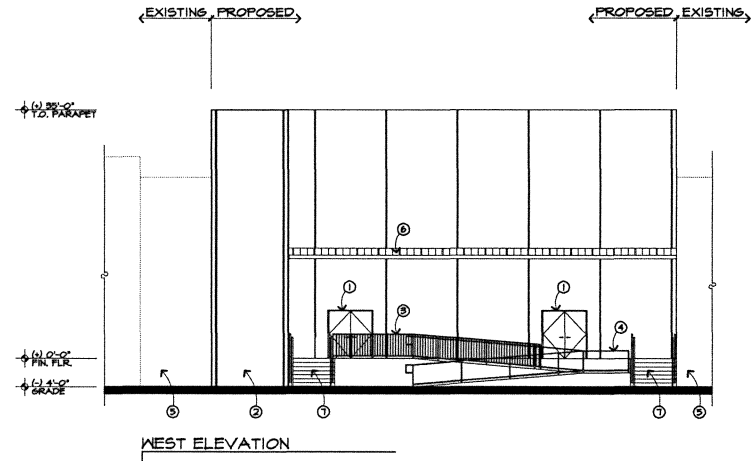
DESIGNED BY
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GERALD MELE & ASSOCIATES, INC.
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207 N. FIRST ST., SUITE 110, IRVINE, CA 92714 (949) 251-1111 FAX (949) 251-1118
WWW.GMA-ARCHITECTS.COM
SINCE 1968

PROJECT
2017 C.U.P.

PROPOSED PROJECT FOR
HARRIS
BARRY COMPANY
14275 55th ST. DALY, CA 94521

No.	Issue/Revision	Date/By

Date	04/2017
Scale	1/8" = 1'-0"
Dr. By	S. ODOM
Job No.	2017124
Dwg. No.	1124ELEV
Sheet	A-3.1
Revision No.	



EXTERIOR MATERIAL LIST:

- | MARK | DESCRIPTION |
|------|-------------------------|
| ① | DOOR - SEE FLOOR PLAN |
| ② | PRECAST CONC. WALL |
| ③ | GUARD RAIL |
| ④ | HANDRAIL |
| ⑤ | EXISTING BUILDING |
| ⑥ | METAL ROOFING - BY MEH. |
| ⑦ | STAIRS |

EXTERIOR ELEVATIONS
PROCESS ADDITION - PHASE 4

PROCESSING BUILD'G

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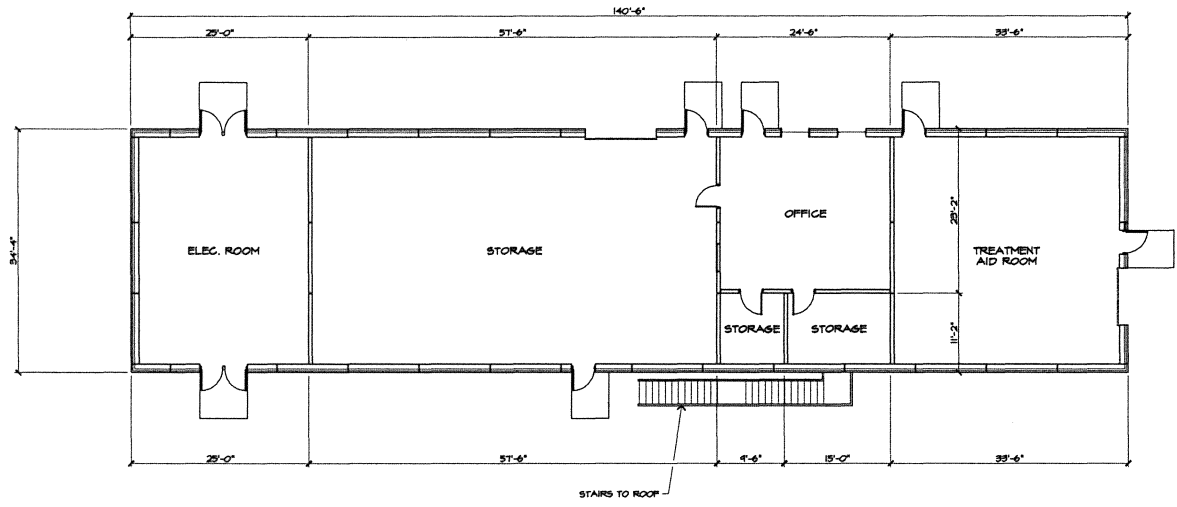
DESIGNED BY
GERALD MELE & ASSOCIATES, INC.
 2027 N. 10TH ST., SUITE 110, DENVER, CO 80202
GMA
 CONSULTING ENGINEERS AND ARCHITECTS
 GERALD A. MELE, P.E., S.E.
 JAMES J. CONNOR, P.E., S.E.

PROJECT
2017 C.U.P.

PROPOSED PROJECT FOR
HARRIS
 HARRIS CONSULTING
 1117 S. 10TH ST., SUITE 200
 DENVER, CO 80202

No.	Issue/Revision	Date/By

Date	04/20/17
Scale	1/8" = 1'-0"
Dr. By	S. ODOM
Job No.	2017124
Dwg. No.	1122-ELV
Sheet	A-3
Revision No.	



BUILDING COORDINATION PLAN
 PROPOSED OPERATIONS BUILDING - PHASE I

OPERATION BUILD'G (WWTF)

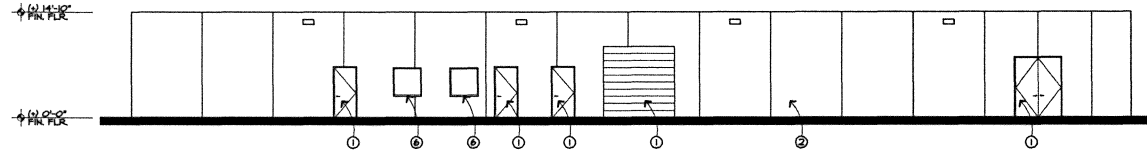
DESIGNED BY
GMA
 GERALD MELE & ASSOCIATES, INC.
 CONSULTING ENGINEERS AND ARCHITECTS
 GERALD A. MELE, P.E., P.E.
 BRUCE S. LINDROCK, P.E.

PROJECT
 2017 C.U.P.

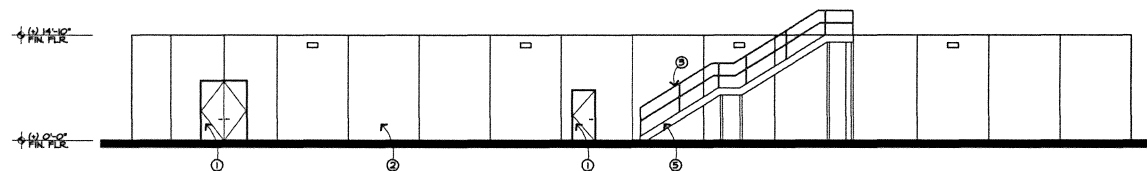
PROPOSED PROJECT FOR
HARRIS
 HARRIS COMPANY
 1802 S.E. 10TH AVE.

No.	Issue/Revision	Date/By

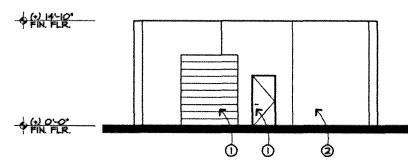
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Dr. By	S. ODOM
Job No.	2017124
Dwg. No.	1124BCP
Sheet	A-2.3
Revision No.	



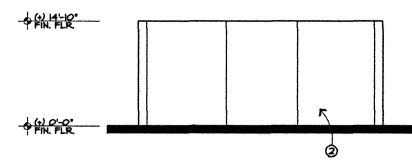
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

- EXTERIOR MATERIAL LIST:**
- | MARK | DESCRIPTION |
|------|-------------------------|
| ① | DOOR - SEE FLOOR PLAN |
| ② | CONC. WALL |
| ③ | GUARD RAIL |
| ④ | HANDRAIL |
| ⑤ | STAIRS |
| ⑥ | WINDOW - SEE FLOOR PLAN |

DESIGNED BY
GMA
 CONSULTING ENGINEERS AND ARCHITECTS
 GERALD MELE & ASSOCIATES, INC.
 100 N. WEST ST. SUITE 1000
 TAMPA, FL 33601-1174
 PHONE: 813.288.1111
 FAX: 813.288.1112
 WWW: WWW.GMA-FL.COM

PROJECT
 2017 C.I.P.

PROPOSED PROJECT FOR
HARRIS
 BEEF COMPANY
 1400 W. 15TH ST
 TAMPA, FL 33606

No.	Issue/Revision	Date/By

Date	06/19/18
Scale	1/4" = 1'-0"
Dr. By	S. ODOM
Job No.	2017129
Dwg. No.	11.12.18LV
Sheet	A-3.3
Revision No.	

EXTERIOR ELEVATIONS
 PROPOSED OPERATIONS BUILDING - PHASE I

OPERATION BUILD'G.

**Harris Ranch Beef Company New CUP, August 24, 2017 (Revised July 2018)
Operational Statement Checklist
Fresno County Development Services Division**

**Michael Oliver
Harris Ranch Beef Company
PO Box 220
16277 S. McCall Avenue
Selma, CA 93662**

CUP3593

RECEIVED
COUNTY OF FRESNO

JUL 12 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

(Revised)

1. Nature of Operation:

This facility has been operated by Selma Beef Dressers and then Diamond Meats since before 1953. Harris Ranch Beef Company (HRBC) has owned and operated the facility since 1976. The facility is located on APN's 393-140-71S, and 73S which is comprised of approximately 60 acres. Conditional Use Permits (CUP) applications include: 145, 674, 1474, 1666, 2061, 2251, 2297, and 2855. Several Site Plan Reviews (SPR's) have been processed by Fresno County for the facility as well.

The facility consists of a guard-shack, cattle holding pens, harvest floor, holding coolers, production/processing areas, a warehouse and distribution facility, boiler and refrigeration rooms, employee welfare facilities, maintenance buildings, parts and supply warehouse, truck-wash facility, wastewater treatment lagoons, stormwater retention basin, farmland, administrative offices, truck parking, and employee parking. Averages of 800-900 head of cattle are processed per day (This has not changed since the approval of CUP 2855 in 1998 and is not proposed to change).

The proposed project includes 33,491 ft² Finished Goods Warehouse Distribution Center, (Phase II) a 54,907 ft² Processing Building addition (Phase III) , a 7,500 ft² for a Single-story Processing addition, (Phase IV) 1,177 total parking spaces (937 existing and 240 proposed), additional paved truck parking area (15 spaces), and a secondary fire access road to the facility from South McCall Avenue along southern property line as a part of Phase III.

The Finished Goods Warehouse Distribution Center currently has six (6) existing loading docks, and the addition will add eight (8) for a total of 14 loading docks. There will be the same amount of trucks and same amount of meat being processed. It is more efficient to have more open shipping docks as it will allow the loading of more trailers at once instead of moving trailers to parking lot and swapping them out. The construction of additional square footage will not increase number of employees or truck trips because this expansion is for an automated beef processing system for beef to increase product and packaging efficiency.

As part of Phase I, the project includes a 4,824 ft² wastewater treatment building with a lab, electrical room, chemical storage, tanks and associated infrastructure including a covered 300 ft by 600 ft anaerobic pond. The proposed project also includes 19.28 acres of treated wastewater retention basin(s) on APN 393-141-08S and 156.78 acres of land application area on APN 393-141-063 and 393-141-13. The retention basin(s) and additional land application area will comply with WDRs r5-2017-0021.

The existing site access from South McCall Avenue will be maintained.

2. – 4.

CUP 2855 (1998) was approved for 520 employees. (butchers, loaders, truck drivers, office personnel, sales personnel, management, cleaning and maintenance crews, security)

Truck Trips: 17 cattle trucks, 31 trucks exporting finished products and by-products, 2 visitors daily (50 trucks, 100 trips)

Currently 1,000 employees. (butchers, loaders, truck drivers, office personnel, sales personnel, management, cleaning and maintenance crews, security)

Truck Trips: Delivery Trucks, cattle trucks, cold product trucks, dry goods trucks, trash, plant maintenance: (109 trucks) 217 truck trips.

Hours of operation: HRBC operates year around, seven days a week, 24 hours a day with trucks going to and from the plant. The employees work 8 hour shifts between 6am and 5pm, 5 days a week. There are no special activities or events. During 6am and 5pm there are on average two visitors a day for maintenance. There are no onsite caretakers however there is 24 hour security.

Future: There will be no additional employees, or truck trips as result of the proposed additional expansion of the square footage of buildings. The Plant expansion is for an automated beef processing process which will increase product and packaging efficiency. Hours of operation will remain the same.

6. Current access to the site McCall Ave and Proposed 2nd access off McCall for all weather fire access road.
7. Number of existing parking spaces for employees, costumers, service/delivery vehicles: 1,177 total employee parking stalls and parking for cattle trucks, refrigerated trucks, utility trucks
8. Are any goods sold on site? No. All goods are sold to jobbers or wholesalers.
9. What equipment is used? USDA slaughtering and deboning equipment, hand tools, special cutting equipment
10. What supplies or material are used and how are they stored? Cleaning chemicals and supplies are kept in dry storage areas inside the main building.

11. Does the expansion of the use cause an unsightly appearance? The exterior finish and design will complement the existing facilities. The walls are constructed of insulated metal panels. The roofing will be single ply roofing and floors are concrete epoxy finish or sealed concrete. No proposed structures will be over 2-stories.
12. The project will comply with the Waste Discharge Requirements (WDR's) adopted by the Regional Water Quality Control Board (WDR r5-2017-0021).
13. Current volume of water used daily vs. proposed: The water is provided by on-site wells and a capacity of 1,500 gpm each. This will remain the same.
14. Current advertising and proposed: There is an 8x8 foot sign at the entrance to the facility. There is advertising on the cattle delivery trucks that reads "Harris Ranch Beef Company." This will not change.
15. Existing buildings include: harvest floor, processing and coolers along with support facilities such as offices, maintenance buildings, cold storage, refrigeration equipment rooms, employee welfare facilities, truck wash/fuel station, oven room, boiler room, stormwater basin, , electric equipment mezzanine, trolley wash mezzanine.
16. Proposed expansions: The proposed project includes 33,491 ft² Finished Goods Warehouse Distribution Center, 54,907 ft² Processing Building addition , 7,500 ft² for a Single-story Processing addition. 1,177 total parking spaces (937 existing and 240 proposed), additional paved truck parking area (15 spaces), and a secondary fire access road to the facility from South McCall Avenue along the southern property line. The project includes a 4,824 ft² wastewater treatment building with a lab, electrical room, chemical storage, tanks and associated infrastructure including a covered 300 ft by 600 ft anaerobic pond. The proposed project also includes treated wastewater retention basin(s) on APN 393-141-08S and 156.78 acres of land application area on APN 393-141-06 and 393-141-13. The retention basin(s) and additional land application area will- comply with WDRs r5-2017-0021.
17. Lighting: At dusk hooded floodlights activate and deactivate at dawn.
18. Fencing: There is some existing landscaping along entrance of the main office. There is an approximately eight (8) foot high chain link fence around the property with three strands of barbed wire on top.

Odor isn't an issue as the cattle are only on site for a few hours at the most in the corrals. The corrals are enclosed with metal steel tubers and have a concrete floor with drains where the cattle are periodically sprayed to be kept clean and moist. The cattle are not kept on site permanently and there is no on-site feeding facility.

HRBC is an existing U.S.D.A approved facility. The surrounding parcels are nut trees and other agricultural land uses. Rural residences are scattered in the vicinity. The facility employs many of the nearby residence workers.

Pre-treatment of wastewater currently exists of screening of solids from the waste stream using a bar screen prior to the discharge of wastewater to a sump on the southern side of three 1.38 acre unlined wastewater retention ponds for further settling

and decomposition. Wastewater from the sump is routed through a shaker for additional solids removal, prior to being discharged to an unlined 1.38 acre facultative pond (West Pond). Solids from the screening process are contained in dumpsters and sent to a company owned composting operation for disposal. Wastewater from the East Pond is used to flood irrigate the land application areas. The land application areas will be planted with Sudan grass in the summer and winter forage crops such as wheat and triticale grown in the winter to remove nitrogen from the ground.

HARRIS RANCH BEEF COMPANY – Expansion

Variance Findings for Distribution Center Addition (Phase II) of 33,491 sq. ft.

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

The height of the existing building is 35.9 feet tall and we are proposing to expand the structure at the same height. This is a refrigerated warehouse for pallets of finished goods that are moved by forklift to the attached shipping docks for distribution.

2. Such 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.

The Distribution Center currently has six (6) existing loading docks, and the addition will add eight (8) for a total of 14 loading docks. There will be the same amount of trucks and same amount of meat being processed. It is more efficient to have more open shipping docks as it will allow the loading of more trailers at once instead of moving trailers to parking lot and swapping them out.

3. The granting of a 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.

Harris Ranch owns the surrounding property which is currently comprised of approximately 449 acres and the Plant has been in operation since 1953. Granting of a height variance of 1.9 feet for an addition to an existing structure at this facility will not be detrimental to the public in the vicinity.

4. The granting of such variance will not be contrary to the objectives of the General Plan.

The land is zoned AE-20 and with a Conditional Use Permit, commercial meat processing plants are allowed. Allowing this minor height variance for an expansion of an existing structure of this height won't be contrary to Fresno County General Plan objectives.

VA 4049

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COUNTY OF FRESNO

MAY 03 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Michael Oliver, HRBC
- APPLICATION NOS.: Initial Study Application No. 7373; Classified Conditional Use Permit Application No. 3593; Variance Application No. 4049
- DESCRIPTION: Allow expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to include:
1. A 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S & 10S);
 2. A 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S);
 3. Application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13).

LOCATION: The project site is located on the west side of S. McCall Avenue between E. Clarkson and E. Elkhorn Avenues approximately 2.1 miles southwest of the nearest city limits of the City of Kingsburg (16277 S. McCall Ave., Selma) (SUP. DIST. 4) (APN 393-141-06; 08S; 09S; 10S & 13).

I. AESTHETICS

A. Would the project have a substantial adverse effect on a scenic vista?

FINDING: NO IMPACT:

The proposed project would allow for the expansion of an existing cattle slaughtering/meat processing facility. The visual characteristics of the project site and the surrounding areas include agricultural uses with sparse single-family residences.

The project site itself does not provide any visual resources that would be considered a scenic vista because it primarily consists of existing structures related to the existing facility, and other agricultural/residential uses that are relatively common in other areas of the County and are not unique to the surrounding visual setting. Neither the project area nor any surrounding land use contain features typically associated with scenic vistas (e.g., ridgelines, peaks, overlooks) to be impacted by this proposal. The project will have no impact on scenic vistas.

- 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 project is located in a farming area comprised of field crops with sparse single-family residences. The project site is developed with buildings/structures, ponding basins and parking and circulation areas related to an existing cattle meat processing/packaging facility. No trees and no rock outcropping exist on the site of the existing facility or on the adjacent farmland related to this proposal. Further, neither McCall Avenue, which fronts the property, nor any other streets near the proposal, are designated as scenic highways in the County General Plan. The project will have no impact on scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project site has been developed with various buildings/structures, ponding basins and parking and circulation areas related to the existing cattle slaughtering/meat processing facility. The adjacent farmland to the north and west of the site contains field crops, and farmland to the south and east of the site contain orchard.

