



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 December 10, 2020

**SUBJECT:** Unclassified Conditional Use Permit Application No. 3686 and Initial Study No. 7901

Allow the use of a “High Intensity Park”, also known as the “Shredder Lake Project”, per Zoning Ord. Sec. 853-B.12 & .13, for the purpose of establishing a waterski club and events venue on an existing waterskiing lake in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject project is located on the southwest corner of Belmont and Indianola Avenue, approximately two miles north of the City of Sanger, on 54.35 acres comprised of two parcels 314-031-73 & 74. (Sup. Dist. 5)

**OWNER/APPLICANT:** RAYMOND J. LYNOTT

**STAFF CONTACT:** David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration based on Initial Study No. 7901; and
- Approve Unclassified Conditional Use Permit No. 3686 with recommended Findings and Conditions of Approval; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**EXHIBITS:**

1. Mitigation Monitoring & Reporting Program, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor’s Parcel Map
6. Applicant’s Operational Statement
7. Site Plan and Detail Drawing
8. Site Photos
9. Summary of Initial Study Application No. 7901
10. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

| <b>Criteria</b>            | <b>Existing</b>  | <b>Proposed</b>  |
|----------------------------|--|--|
| General Plan Designation   | Agriculture  | No Change  |
| Zoning                     | AE-20  | No Change  |
| Parcel Size                | 54.35<br>(20.00 Acres + 34.35 Acre)  | No Change  |
| Structural Improvements    | Single Family Residence (MH)<br>Est. 1,500 sq.ft.<br>Metal Storage Building<br>4,000 sq.ft.<br>Dock & Boat House<br>2,200 sq.ft.<br>Wood Barn<br>1,500 sq. ft. | + New Metal Assembly<br>Building with ADA-compliant<br>restrooms<br>5,000 sq. ft.<br><br>- Wood Barn to be removed<br>1,500 sq. ft.<br><br>New gated Feature |
| Nearest Residence*         | 100 feet east  | No change  |
| Surrounding<br>Development | Agricultural with Single-Family<br>Residences  | No Change  |

| <b>Criteria</b>      | <b>Existing</b>  | <b>Proposed</b>   |
|----------------------|--|---|
| Operational Features | Single-Family Residence<br>Water Ski Lake                                    | + Water Skiing Club<br>+ Event Rental Venue   |
| Employees            | None   | None  |
| Customers            | N/A  | Event Rental Venue:<br>Maximum 300 visitors<br><br>Ski Club: Average 12 or less<br>members at a time. (Maximum<br>150 Memberships)  |
| Lighting             | Residential lighting<br><br>Stable: Existing lights attached<br>to buildings | Park: Soft patio (string)<br>lighting, garage lights to<br>illuminate walkway<br><br>Stable: No change  |
| Hours of Operation   | N/A  | Ski Club:<br>April 1 - November 15<br>8:00 a.m. - 1 hour after sunset<br><br>Event Rental Venue:<br>Max 150 events per year.<br>9 a.m.- 10 p.m.<br>Sunday - Thursday<br>9 a.m.- Midnight<br>Friday - Saturday |

\*As measured from the nearest property line

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL ANALYSIS:**

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

Notice of Intent to Adopt a Mitigated Negative Declaration was published on November 9, 2020.

During the public review period, no comments were received.

**PUBLIC NOTICE:**

Notices of the public hearing were sent to 45 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

Operation of a high-intensity park is a use allowed in the AE-20 Zone District with the approval of an Unclassified Conditional Use Permit (this application).

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

**BACKGROUND INFORMATION:**

This proposal entails the operation of a high-intensity park to be used as venue for special events and as a membership based water-skiing Club. The Water-Skiing lake was established in April of 2002 through approval of Grading Permit #6832 for the creation of an 18.5 surface acre water feature. Water for the lake was secured in January of 2002 through a perpetual agreement with the Fresno Irrigation District to utilize their water feature as a recharge basin. The agreement provides for the storage of 129 acre-feet of water.

The Applicant’s stated intent includes facilitating events that would include handicap and/or special needs children and adults, such as the Valley Children’s Hospital Adaptive Sports Program and Wounded Warriors Project. Other facility events would include U.S. Military promotions/retirements, corporate team building events, and family-themed life-cycle events.

**REQUIRED FINDINGS:**

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

|          | <b>Current Standard:</b>   | <b>Proposed Operation:</b>  | <b>Is Standard Met (y/n)</b> |
|----------|--|---|------------------------------|
| Setbacks | Front: 35 feet<br>Rear: 20 feet<br>Side: 20 feet   | Front (South): 314 feet<br>Rear (North): ~700 feet<br>Side (East): ~114 feet<br>Side (West): ~ 800 feet | Yes<br>Yes<br>Yes<br>Yes     |
| Parking  | High-Intensity Park: One standard parking space for every 40 square feet of area within the main auditorium or meeting hall; uses without a building require one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees. | The proposed 110 parking spaces exceeds the 98 spaces required for the use. (94 + 4 Handicap spaces)    | Yes                          |

|                         | <b>Current Standard:</b>  | <b>Proposed Operation:</b>   | <b>Is Standard Met (y/n)</b> |
|-------------------------|---|--|------------------------------|
|                         | California Building Code: at least one parking space for the physically handicapped per every 25 parking spaces at a facility |  |                              |
| Lot Coverage            | No requirement  | N/A  | N/A                          |
| Space Between Buildings | Six feet minimum  | 45 feet  | Yes                          |
| Wall Requirements       | No requirement  | N/A  | N/A                          |
| Septic Replacement Area | 100 percent   | Septic system for the High-Intensity Park to be designed and installed in accordance with California Well Standards, California Plumbing Code. | Yes                          |
| Water Well Separation   | Septic Tank: 50 feet;<br>Disposal Field: 100 feet;<br>Seepage pit: 150 feet   | No change  | Yes                          |

\*Per section 816.E.3.c(2) which allows accessory structures to be built on the side property line when located 100 feet or more from the front property line. This shed is approximately 400 feet north of the front property line.

**Analysis Finding 1:**

The attached site plan (Exhibit 7) shows the following existing improvements on the subject parcel: a single-family residence (mobile home), metal storage building, dock & boat house, well and septic system, and a wooden barn that is proposed to be removed. The site plan also shows the proposed construction of a 5,000 sq. ft. metal assembly building and attached 2,000 sq. ft. patio. The proposed parking area for the project provides space for up to 110 vehicles to park, which exceeds the parking requirements.

All improvements meet the setback requirements and other development standards of the AE-20 Zone District. The proposed restroom facility will also meet all development standards. Accessibility requirements, such as Americans with Disabilities Act (ADA) painted stalls and restroom locations will be finalized as part of the Site Plan Review process.

**Recommended Conditions of Approval:**

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

**Conclusion Finding 1:**

Staff finds that the project site is adequate in size and shape to accommodate the proposed use and Finding 1 can be made.

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

|                                     |     | <b>Existing Conditions</b>   | <b>Proposed Operation</b>  |
|-------------------------------------|-----|--|--|
| Private Road                        | No  | N/A  | N/A  |
| Public Road Frontage                | Yes | 620 feet on Belmont Ave.   | No change  |
| Direct Access to Public Road        | Yes | Driveway off Indianola Ave.  | Additional access directly to parking area   |
| Road Average Daily Traffic (ADT)    |     | Indianola Ave. – 100<br>Belmont Ave. – 2,100   | No change  |
| Road Classification                 |     | Indianola Ave. – Local Road<br>Belmont Ave. – Collector<br>(Scenic Drive)                                      | No change  |
| Road Width                          |     | Indianola Ave.<br>40' Existing RW<br>60' Ultimate RW<br><br>Belmont Ave.<br>30' Existing RW<br>50' Ultimate RW | No change  |
| Road Surface                        |     | Paved  | No change  |
| Traffic Impact Study (TIS) Prepared | No  | N/A  | A TIS was deemed unwarranted by the Fresno County Department of Public Works and Planning, Transportation Planning Section |
| Road Improvements Required          |     | N/A  | None required  |

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

Fresno County Department of Public Works and Planning:

Transportation Planning Section: Deemed that a Traffic Study was not warranted.

Development Engineering Section: Provided the data listed in the table above.

Road Maintenance and Operations Section had no comments or requests.

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

**Analysis Finding 2:**

While the property abuts Belmont Avenue, access to the site is taken from Indianola Ave. While not required, the Applicants intend to develop a new entrance to the site, under permit. This entrance would include an ornamental metal gate and automatic openers. Concurrent with this entrance, the Applicants intend to develop their responsible portion of a cul-de-sac to County of Fresno Standards and Cal-Fire Standards for a Fire Appurtenance Road, complete with concrete curb and gutter and paved roadway. On a rental event day, the gates would remain open. During regular business hours, club membership would enter the gate via a private entry code.

It is anticipated that guests may arrive sporadically during events; however, the project has the potential to temporarily impact traffic during larger events. With appropriate traffic management practices these brief increases should not be significant. A mitigation measure has been included that requires the applicant to submit a Traffic Control and Management Plan to Fresno County Department Public Works and Planning for their review and approval.

**Recommended Conditions of Approval:**

Submission and approval of a Traffic Control and Management Plan.