The project would allow for the construction of new buildings, ponding basins, and parking and circulation areas on the property. The proposed new buildings will be located within the central portion of the property adjacent to the existing on-site improvements away from McCall Avenue and surrounding farmlands. Further, they would be similar in design and construction to the existing improvements on the property. Likewise, the 36.9-foot-tall finished goods warehouse distribution center building proposed by Variance Application No. 4049 would be similar in height to the existing 42-foot-tall meat processing and refrigerated warehouse on the property authorized by Variance No. 3607. As such, visual impact of the proposed improvements on the surrounding area would be less than significant.

- 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:

According to the applicant's Operational Statement, outdoor lighting will be installed to provide illumination as necessary to ensure the safety and security of the facility. Potential light and glare impacts are not expected to be significant in that a Mitigation Measure would require all lighting to be hooded and directed as to not shine toward adjacent properties and public streets.

* **Mitigation Measure:**

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

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: LESS THAN SIGNIFICANT IMPACT:

The expansion to the existing meat processing facility is not in conflict with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The project site is classified as Urban and Built-Up Land and Prime Farmland on the 2014 Fresno County Important Farmland Map. All existing and proposed improvements proposed by this application are located on the parcels identified by APN 393-141-09S and 10S, which are designated as Urban and Built-Up Land. The proposed secondary wastewater treatment facility will be located on a 20-acre Prime Farmland area, and the proposed additional parking will be located on approximately 8.4 acres of an unfarmed portion of a Prime Farmland. However, the loss of Prime Farmland resulting from this proposal (total 28.4 acres) would be permanent but less than significant in comparison to the total 188 acres of Prime Farmland land involved in this proposal. The total 156.78 acres of Prime farmland to receive wastewater from the facility for farming purposes will remain unaffected by this proposal.

The 77.99-acre parcel identified by APN 393-141-06 and 78.79-acre parcel identified by APN 393-141-13 are subject to the application of wastewater from the facility and are also encumbered by Williamson Act Land Conservation Contracts No. AP-7330 and AP 5756, respectively. The applicant has submitted a Statement of Intended Use to the Policy Planning Section of the Fresno County Department of Public Works and Planning. The Statement indicates that the wastewater generated by the existing slaughterhouse and the meat processing facility will be used to irrigate winter and summer forage crops (wheat, oats, triticale, barley, Sudan grass) grown and harvested on the subject parcels and transported as feed for their cattle kept near Coalinga. The

Policy Planning Section reviewed the Statement and expressed no concerns related to the use of parcels restricted by the Contract.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to the County Zoning Ordinance, the project site is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The proposed development does not conflict with the existing zoning and the project site does not contain any active forestland or support trees that may be commercially harvested. The project area is dominated by agricultural fields with limited improvements. The proposed expansion to the existing meat processing facility would be considered appropriate for an agricultural zone and is not expected to bring any significant changes to the area beyond that which currently exist.

The Fresno County Agricultural Commissioner's Office reviewed the proposal and expressed no concerns with the project.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and determined that the project is not subject to District Rule 9510 (Indirect Source Review) and, due to no modification to any of the existing permits or addition of new equipment, is not subject to an Authority to Construct (ATC) or a Permit to Operate (PTO).

The Air District also determined that a Health Impact Assessment would be required for the project, which is an evaluation to determine the effects of toxic air contaminants (TACs) from the project on the surrounding public.

A Health Risk Assessment for Project Construction and Health Risk Assessment for Project Operation were prepared for the project by Yorke Engineering, LLC and dated April 27, 2018 and May 10, 2018, respectively. Findings of the *Health Risk Assessments* indicate that construction mobile source and operation mobile source Health Risk Assessment (HRA) for the project would be below the Air District risk threshold.

The Air District reviewed the *Health Risk Assessments*, and upon confirmation from the applicant that the applicant-owned residential receptor on the southwest corner of the project site will be demolished and not replaced by another house, expressed no concerns with the project. The Air District determined that the project-related health impacts would be less than significant.

The project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not create objectionable odors to affect people on or around the proposed facility. According to the applicant's Operational Statement, the project will have no impact related to odor. This is because cattle are only on site for a few hours at the most in the corrals enclosed with metal steel tubers and have a concrete floor with drains where they periodically are sprayed to be kept clean and moist. The cattle are not kept on site permanently and there is no on-site feeding facility.

The Air District reviewed the project and did not express specific concerns related to odor except that the project may be subject to District Rule 4102 (Nuisance). This Rule applies to any source operation which may emit air contaminants (including odor) or other materials.

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?

FINDING: NO IMPACT:

The project is located in an agricultural area and has been developed with buildings/structures and related facilities for a cattle meat processing/packaging facility. All buildings/structures proposed by this application will be confined within the existing pre-disturbed area of development on the property. The site and the neighboring parcels have also been pre-disturbed with farming operations and as such do not provide habitat for state or federally-listed species. Additionally, the site does not contain any riparian features, wetlands, or waters under the jurisdiction of the United States.

The project application was routed to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for review and comments. No concerns were expressed by either agency.

- 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:

The project site is farmland developed with a cattle slaughtering/meat processing facility. No wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites are present on the property. The project will not impact these resources.

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

FINDING: NO IMPACT:

The project site contains no trees and therefore is not subject to the county tree preservation policy or ordinance. No other ordinances or policies of this nature are applicable to this site.

- 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 project site is not within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan. The project will not conflict with the provisions of such a Plan.

V. CULTURAL RESOURCES

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

FINDING: NO IMPACT:

The project site is not located within an area designated to be highly- or moderately-sensitive for archeological resources and has been developed with a cattle slaughtering/meat processing facility with related improvements.

An Archeological Records Search requested for the project from Southern San Joaquin Valley Information Center (SSJVIC) and received on November 6, 2017 indicated that no cultural resources studies were conducted within the project area and it is unknown if any cultural resources are present on the site of the project. Likewise, a Sacred Lands Search requested for the project from the Native American Heritage Commission (NAHC) reported negative results on November 27, 2018 in its search for any sacred sites on the project site.

Given these studies and the fact that the project site is outside of an area of cultural sensitivity, the project will have no impact on historical, archeological, or paleontological resources.

- 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 project will have no impact on Tribal Cultural Resources (TCRs) and was routed to the Dumna Wo Wah Tribal Government, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Table Mountain Rancheria in accordance with Public Resources Code Section 21080.3.1 (b).

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?

FINDING: NO IMPACT:

The project site does not contain any active earthquake faults, nor is it located within a designated Alquist-Priolo Earthquake Fault Zone.

2. Strong seismic ground shaking; or

3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area of low probability for exposure to strong ground shaking. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on site.

No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction or landslides. Construction of the project will be subject to the Seismic Zone 3 Standards.

4. Landslides?

FINDING: NO IMPACT:

The project site contains naturally flat relief which precludes the possibility of landslides on site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Compaction and over covering of soil will result due to the construction of buildings and structures for the project. Changes in topography and erosion could also result from site grading.

The Development Engineering Section of the Development Services and Capital Projects Division reviewed the proposal and requires the following: 1) any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards; 2) an Engineered Grading and Drainage Plan may be required to show how additional storm water run-off generated by the proposed development will be handled without

adversely impacting adjacent properties; and 3) a Grading Permit or Voucher may be required for any grading proposed with this application. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- 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: LESS THAN SIGNIFICANT IMPACT:

As discussed earlier, the project site's liquefaction and landslide potential is low. The development of the project would implement all applicable requirements of the most recent California Building Standards Code and as such would not expose persons to hazards associated with seismic design of buildings and shrinking and swelling of 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:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires the following: 1) An evaluation of the existing sewage disposal systems' capacity to serve the proposed expansion and increase of employees from 520 to 1,000 shall be completed and submitted to the Fresno County Department of Public Works and Planning and the Regional Water Quality Control Board; 2) In accordance with the State Water Resources Control Board Order WQ 2014-0153-DWQ, General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems B.1.g., "For systems with a design flow rate greater than 3,500 gpd, the technical report required as part of the ROWD shall be prepared by a California licensed professional civil engineer, and for systems with a design flow rate less than 3,500 gpd, the technical report shall be prepared by a California licensed professional engineer or other appropriately-licensed professional."; and 3) If new sewage disposal systems are required, then the applicant/owner shall submit an engineered sewage disposal system design to the Fresno County Department of Public Works and Planning for review and approval. These requirements will be included as Conditions of Approval.

Further, per California Plumbing Code Appendix H, access to septic tanks shall be maintained; and Section 6.9 Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent. This requirement will be included as a Project Note.

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:

Comments received from the Air District expressed no specific project-related concerns, supporting the determination that the project will not generate greenhouse gas emissions that may have a significant impact on the environment. The project emission will adhere to the Air District requirements as noted in Section III. A.B.C.D. Air Quality.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires that within 30 days of the occurrence of any of the following events the applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: 1) There is a 100 percent or more increase in the quantities of a previously-disclosed material; and 2) The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. Further: 1) All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.; 2) The facility shall update and resubmit the Risk Management Plan (RMP) within six months if there is a significant change to the regulated process; and 3) RMP shall be submitted sooner than the five-year anniversary date if any of the changes specified in 40 CFR (Code of Federal Regulations) 68.190(b) occur. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school. The nearest school, Washington Elementary School, is approximately 3.3 miles northeast of the project site.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

- 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 area, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Central Valley Aviation Incorporated Airport, is approximately 2.9 miles northwest of the site.

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

FINDING: NO IMPACT:

The proposed project is located in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

- 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 near the City of Kingsburg and outside of any wildland fire area. The project will not expose persons or structures to wildland fire hazards.

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:

See discussion above in Section VI. E. Geology and Soils for waste discharge associated with this proposal.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and in an effort to protect groundwater requires that all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. Further, for water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. These requirements will be included as Project Notes.

According to the California Department of Public Health (CDPH), Office of Drinking Water (DDW), CDPH-DDW regulates the existing cattle slaughtering/meat processing facility as a non-transient non-community water system and will continue to do so for this proposal.

According to the Central Valley Regional Water Quality Control District (RWQCB), past beef processing wastewater discharges from the existing cattle slaughtering/beef processing facility have degraded the underlying groundwater quality and the agency has issued Waste Discharge Requirements Order R5-2017-0021 to regulate the discharge and Cease and Desist Order R5-2017-0012 to address current and future groundwater quality. However, the proposed secondary wastewater treatment (WWT) facility on the parcel identified by APN 393-141-09S is intended to, and will improve the wastewater treatment capabilities for the wastewater at the current facility and will discharge water to the land in accordance with and in compliance with applicable water quality objectives of the region. With that, the SWRCB-DDW expressed no concerns regarding the proposed application of wastewater onto 77.99-acre and 78.79 acres farmlands to grow Sudan grass and winter forage as feed for cattle.

- 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:

According to the applicant's Operational Statement letter, on-site wells with a capacity of 1,500 gallons per minute currently provide water to the existing cattle slaughtering/meat processing facility. The subject proposal will not increase the water consumption.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and given the project site is outside the County's water-short area expressed no concerns related to water needs or sustainability for the project.

- 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: LESS THAN SIGNIFICANT IMPACT:

There are no existing natural drainage channels adjacent to or running through the project site. The Consolidated Irrigation District (CID) Hatch Ditch pipeline runs south along the west side of McCall Avenue from just south of Clarkson Avenue and terminates at the northeast corner of the parcel identified by APN 393-141-10S. Although the pipeline may not be affected by this proposal, a Project Note would require that Consolidated Irrigation District shall be consulted for any development near the pipeline.

- 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:

As noted above, a grading permit or voucher may be required for any grading proposed with this application, and any additional runoff generated due to site development must be retained or disposed of per County Standard. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above.

- 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:

No housing is proposed with this application. According to the Federal Emergency Management Authority (FEMA) FIRM Panel 2675H, the project site is not subject to flooding from the 100-year storm.

- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project would not be inundated by seiche, tsunami, or mudflow because the project site does not contain nor is close to water features that could create seiche, tsunami, or mudflow conditions. No impact would occur.

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 and no impact would occur. The project site is approximately 2.1 miles southwest of the nearest city limits of the City of Kingsburg.

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 property is designated Agriculture in the Fresno County General Plan and outside of the Sphere of Influence (SOI) of a city. As such, the subject proposal will not be in conflict with any land use plan, policy, or regulation of an agency with jurisdiction (other than County) over the project.

The County General Plan allows commercial meat processing plants in an agriculturally-zoned area as 'Agriculturally-Related Uses' by discretionary land use approval provided the use meets applicable General Plan policies. The project meets the following General Plan policies:

Regarding Policy LU-A.3, Criteria a. b. c. d., the project entails expansion of an established cattle slaughtering/meat processing facility previously authorized by discretionary land use approval. The project is located on Urban and Built-Up Land, will not consume additional water to affect the groundwater table, and can be provided with adequate workforce from the nearest City of Kingsburg.

Regarding Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14, the project is a compatible use pursuant to Policy LU-A.3, and all proposed improvements will maintain adequate distance from the adjacent farming operations.

Regarding Policy PF-C.17 and Policy PF-D.6, the project will not utilize additional groundwater to affect the surrounding land uses and will require evaluation of the existing sewage disposal systems.

Regarding Policy HS-B.1 and Policy HS-F.1, the project will comply with the California Code of Regulations Title 24 – Fire Code and will require Fresno County Fire Protection District approval prior to the issuance of building permits. Additionally, the

project will adhere to state laws for the handling of hazardous materials as discussed in Section IX. A. of this report.

- 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 Habitat Conservation or Natural Community Conservation Plans.

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 analysis. The site is not located in a mineral resource area as 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: NO IMPACT:

The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

- 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. The nearest airport, Central Valley Aviation Incorporated Airport, is approximately 2.9 miles northwest of the site.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

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

XIV. PUBLIC SERVICES

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District (CalFire) reviewed the proposal and requires the project compliance with the California Code of Regulations Title 24 – Fire Code and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The District also requires the property annexation to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes and addressed through mandatory Site Plan Review.

- 2. Police protection?

FINDING: NO IMPACT:

The Fresno County Sheriff's Department reviewed the proposal and expressed no concerns with the project.

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact school enrollment due to increase in population growth and will not result in need for new or expanded park facilities, 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 project will not impact neighborhood or regional parks or would result in the need for new or expanded 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 MITIGATIONS
INCORPORATED:

The Design Division (DD) and Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning reviewed the project and required a Traffic Impact Study (TIS) to analyze project's impact on County and state roadways. A TIS prepared for the project by Peters Engineering Group and dated June 5, 2018 was circulated to DD, RMO and the California Department of Transportation for review and comments.

According to the TIS, the study intersections are currently operating at acceptable levels of service and are expected to continue to operate at acceptable levels of service through the year 2038 with the Project. Therefore, the Project will not cause a significant traffic impact based on intersection operations (levels of service and queuing). The Project generates more truck trips than previously identified in Conditional Use Permit No. 2855, and the additional truck trips cause a significant pavement impact on McCall Avenue between Elkhorn and Clarkson Avenues by increasing the TI (Traffic Index) by 0.5. The TIS suggests that the Project contribute to pavement maintenance on McCall Avenue between Elkhorn and Clarkson Avenues to mitigate the significant impact. The TIS also indicated that a left-turn lane on McCall Avenue at the site access driveway is not required.

The Design Division reviewed the TIS, agreed with the findings of the TIS, and required that the project proponent shall mitigate the impact by paying a fair-share fee based on the increase in the equivalent single axial load (ESAL) from existing and existing with project. The project proponent's fair-share percentage for McCall Avenue segments listed below will be included as Mitigation Measures for the project.

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the proposed project (expansion of the existing cattle slaughtering and meat processing facility) the Applicant shall enter into an agreement with the County of Fresno agreeing to participate in pro-rata shares developed in the funding of off-site road improvements as defined in items a and b below.*
 - a. *The Applicant shall pay their pro-rata share of \$26,124.00 towards roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from E. Clarkson to the Project site access.*
 - b. *The Applicant shall pay their pro-rata share of \$73,316.00 towards roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from the Project site access to E. Elkhorn Avenue.*

The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

The Road Maintenance and Operations (RMO) Division reviewed the TIS, concurred with its findings and the pro-rata share calculated by the Design Division, and expressed no concerns with the project. Likewise, the California Department of Transportation (Caltrans) expressed no concerns with the project relating to impact on state roadway based on the trip distribution and conclusions made in the TIS.

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

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns. The project site is approximately 2.9 miles southeast of the nearest airport (Central Valley Aviation Incorporated Airport). The tallest building proposed on the property is 39 feet six inches in height. The building height eliminates the possibility of the proposed project altering air traffic patterns.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not propose to alter existing roadway designs within the project area, which has been designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features. The Road Maintenance and Operations Division expressed no concerns in regard to traffic hazard.

According to the Development Engineering Section of the Department of Public Works and Planning: 1) any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division; and 2) a 10-foot by 10-foot corner cutoff should be improved for sight distance purposes at the existing driveway onto McCall Avenue. These requirements will be included as Project Notes and addressed during Site Plan Review.

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The project site gains access from McCall Avenue via an existing paved road at the northeast corner of the property. The facility uses this as a primary fire access road. The subject proposal will add a secondary all-weather surface fire access road for emergencies at the southeast corner of the property. Further review of emergency access will occur at the time the Fresno County Fire Protection District reviews the project during the Site Plan Review recommended as a Condition of Approval and prior to issuance of building permits.

- 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. As such, no impacts associated with public transit or pedestrian and bicycle hazards are expected from this proposal.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- 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 IX. A. Hydrology and Water Quality.

- 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. 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: NO IMPACT:

The project will generate small amounts of additional commercial waste which will be sent to the local landfill as it currently has been. The waste disposal will be through regular trash collection service.

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 would not degrade the quality of the environment; reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining

levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory. No impacts on biological or cultural resources were identified in the project analysis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been analyzed for potential impacts, and appropriate project-specific mitigation measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Aesthetics, and Transportation/Traffic, which will be addressed with the mitigation measures discussed in Section I. D., and Section XVI. A. B above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project would not cause direct or indirect substantial adverse effects on human beings. Air quality, hazardous materials, hydrology and water quality, and noise would have the only potential effects through which the project could have a substantial effect on human beings. However, all potential effects of the proposed project related to air quality, hazardous materials and hydrology and water quality are identified as less than significant or no impact. The impact analysis included in this report indicates that for all other resource areas, the proposed project would either have no impact, less than significant impact, or for impacts that would not affect human beings, less than significant impact with mitigation incorporated.

CONCLUSION/SUMMARY

Based upon the Initial Study (No. 7373) prepared for Classified Conditional Use Permit Application No. 3593 and Variance Application No. 4049, 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 biological resources, cultural resources, mineral resources, noise, population and housing, or recreation.

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality,

land use and planning, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and transportation/traffic have been determined to be less than significant with the identified Mitigation Measures.

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

EA:

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EXHIBIT 9
Conditions of Approval
Harris Ranch Beef Company

Conditional Use Permit No. 2855

1. Development and operation of the facility shall be in substantial accordance with the site plan, elevations, and operational statement approved by the Planning Commission.
2. A Site Plan Review Application shall be submitted for review and approval by the Director of the Public Works & Development Services Department in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to, access control, on-site circulation, parking, grading and drainage, fire protection, and lighting.
3. All conditions of Special Use Permit 145, Conditional Use Permit No. 674, Conditional Use Permit No. 1474, Conditional Use Permit No. 1666, Conditional Use Permit No. 2061, and Conditional Use Permit No. 2251 shall remain in full force and effect, except where superseded by current Federal, State or Local regulations.

Conditional Use Permit No. 2297

1. Development and operation of the facility shall be in accordance with the site plan and operational statement approved by the Planning Commission.
2. All other conditions of Conditional Use Permit Nos. 145, 674, 1474, 1666, and 2061 and 2251 shall remain in full force and effect.
3. A Site Plan Review shall be submitted to, and approved by, the Director of the Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance.

Conditional Use Permit No. 2251

1. Development and operation of the facility shall be in accordance with the site plan and operational statement approved by the Planning Commission.
2. All other conditions of Conditional Use Permit Nos. 145, 674, 1474, 1666, and 2061 shall remain in full force and effect.
3. A Site Plan Review shall be submitted to and approved by the Director of the Public Works & Development Services Department in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance.

Conditional Use Permit No. 2061

1. Development and operation of the facility shall be in accordance with the plan and operational statement approved by the Planning Commission.

Conditional Use Permit No. 1666

1. A Site Plan Review shall be required in accordance with Section 874 of the Zoning Ordinance.
2. Development shall be in accordance with the plan approved by the Planning Commission.

Conditional Use Permit No. 1474

1. A Site Plan Review shall be required in accordance with Section 874 of the Zoning Ordinance.
2. Development shall be in accordance with the plan approved by the Planning Commission.

Conditional Use Permit No. 674

1. Development shall be in accordance with the site plan to be approved by the Department of Planning subject to its compliance with all conditions established by the Commission and with all applicable zoning regulations.
2. The parking area shall be treated with a dust palliative approved by the Fresno County Public Works Department.
3. The future pond area shall be located no less than twenty (20) feet from any abutting property lines and shall be maintained in accordance with recommendations of the County Health Department and Mosquito Abatement District.
4. Necessary building and street improvements permits shall be obtained from the Building and Safety and Permits Divisions of the Fresno County public Works Department.

Conditional Use Permit No. 145

1. That the proposed expansion be in accordance with the plot plan attached hereto and made a part hereof.

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: Initial Study No. 7373	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
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): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Michael Oliver, HRBC	Project Title: Classified Conditional Use Permit Application No 3593; Variance Application No. 4049		
Project Description: Allow expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to include a 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S & 10S); a 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S); and application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13). The project site is located on the west side of S. McCall Avenue between E. Clarkson and E. Elkhorn Avenues approximately 2.1 miles southwest of the nearest city limits of the City of Kingsburg (16277 S. McCall Ave., Selma) (SUP. DIST. 4) (APN 393-141-06; 08S; 09S; 10S & 13).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7373) prepared for Classified Conditional Use Application No. 3593 and Variance Application No. 4049, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, cultural resources, mineral resources, noise, population and housing, or recreation. Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics and transportation/traffic has been determined to be less than significant with the identified mitigation measure. The Initial Study and MND 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 – July 13 , 2018		Review Date Deadline: August 13, 2018	
Date: July 9, 2018	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

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EXHIBIT 10



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 August 23, 2018

SUBJECT: Initial Study Application No. 7384 Director Review and Approval
Application No. 4522 and Variance Application No. 4050

Construct a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and replace all existing water meters throughout the District. A Variance is required to allow the installation of 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

LOCATION: The project site is located on the north side of West F Street, at its intersection with North Third Street, within the unincorporated community of Biola (SUP. DIST. 1) (APN 016-265-10T). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384 and take action on Director Review and Approval Application No. 4522 and Variance Application No. 4050 with Findings and Conditions.

**OWNER/
APPLICANT:** Biola Community Services District

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7384; and
- Approve Director Review and Approval Application No. 4522 with recommended Findings and Conditions; and
- Approve Variance Application No. 4050 with recommended Findings; 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. Approved Variances, 1-mile Radius
6. Site Plans and Detail Drawings
7. Elevations
8. Applicant's Operational Statement
9. Applicant's Proposed Variance Findings
10. Summary of Initial Study Application No. 7384
11. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Recreation Center	No change
Zoning	R-1 (Single-Family Residential)	No change
Parcel Size	0.45 acres	No change
Project Site	0.45 acres	No change
Structural Improvements	Well, electrical cabinet, diesel generator, 10,000-gallon hydropneumatic tank, chain-link fence	Well, electrical cabinet, diesel generator, new 500,000-gallon water storage tank and booster pumps, new block wall
Nearest Residence	Approximately 2 feet east of the nearest property line	No change
Surrounding Development	Residential	No change
Operational Features	Well, Chlorine storage shed, generator, transformer, 10,000-gallon hydropneumatic tank	Well, Chlorine storage shed, generator, transformer, 500,000-gallon water storage tank with booster pumps

Criteria	Existing	Proposed
Employees	1 to 2 up to twice weekly	No change
Customers	None	No change
Traffic Trips	Approximately 9 round trips/month	No change
Lighting	Site safety lighting	Additional lighting on tank
Hours of Operation	Continuous	No change

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.

Following publication of the Initial Study for the 30-day public review period, staff identified that the proposed booster pumps and the existing well and chlorine tank were encroaching on required setbacks. As these encroachments will be behind the 6-foot wall and fence which were discussed in the Initial Study, there would be no new environmental impacts. Pursuant to CEQA Guidelines Section 15073.5(c), recirculation of Initial Study No. 7384 is not required because the inclusion of the encroachments as part of the Variance clarifies the extent of Variance Application No. 4050, which was discussed in the Initial Study.

Notice of Intent to adopt a Negative Declaration publication date: July 20, 2018.

PUBLIC NOTICE:

Notices were sent to 79 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission. A Director Review and Approval Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872-C are made by the Director or by the Planning Commission. Due to the Variance associated with this project, the Director Review and Approval Application has been forwarded directly to this Commission for a decision. This staff report discusses each application separately.

The Variance

The decision of the Planning Commission on a Director Review and Approval Application (DRA) and a Variance Application (VA) is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The zoning at the project site was initially confirmed as A-1 (General Agricultural). This designation was amended on October 18, 1977 by way of Amendment Application No. 2971. This rezoning was proposed to bring the community of Biola into consistency with its Community Plan, which was adopted on February 18, 1976.

The Applicant indicated that this site was the location of the original business office for the Biola Community Services District, until the building was destroyed by fire in 1988. A community well was established on the site in 1977, with the current well and pressure tank installed in 2005.

Director Review and Approval No. 4522:

Allow the construction of a new, ground-level, 500,000-gallon water storage tank and ground-mounted booster pump station. In addition, replace 6-inch and 8-inch water service mains with new 10-inch water service mains in selected areas of the District and replace water meters throughout the District.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front (west): 20 feet Street Side (south): 10 feet Interior Side (north): 5 feet Rear (east): 20 feet	Front: ~8 feet Street Side: ~11 feet Interior Side: 10 feet Rear: ~50 feet	N* Y Y Y
Parking	None	Two spaces	Y
Lot Coverage	40%	15-25%	Y
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	No wall greater than 3 feet in the front-yard and street side-yard setbacks	6-foot fence and wall along property lines	N*
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

*See discussion under Variance 4050

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for this project, if approved.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel No. 1525H, the parcel is not subject to flooding from the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel. A grading permit or voucher is required for 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.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

North Central Fire Department: The Fire Department's review states that the following requirements and conditions are to be placed on this plan as a Condition of Approval by the Fire Department. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on drive access gate(s). All electrified gates shall be equipped with the Best electric cylinder lock 1W7B2.

This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the County of Fresno when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

The following agencies provided a "no comment" or "no concerns" response: Fresno County Department of Public Works and Planning (PW&P) Special Districts, PW&P Development Services and Capital Projects Site Plan Review Unit and Zoning Section.

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

Analysis:

Review of this application shows that there is sufficient space on the subject parcel to install the proposed developments. Variance Application No. 4050 is being processed to allow the installation of a 6-foot fence within the front-yard setback and a 6-foot wall within the street side-yard setback and to recognize and approve the existing and proposed encroachments into required setbacks. Discussion relating to this Variance request follows the discussion of the DRA in this report; however, the wall is proposed as noise mitigation and the fence to provide additional safety to the site. Denial of the Variance request would require redesign of the proposed layout.

Following the construction period, the site will typically be unmanned. Service and maintenance will be provided at the site up to twice each week with one chlorine delivery per month. This level of occupation does not require the installation of septic areas and will not require the developer to rent portable sanitary units. Therefore, the site will remain of sufficient size to accommodate the proposed use without the need for a septic system.

The scope of this project also includes the replacement of water services, the replacement of 6- and 8-inch water mains in selected areas of the Biola Community Services District, and the replacement of all existing water meters within the District. These proposed improvements are direct replacements of existing services and meters and no additional area would be required. Therefore, the public right-of-way and small section of private land subject to these improvements will remain of sufficient area to accommodate the proposed improvements. The developer will be required to obtain a 10-foot easement from private property owners prior to installation of the improvements.

Staff finds that the subject parcel is of adequate size and shape to accommodate the proposed use.

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*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	N. Third Street: ~130 feet W. F Street: ~ 150 feet	No change
Direct Access to Public Road	Yes	N. Third Street	No change, access road improved
Road Average Daily Traffic (ADT)		N. Third Street: 200 vehicles W. F Street: 200 vehicles	No change
Road Classification		N. Third Street: local W. F Street: local	No change
Road Width		N. Third Street: 30 feet W. F Street: 35 feet	No change
Road Surface		N. Third Street: asphalt concrete W. F Street: asphalt concrete	No change

		Existing Conditions	Proposed Operation
Traffic Trips		~9 per month	No change
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		None	Dedication of corners for sight distance

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: West F Street is a County-maintained road classified as Local with an ADT of 200 vehicles between North Third Street to North Fourth Street, pavement width of 17.3 feet, structural section of 0.15 feet asphalt concrete, and 35 feet of existing right-of-way. West F Street is in excellent condition and meets the 30-foot minimum width for a Local road.

North Third Street is a County-maintained road classified as Local with an ADT of 200 vehicles between West F Street and West E Street, pavement width of 21.1 feet, structural section of 0.15 feet asphalt concrete and 30 feet of existing right-of-way. North Third Street is in very good condition and meets the 30-foot minimum width for a Local road.

Any access driveway should be set back a minimum of 10 feet from the property line and 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. Work performed 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-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto North Third Street.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The project site borders on Local roads (W. F Street, N. Third Street) and an alley, and no additional street width is required for these roads. Corner cutoffs are shown on a site plan submitted with the Variance application. These corner cutoffs (20 feet by 20 feet at W. F and N. Third Streets, and 10 feet by 10 feet at N. Third Street and the alley) should be dedicated to the County of Fresno for road purposes.

Encroachment permits from this office are required for the road construction proposed around the well site. These road improvements include curb, gutter and sidewalk improvements, along with road pave-out and ADA-compliant curb ramps at the corner. Concrete drive approaches shall also be constructed to County standards.

The following agencies provided a “no comment” or “no concerns” response: Fresno County Department of Public Works and Planning Design Division.

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

Analysis:

Traffic generated at the project site will be minimal compared to existing traffic in the vicinity. There will be up to two maintenance visits each week at the site outside of peak traffic hours. Even during peak-hour traffic, two additional vehicles would have a negligible impact on congestion and delay. West F Street and North Third Street are paved two-way Local roads which have not been painted to a specific traffic pattern and are of sufficient width to support construction and maintenance traffic. Therefore, West F and North Third Streets will remain of sufficient width and pavement to accommodate the proposed tank improvements.

The replacement of water services, mains, and meters will require additional traffic trips during construction; however, review of the project area (the community of Biola) indicates that there is a continuous path of paved roads which can accommodate the construction traffic.

Therefore, the roads within the project site and specifically West F Street and North Third Street are of sufficient width and pavement to serve the traffic generated by the project without the need for improvements.

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 not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	0.3 acre 0.15 acre	Single-family residence (SFR) Vacant	R-1	~72 feet
South	0.3 acre 0.15 acre	SFR 2 SFRs	R-1	~61 feet
East	0.15 acre	SFR	R-1	~11 feet
West	34 acres	Field Crops/SFR	AE-20	~850 feet

*As measured from the nearest property line

Reviewing Agency/Department Comments:

The following agencies provided a “no comment” or “no concerns” response: Fresno County Sheriff-Coroner Department, Fresno County Department of Public Works and Planning Water and Natural Resources Division, San Joaquin Valley Air Pollution Control District, and the Airport Land Use Commission.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

This project proposes to install a new 500,000-gallon water storage tank which will serve the Biola Community Services District. This tank will store potable water for use by the community, and the proposed pumps will improve water pressure in the water distribution system. The installation of the booster pumps is necessary to ensure that there is sufficient water pressure available in the event of a fire emergency.

It is anticipated that construction of the tank and the work to replace service mains will result in construction noise which could adversely impact surrounding properties; however, these impacts will be temporary and construction will comply with the Fresno County Noise Ordinance, which indicates specific times when construction is exempt from noise standards. With compliance to these standards, construction noise will not adversely impact nearby properties.

Following the construction period, the booster pumps proposed at the tank site have the potential to exceed the noise standards of this area. Therefore, a mitigation measure was placed on the project as part of the Initial Study which requires the installation of block walls and attenuation housing to reduce noise impacts. With adherence to this mitigation measure, adverse impacts on the community due to the introduction of a new noise source will be less than significant.

Based on the above information and compliance with the Mitigation Measures and Conditions of Approval, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval and Mitigation Measures attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Review of the application indicates that the project site is completely within the boundary of the community of Biola and is not subject to a Williamson Act Contract. There are no General Plan issues.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

The Biola Community Plan shows that the project site is designated as a Recreation center; a subset of “Public Services”. The Plan indicates that public facilities “shall mean land designated for location of services and facilities which are necessary to the welfare of the community”. The Plan references a recreation center which had been built at the time; however, current records show that there is a community center located at the intersection of Seventh and C Streets. Information provided by the Applicant indicates that the business office for the District occupied this site until 1988 when it was destroyed by fire and was not rebuilt.

This site has been used as a well site for the Biola Community Services District since 1977 and the proposed improvements are similarly intended for public service. Therefore, due to the existing nature of the site and the inclusion of the ‘Recreation Center’ designation under Public Services within the Biola Community Plan, the DRA is consistent with the Biola Community Plan. No General Plan policies apply to this application.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Director Review and Approval can be made. Staff therefore recommends approval of Director Review and Approval No. 4522, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes attached as Exhibit 1.

Variance No. 4050:

Allow the installation of a 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

In addition to the subject application, there have been two other variance applications pertaining to setback requirements in the R-1 Zone District filed within one mile of the subject parcel. The following table provides a brief summary of each of those variance requests, staff recommendations, and final actions:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3547: Waive the requirement to install a six-foot-high solid masonry wall between the M-1 (Light Manufacturing) and R-1 Single-Family Residential) Zone Districts along the east property	1/9/1997	Approval	Approved with Conditions

Application/Request	Date of Action	Staff Recommendation	Final Action
line of a 5.13-acre parcel.			
VA No. 2940: Allow a 7-foot-high masonry wall along Shaw Avenue for Tract 3651 as required by farm administration.	9/12/1985	Approval	Approved

Two other variances have been granted in this area and are shown on the Approved Variances Map (Exhibit 5): VA No. 2918 which relates to a waiver of off-street parking requirements for a sandwich shop and VA No. 2848 which relates to a reduction in lot size and frontage for a residential subdivision. Staff notes that while other variances have been approved in the vicinity of this application, the Planning Commission must consider the merits of this application based on its unique site conditions and circumstances.

Reviewing Agency/Department Comments:

Staff received no comments from reviewing agencies specific to this Variance Request.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

Finding 2: Such 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.

Analysis:

In support of Finding 1, the Applicant’s findings state that the exceptional circumstance that applies to the site is its historical and proposed uses. Until 1988, when it was destroyed by fire and not re-built, the business office for the Biola Community Services District occupied the site. A community well was constructed on the site in 1977, and the current well and pressure tank replaced that one in 2005. The current 70-foot by 70-foot well site in the southeast corner of the site is enclosed by a six-foot-tall chain-link fence. The existing fence encroaches about 9 feet into the F Street right-of-way. The site has been used for community purposes for many years and has not been used as a single-family residential home site. The location of the existing well and electrical equipment prevents the block wall along F Street from being built at the required setback location.

In support of Finding 2, the Applicant’s Findings state that that the District currently has a six-foot chain-link fence along the side yard on F Street. Other property owners of single-family-zoned property have constructed six-foot-tall fences along their front yards or side yards as noted in the Applicant’s Findings included as Exhibit 9. The District requests the right to construct the fence and wall in the required yard setbacks as neighboring property owners have done.

In regard to Finding 1, staff concurs that the historic use of this site as a community center and well/water tank site is an exceptional circumstance that does not apply to other properties with the same zoning. Other parcels in the area are residential in nature and have been developed with a single-family residences. In addition, the location of the existing well qualifies as an

exceptional circumstance because it is located within the 20-foot setback. The well is an essential part of the District's water system and needs to be within the enclosed area of the site. Further, the findings note that the existing fence currently encroaches into the F Street right-of-way by approximately 9 feet, which aligns with the existing 3-foot fence on the property to the east. Approval of this request would result in a fence that is completely contained on the subject parcel and provides screening for the proposed setback encroachments.

In regard to Finding 2, staff would like to note that each variance application must be considered on its independent merits. The existence of other variances (or violations) in the area does not compel the Commission to grant this request. Therefore, the encroachments noted in the Applicant's Findings are not relevant to this discussion.

In regard to the preservation of a property right, the Applicant has identified that the fence is necessary to protect District property on site and the wall is necessary to mitigate potential noise impacts on surrounding properties. As discussed above, the location of the existing well precludes the installation of the fence within the setbacks, however adherence to the setbacks would also severely limit the available space to develop the project. The area of the parcel is 19,500 square feet; however, with the required setbacks, buildable space is only 12,650 square feet. The proposed water storage tank has a footprint of 10,202 square feet, which does not include area required for personnel access and overflow control. The existing well and chlorine structure currently encroach on the street side-yard setback and the proposed booster pumps would encroach on the front-yard setback. Considering the size of the tank and existing small structures around the site, such as a transformer and backup generator, encroachment into the setbacks is required to allow adequate space around all the required equipment with sufficient space remaining for service vehicles to park on site.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for a Variance. In this case, the Applicant has the option to develop the 6-foot enclosure (fence and wall) within the required setbacks. As discussed above, meeting the setbacks would significantly reduce the buildable area of the site and would not meet the Applicant's goal of increasing safety at the site by securing all the equipment. Alternatively the Applicant could install the enclosure along the property lines while meeting the 3-foot maximum height along the street. Only 20 feet of the proposed block wall would be impacted by this choice, which would not significantly impact its goal of reducing noise impacts from the booster pumps; however, the three-foot fence would not achieve the goal of increasing security at the site. Regarding the encroachments, the Applicant could choose to place the booster pumps at a different area near the tank; however, the current layout was designed to take advantage of the pipe system currently in place. There is no alternative to allowing the encroachment of the well and chlorine structure into the street side-yard setback unless the Applicant chooses to demolish and rebuild those structures.

Recommended Condition of Approval:

None

Conclusion:

Findings 1 and 2 can be made.

Finding 3: *The granting of a 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.*

Analysis:

In support of Finding 3, the Applicant's Findings state that the block wall along F Street is being proposed to mitigate noise currently being generated by the electric motor on the existing well, and future noise from the booster pumps. The neighboring property owners have requested that the District construct the wall for that purpose. The six-foot chain-link fence in the front yard is for security purposes.