**Conclusion Finding 2:**

The existing streets serving the project are adequate, Finding 2 can be made.

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

| <b>Surrounding Parcels</b> |   |         |                     |
|----------------------------|---|---------|---------------------|
|                            | Use:                                    | Zoning: | Nearest Residence*: |
| North                      | Orchard & Single Family Residence (SFR) | AE-20   | ~ 150 feet north    |
| South                      | Orchard, SFR                            | AE-20   | ~ 1,100 feet south  |
| East                       | Orchard, SFR                            | AE-20   | ~ 100 feet east     |
| West                       | Orchard, SFR                            | AE-20   | ~ 450 feet west     |

\*As measured from the nearest property line

**Reviewing Agency/Department Comments:**

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

**Analysis Finding 3:**

The Agriculture Department of Fresno County indicated “This property is surrounded by agricultural operations. Normal agricultural operation create dust, noise and perform pesticide

applications.” A condition of approval has been included requiring the applicant to sign an acknowledgement of the Fresno County Right to Farm Ordinance.

The Health Department of Fresno County asked that an acoustical analysis/noise study be prepared for the project. The resulting study prepared by WVJ Acoustics, Inc. found that the project would be able to be compliant with County Noise Ordinance, but that amplified sound systems, typically used at special events, have the potential if used indiscriminately to exceed allowable sound levels. Hence, three Mitigation Measures are being required to address the issue. They call for obtaining appropriate noise level monitoring equipment, training of the applicant in its use, and provides direction on monitoring noise levels.

The Water and Natural Resources Division, of the Public Works and Planning Department, conducted a water evaluation for the proposed high intensity park and determined that the water supply is adequate to support the project. Additionally, the subject parcel is not located within an area of the County defined as being a water short area.

The Site Plan Review Section, of the Public Works and Planning Department, provided relevant standard comments on site plan requirements that have been included as Projects Notes in Exhibit 1. Th project is required to submit and obtain an approved Site Plan Review.

**Recommended Conditions of Approval:**

See Mitigation Measures regarding, hooding direction of outdoor lighting, monitoring noise levels and a condition requiring a Site Plan Review listed in attached Exhibit 1.

**Conclusion Finding 3:**

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties and Finding 3 can be made.

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

| <b>Relevant Policies:</b>  | <b>Consistency/Considerations:</b>  |
|--|---|
| Policy LU-A.13: The County shall protect agricultural operations from conflicts with nonagricultural uses by required buffers between proposed nonagricultural uses and adjacent agricultural operations.    | Adjacent agricultural land is protected from the high-intensity park operations by fencing around the entire project area and a minimum of 100-foot buffer between all structures and adjacent agricultural land. |
| Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. | The conversion of farmland was discussed as part of the Initial Study prepared for this application (Exhibit 9). No adverse impacts were identified.  |
| Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.  | County Staff conducted a water evaluation for the proposed high intensity park and determined that there is sufficient water available for this application.  |
| Policy HS-G.4b: The County shall require an acoustical analysis as part of the   | An acoustical analysis was performed, which determined that the project could comply with   |



| <b>Relevant Policies:</b>   | <b>Consistency/Considerations:</b>   |
|---|--|
| environmental Review process where Projects are likely to exceed the levels of the County's Noise Control Ordinance.  | the Noise Ordinance with recommended mitigation measures.  |
| Policy OS-L.3.d: Along Scenic Roadways where commercial or intensive land development is proposed, a 200-foot natural open space is required along the right-of-way.  | There is no new development or structures within approximately 2,000 feet of Belmont Avenue.                 |
| Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards where community sewer service is not available and cannot be provided. | County Staff determined the parcel has the capacity to support the existing and the proposed septic systems. |

**Reviewing Agency Comments:**

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

**Analysis:**

Based on the various analysis performed By County Staff and the acoustical analysis described previously the project has been determined

**Recommended Conditions of Approval:**

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

**Conclusion Finding 4:**

Finding 4 can be made.

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

**Analysis Finding 5:**

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

**CONCLUSION Finding 5:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the

Unclassified Conditional Use Permit can be made.

**PUBLIC COMMENT:**

None

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3686, subject to the recommended Conditions of Approval and Mitigation Measures.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 7901; and
- Move to determine the required Findings can be made and approve Unclassified Conditional Use Permit No. 3686 as submitted, subject to the Mitigation Measures, Conditions of Approval 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. 3686; 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.

DR  
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## EXHIBIT 1

### Mitigation Monitoring and Reporting Program Initial Study No. 7910 Classified Conditional Use Permit Application No. 3686 (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 the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.   | Applicant                     | Applicant / Fresno County Department of Public Works and Planning | Ongoing                             |
| 2.                      | Cultural Resources & Tribal 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 shall 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 / Fresno County Department of Public Works and Planning | During ground-disturbing activities |
| 3.                      | Noise  | Instrumentation: The project applicant shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at “slow” meter response and recording the maximum sound level (Lmax) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound level meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase. | Applicant                     | Applicant / Fresno County Health Department                       | Prior to Operations                 |

|                               |  |   |   |   |                       |
|-------------------------------|--|---|---|---|-----------------------|
| 4.                            | Noise  | Training: The project applicant (or staff that will be conducting noise monitoring during outdoor events with amplified speech and music) must receive “hands-on” training in the proper use of the noise monitoring equipment from a qualified acoustical consultant.  | Applicant   | Applicant / Fresno County Health Department                       | Ongoing               |
| 5.                            | Noise  | Measurement Location and Acceptable Noise Level: Taking into account the standard rate of noise attenuation with increased distance from a point source, and based upon the location of the outdoor PA system speakers (shown as Outdoor Event Area on Figure 2), noise levels must not exceed 50 dB at the property line between the project site and the adjacent property to the east (in the areas between SL-1 and SL-2 on Figure 2). If noise levels exceed 50 dB along this portion of the property line, noise levels would be expected to exceed 40 dB at the residence, and noise levels must be reduced at the noise source. | Applicant   | Applicant / Fresno County Health Department                       | Ongoing               |
| 6.                            | Transportation / Traffic   | Prior to issuance of construction permits, building permits, or encroachment permits, the Applicant Developer shall prepare and submit a traffic control and management plan to Fresno County Department Public Works and Planning. The Plan shall also include provisions for Dust Control. Operation of the proposed High Intensity Park shall be in conformance with the approved Traffic Control and Management Plan. The applicant will be required to adhere to the Traffic Control and Management Plan to be approved by the County.   | Applicant / Fresno County Department of Public Works and Planning | Applicant / Fresno County Department of Public Works and Planning | Prior to Construction |
| <b>Conditions of Approval</b> |  |   |   |   |                       |
| 1.                            | Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.   |   |   |   |                       |
| 2.                            | A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the eastern and western property lines shall be considered as part of this review. |   |   |   |                       |
| 3.                            | Except in the front yard setback, a dense landscape visual screen or 6 foot tall masonry wall shall be provided between the use and adjacent residential uses to the east and west   |   |   |   |                       |
| 4.                            | There shall be no outdoor storage allowed on the site including but not limited to vehicles, materials, and containers, etc.   |   |   |   |                       |
| 5.                            | The colors and material of all structures shall be aesthetically harmonious and compatible with development in the area. No strident materials, colors or designs that would be dissimilar from the surrounding area shall be allowed.   |   |   |   |                       |

\*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.

**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 this approval, or there has been a cessation of the use for a period in excess of two years.  |
| 2. | Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.  |
| 3. | The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD.   |
| 4. | Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.   |
| 5. | This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.   |
| 6. | If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they 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 California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> ). Contact the Certified Unified Program Agency at (559) 600-3271 for more information. |
| 7. | As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.  |
| 8. | Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.  |
| 9. | Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.  |

| <b>Project Notes</b> |  |
|----------------------|--|
| 10.                  | AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.  |
| 11.                  | AB 1826 - Mandatory Commercial Organics Recycling (MORe): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.  |
| 12.                  | An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.   |
| 13.                  | 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.  |
| 14.                  | Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.   |
| 15.                  | Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.  |
| 16.                  | No new access points are allowed without prior approval, and any existing driveway shall be utilized.  |
| 17.                  | If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.   |
| 18.                  | A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.  |
| 19.                  | Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23 Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits. |
| 20.                  | The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.  |

CMM:

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# LOCATION MAP

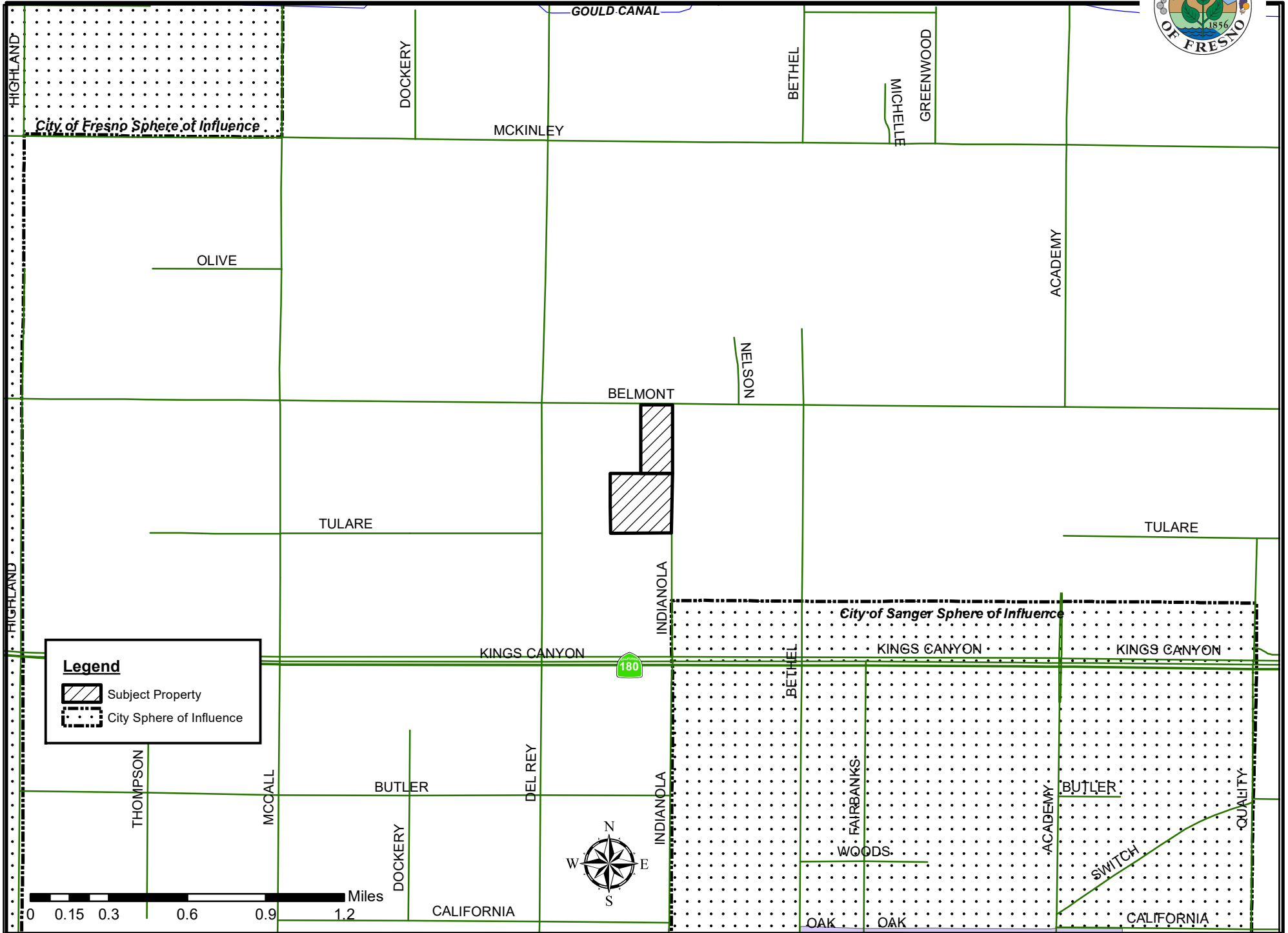


EXHIBIT 2

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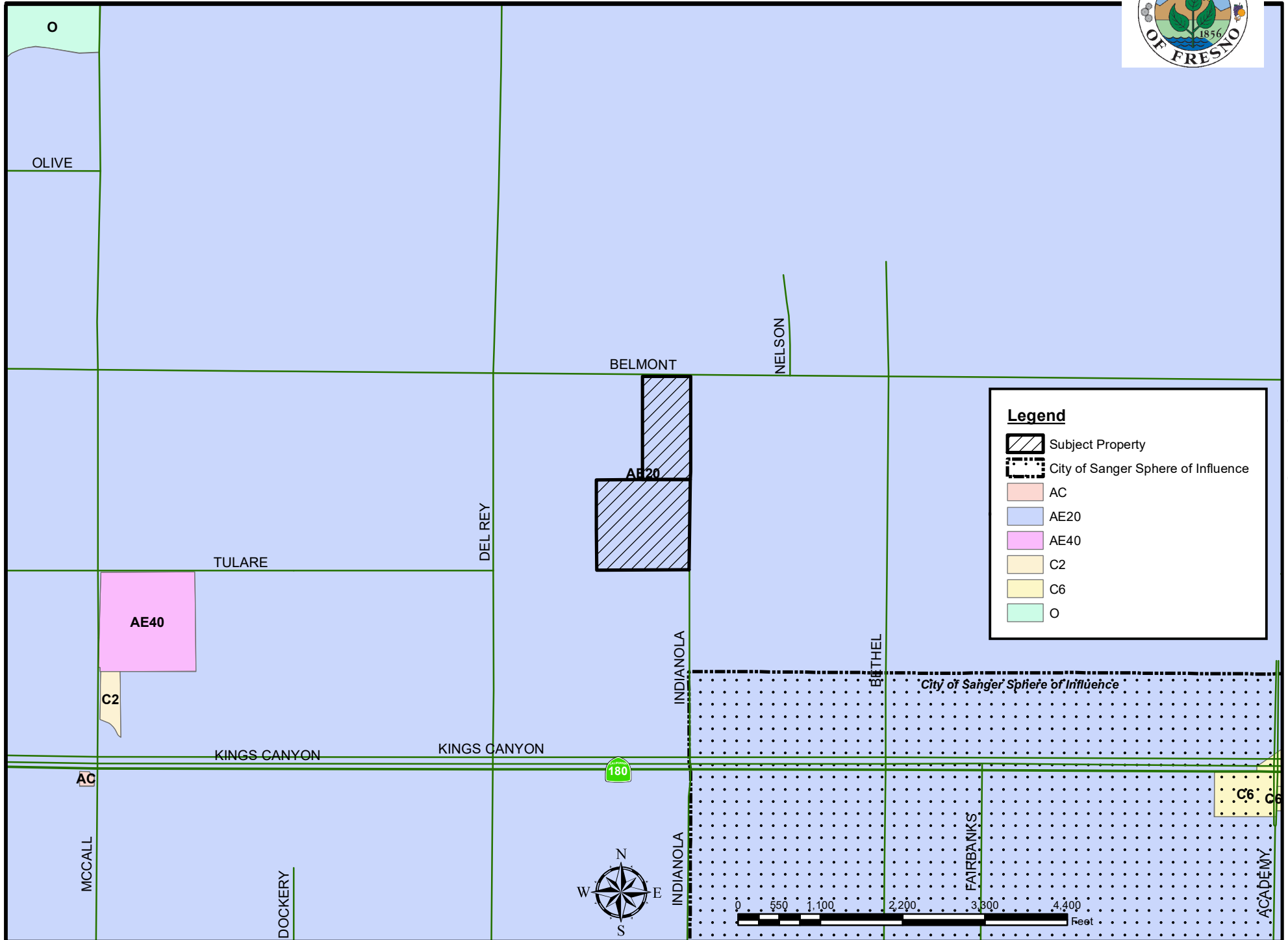




# EXISTING ZONING MAP



EXHIBIT 3



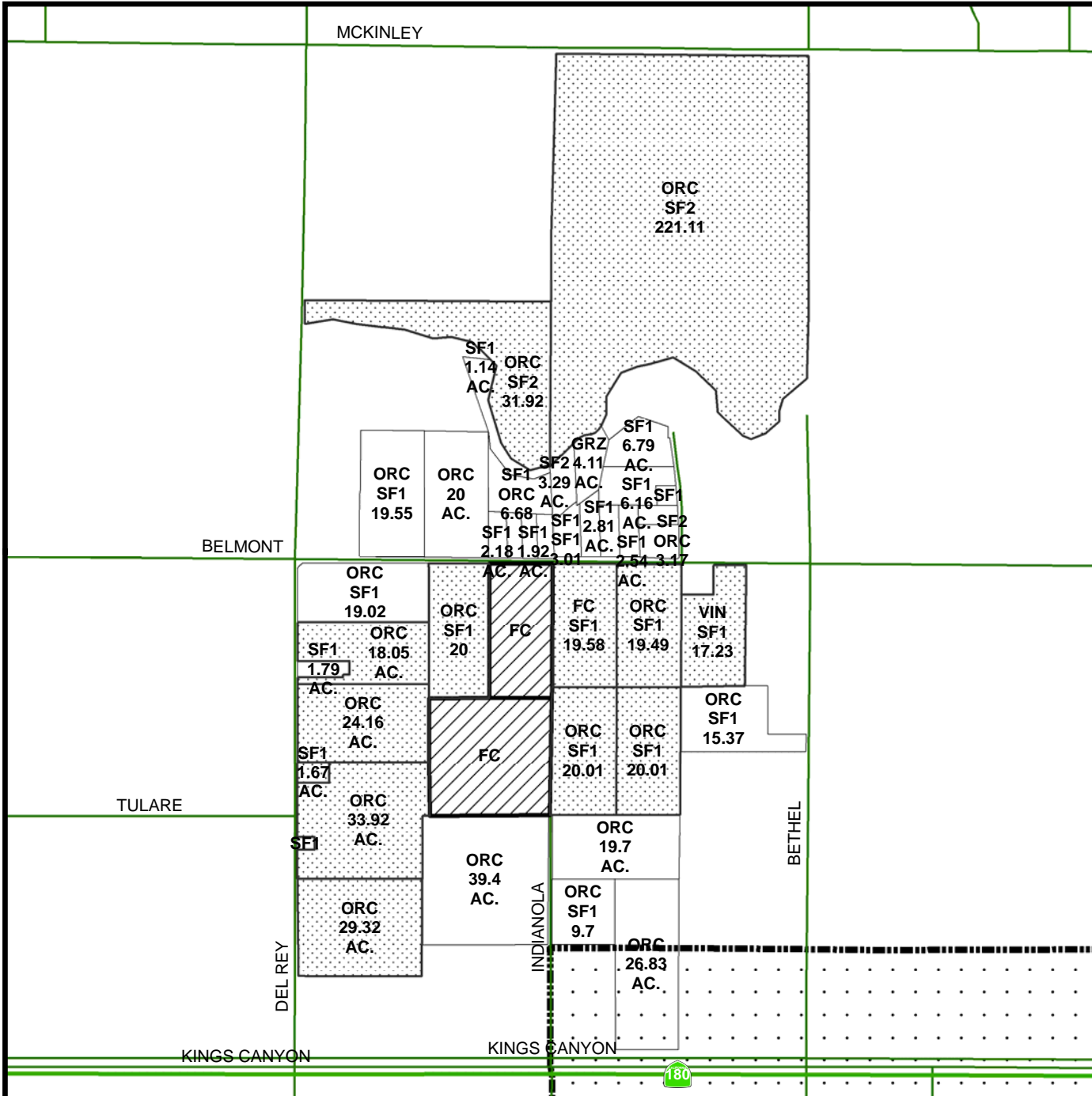
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# EXISTING LAND USE MAP