In regard to Finding 3, staff prepared an Initial Study to determine impacts that would result from approval of DRA Application No. 4522. Booster pumps produce noise when they are operating and the Operational Statement indicates that they could be in operation at any point during the day, depending on local demand. The block wall proposed along the southern and eastern property lines would reduce noise levels from the pumps to within the County Noise Ordinance, as perceived by residents within the community of Biola.

A primary purpose of setback standards is to protect the aesthetic character of an area by providing an offset of structures from the adjacent properties. Fence height requirements serve a similar purpose by providing a consistent height within a zone district. In this case, while the subject parcel shares the same residential zoning as other properties in the area, it has been in use as a well site for the Biola Community Services District and is a recognized exception in the area. There is an existing fence which encloses the area of the site developed with the community well, chlorine enclosure, and electrical cabinet. This fence currently encroaches into the F Street right-of-way and is aligned with the 3-foot fence on the eastern property.

Given that this parcel has historically been used to provide water service, a variation from the setback standards here will not have an adverse impact on the aesthetics of the neighborhood. The subject parcel is located at the edge of the community of Biola and therefore will not create a break in the visual consistency of the area. With the installation of 6-foot wall and fence enclosure, visual impacts from the encroachment of the accessory structures will be negligible, as they will be behind the wall and fence.

Recommended Condition of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Analysis:

In support of Finding 4, the Applicant's Findings state that allowing the construction of the block wall in the side-yard setback will help comply with the General Plan Goal to protect adjacent residences from noise generated by the electric motors used for the well and booster pumps.

In regard to Finding 4, staff notes that the General Plan and the Biola Community Plan do not contain any policies relating specifically to the height of fences and walls or relating to the encroachment of small structures into the required setbacks. Therefore, this Variance request is not contrary to the objectives of the General Plan.

Recommended Condition 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. 4050, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384; and
- Move to determine the required Findings can be made and move to approve Variance No. 4050; and
- Move to determine the required Findings can be made and move to approve Director Review and Approval No. 4522, 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 Director Review and Approval No. 4522 and Variance No. 4050; 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.

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7384/Director Review and Approval Application No. 4522/Variance Application No. 4050
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Prior to final inspections, the Applicant shall install landscaping along the southern property line as indicated on the site plan, including native or drought-resistant trees.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Prior to final inspections
2.	Aesthetics	Prior to the operation of the water-storage tank, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.	Applicant	Applicant/PW&P	Prior to operation
3.	Biological Resources	<p>All Special Status and Protected Animal Species: Preconstruction habitat assessment surveys shall be conducted before any ground-disturbing activities are to begin. If the surveys detect the presence of habitat for listed or protected species or migratory birds, then the Project will be paused until the following measures or consultation with the California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) can occur:</p> <p>a. American Badger: A pre-construction survey for American badgers shall be conducted by a qualified biologist within 30 days of the onset of Project-related activities involving ground disturbance or heavy equipment use. Pre-construction surveys will be conducted in all suitable denning habitat of the Project area.</p> <p>b. Special Status Amphibians: A qualified biologist shall survey affected areas for Special Status amphibians within 30 days of the onset of land grading or other site disturbance. The biologist will look for individuals and eggs.</p> <p>c. Special Status Bat Species: If removal of buildings, structures and/or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist shall survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano and staining, and will listen for bat vocalizations. If necessary,</p>	Applicant	Applicant/PW&P	Prior to construction

EXHIBIT 1

		<p>the biologist will wait for nighttime emergence of bats from roost sites.</p> <p>d. The United States Fish and Wildlife Service (USFWS)-approved preconstruction protocol-level surveys for San Joaquin kit fox shall be conducted no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. The Applicant/operator shall follow Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and During Ground Disturbance (USFWS 1999). These surveys can also detect raptors, migratory songbirds and any other Special Status Species in the area and recommend any additional appropriate avoidance and minimization measures.</p> <p>e. If activities take place during avian nesting season (March 1 - August 1), a qualified biologist shall conduct nest surveys within a 500-foot radius of the construction site for neotropical migratory birds and 0.5 mile for Swainson's hawks. Appropriate measures shall be determined in consultation with the California Department of Fish and Wildlife (CDFW) in the event an active nest is located in an area subject to disturbance. No restrictions are required for avian species for construction activities that occur during the non-breeding season (September 1 through February 28) or after the young have fledged, which must be determined based on surveys by a qualified biologist.</p>			
4.	Biological Resources	All Special Status Animal Species: If pre-construction surveys detect Special Status Species, the Applicant shall initiate informal consultation with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), if applicable. The Applicant shall communicate with and coordinate activities with a CDFW/USFWS biologist who is specifically assigned to deal with these issues in Fresno County. That biologist shall identify measures for avoidance, minimization, and mitigation.	Applicant	Applicant/PW&P	Prior to construction
5.	Biological Resources	All Special Status Animal Species: If pre-construction surveys detect listed or protected species, a biologist (monitor) shall be retained on site during construction to educate workers, monitor compliance with best management practices, and to identify and protect natural resources, including Special status species. The monitor will be responsible for ensuring that appropriate measures are taken to prevent disturbance of core avoidance areas. Any unauthorized take of Special Status	Applicant	Applicant/PW&P	During construction

		Species will be immediately reported to CDFW by the monitor. The monitor will also notify the Project Coordinator who will stop work until corrective measures are implemented.			
6.	Biological Resources	<p>The Applicant shall consult with CDFW/USFWS and shall perform the following measures as part of their permitting process with the agencies in order to help minimize impacts to kit foxes, raptors and other species:</p> <p>a. Revegetate disturbed areas with trees and grass from on the site or adjacent areas; and</p> <p>b. Prior to the start of construction of each phase of Project development, the Applicant shall retain a qualified biologist to conduct a meeting to train all construction staff that will be involved with the Project on Special Status plant and animal species. This training will include a description of the Special Status Species and their habitat needs; a report of the occurrence of Special Status Species in the Project area; an explanation of the status of the Special Status Species and their protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the Special Status Species during Project construction and implementation.</p>	Applicant	Applicant/PW&P	Prior to construction
7.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
8.	Noise	The Applicant shall install a 6-foot masonry block wall along the eastern and southern property lines. Noise attenuation housing will be installed on the existing well pump motor and on the three proposed booster pump motors.	Applicant	Applicant/PW&P	Prior to operation of the booster pumps

*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.

Conditions of Approval

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| 1. | Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevation, and Operational Statement approved by the Commission. |
| 2. | Prior to replacing the water mains and meters, the developer shall work with private property owners of APNs 016-190-28S and 016-080-55S to obtain a 10-foot easement along the existing pipeline. |
| 3. | Prior to the issuance of building permits, the Applicant shall dedicate the following corner cutoffs to the County for road purposes: the 20-foot by 20-foot corner at W. F and N. Third Streets and the 10-foot by 10-foot corner at N. Third Street and the alley. |

Notes

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

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| 1. | Director Review and Approval No. 4522 and Variance No. 4050 shall become void unless there has been substantial development within two years of the effective date of approval. |
| 2. | Plans, permits, and inspections will be required for this project |
| 3. | 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/ https://www.fresnocupa.com/). For more information please contact the local Certified Unified Program Agency (CUPA) at (559) 600-3271. |
| 4. | All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes. |
| 5. | The following requirements and conditions are to be placed on this plan as a condition of approval by the Fire Department. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on drive access gate(s). All electrified gates shall be equipped with the Best electric cylinder lock 1W7B2. A Knox padlock may not be used in place of the Best padlock model 21B700. These locks can be purchased only through Sierra Lock & Glass, 1560 N. Palm Avenue, Fresno, CA 93728. |
| 6. | Any access driveway should be set back a minimum of 10 feet from the property line and 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. |
| 7. | Work performed 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. |
| 8. | These corner cutoffs (20 feet by 20 feet at W. F and N. Third Streets, and 10 feet by 10 feet at Third Street and the alley) should be dedicated to the County of Fresno for road purposes. |

9.	Encroachment permits from this office are required for the road construction proposed around the well site. These road improvements include curb, gutter and sidewalk improvements, along with road pave-out and ADA-compliant curb ramps at the corner. Concrete drive approaches shall also be constructed to County standards.
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CMM:ksn

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Herndon Canal

W SHAW AVE

RECEIVED
COUNTY OF FRESNO

SEP 14 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
DIRA 4522

N HOWARD AVE

N THIRD AVE

N FOURTH ST

W D ST

W B ST

W C ST

WEST

W F ST

N BIOLA AVE

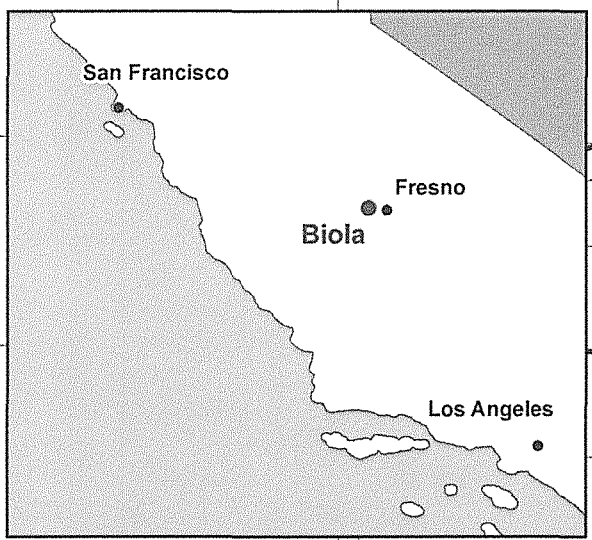
N SEVENTH ST

W G ST

W H ST

W GETTYSBURG AVE

W I ST



Document Path: F:\2016\16-311\GIS\DRAW\16-311_Project_Location.mxd



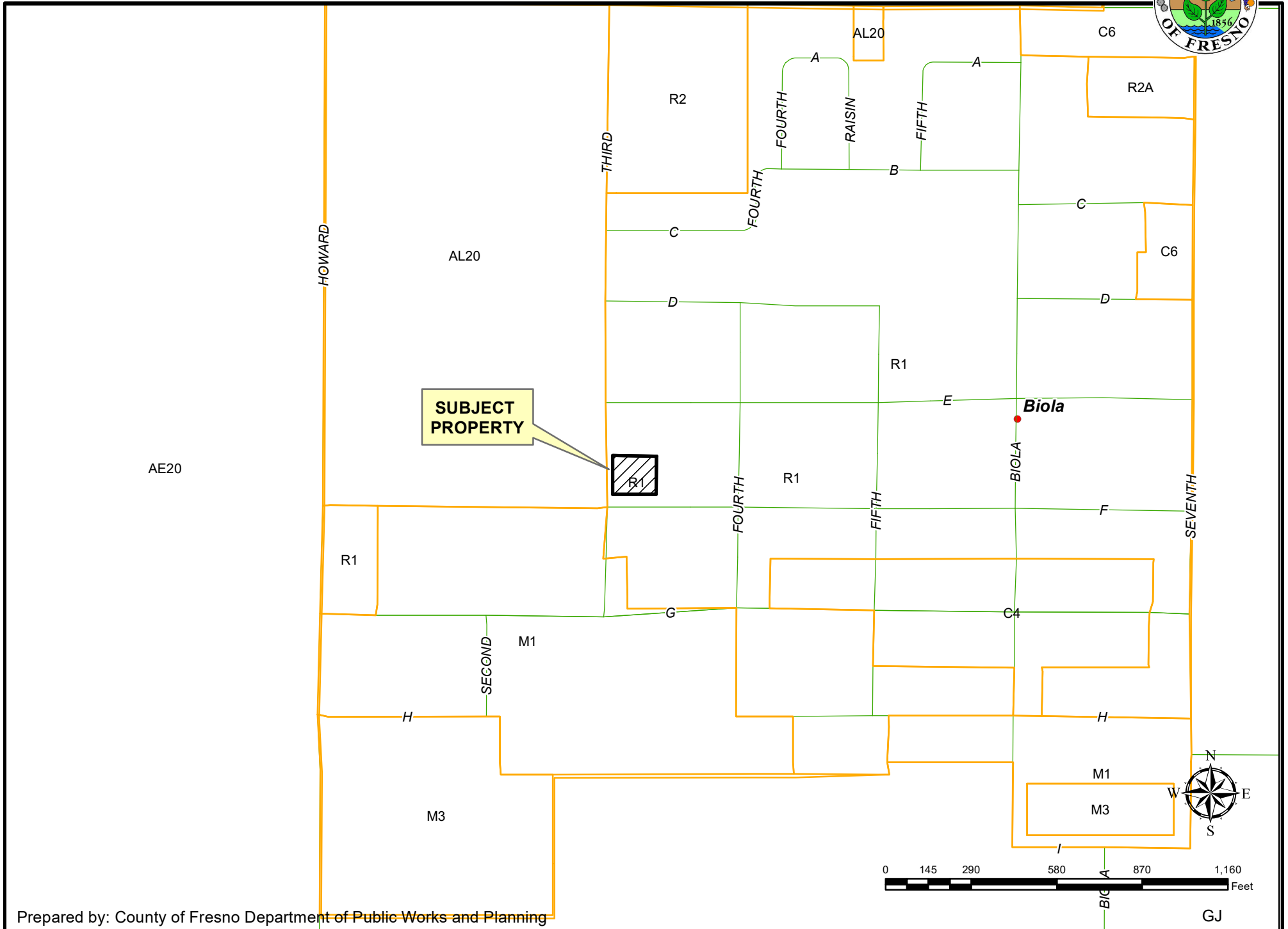
0 300 600 Feet

1 inch = 600 feet

Biola Water Systems Upgrade
Project Location

EXHIBIT 2

EXISTING ZONING MAP



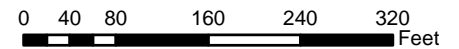
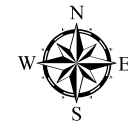
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
FC	- FIELD CROP
I	- INDUSTRIAL
PAH	- PACKING HOUSE
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
CP#	- OFFICE COMM/PROF

LEGEND:

-  Subject Property
-  Ag Contract Land



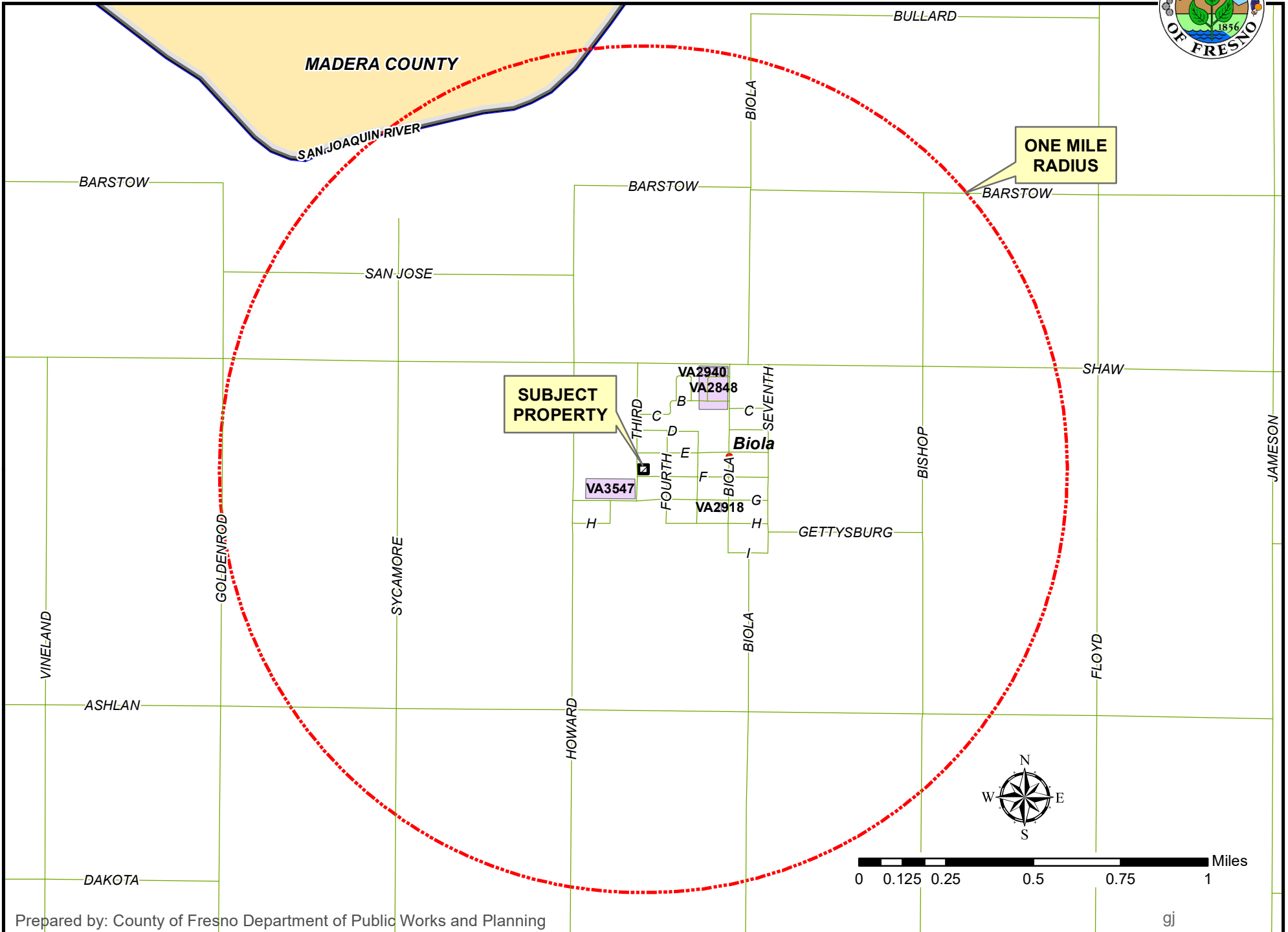
Department of Public Works and Planning
Development Services Division

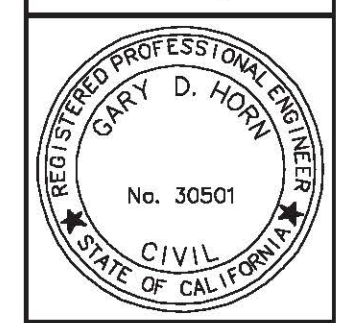
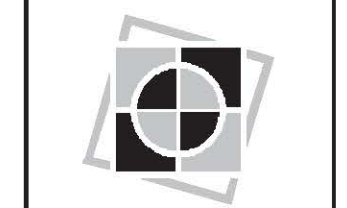
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Map prepared by: GJ
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COND
FRESNO COUNTY OF
SF1

I 3.39 AC.
SF1

SF1 SF1 SF1 SF1 SF1

APPROVED VARIANCES WITHIN A ONE MILE RADIUS





**BIOLA WATER SYSTEM UPGRADE
WATER STORAGE TANK
SITE PLAN**

PROJECT TITLE	BIOLA WATER SYSTEM UPGRADE
SHEET DESCRIPTION	WATER STORAGE TANK SITE PLAN
Dr. By:	WZ
Ch. By:	GH
Date:	9/20/2017
Scale:	As Noted
YH Job No.	16-311
Sheet No.	1
of	1 Sheets

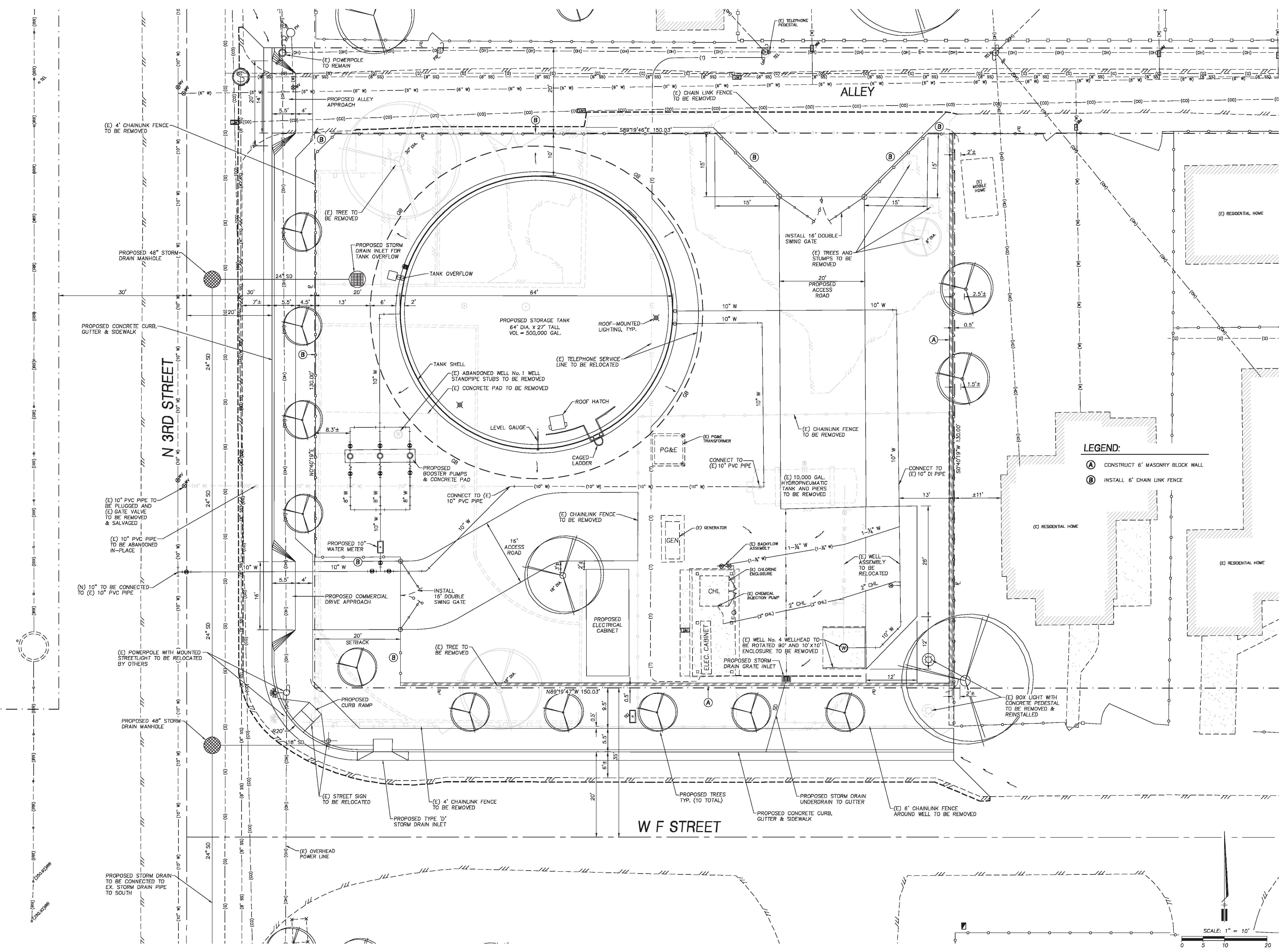
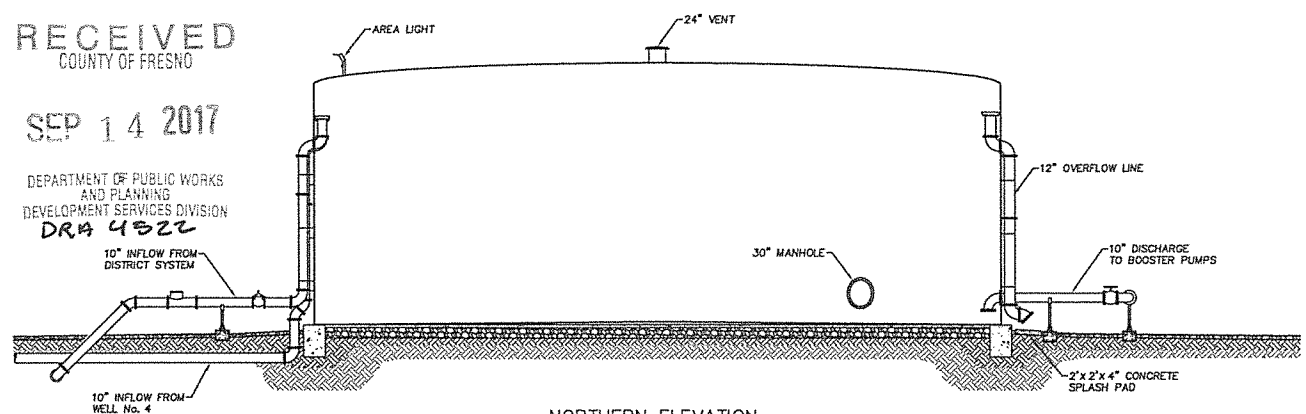


EXHIBIT 6

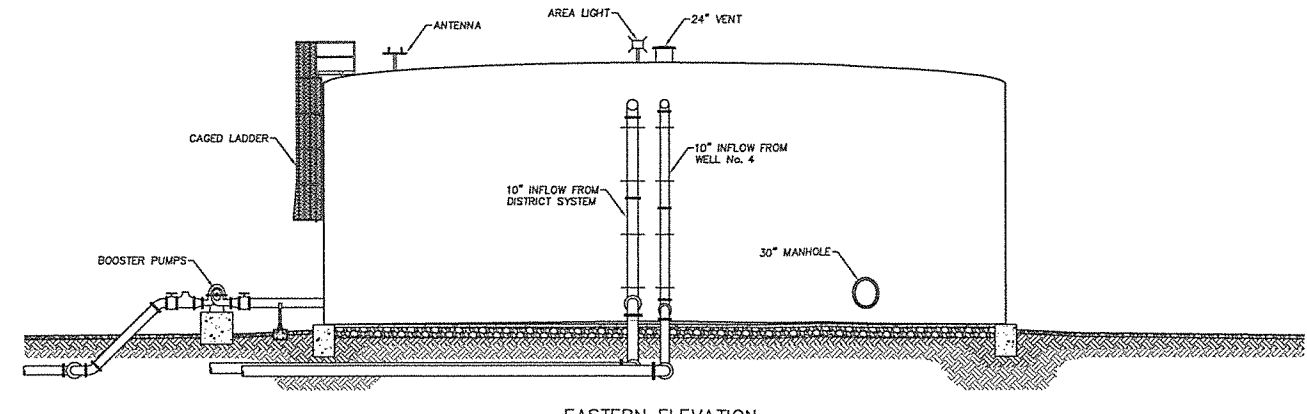
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SEP 14 2017

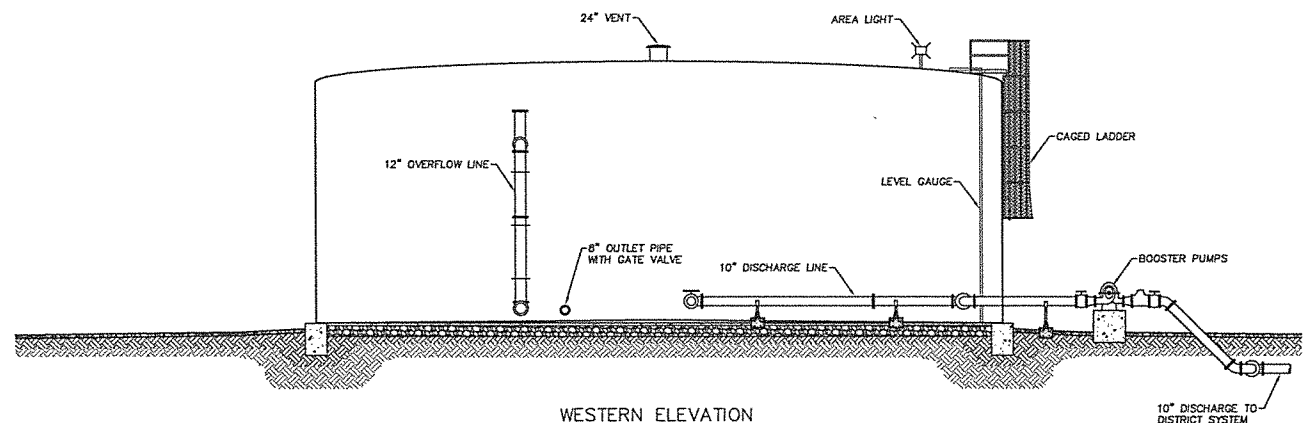
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
DR# 4322



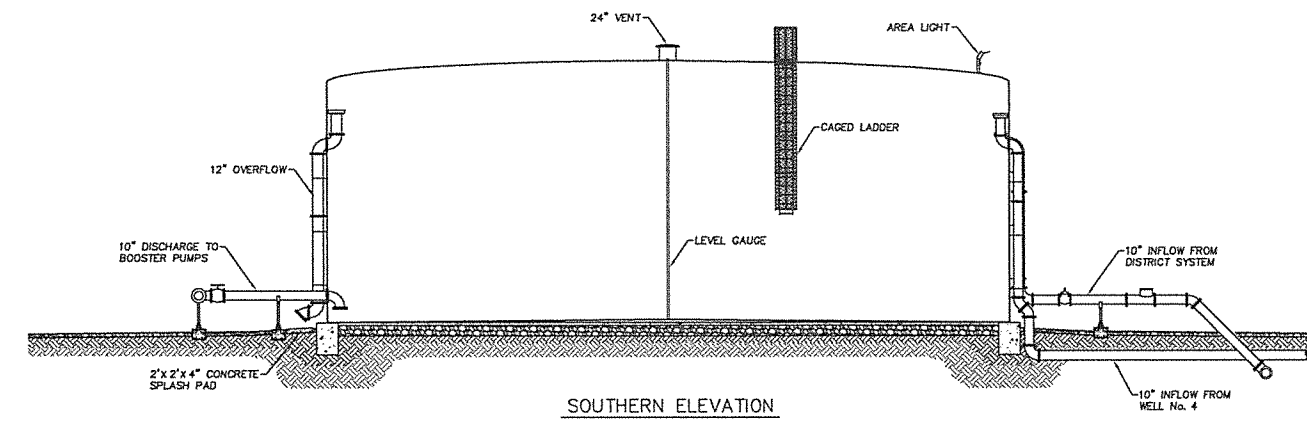
NORTHERN ELEVATION
SCALE: 1" = 8'-0"



EASTERN ELEVATION
SCALE: 1" = 8'-0"

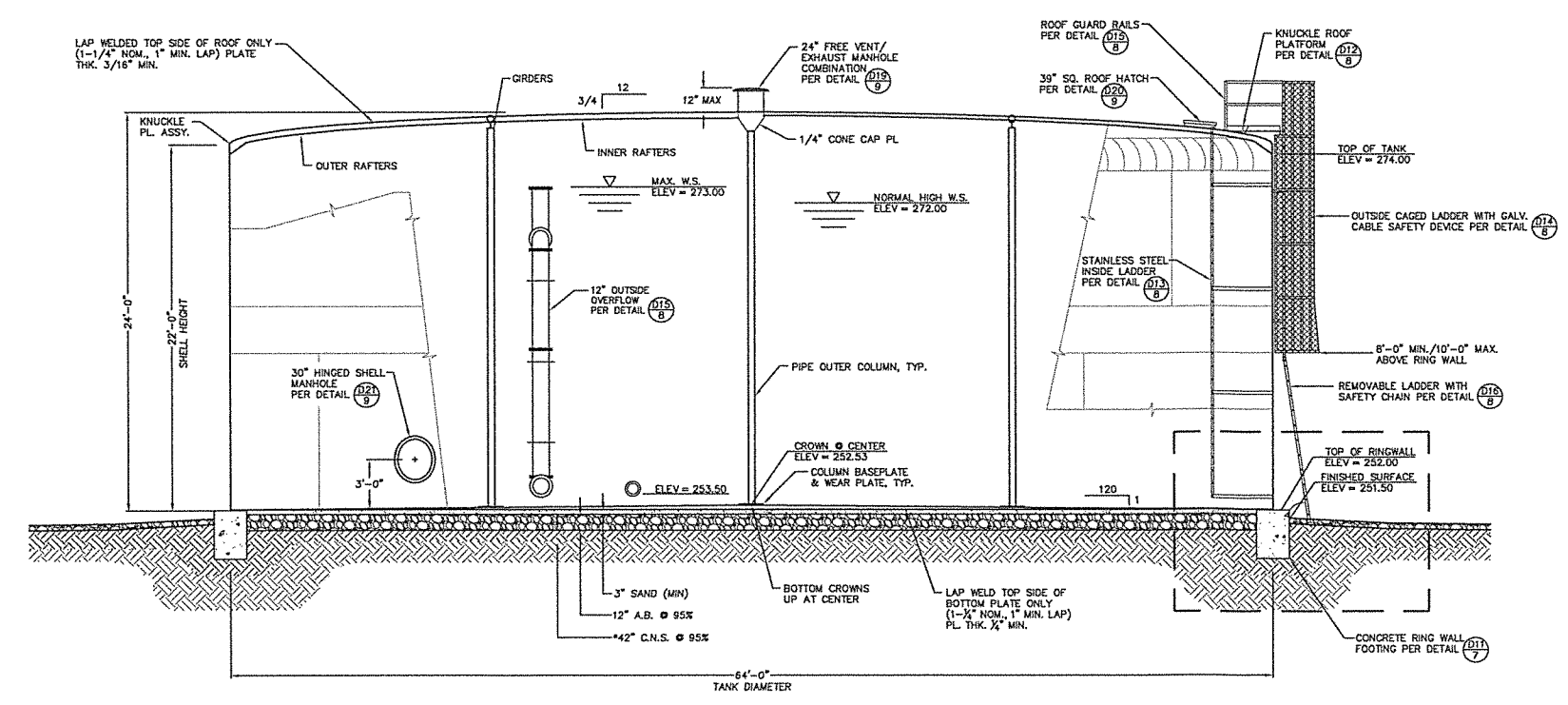


WESTERN ELEVATION
SCALE: 1" = 8'-0"



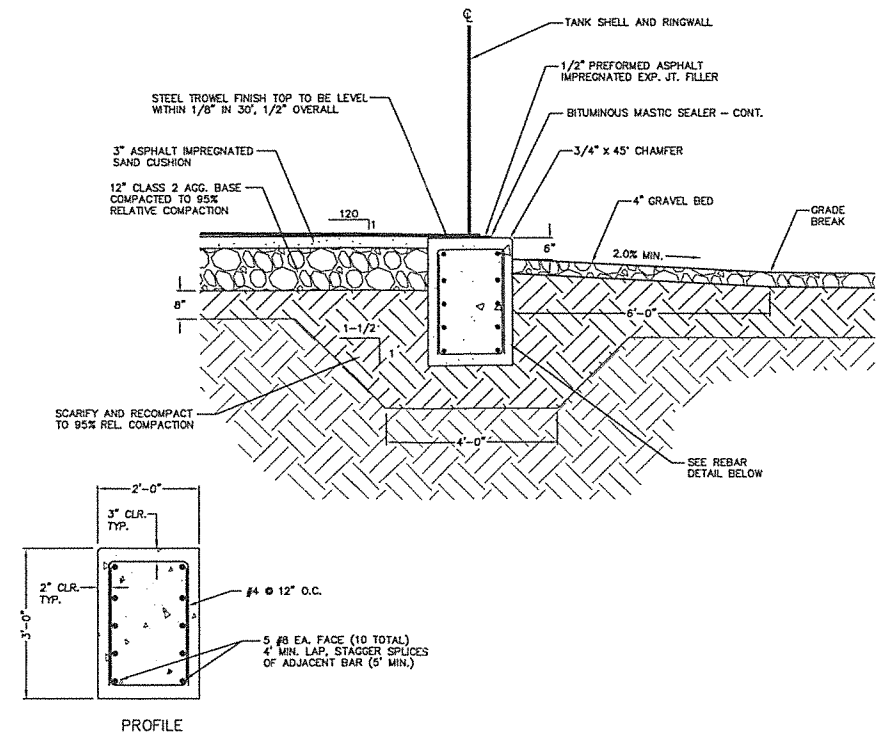
SOUTHERN ELEVATION
SCALE: 1" = 8'-0"

STORAGE TANK ELEVATIONS



STORAGE TANK OVERVIEW
FLAT BOTTOM TOROCONICAL ROOF
SCALE: 1" = 5'-0"

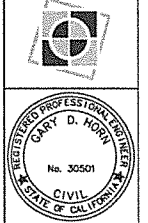
* SEE SOILS REPORT, PREPARED BY KRAZAN & ASSOCIATES INC., DATED 08/09/2017, FOR NATIVE SOIL EXCAVATION/BACKFILL REQ'S BELOW TANK



PROFILE REBAR DETAIL NOT TO SCALE
D11 CONCRETE RINGWALL FOOTING DETAIL
SCALE: 1" = 2'-0"

Ref. & Rev.

Yamabe & Horn Engineering, Inc.
CIVIL ENGINEERS • LAND SURVEYORS
2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL (559) 244-3123 WEBSITE YANDHORN.COM



BIO LA WATER SYSTEM UPGRADE
WATER STORAGE TANK
TANK ELEVATIONS

PROJECT TITLE	SHEET DESCRIPTION
Dr. By: WZ	Ch. By: GH
Date: 09/14/2017	Scale: As Noted
VH Job No. 16-311	Sheet No. 7
of 9 Sheets	

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AUG 08 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
DRA 4522

August 7, 2018

Operational Statement

Biola Community Services District
Director Review and Approval Application
Water Storage Tank and Booster Pump Station &
Water Service, Main, and Meter Replacement

1. Nature of Operation – The Biola Community Services District (BCSD) proposes to construct a ground-level 500,000 gallon water storage tank and ground mounted booster pump station. The tank will store potable water for use by the community. The proposed pumps will boost the water pressure into the water distribution system. This site currently contains a well, electrical cabinet and diesel generator, which will all remain. An existing 10,000 gallon hydroneumatic tank will be removed. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District.
2. Operational Time Limits – The storage tank and booster pumps will be used 24 hours per day, 365 days per year. Actual hours of booster pump operation will depend upon community demand for water, which is less in the winter and more in the summer months. Once installed, new water services, mains, and meters will operate continuously 24 hours per day, 365 days per year.
3. Number of customers or visitors – None.
4. Number of Employees – One or two maintenance employees of BCSD will make periodic visits to the tank site at least twice per week. No additional employees will visit water service, main, or meter replacement sites.
5. Service and Delivery Vehicles – Service vehicles will be pick-up trucks or passenger cars, two times per week. Chlorine delivery trucks will come to the site about once per month. No additional service vehicles will visit water service, main, or meter replacement sites.
6. Access to the site - Access for regular maintenance will be from Third Street or from the alley on the north side of the site. Water service, main, and meter replacement will take place within the public right-of-way and no access is necessary.
7. Parking spaces – There will be areas for parking 2 service vehicles at the tank site. No parking spaces are needed for water service, main, and meter replacement.
8. Goods sold on-site – None.
9. Equipment – Boosters pumps will have electric motors.
10. Supplies or materials stored on-site – No new supplies or materials will be stored at the site. Currently, liquid chlorine is stored on-site at the tank site for use as a disinfectant for the well. It will continue to be used and stored on-site.
11. Potential effects on the area
 - a. Noise – Noise from the electric motors, including the existing well motor will be reduced by sound attenuation coverings. Masonry block walls

along the east and south property lines will also reduce noise from the site. The diesel emergency generator is used during power outages. It is tested periodically as part of regular maintenance. Once installed the water services, mains, and meters will not generate any noise. Installation will generate construction noise but it will only occur during normal business hours.