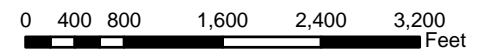
EXHIBIT 4



| LEGEND |                         |
|--------|-------------------------|
| FC     | FIELD CROP              |
| GRZ    | GRAZING                 |
| ORC    | ORCHARD                 |
| SF#    | SINGLE FAMILY RESIDENCE |
| VIN    | VINEYARD                |
| V      | VACANT                  |

**LEGEND:**

-  Subject Property
-  Ag Contract Land
-  City of Sanger Sphere of Influence



Department of Public Works and Planning  
Development Services Division

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-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.

SUBDIVIDED LAND & POR. SEC'S. 3 & 4, T. 14 S., R. 22 E., M.D.B. & M.

Tax Rate Area  
71-000

314-03

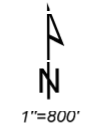
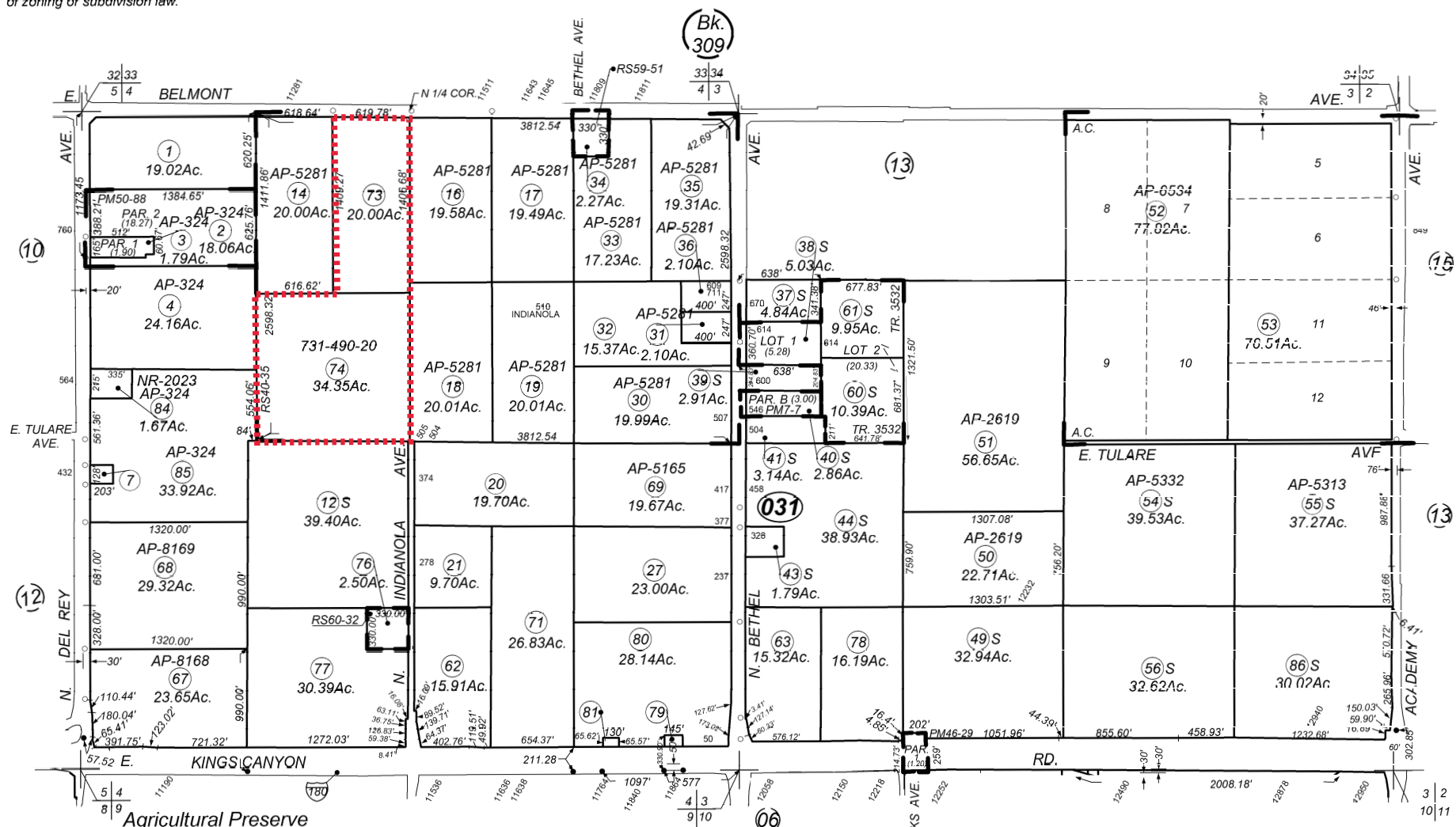


EXHIBIT 5

PAGE 1 of 1



Agricultural Preserve  
Alta Colony - Plat Bk.04, Pg.67  
Tract No. 3532 - Plat Bk.40, Pg.62  
Parcel Map No. 1223 - Bk. 07, Pg. 07  
Parcel Map No. 7029 - Bk. 46, Pg. 29  
Parcel Map No. 7367 - Bk. 50, Pg. 88  
Record of Survey - Bk. 40, Pg. 35

Record of Survey - Bk. 59, Pg. 51  
Record of Survey - Bk. 60, Pg. 32

Assessor's Map Bk.314 - Pg.03  
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles



**SHREDDER LAKE, LLC  
WINGS OF LAVENDER  
FARM•LAKE•VENUE**

**OPERATIONAL STATEMENT For Directors Review  
and Approval Application #TBD**

**PROPERTY OWNERS**

Raymond Joseph Lynott, Lt.Col USAF  
(Retired) 505 North Indianola Avenue Sanger,  
CA 93657

**PROJECT APPLICANTS**

Shredder Lake, LLC. a California Limited Liability  
Corporation c/o Raymond Lynott 505 North Indianola  
Avenue Sanger, CA 93657 (559) 270-4594  
shredderlake@gmail.com

**REPRESENTATIVE**

Maxwell Smart Construction, Inc. PO  
Box 2666 Clovis, CA 93613 (559)  
325-7495  
nmaxwell@maxwellsmartconstruction.c  
om

John Kinsey Wanger Jones  
Helsley PC 265 River Park  
Circle, Suite 310 Fresno, CA  
93720 (559) 233-4800

**PROJECT LOCATION**

505 North Indianola Avenue,  
Sanger APN 314-031-73 &  
314-031-74

## **PROJECT DESCRIPTION**

To receive an Unclassified Conditional Use Permit to allow the Use of a “High Intensity Park” per Zoning Ord. Sec. 853-B.12 & .13. For the purpose of establishing a waterski club, on a well established lake, and events venue.

### **1. BACKGROUND**

The Applicants have owned the subject site since 2001. Subsequent to their acquisition, Applicants have made many improvements to the site for their personal use and enjoyment of waterskiing activities.

On January 15, 2002, Fresno Irrigation District entered into a perpetual agreement with the Applicants to utilize their water feature as a recharge basin for the Sanger area. This agreement provides for the storage of 129 acre-feet of water to maintain adequate aquifer levels for the local farming community as well as providing a means to facilitate ditch maintenance along this active irrigation line.

On April 14, 2002, Fresno County Development Services Department approved and issued Grading Permit #6832 for the creation of an 18.5 surface acre water feature. This water feature was specifically designed and constructed with water sports use in mind and contains features to eliminate shoreline damage from surface wake water as well as limit leakage through soil absorption.

With this request, the Applicants seeks to create a rental facility centered around waterskiing activities and land features with a membership based waterski club. Facility events would include handicap and/or special needs



## EXHIBIT 6

children and adults, such as the Valley Children's Hospital Adaptive Sports Program and Wounded Warriors Project. Other facility events would include U.S. Military promotions/retirements, corporate team building events, and family-themed life-cycle events.