- b. Glare – Site lighting will be hooded and directed to the site. Water service, main, and meter replacement will not add any site lighting.
- c. Dust – Areas subject to vehicular traffic will be covered with either asphalt paving or gravel. Water service, main, and meter replacement will not be a permanent source of dust. Construction will generate dust but best management practices will be used to minimize the effect.

12. Wastes:

- a. Solid – None
- b. Liquid – A storm drain pipeline will be installed to dispose of water from inadvertent tank overflowing, or draining of the tank for maintenance. Water service, main, and meter replacement will not generate waste.

13. Volume of water used – None

14. Proposed advertising – None

15. Buildings

- a. Existing – None
- b. New Buildings – None

16. Buildings used in operation – No buildings will be constructed or used.

17. Lighting or Sound amplification – Site lighting will be provided for security and maintenance needed at night at the tank site. Water service, main, and meter replacement will not require lighting.

18. Landscaping – Landscaping will be installed along both street frontages and on-site at the southwest corner of the tank site. Water service, main, and meter replacement will not affect existing landscaping.

19. Other information – The proposed tanks site is currently being used as a well site. The proposed storage tank and booster pumps will provide much needed fire protection for the community. Masonry block walls and sound attenuation will mitigate the noise generated by the electric motors.

20. Board Members and Officers-

- a. Reyes Lozano, President
- b. Mercedes Ramos, Vice President
- c. Rudy Hernandez, Treasurer
- d. Martha Madera, Board Member
- e. Monique Dolores, Member
- f. Dwight Miller, District Manager
- g. Elaine Cervantes, Executive Assistant and Board Secretary

BIOLA COMMUNITY SERVICES DISTRICT

VARIANCE APPLICATION

The Biola Community Services District requests a variance to allow a six-foot tall fence in the front yard and a six-foot tall block wall in the street side yard, reverse corner, of their property at the northeast corner of Third Street and F Street in Biola.

REQUIRED FINDINGS

1. Exceptional or extraordinary circumstances:

The exceptional circumstance that applies to the site is its historical and proposed uses. Until 1988, when it was destroyed by fire and not re-built, the business office for the district occupied the site. A community well was constructed on the site in 1977, and the current well and pressure tank replaced that one in 2005. The current 70 feet by 70 feet well site in the southeast corner of the site is enclosed by a six-foot tall chain link fence. The existing fence encroaches about 9 feet into the F Street right of way. The site has been used for community purposes for many years and has not been used as a single family residential home site. The location of the existing well and electrical equipment prevent the block wall along F Street from being built at the required set back location.

2. Preservation of a substantial property right:

The District currently has a six-foot chain link fence along the side yard on F Street. Other property owners of single-family zoned property have constructed six-foot tall fences along their front yards or side yards as follows:

ADDRESS	APN	ENCROACHMENT
12777 West F Street	016-291-01	5' Wood fence in front yard
12765 West F Street	016-291-02	4' Chain link fence in front yard
12745 West F Street	016-291-15	4' Chain link fence in front yard
12727 West F Street	016-291-14	4' Chain link fence in front yard
12711 West F Street	016-291-05	4' Chain link fence in front yard
12712 West F Street	016-265-08	6' Wood fence in side yard, reverse corner
12611 West F Street	016-292-06	6' wood and Chain link fences in front yard
12766 West E Street	016-261-13 & 14	6' Chain link fence w/slats in front yard
12570 West E Street	016-265-04	5' Wood fence in side yard, reverse corner
12685 West E Street	016-264-01	5.5' Wood fence in front yard

The District requests the right to construct the fence and wall in the required yard setbacks as neighboring property owners have done.

3. Granting the variance will not be materially detrimental to the public welfare.

The block wall along F Street is being proposed to mitigate noise currently being generated by the electric motor on the existing well, and future noise from the booster pumps. The neighboring property owners have requested that the District construct the wall for that purpose. The six-foot chain link fence in the front yard is for security purposes.

4. Granting the Variance will not be contrary to the objectives of the General Plan.

Allowing the construction of the block wall in the side yard set back will help comply with the General Plan Goal to protect adjacent residences from noise generated by the electric motors used for the well and booster pumps.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Biola Community Services District
- APPLICATION NOS.:** Initial Study Application No. 7384, Director Review and Approval Application No. 4522, and Variance No. 4050
- DESCRIPTION:** The project consists of the construction of a 500,000-gallon water storage tank with boost pumps at the existing well site on the Assessor's Parcel Number 016-265-10T in the R-1 (Single Family Residential) Zone District. Site improvements will be necessary to accommodate the tank and pumps. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District. A variance is required to allow 6-foot fencing and walls to be built within the front- and side-yard setbacks where the height is limited to three feet.
- LOCATION:** The 500,000-gallon water storage tank will be located on Assessor's Parcel Number 016-265-10T. The water main, service, and meter replacement will take place mostly in the public right-of-way, with the exception of a portion running across private property to the southwest of the intersection of West H Street and North Fourth Street. This portion crosses APNs 016-300-28ST, 016-190-28S, and 016-080-55S. The entirety of the project is located within the limits of the Biola Community Services District located in the unincorporated community of Biola. (Sup. Dist. 1)

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:

According to Figures OS-1 and OS-2 of the Fresno County General Plan, there are no recreational trails, scenic or landscaped drives, or scenic highways near the project site.

- 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 in the unincorporated community of Biola. This area is characterized by a cluster of residential uses surrounded by large agricultural parcels. The aboveground water storage tank will be located on the western edge of the community, with single-family residences to the north, east, and south and agricultural uses to the west. The site is currently developed with a pump house and a 10,000-gallon hydro-pneumatic tank. The major vegetative cover consists of residential-type trees. Houses to the east of the project site face F Street and a slatted chain-link fence provides some screening for the project site. Residences north of the project site face E street (away from the project site) and are separated from the project site by a wooden fence and an alley.

The house directly south of the project site has the greatest potential to be impacted by the installation of the water tank. This residence currently faces the existing water pump and 10,000-gallon tank. The site plan indicates that up to ten new trees will be placed in a landscaped strip of land along the southern and western edges of the property. With the installation of this landscaping and trees to screen the tank from this property, impacts to the existing visual character of the neighborhood will be less than significant.

* **Mitigation Measure**

1. *Prior to final inspections, the applicant shall install landscaping along the southern property line as indicated on the site plan, including native or drought-resistant trees.*

- 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 project involves the installation of ground-mounted lights and a light located atop the proposed tank. The applicant will be required to install all lighting such that it is hooded and pointed downward away from adjacent properties and public right-of-way. With adherence to this mitigation measure, impacts from the new sources of light on surrounding properties and nighttime views of the area will be less than significant.

* **Mitigation Measure**

2. *Prior to operation of the water-storage tank, all outdoor lights shall be hooded, directed, and permanently maintained so as not to shine toward adjacent properties and public roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use?

FINDING: NO IMPACT:

The Fresno County Important Farmlands Map (2014) designates this parcel and the majority of the community of Biola as "Urban and Built-Up Land." Therefore, there will be no impacts to the conversion of prime or unique farmlands as a result of this project.

- 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?

FINDING: NO IMPACT:

The subject parcel is not restricted by a Williamson Act Contract, nor has it been designated forestland or land zoned for Timberland Production.

- 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 forestland to non-forest use?

FINDING: NO IMPACT:

The installation of the water storage tank, new water mains, and replacement water services will not impact adjacent agricultural land. A portion of the water main to be replaced runs through land that is zoned for agricultural use but not restricted by a Williamson Act Contract. These improvements will not impact the agricultural use to the west of the parcel, as the tank will be placed completely within the boundaries of APN 016-265-10T. The subject parcel is designated by the Biola Community Plan Map (1976) as a recreation center; however, discussion in the plan itself indicates that this is an alternative site option. The parcel to the west is designated for limited industrial and medium density residential uses. The existing Limited Agricultural (AL) zoning designation is used to allow some light agricultural uses until final urban or industrial development can occur. Therefore, due to the industrial and residential designations in the vicinity of the subject parcel, there will be no impacts that would result in the conversion of farmland to non-agricultural uses or forestland to 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located within the San Joaquin Valley Air Basin. This area is in non-attainment for ozone, PM_{2.5} (particulate matter 2.5 microns and smaller), and carbon monoxide based on both state and national Air Quality Standards. The Basin is in non-attainment status for PM₁₀ (particulate matter 10 microns and smaller) based on state standards and is in attainment based on national standards.

Review of this project by the Air Pollution Control District determined that the project would not violate any air quality standards or contribute to existing air quality violations.

- 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: NO IMPACT:

The San Joaquin Valley Air Pollution Control District did not identify a potential for this project to release substantial pollutant concentrations and did not recommend mitigation to reduce such impacts. This project is not anticipated to release substantial pollutant concentrations or contribute to an existing substantial concentration of pollutants. This type of project does not generate objectionable odors.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A reconnaissance-level biological evaluation of potential impacts to sensitive and listed species was performed by Kamansky's Ecological Consulting for this project. Review of the site determined that there was little undisturbed vegetation or native plant communities present.

Forty-five (45) Special Status Species and habitats are known to occur in the vicinity of the proposed Project. Twenty-five (25) Special Status Animal species and seventeen (17) Special Status Plant species are known to occur in the general vicinity of the proposed Biola Water System Project (the action area). Field surveys conducted during the biological evaluation did not document the presence of any Special Status Animal or Plant species in the project impact footprint/Action Area, but kit foxes are known to den in the vicinity, badgers could occupy the site or move into the area prior to construction, and Swainson's hawks have been known to establish nests within 10 miles of the site. Other raptors such as white-tailed kite, red-tailed hawks, great-horned owls, barn owls, and bat species are all known to forage and nest in the vicinity. There is nesting, roosting, and foraging habitat nearby.

San Joaquin kit fox is a special status animal species, which is known to occur regionally. San Joaquin kit fox may occasionally pass through the site while foraging but, based on habitat characteristics and prey availability, this species would not be expected to den on the alignment/sites. The alignment/sites do not provide important intrinsic habitat values unique to the area. However, this species' absence cannot be ruled out at this time and if currently absent, kit foxes could move into the area prior to construction possibly occupying the sites, presenting a possible adverse impact. In order to reduce impacts to special status species, the following mitigation measures shall be implemented:

* **Mitigation Measures**

1. *All Special Status and Protected Animal Species: Preconstruction habitat assessment surveys shall be conducted before any ground-disturbing activities are to begin. If the surveys detect the presence of habitat for listed or protected species or migratory birds, then the Project will be paused until the following measures or consultation with the California Department of Fish and Wildlife (CDFW) and/or US Fish and Wildlife Service (USFWS) can occur:*
 - a. *American Badger: A pre-construction survey for American badgers shall be conducted by a qualified biologist within 30 days of the onset of Project-related activities involving ground disturbance or heavy equipment use. Pre-construction surveys will be conducted in all suitable denning habitat of the Project area.*
 - b. *Special Status Amphibians: A qualified biologist shall survey affected areas for Special Status amphibians within 30 days of the onset of land grading or other site disturbance. The biologist will look for individuals and eggs.*
 - c. *Special Status Bat Species: If removal of buildings, structures and/or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist shall survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano and staining, and will listen for bat*

vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.

- d. *The United States Fish and Wildlife Service (USFWS)-approved preconstruction protocol-level surveys for San Joaquin kit fox shall be conducted no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. The applicant/operator shall follow Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and During Ground Disturbance (USFWS 1999). These surveys can also detect raptors, migratory songbirds and any other Special Status Species in the area and recommend any additional appropriate avoidance and minimization measures.*
 - e. *If activities take place during avian nesting season (March 1 - August 1), a qualified biologist shall conduct nest surveys within a 500-foot radius of the construction site for neotropical migratory birds and 0.5 mile for Swainson's hawks. Appropriate measures shall be determined in consultation with the California Department of Fish and Wildlife (CDFW) in the event an active nest is located in an area subject to disturbance. No restrictions are required for avian species for construction activities that occur during the non-breeding season (September 1 through February 28) or after the young have fledged, which must be determined based on surveys by a qualified biologist.*
2. *All Special Status Animal Species: If pre-construction surveys detect special status species, the Applicant shall initiate informal consultation with the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS), if applicable. The Applicant shall communicate with and coordinate its activities with a CDFW/USFWS biologist who is specifically assigned to deal with these issues in Fresno County. That biologist shall identify measures for avoidance, minimization, and mitigation.*
 3. *All Special Status Animal Species: If pre-construction surveys detect listed or protected species, a biologist (monitor) shall be retained onsite during construction to educate workers, monitor compliance with best management practices, and to identify and protect natural resources, including special status species. The monitor will be responsible for ensuring that appropriate measures are taken to prevent disturbance of core avoidance areas. Any unauthorized take of special status species will be immediately reported to the CDFW by the monitor. The monitor will also notify the Project Coordinator who will stop work until corrective measures are implemented.*
 4. *The applicant shall consult with CDFW/USFWS and shall perform the following measures as part of their permitting process with the agencies in order to help minimize impacts to the kit foxes, raptors and other species:*

- a. *Revegetate disturbed areas with trees and grass from on the site or adjacent areas; and*
- b. *Prior to the start of construction of each phase of Project development, the applicant shall retain a qualified biologist to conduct a meeting to train all construction staff that will be involved with the Project on special status plant and animal species. This training will include a description of the special status species and their habitat needs; a report of the occurrence of special status species in the Project area; an explanation of the status of the special status species and their protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the special status species during Project construction and implementation.*

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: NO IMPACT:

The field survey conducted in December 2017 did not identify any sensitive natural communities or riparian habitats at the tank site. There are no bodies of water, streams, or canals within or adjacent to the tank site and the water service improvements will be made within existing right-of-way.

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:

The project will not have a substantial adverse effect on federally protected wetlands. There are no wetlands on the site of the 500,000-gallon water storage tank. There are wetlands within the Biola Community Services District near the locations of the proposed water main, service line, and meter replacement but they will not be affected by the water main and service line replacement nor the district-wide water meter replacement. These portions of the project will occur within the public right-of-way and will not impact the wetlands.

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

This project will not conflict with any local policies or ordinances protecting biological resources. The proposal involves the removal of non-native trees from the project site, which are not protected by ordinance.

- 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:

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservations plans in place in the project vicinity.

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 tank site parcel is located in an area designated by the County of Fresno to be neither highly nor moderately sensitive to archeological finds. Some portions of the meter and main replacement are within an area designated to be highly sensitive to archeological finds. Due to the previously disturbed and paved ground in this area, it is unlikely that new discoveries will be made.

Under the provisions of Assembly Bill 52, staff contacted those tribes interested in consulting on projects: Table Mountain Rancheria, Santa Rosa Rancheria Tachi Yokut, Picayune Rancheria of Chukchansi Indians, and the Dumna Wo Wah Tribal Governments. Table Mountain declined consultation in a letter dated October 20, 2017; the Dumna Wo Wah Tribal Government requested consultation in a letter dated October 17, 2017; and the other two Tribes did not respond to the consultation request.

Yamabe and Horn Engineering requested a Sacred Lands File search from the Native American Heritage Commission (NAHC) and contacted each of the Tribes identified by the NAHC as having the potential to hold knowledge of specific resources near the project area. On October 2, 2018, Table Mountain Rancheria responded to the Applicant's letter with a request to consult on the project. Follow-up responses from Yamabe and Horn to Table Mountain to arrange a meeting were not answered. County staff reached out to Table Mountain Rancheria to discuss the conflicting responses between the County's AB 52 routing, where TMR declined to participate in consultation and the Applicant's routing where they indicated they had concerns. There was no response from Table Mountain. As Table Mountain declined participation when formally invited to consult, staff did not continue to follow up with the Tribal Chairman.

A copy of the Cultural Resources Study prepared by Applied EarthWorks, Inc., dated December 2017 was provided to the Dumna Wo Wah Tribal Government. Staff received no response following submission of that document and concluded consultation on March 29, 2018 with a determination that there were no known Tribal Cultural Resources on the project site. However, it cannot be determined with certainty that no previously unknown resources will be uncovered over the course of construction. Therefore, a mitigation measure describing the steps that must be taken in case of an inadvertent find will be included:

* **Mitigation Measures**

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 should 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: NO IMPACT:

The community of Biola is not located near an active fault line based on the Department of Conservation's 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While there is some increase of impermeable surfaces proposed with this application, development will be in compliance with all County Regulations, including those relating to the disposition of storm water and runoff. The site is proposed to connect to Biola's storm water drainage system. Landscaping and gravel cover will protect soil runoff. Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is outside the area of high landslide hazard.

- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The subject parcels are not located in an area with soils that exhibit a moderately high to high expansion potential. Review of data from the Web Soil Survey of the Natural Resources Conservation indicates that the parcels contain primarily Hanford sandy loam soil, which does not have high shrink-swell potential.

- 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:

This project does not involve the installation or use of sewer or septic systems.

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:

Potential impacts to greenhouse gas emissions may occur due to the operation of the generators at the site; however, review of this application by the San Joaquin Valley Air Pollution Control District determined that the proposal would not meet any thresholds requiring additional studies or monitoring to reduce impacts to less than significant.

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:

During construction, there will be routine use of diesel fuel, gasoline, oil, and lubricants for construction equipment. All construction machinery shall be in good working condition and free of fluid leaks. Due to the relatively small amounts of these materials to be used and safeguards required by existing regulation on construction equipment and storage devices to prevent release of these materials, the hazard to the public and the environment is considered less than significant.

- 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:

The tank site is not located within one quarter-mile of a school; however, some of the water service and water main replacements will occur within that radius. Chlorine is currently stored at the tank site to be used as a disinfectant for the well. While chlorine may be considered a hazardous substance, the trace amounts used to disinfect water do not present a hazard to public health. Chlorine delivery trucks will come to the site about once every two to three months, which does not represent an increase to the baseline number of deliveries of chlorine to the project site. The chlorinated water that passes within the one quarter-mile radius of the school is provided to residences as potable drinking water and therefore will not create a hazard.

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

FINDING: NO IMPACT:

Review of Hazardous Waste sites (Resource Conservation and Recovery Act), Water Dischargers (National Pollutant Discharge Elimination System), Toxic Releases (Toxic Releases Inventory), Superfund sites (National Priorities List), Brownfields, and Toxic Substances Control Act sites did not identify any known contamination of the sites involved with this application. Two sites within Biola were identified as sites of toxic releases, but both sites were reported to be currently in compliance with existing

regulations. Similarly, the one site identified as having the potential to release polluted water is also listed as operating with a permit and has not reported a violation for the past three years. Due to the compliant status of potential hazardous releasers in the area and no history of hazardous waste spills on the project site, there would be no impacts from historical hazardous waste releases on the project 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:

Biola is not located in the vicinity of a public airstrip. Review of aerial photographs (Google Earth, August 7, 2017) indicates that there is a private airstrip approximately 1 mile northwest of the nearest parcel associated with this application. However, the project site will be generally unmanned following construction activities. The project will not create any new obstructions that would impact this airstrip, as all development standards relating to building height will be met. (The Variance associated with this application proposes to allow a 6-foot fence and well where the height is typically limited to 3 feet.) Further, the project's location within the community of Biola indicates that it will not result in a safety hazard as the operation of a private airstrip is restricted by its Use Permit so as not to cause adverse impacts on nearby residential uses, which are adjacent to the project site.

- 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 site is not located in an area designated to be at high risk of damage from wildland fires. There are no changes to the existing roadways or evacuation paths and the project will not interfere with any Emergency Response Plan or Emergency Evacuation Plan. It is possible this project could have a positive impact on hazards associated with wildland fires, as the proposed pump will provide additional pressure to the main water supply.

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:

Approval of this project would not impact any water quality standards. Improved services and mains will positively impact the availability of water in an emergency, by making that water available. The tank will store the water, but not impact its quality.

- 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:

Outside of water used in the course of construction, this project does not require the use of existing water supplies. The improvements to the system will allow the Biola Community Service District to serve water to the community of Biola more effectively. The tank will be used to store water in case there is a need for additional flow due to the failure of one of the existing wells. There is currently no back-up system in place.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The increase to impermeable surfaces at the tank site has the potential to alter drainage patterns; however, County regulations prohibit the discharge of runoff and the site is proposed to connect to the existing storm drainage system. With compliance to these existing regulations, the project will not have an adverse impact on drainage. There are no streams or rivers in the vicinity.

- 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:

According to FEMA FIRM Panel No. 06019C1525H, there are no special flood hazard areas within the project area, including the right-of-way where the service mains will be replaced.

- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The community of Biola is located in an area at risk of inundation by dam failure. The replacement of the water services and mains will not expose persons or structures to this potential failure because those improvements will generally be undergrounded. All improvements will be built to the standards identified in the Fresno County Flood Plain Management Ordinance. The design of drainage and flood control facilities in the County is governed by the Fresno County Drainage and Flood Control Design Standards, which is part of the Improvement Standards for Fresno County. This document contains criteria for storm design capacities for artificial surface drainage facilities, underground storm sewers, and roadway culverts, and specifies other criteria for natural drainage channels. With compliance to these regulations, the improvements will not have a significant impact on risks due to levee or dam failure.

- J. Would the project cause inundation by seiche, tsunami, or mudflow?

FINDING: NO IMPACT:

The project site is not located near a body of water large enough to cause seiche or tsunami. The site is similarly not located in an area of steep slopes, precluding the possibility of risk due to mudflow.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

This project relates to improvements within the Biola Community Services District; however, the majority of these improvements relate to upgraded water services and new, slightly larger, water mains. These improvements will be undergrounded and will not divide the community. The new tank will be installed at the edge of the District on a parcel roughly twice the size of a residential parcel in this neighborhood.

- 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:

This Initial Study is being prepared for County of Fresno Director Review and Approval Application No. 4522, which if approved, would authorize the construction of the new water tank, installation of new water services, and replacement of the existing 8-inch mains with 10-inch mains. Existing property development standards prohibit walls or fences in excess of 3 feet within the front yard setbacks; however, the project involves the installation of 6-foot block walls along the eastern and southern property lines and a six-foot fence along the west and north. Approval of the variance will allow the wall and fence to be built to their proposed height along the full eastern property line and approximately 20 feet of the northern and southern property lines (consistent with the front-yard setbacks). There are no General Plan Policies specifically concerning these types of projects or setback variances. Therefore, as the applicant is pursuing a variance for the ways in which this project conflicts with existing zoning, impacts to local Land Use Plans, policies, and regulations will be less than significant.

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

FINDING: NO IMPACT:

This project is not subject to any Habitat Conservation Plans or Natural Community Conservation Plans.

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 Figure 7-7 (FCGPBR), the community of Biola is not designated as a locally important mineral resource recovery site. The project will not result in the loss of availability of a known mineral resource. The scope is limited to the replacement and expansion of the existing water service system in the Biola Community Services District.

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 pump station associated with the 500,000-gallon water storage tank has the potential to exceed acceptable noise levels in the single-family residential zone district. Construction noises associated with other parts of the project will be temporary and will occur during normal construction hours. In order to address the potential for the pumps to adversely impact surrounding properties, the applicant shall install noise-attenuation housing on the well pump motor and a 6-foot masonry block wall will be constructed along the eastern and southern property lines.

* **Mitigation Measure**

1. *The applicant shall install a 6-foot masonry block wall along the eastern and southern property lines. Noise attenuation housing will be installed on the existing well pump motor and on the three proposed booster pump motors.*

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is not located near a public airstrip. There is a private airstrip approximately one mile northwest of the nearest parcel involved with the project site. Following construction, the project sites will be essentially unmanned, with the exception of a limited number of trips for maintenance and chlorine delivery. Noise levels at the project site due to the airstrip will be comparable to the residential uses in the area, which are less than significant.

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 project will not induce population growth, as the improvements will serve existing residences. The upgrades are necessary to ensure that the community of Biola has

sufficient water flow in the event of a fire emergency. The tank site is primarily vacant with an existing water tank. The new water services and replacement mains will be installed throughout the District within the right-of-way and across a small strip of private land. No displacement of persons or housing will occur because of this project.

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:

This project represents an improvement to the existing water supply system of the community of Biola. It is not anticipated that improved water flow will result in adverse impacts to fire and police protection, schools, parks, or other public facilities. It is possible that approval of this project will improve such facilities, as there will be adequate water pressure to fight fires, even when one of the existing wells is out of service. Without this project, the District would not have sufficient flow with only one well in operation. There is no increase in population associated with this project and therefore no indirect impacts on public safety, parks, or other facilities. The development at the site will not present a new source of high-value objects which could attract criminal activity. This project was reviewed by the North Central Fire Department who identified certain conditions of development (existing regulations) but did not identify any specific concerns with the proposal in regard to the effectiveness of the system.

XV. RECREATION

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

FINDING: NO IMPACT:

This project will not increase the use of local parks, nor will it require the expansion of such 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
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

Following construction, traffic at the site will be limited to approximately three trips per month: two service trips and one chlorine delivery. Due to the limited amount of proposed operational traffic, there will be no impacts to emergency access, traffic congestion, or other performance measures of the circulation system.

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:

This project relates to improvements to the existing water service system of the Biola Community Services District. It is not anticipated that this project will produce wastewater, as the system is the source of water for other sites.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The following storm water drainage facilities are proposed in the vicinity of the tank site: two 48-inch storm drain manholes, a storm drain grate inlet on site, a type 'D' storm drain inlet within the right-of-way, and new storm drain pipe to connect to the existing system. These improvements will ensure that the increase in impermeable surfaces at

this site do not cause run-off that could adversely impact surrounding properties. The improvements are designed to directly compensate for the project's improvements and no impacts to other sites are anticipated.

- 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 improvements associated with this application do not require additional water supply entitlements; they serve to provide water to sites with such entitlements.

- 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:

Outside of water necessary for construction, this project will serve to deliver water to various sites and is not anticipated to generate wastewater. Following construction, there will be no solid waste generated. Such waste generated during construction activities will be disposed of in a manner consistent with Fresno County Regulations.

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:

There is the potential for this project to impact special-status or endangered species in the vicinity of this project. With compliance to the mitigation measures noted above, which require habitat assessment surveys, and then biological presence surveys, impacts to such species can be mitigated to less than significant. Compliance to the mitigation measures noted in Section IV. Biological Resources, which require habitat-presence surveys and species-presence surveys and outlines steps to follow in the case of observation of a special-status species, will reduce adverse impacts on such species. Regarding the protection of cultural or historical resources which may be beneath the surface of the ground at the project site, mitigation has been incorporated

requiring that construction cease in the area of a find to allow additional investigation and the implementation of avoidance or other protective measures.

* **Mitigation Measures**

1. See Section IV. Biological Resources.

2. See Section V. Cultural Resources.

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

FINDING: NO IMPACT:

This project may cause a small cumulative impact on noise in the community; however, it is not expected that additional similar facilities would be developed in this area, as only one water tank/pump site is necessary. Therefore, there are no cumulative impacts identified as part of this review.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is the potential for this project to have an adverse impact on surrounding properties; however, adherence to the noted mitigated measures regarding lighting and noise generation will reduce impacts to less than significant.

* **Mitigation Measures**

1. See Section I. Aesthetics.

2. See Section XII. Noise.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval Application No. 4522 and Variance Application no. 4050, 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 Aesthetics, Mineral Resources, Population and Housing, Public Services, Recreation and Transportation/Traffic.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Hydrology and Water Quality, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Biological Resources, Cultural Resources, Noise and Mandatory Findings of Significance have determined to be less than significant with compliance with the listed 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.

CMM

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7384	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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): Christina Monfette Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Biola Community Services District	Project Title: Biola Community Services District Water Systems Upgrades		
Project Description: Construct a 500,000-gallon water storage tank with boost pumps at the existing well site. Site improvements will be necessary to accommodate the tank and pumps. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District. A Variance is required to allow the installation of fence and wall in excess of three feet within the front-yard setbacks.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Aesthetics, Mineral Resources, Population and Housing, Public Services, Recreation and Transportation/Traffic. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Hydrology and Water Quality, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Biological Resources, Cultural Resources, Noise and Mandatory Findings of Significance have determined to be less than significant with compliance with the listed Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal –		Review Date Deadline: Planning Commission –	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Christina Monfette, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
DRAFT MITIGATED NEGATIVE DECLARATION**

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 August 23, 2018

SUBJECT: General Plan Conformity Application – Clovis Unified School District Proposed Elementary School

Acquire approximately 25 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The proposed site is located on North Locan Avenue between Shields and Garland Avenues, adjacent to the City of Fresno (SUP. DIST. 5) (APN 310-230-24 and -34).

OWNER: George and Alice Raab
APPLICANT: Clovis Unified School District

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Aerial Photograph of Proposed School Site
5. Site Plan

ZONING AND LAND USE DESIGNATIONS:

Criteria	Designation
General Plan Designation	Agriculture in the Fresno County General Plan
City of Fresno General Plan Designation	Urban Neighborhood (16-30 Dwelling Units/acre) Southeast Development Area (SEDA)
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)

SITE AND PROPERTY CHARACTERISTICS:

Criteria	Existing	Proposed
Parcel Size	15.52 acres (APN 310-230-24) 9.56 acres (APN 310-230-34)	An approximately 25-acre portion will be developed as an elementary school site
Project Site	Vacant land	Elementary School campus
Nearest Residence	Adjacent to proposed elementary school site, to the north, on the east side of Locan	Fresno General Plan proposes residential and mixed-use land uses around the entire site
Surrounding Development	Fallow agricultural land and single-family residential lots	Elementary School campus

SURROUNDING PROPERTIES:

Surrounding Parcels			
	Size:	Use:	Zoning:
North:	Less than one-acre to three-acre parcels	Single-family subdivision and rural single-family residential	AE-20
South:	Five- to ten-acre rural residential/agricultural parcels	Fallow agricultural land and single-family home sites	AE-20
East:	One-acre to approximately five-acre parcels	Single-family rural residential home sites and vacant land	AE-20 and R-R
West:	Less than one-acre parcels	Single-family subdivision	Fresno RS-4 and -5

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

On August 1, 2018, the Clovis Unified School District (District) submitted an application for determination of General Plan Conformity on an approximately 25-acre site for the purpose of establishing a new elementary school. The proposed site is located on the east side of North Locan Avenue, between Shields and Garland Avenues in the City of Fresno Southeast Development Area (SEDA) portion of the Fresno-Clovis metropolitan area, and is within the City of Fresno's Sphere of Influence. The proposed school site is adjacent to urban residential development to the north and west, located in the City of Fresno.

The District has stated that the new site is necessary to serve the student population growth generated by urban development in the cities of Fresno and Clovis. The school would be in regular session on weekdays from late August to early June with additional special events and classes during evenings, on weekends, and during the summer recess. The planned grade levels and enrollment would typically serve approximately 750 students in kindergarten through sixth grade. The school would have approximately 50 employees, including administrators, faculty, and support staff, and would have administrative offices, classrooms, a multi-purpose building, and physical education facilities. According to the District, the school site would be acquired when required school site approval processes are completed.

The District has stated that the school would be designed with vehicular, bicycle, and pedestrian access to the surrounding circulation systems. The City of Fresno's water and sewer systems are proposed to serve the school, and the location and design of the water and sewer facilities would be subject to review and approval by the City of Fresno. The Fresno Metropolitan Flood Control District (FMFCD) would be the storm water drainage services provider for the project and the location and design of storm water drainage facilities would be subject to review and approval by FMFCD.

Adopted Public Land Use Policy: The City of Fresno General Plan designates the proposed school site and adjoining land Urban Neighborhood, Low-Density Residential, and Corridor/Center Mixed Use. Schools are a permitted use in all single-family residential areas per the Fresno General Plan. The siting of a school at this location is consistent with the City of

Fresno General Plan, Goal 8 (Develop Complete Neighborhoods); however, the City of Fresno General Plan Land Use Map does not show a school location at this site.

Access: The Fresno General Plan designates Locan Avenue as a Collector, which is currently a two-lane road, improved to City of Fresno roadway standards, west of the centerline. The school site will have street frontage on Locan Avenue and will be constructing the road to City standards.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-G.1: Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.</p>	<p>The proposed school site is within the City of Fresno Sphere of Influence and is designated for residential development in the City of Fresno General Plan.</p>
<p>Policy PF-I.1: County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.</p>	<p>The District is attempting to accommodate growth projections and neighborhood needs with acquisition of this school site.</p>
<p>Policy PF-I.6: Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.</p>	<p>Although it is acknowledged that the proposed site is located on agricultural land, it is in an area designated for future urban development by the City of Fresno and is rapidly developing with residential uses. Additionally, the proposed site is not classified as Prime Farmland or Farmland of Statewide Importance. The site is adjacent to the city limits of the City of Fresno to the north and west, which is developed with residential subdivisions, and a developed rural residential subdivision to the northeast.</p>
<p>Policy PF-I.7: County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.</p>	<p>The District has submitted the General Plan Conformity Application as part of the early process of site acquisition for development of an elementary school; analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on the City and County General Plan policies that address urban fringe areas.</p>

GENERAL PLAN POLICY CONSIDERATIONS:

The proposed school site and immediate surrounding area are within the City of Fresno's Sphere of Influence and are designated for residential land uses and mixed use.

A fundamental policy directive of the County's General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres. The City of Fresno has declined to annex this site, at this time, and did not comment on the proposed school site.

As previously mentioned, the subject area is zoned for exclusive agricultural land uses (AE-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices. In this case, however, the area is within the City of Fresno Sphere of Influence and is rapidly urbanizing with single-family residential neighborhoods and is planned for urban uses. The subject school is being located at this site to accommodate the planned growth in the area.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states 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. This proposal is consistent with this policy.

OTHER CONSIDERATIONS:

The proposed school site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act, nor is the site within the vicinity of a public or private-use airport. Thus, the proposed site is not in conflict with these provisions and land uses.

REVIEWING AGENCY/DEPARTMENT COMMENTS:

Staff received comments from the following agencies/departments: Policy Planning Unit, Zoning Section, and Building and Safety Section of the Development Services and Capital Projects Division, Water and Natural Resources Division and Design Division of the Fresno County Department of Public Works and Planning; and County of Fresno Department of Public Health, Environmental Health Division. Comments did not express any concerns regarding General Plan conformity.

CONCLUSION:

County staff can find the proposed elementary school site consistent with General Plan policy, based on analysis provided in this report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Finding of Consistency)

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Finding of Non-Consistency)

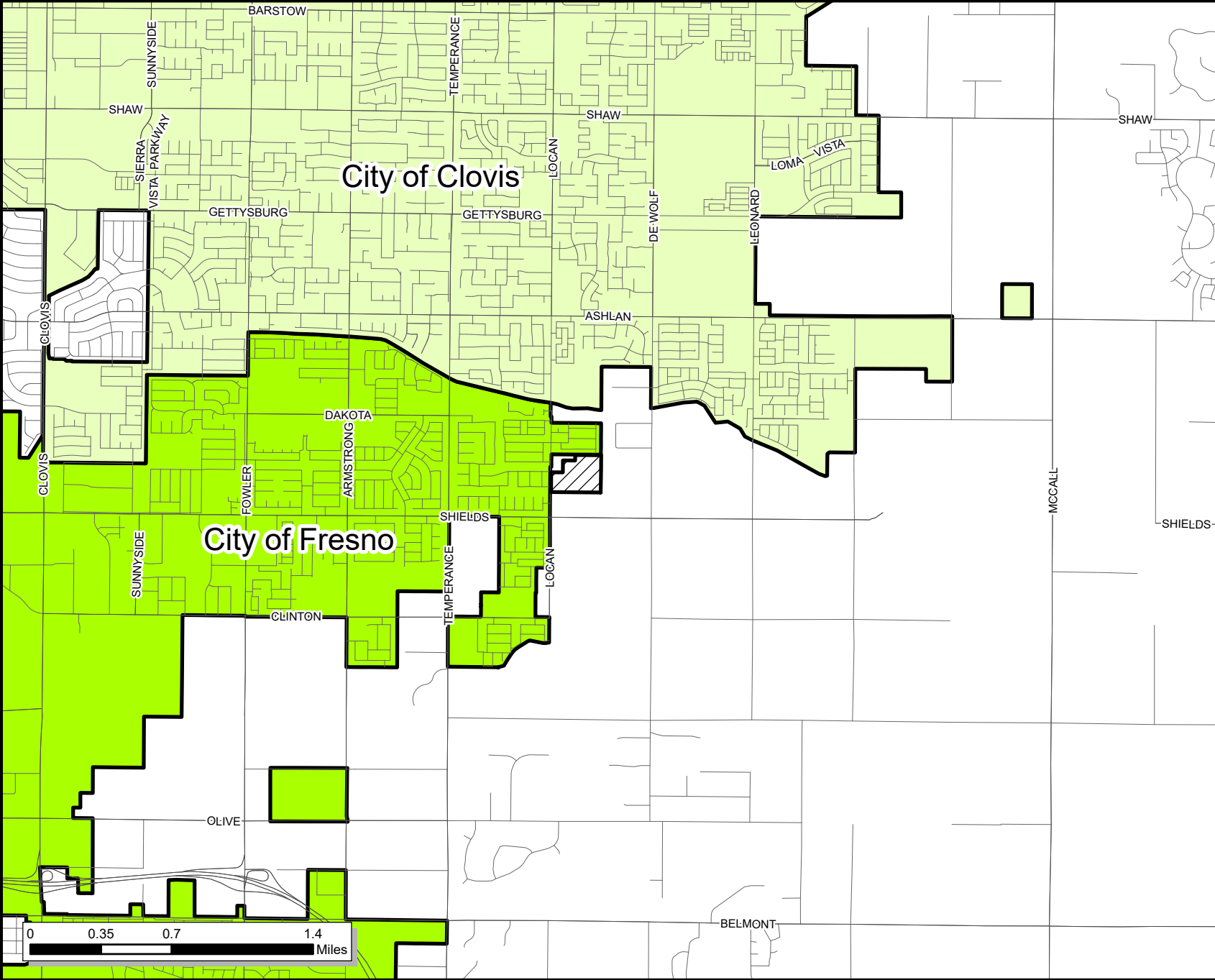
- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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LOCATION MAP