### **2. OPERATIONAL TIME LIMITS**

The proposed facility will center around two operations:

- 1) Membership Club Operations will be seasonally limited to April 1 through November 15 each year. The membership will be allowed to use the facility from 8AM to one hour after recorded sunset, essentially daylight hours only.
  
- 2) Rental Facility Operations will operate year round with a maximum of 150 rental events per year; operational hours will be 9AM to 10PM Sunday through Thursday and 9AM to Midnight Friday and Saturday.

### **3. NUMBER OF CUSTOMERS OR VISITORS**

The new facility would be classified as A-2 pursuant to California Building Code (CBC) Section 303.3. Maximum total occupancy of the facility, established by CBC Section 1004.5 Table 1004.5 is 400 occupants, primarily based on the less concentrated assembly area of 15 square feet per occupant and including the maximum occupancy of accessory interior spaces. The Applicants are intending to limit occupancy to a maximum of 300 total patrons, regardless of the facilities ability to accommodate more, per single event. The facility will be designed and constructed pursuant to the maximum occupant load in relation to egress, plumbing fixtures and parking spaces as required by CBC.

The membership club will be limited to a maximum number of 150 total members regardless of membership type, i.e. individual or family. Usage by the membership club is expected to be minimal, approximately 30 hours a

## EXHIBIT 6

week with a dozen club members on average. Membership usage would be expected to increase slightly in the warmer summer months.

The rental facility customers would vary based upon the type of rental event. An event with the Valley Children's Hospital Adaptive Sports Program would see approximately 200 total customers (75 children/125 program volunteers/family) and would typically occur between 9AM and 5PM. This event would most likely occur during a weekend. A U.S. Military promotion or retirement would see approximately 75 total customers. A corporate team building event would see approximately the same number of 75 customers. A life-cycle event would be expected to see the most number of customers. For example, an average wedding would consist of approximately 175 guests with approximately 25-30 additional people servicing the event.

The Applicants believe this facility would bring customers from out of Fresno County that will rent rooms and spend travel-related dollars on food and lodging.

### **4. NUMBER OF EMPLOYEES**

The Applicants will not have any directly employed employees. During any rental event, vendors providing ancillary services may have and bring employees.

### **5. SERVICE AND DELIVERY VEHICLES**

It is anticipated that the facility will receive delivery vehicles providing service in connection with certain rental events; such as delivering tables, chairs, linens, flowers, glassware, etc. These vehicles are expected to be small delivery box trucks that would arrive ahead of an event to make their delivery, then return the day after an event. Service vehicles connected with a rental event, such as a catering truck, DJ, photographer, etc. would be expected to arrive at a time during a rental event and leave once the

event has concluded. We anticipate 2-3 events a week with no more than four trucks per event (two drop off, two pick up). Hence, there would be a maximum of 12 small delivery vehicles weekly.

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

The facility will be located on the south eastern side of the 34.35 acre parcel, APN 314-031-74. Access to the facility is off of North Indianola Avenue, which connects to the public roadway of Highway 180. The Applicants intend to develop a new entrance to the site, under permit. This entrance would include an ornamental metal gate and automatic openers. Concurrent with this entrance, the Applicants intend to develop their responsible portion of a cul-de-sac to County of Fresno Standards and Cal-Fire Standards for a Fire Appurtenance Road, complete with concrete curb and gutter and paved roadway. On a rental event day, the gates would remain open. During regular business hours, club membership would enter the gate via a private entry code.

## **7. PARKING SPACES FOR EMPLOYEES, CUSTOMERS, AND SERVICE/DELIVERY VEHICLES**

The facility is located on a 34.35 Acre Parcel, on the south eastern side adjacent the lake. Currently the Applicants are intending to establish and allocate a designated parking area on the south eastern side of the facility and parcel. This designated parking area will be approximately 55,900 square feet and will establish approximately 108 parking spaces (2 cars per 513 sq. ft. (9' wide x 18' long stall + 21' travel lane + 18' long stall)). Parking per Fresno County Standards is one stall per 100 sq. ft. of building area establishing a minimum of 60 parking spaces. The proposed parking area is nearly double the County requirement. The parking area surface will be compacted natural soil. The parking area will be graded to County standards to ensure all surface water remains on the Applicants' property and treated accordingly. Prior to event days, the parking area will be watered to help mitigate dust issues. Time and space for necessary deliveries shall be accommodated for pre and post each event. No special

delivery dock(s) or designated parking area for deliveries will be provided.

## **8. ARE ANY GOODS SOLD ON-SITE**

This is a rental events venue with a secondary waterski club. The Applicants will not sell cooked or prepared food for any event and there will be no commercial kitchen on-site. In connection with a rental event, food will be provided by a third party. The chosen catering companies will prepare/provide food from that company's mobile food vehicle and/or food preparation unit and shall be licensed as required by the County's standards.

## **9. WHAT EQUIPMENT IS USED**

The Applicants will use their own equipment. This consists of the Applicants' own tractors and landscaping equipment to maintain the parking lot and landscaping features of the property and facility. The Applicants will also supply an appropriate tow boat for the waterski club membership's use.

## **10. WHAT SUPPLIES OR MATERIALS ARE USED AND HOW ARE THEY STORED**

A ski tow boat will be provided to the membership by the applicant and maintained by a local certified boat maintenance facility. The water craft will be maintained in compliance with all Coast Guard regulations pertaining to small water craft. Valley Children's Hospital and Wounded Warrior events will utilize the club boat for towing the adaptive athletes, Personal water craft (PWC) will be provided by the individual organizations as safety vessels for the adaptive skier athletes, they have significantly smaller engine displacement (three cylinders) than a typical ski boat; the noise from these light two person PWC is negligible.

Waterski club, members are required to supply their own fuel to be used in

## EXHIBIT 6

the tow boat. Fuels will be transported in portable fuel cans, in the club member's personally owned vehicles (POV). Club members are also required to supply their own tow rope, waterskis and life vests. These will also be transported in the members' POV. Applicants will provide no retail equipment to its members, nor special events participants. All required equipment to facilitate water skiing, (with the **exception** of the **boat**), to include life saving equipment, will be the responsibility of the individual member.

The Applicants self maintain all personally owned equipment on-site. As such, the Applicants store on-site typical small engine supplies such as motor oil, filters, cleaning supplies, etc. These maintenance supplies will be stored in the Applicants' existing personal storage building.

Rental facility, event supplies will be brought in ahead of the event to allow time for setup. These event supplies will typically be items such as tables, chairs, linens, flatware, flowers, decorations, etc. and will be provided by third-party vendors. These supplies will be used during the event. Once the event concludes, supplies will be removed by the third-party supply vendor. The Applicants will self-maintain the facility. A designated janitorial storage room will be constructed on the interior of the facility for the Applicants' use and storage of cleaning and bathroom supplies for the facility. Additionally, Applicants own tables and chairs available for events, if requested. These are to be stored in the existing personal storage building.

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

The facility's placement is designed to be located as far as possible from existing residences while allowing it to blend in with existing buildings and the surrounding farming community. Ongoing landscaping projects continue to enhance the facility's appearance and to obstruct potential nuisances from the site. This facility is located in the middle of established farming orchards which also impede direct viewing of the facility.

## EXHIBIT 6

The closest neighbor to the south is approximately 1,650 feet. The closest neighbor to the east is approximately 564 feet. The closest neighbor to the west is approximately 2,250 feet. The closest neighbor to the north is approximately 2,000 feet. In all cases, the neighbors' direct views of the site are obscured by existing orchards, natural topography and/or each neighbor's current residential landscaping. For reference see drawing G2 included with this application.

Exterior site lighting is hooded and directed away from nearby property owners and installed as per County standards. Exterior site lighting will only be utilized during ingress and egress of event, ensuring increased safety. Event lighting is designed to create a pleasant ambiance. Low wattage lights, such as rope lighting or string lighting, will not cast onto surrounding neighbors' properties.

Dust shall be controlled by watering the parking area prior to an event. Planned landscaping, to include trees and hedges sufficient to surround the site, will also aid in dust control.

Club membership will generate minimal noise. The club boats are small watercraft with 5.7 Engines emitting 71 maximum decibels (db), pursuant to the manufacturer. Club members are anticipated to utilize the boat for 1-2 hours per visit, primarily due to the fuel they are required to bring and secondarily, to the physical energy required to water ski. Generally, a towed skier completes 6 passes (one pass is equal to the length of the lake) before needing to rest/recuperate, in which case the boat engine is shut off. The boats run at a low RPM, thereby reducing noise, as skiing is a skill sport not a speed sport. In an additional bid to decrease noise, club members will have access during daylight hours only.

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

A fully ADA compliant restroom will be constructed inside the new building; an engineered septic system to County standards and in accordance with the anticipated occupant load. This restroom will serve both the club

members as well as rental event attendees.

Food and liquid waste is expected to be minimal. Third-party food vendors will be encouraged to utilize flatware and glassware which will be collected and taken off-site for cleaning, thus decreasing paper and plastic waste. The Applicants will place waste and recyclable container drums around the facility for the ease of club members and event guests to dispose of small waste items.

The facility is served by Waste Management, the contract established by Fresno County for waste collection. A waste enclosure will be constructed on site pursuant to County standards, aiding in the collection and removal of waste and recyclables. The Applicants will comply with all public health, disposal and recycling requirements as mandated by law.

### **13. ESTIMATED VOLUME OF WATER TO BE USED (GALLONS PER DAY)**

The water level in the lake is maintained by the Fresno Irrigation District, pursuant to an agreement allowing the lake's use as a recharge basin for the District and canal system. The lake is approximately 129 acre-feet, however it's gallon usage is excluded from any calculation below.

An irrigation system will be used to water the landscaping and to reduce dust from the parking area. It is anticipated that watering the parking area and combined restroom usage for a large rental event would consume approximately 1,250 gallons. Daily restroom usage by Club Members is expected to be minimal. In all cases the water will be provided from the Applicants on-site wells which have sufficient capacity to allow for this usage and more. See attached #1 (well report).

#### **14. DESCRIBE ANY PROPOSED ADVERTISING**

The Applicant intends to construct a new gated entry and driveway to the property and facility with electric operators. A small sign on the entrance will read “Wings Of Lavender” (Farm•Lake•Venue) along with the site address pursuant to County standards. A facility layout sign near the entrance will be erected to depict the facility layout, parking area, and how to enter/exit the property. Direction signage will be placed to indicate parking area and vehicle flow, promoting traffic safety. A Membership Club rules sign will be posted near the dock.

#### **15. WILL EXISTING BUILDINGS BE USED OR NEW BUILDINGS CONSTRUCTED**

The existing and permitted 4,000 square foot metal storage building will continue to be used for the Applicants’ maintenance equipment and storage of tables and chairs. The building’s exterior will be remodeled to match the new facility, improving the overall appearance.

An existing and permitted 2,200 square foot dock and boathouse will be used by both the club members and rental facility guests. The boathouse stores two ski boats, supplied by the Applicants.

An existing 1,500 square foot wood barn will be destroyed. This building has no recorded data on file with the County. The building’s materials will be salvaged during its deconstruction and up-cycled to embellish the interior finish of the new building.

A new 5,000 square foot metal building with 2,000 square foot attached lean-to patio will be constructed. This building will be feature an approximate 3,750 square foot open assembly area with 1,250 square feet containing the ADA bathrooms, waiting rooms, and janitorial closet. The exterior of this building and the existing personal storage building will be finished with James Hardie



## EXHIBIT 6

masonry siding products to produce a rustic board-and-batt look with long lasting materials. The interior of the assembly area will be finished with the reclaimed materials from the barn deconstruction.

For reference, see drawings G0 and G1 included with this application.

### **16. EXPLAIN WHICH BUILDINGS OR PORTIONS OF BUILDINGS WILL BE USED**

As previously stated, the metal personal-storage building will be used for the storage and maintenance of the Applicants' equipment. The dock and boathouse will be used by the club members and rental facility guests. The new metal building with lean-to patio will entirely be used by the facility's operation.

The Applicants believe that the facility will attract guests from out of Fresno County who will rent rooms and spend other travel related monies on food and entertainment.

### **17. WILL ANY OUTDOOR LIGHTING OR OUTDOOR SOUND SYSTEM BE USED**

Exterior site lighting is hooded and directed downward, away from nearby property owners and installed as per County standards. Exterior site lighting will be utilized during ingress and egress of events, in low lighting conditions, promoting a safe environment. Event lighting for ambiance includes low wattage, such as rope lighting or string lighting, minimizing potential cast onto neighboring properties.

The facility will use an amplified sound system both outdoors and indoors. At all times the Applicants will insure that use of the sound system is compliant with the County's Noise Ordinance. Use of any sound system will cease at 10PM.

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

Additional landscaping is planned in conjunction with construction of the new facility, enhancing its overall appearance. Included in the current plans, are drought resistant flowers, shrubs and trees; with an emphasis on Central Valley native flora. These will be connected to the Applicants' existing irrigation system. Landscaping will also be placed in and around the parking area, strategically inhibiting views into the facility and providing additional nuisance mitigation.

The entire property is fenced in a manner to prevent club members and facility visitors from driving or wandering onto adjacent parcels; fencing materials predominantly consist of barbed wire and chainlink. Additional fencing and gate will be installed by the Applicants to ensure club members and facility visitors maintain vehicles in the designated parking area without wandering around the Applicants' remaining property.

## **19. ADDITIONAL INFORMATION TO PROVIDE A CLEAR UNDERSTANDING OF THE PROJECT**

Raymond Lynott is a retired field grade officer of the United States Armed Forces having served over 28 years as a Combat Fighter Pilot, to include multiple combat tours in Southwest Asia. Wendy Lynott is a Registered Nurse with over 35 years of experience. Mrs. Lynott has worked extensively with cancer patients, palliative care patients, and those at the end of life. She is currently employed by Hinds Hospice. Both Wendy and Ray are dedicated to the service of others, especially helping Children and Veterans with disabilities/special needs.

J.Crocker, MD of Valley Children's Hospital, having heard of Shredder Lake, reached out to the Lynotts to assist her in expanding the VCH Adaptive Sports Program. Now, for over a decade, they have had a productive working relationship. Together they are able to provide physically challenged children the opportunity to enjoy a safe and clean

water sport environment with their families.

Mr. Lynott purchased the land and developed what is known as “Shredder Lake”. Through Mr. Lynott’s desire to help those around him, the ability to offer the facility to the public for adaptive water sports was created. Adaptive water sports makes use of specially designed water skis and wakeboards to give recreational and athletic experiences to those with disabilities.

Shredder Lake is currently operated at the sole expense of the Lynott family. Valley Children’s Hospital and other charitable programs, to include Wounded Warriors, have reached out to Shredder Lake, inquiring if Mr. Lynott will be able to continue and expand his current operation, utilizing the unique features of the lake. Presently, no other privately-owned water ski lake exists in Fresno County.

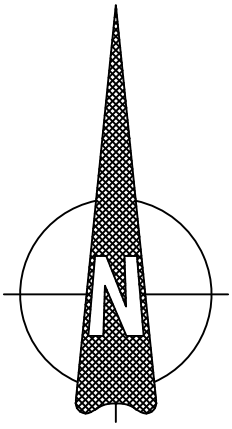
Allowing Shredder Lake to be permitted, along with the construction of the new fully functional building, will allow Shredder Lake (Wings Of Lavender) to work with others, enhancing and promoting adaptive water sports to Children and Veterans. They hope to serve the community with honor and distinction for many years to come.

## **20. IDENTIFY ALL OWNERS**

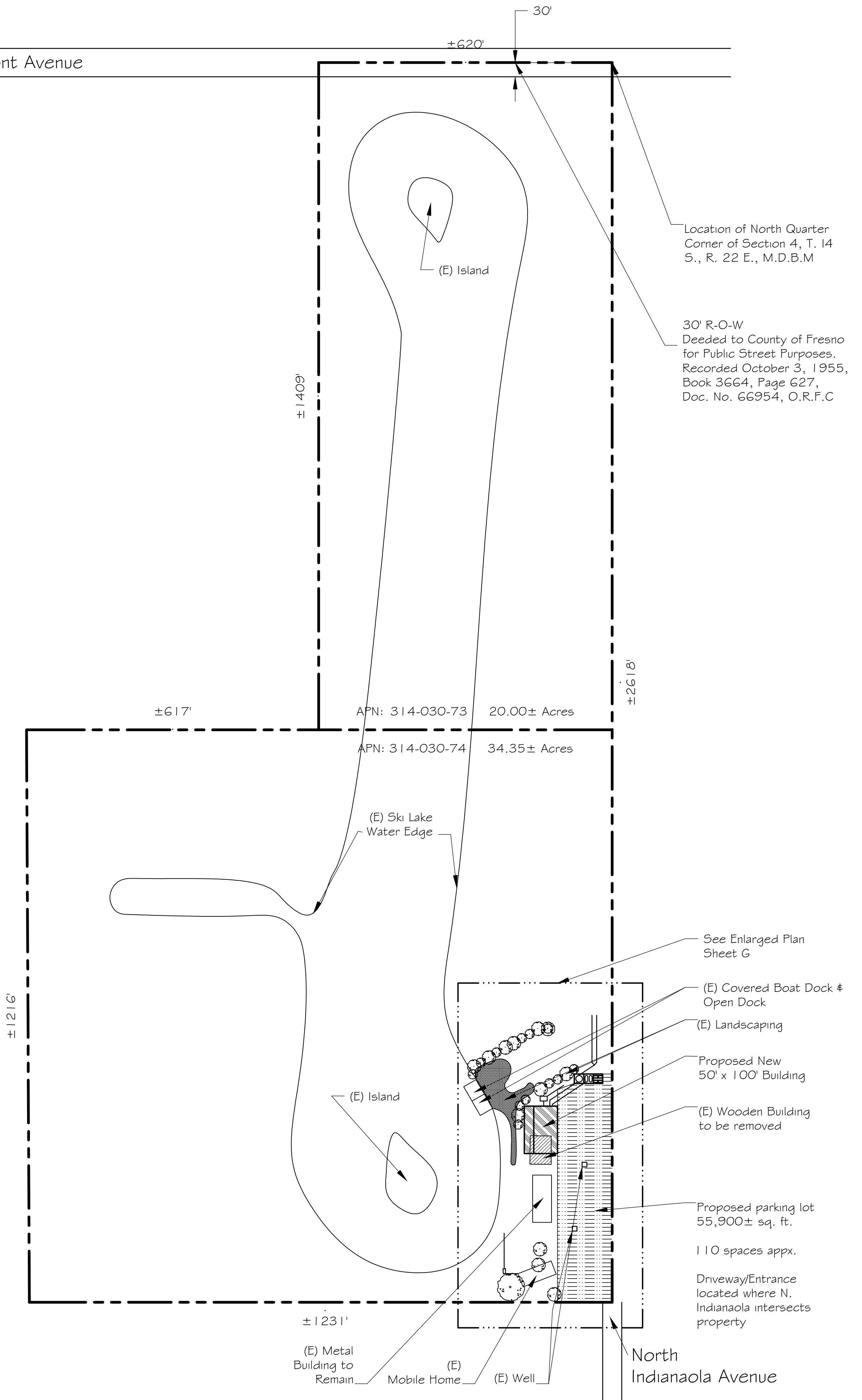
Raymond Lynott is the sole CEO of Shredder Lake, LLC, a California Limited Liability Corporation and owner of the property.