General Plan Conformity - Clovis Unified School District



LEGEND

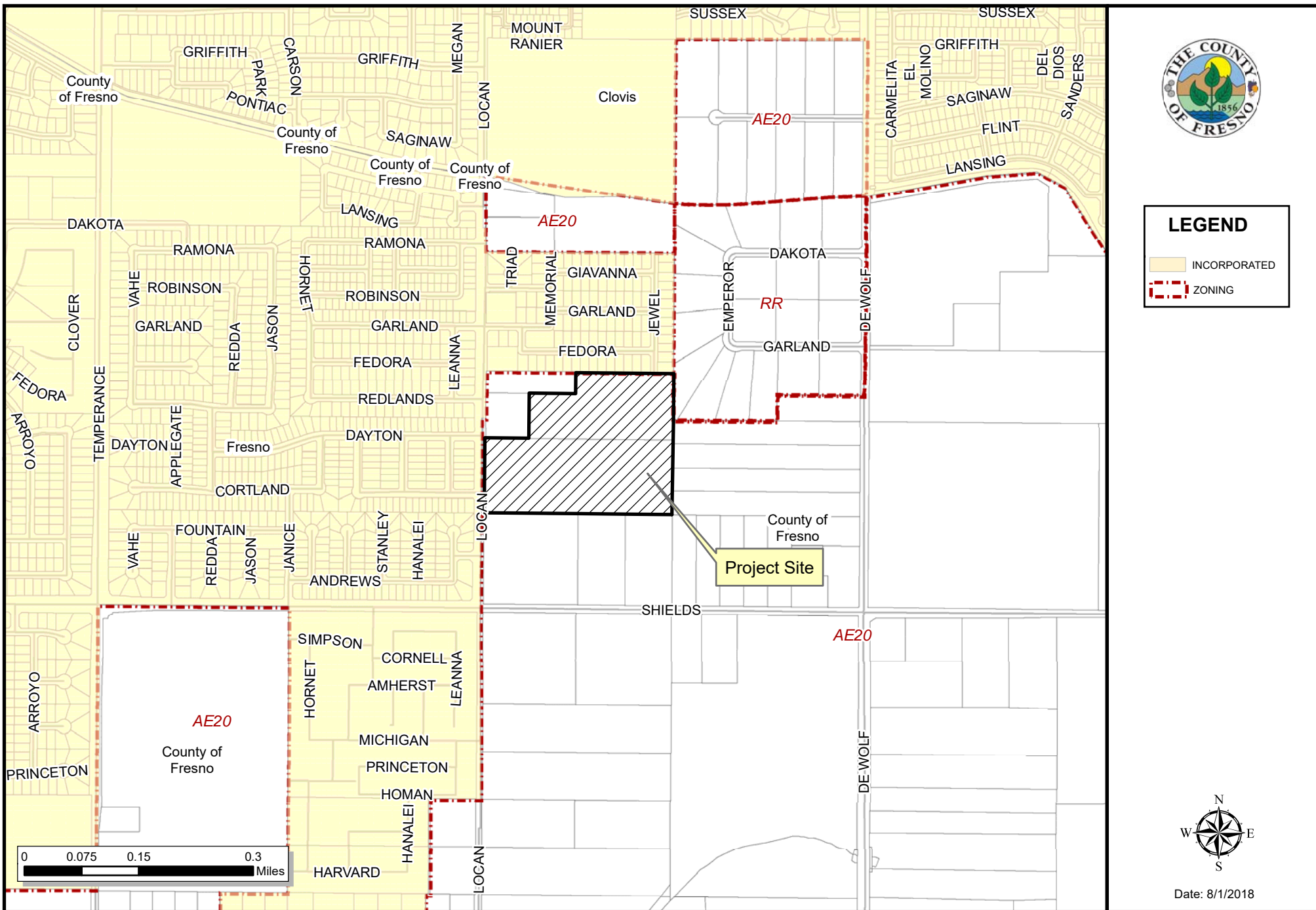
 School Site



Date: 8/8/2018

EXISTING ZONING

General Plan Conformity - Clovis Unified School District



LEGEND

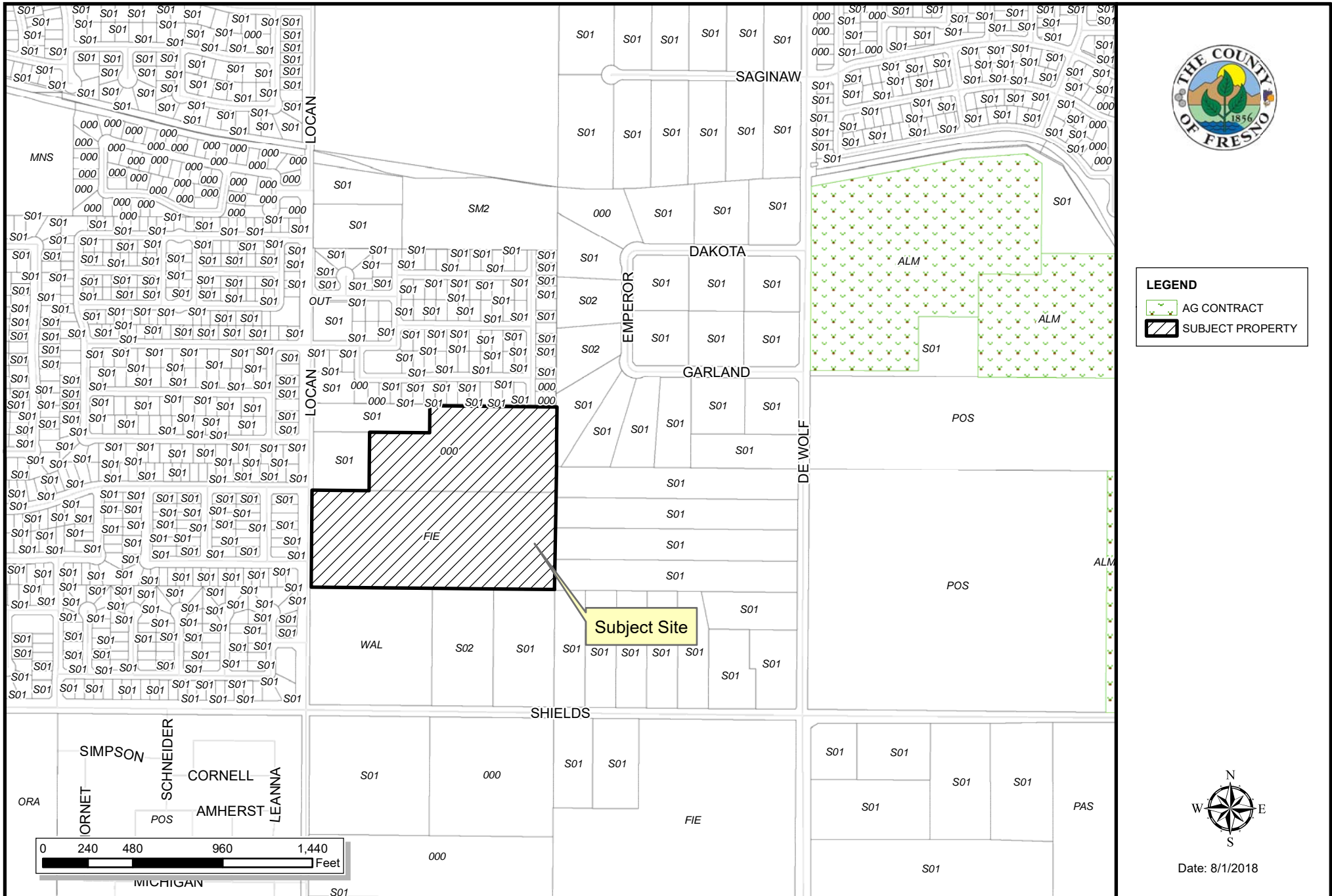
- INCORPORATED
- ZONING



Date: 8/1/2018

EXISTING LAND USE MAP

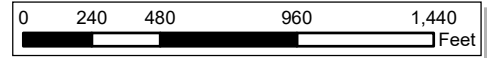
General Plan Conformity - Clovis Unified School District



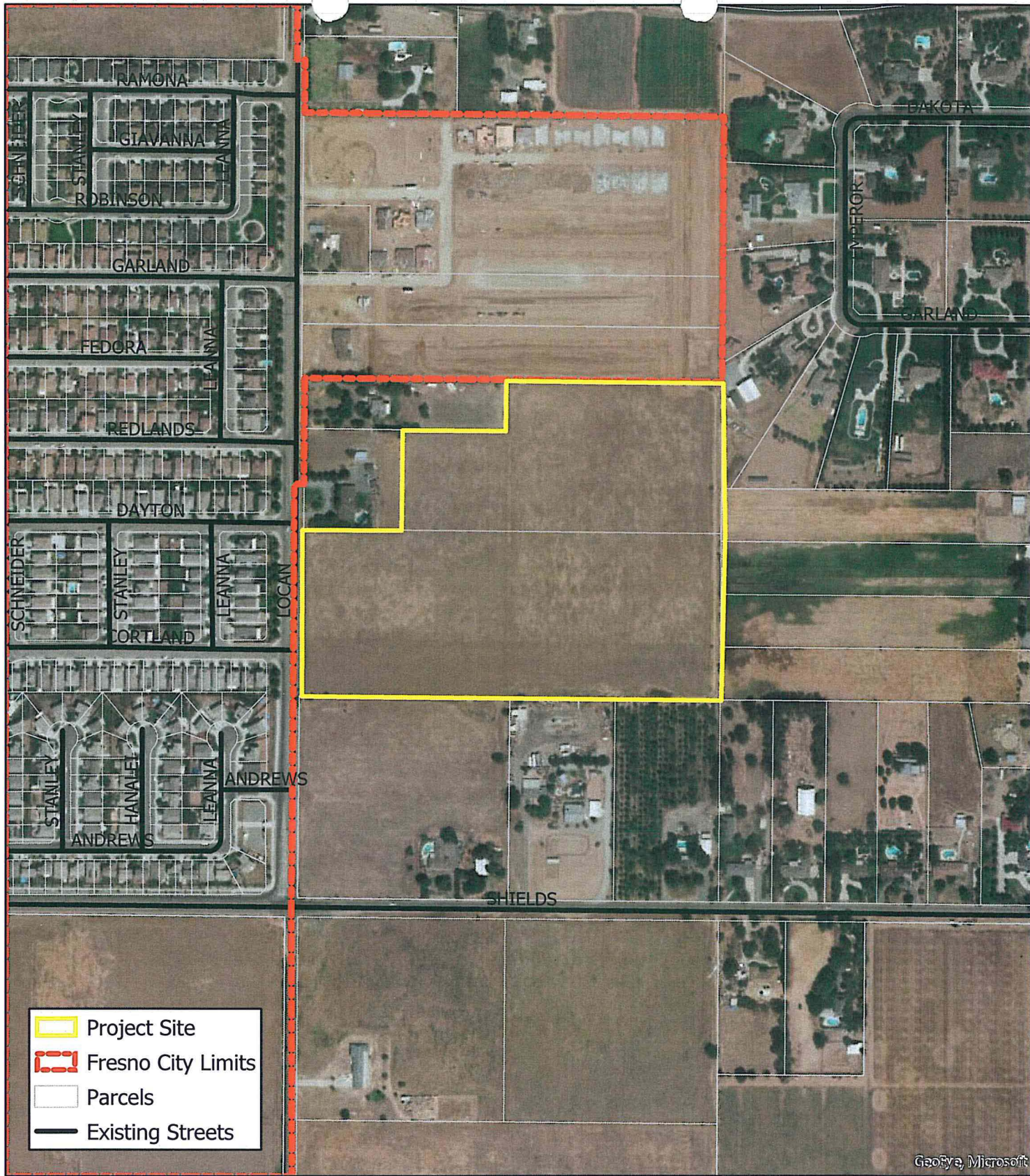
LEGEND

- AG CONTRACT
- SUBJECT PROPERTY

Subject Site



Date: 8/1/2018



Project Site

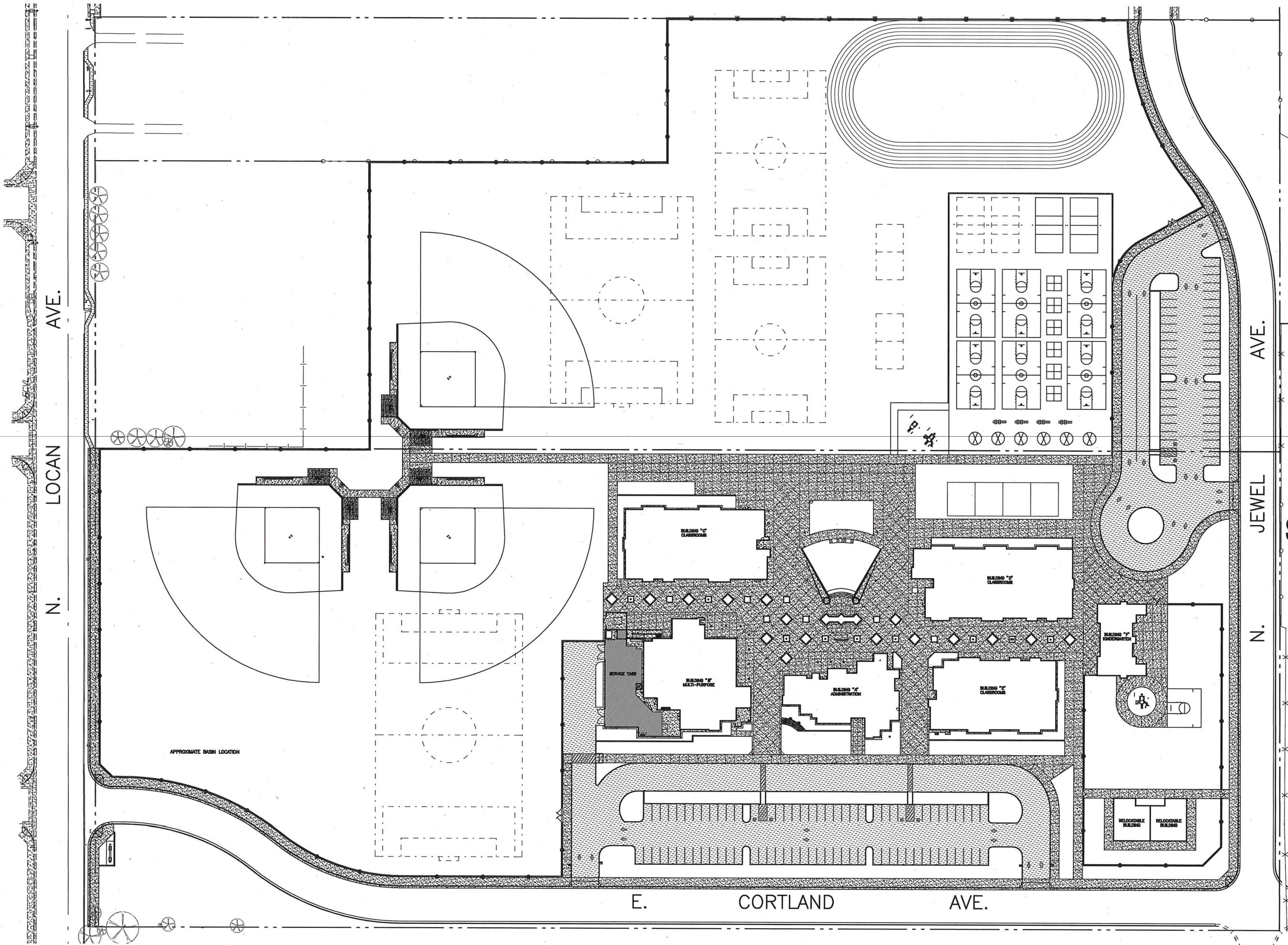
Shields-Locan Elementary School Project
 Clovis Unified School District

Exhibit 4

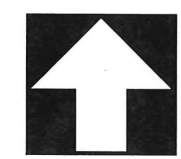
ODELL Planning & Research, Inc.
 Environmental Planning • School Facility Planning • Demographics



EXHIBIT 4



**SHIELDS/ LOCAN
ELEMENTARY
SCHOOL**



1"=100'

**Blair,
Church
& Flynn**

CONSULTING ENGINEERS

451 Clovis Avenue, Suite 200
Clovis, California 93612
Tel (559) 326-1400
Fax (559) 326-1500



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 6 August 23, 2018

SUBJECT: Adoption of the 2019 Planning Commission Hearing Calendar

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4569

RECOMMENDATION:

Consider and adopt the 2019 Planning Commission Hearing Calendar.

EXHIBITS:

1. 2019 (Draft) Planning Commission Hearing Calendar

ANALYSIS/DISCUSSION:

The 2019 Planning Commission Hearing Calendar provides for 18 hearing dates. Six months (January, March, April, June, August, and October) have been provided with two hearings for purposes of agenda flexibility. The Calendar, as proposed, has a similar number of hearing dates as the 2018 calendar. Hearing dates may be cancelled, as necessary, for purposes of item consolidation.

Any potential Joint Hearing dates with the Board of Supervisors will be scheduled as needed, pending coordination with the Clerk of the Board, and have not been included on this Calendar. The Commission will be advised of any upcoming or pending Joint Hearings if and when those dates become available. The Board of Supervisors typically approves their calendar later in the year, often in November. After adoption of the Board's 2019 Hearing Calendar, a final Planning Commission Calendar, with the Board Hearing dates included, will be made available to Commission members. Also, should the Department determine that a special hearing is necessary and should be scheduled, staff will solicit the Commission in advance to determine availability prior to scheduling.

Attached as Exhibit 1 is a Draft Calendar with the proposed Planning Commission Hearing dates noted. Staff has already coordinated with the Clerk of the Board's Office to ensure that

the dates provided will not conflict with use of the Board Chambers. Thus, it will be unnecessary to schedule any meetings off site if the Draft Calendar remains unmodified.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the 2019 Draft Planning Commission Calendar as proposed; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to reject the 2019 Draft Planning Commission Calendar as proposed; or
- Move to modify the 2019 Draft Planning Commission Calendar (specify changes); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

MM:ksn

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FRESNO COUNTY PUBLIC WORKS AND PLANNING 2019 PLANNING COMMISSION HEARING CALENDAR

BOS Board of Supervisors ● Holiday
PC Planning Commission Hearing
*PC PC Morning Only Hearing

JANUARY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 ●	2	3	4	5
6	7	8	9	10 PC	11	12
13	14	15	16	17	18	19
20	21 ●	22	23	24 PC	25	26
27	28	29	30	31		

FEBRUARY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 PC	15	16
17	18 ●	19	20	21	22	23
24	25	26	27	28		

MARCH						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7 PC	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24 31	25	26	27	28 PC	29	30

APRIL						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 ●	2	3	4	5	6
7	8	9	10	11 PC	12	13
14	15	16	17	18	19	20
21	22	23	24	25 PC	27	28
29	30					

MAY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16 PC	17	18
19	20	21	22	23	24	25
26	27 ●	28	29	30	31	

JUNE						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6 PC	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23 30	24	25	26	27 PC	28	29

JULY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 ●	5	6
7	8	9	10	11	12	13
14	15	16	17	18 PC	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8 PC	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29 PC	30	31

SEPTEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 ●	3	4	5	6	7
8	9	10	11	12 PC	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10 PC	11	12
13	14	15	16	17	18	19
20	21	22	23	24 PC	25	26
27	28	29	30	31		

NOVEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11 ●	12	13	14 PC	15	16
17	18	19	20	21	22	23
24	25	26	27	28 ●	29 ●	30

DECEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12 PC	13	14
15	16	17	18	19	20	21
22	23	24	25 ●	26	27	28
29	30	31				