Board members of Shredder Lake, LLC are: Wendy Lynott, Michael Giersch of Giersch Engineering Nicholas Maxwell of Maxwell Smart Construction, Inc.





East Belmont Avenue



Location of North Quarter Corner of Section 4, T. 14 S., R. 22 E., M.D.B.M

30' R-O-W Deeded to County of Fresno for Public Street Purposes. Recorded October 3, 1955, Book 3664, Page 627, Doc. No. 66954, O.R.F.C

See Enlarged Plan Sheet G

(E) Covered Boat Dock & Open Dock

(E) Landscaping

Proposed New 50' x 100' Building

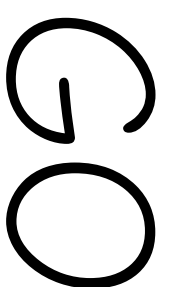
(E) Wooden Building to be removed

Proposed parking lot 55,900± sq. ft.

110 spaces appx.

Driveway/Entrance located where N. Indianaola intersects property

North Indianaola Avenue



MSC JOB NO.  
200002  
SHEET

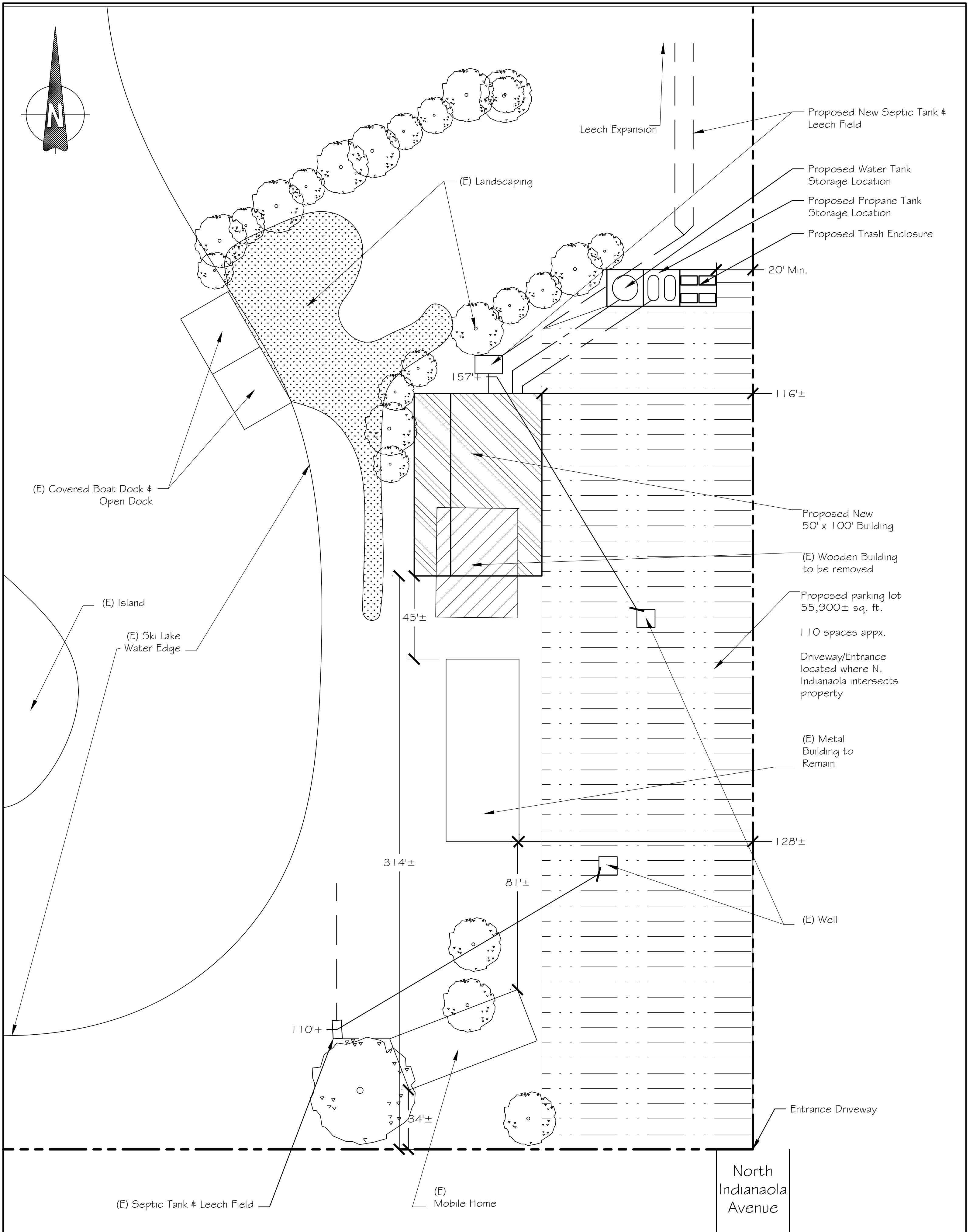
SCALE  
1" = 150'


DRAWN BY  
N. Maxwell

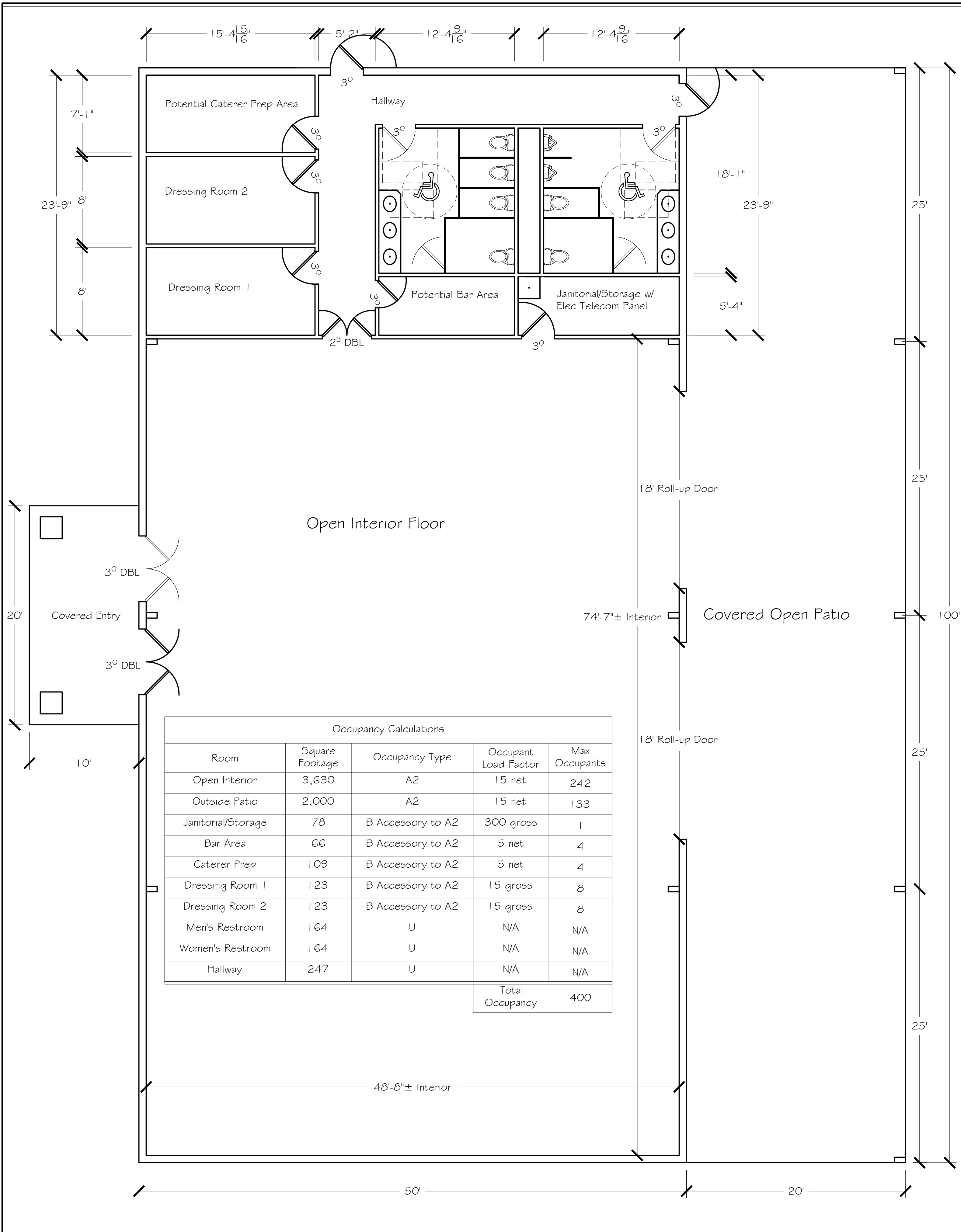
CUP Application No.  
Shredder Lake, LLC.  
505 North Indianaola Avenue  
Sanger, CA 93657  
Site Plan


| Date     | Revision               |
|----------|------------------------|
| 03/20/20 | Pre-Project Review     |
| 06/19/20 | Pre-Application Review |
| 7/16/20  | CUP Application        |

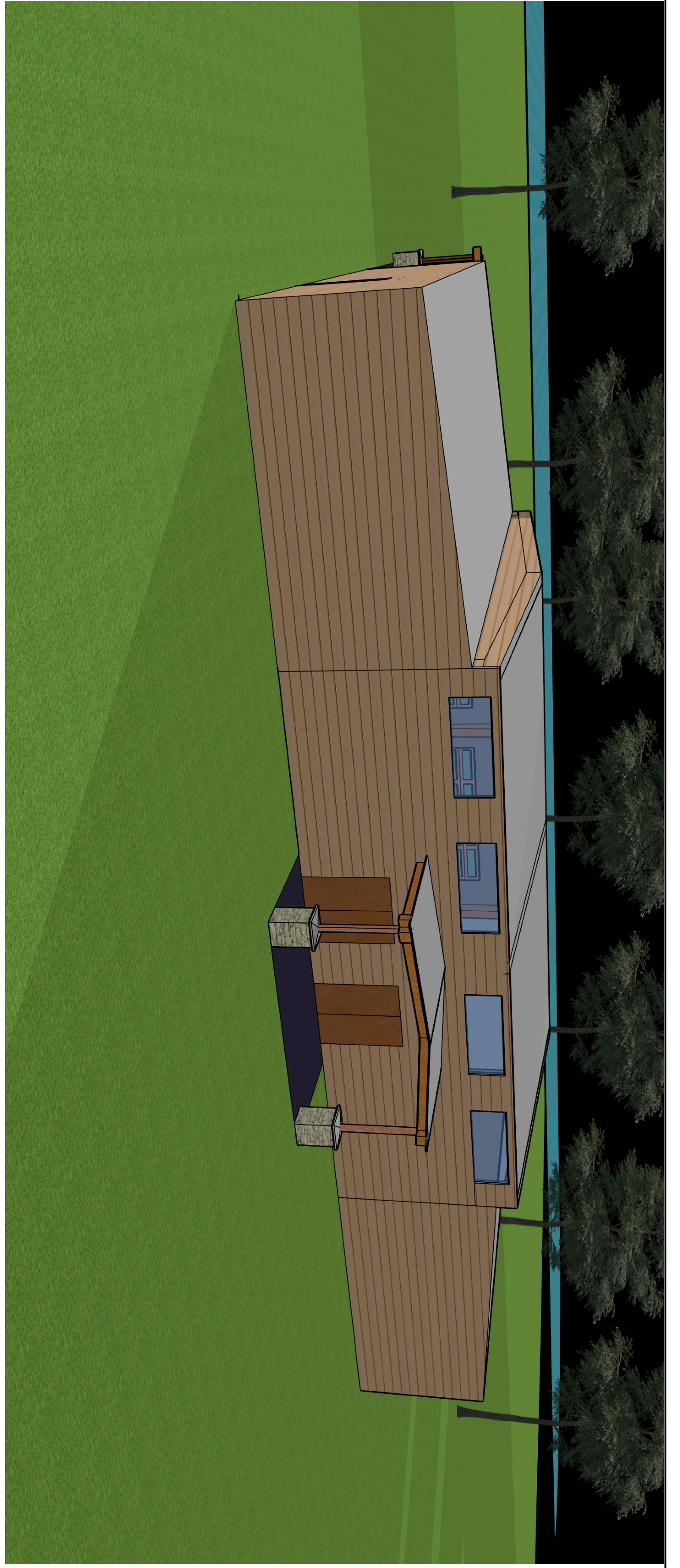





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|--------|-------|----------------------|--------------------|------------------------|---|--|----------|------------------------|---|
| G<br>1 | SHEET | MSC JOB NO.<br>20002 | SCALE<br>1" = 150' | DRAWN BY<br>N. Maxwell | CUP Application No.<br>Shredder Lake, LLC.<br>505 North Indianaola Avenue<br>Sanger, CA 93657 |  | Date     | Revision               |  <p>got smart?<br/><b>Maxwell Smart</b><br/>CONSTRUCTION, INC.<br/>CA Lic # 933018</p> |
|        |       |                      |                    |                        | Site Plan Enlarged  |  | 03/20/20 | Pre-Project Review     |   |
|        |       |                      |                    |                        |   |  | 06/19/20 | Pre-Application Review |   |
|        |       |                      |                    |                        |   |  | 7/16/20  | CUP Application        |   |

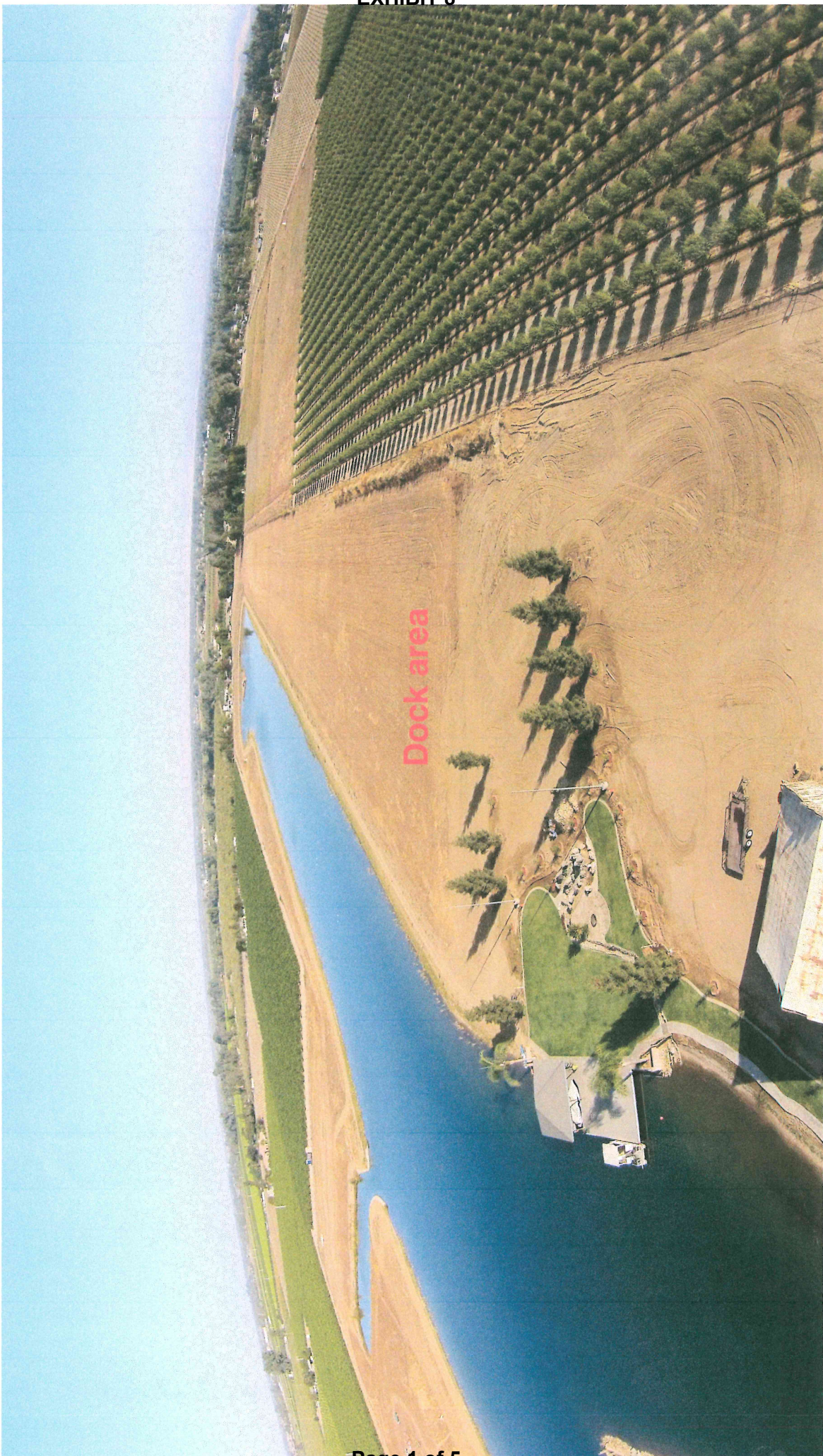


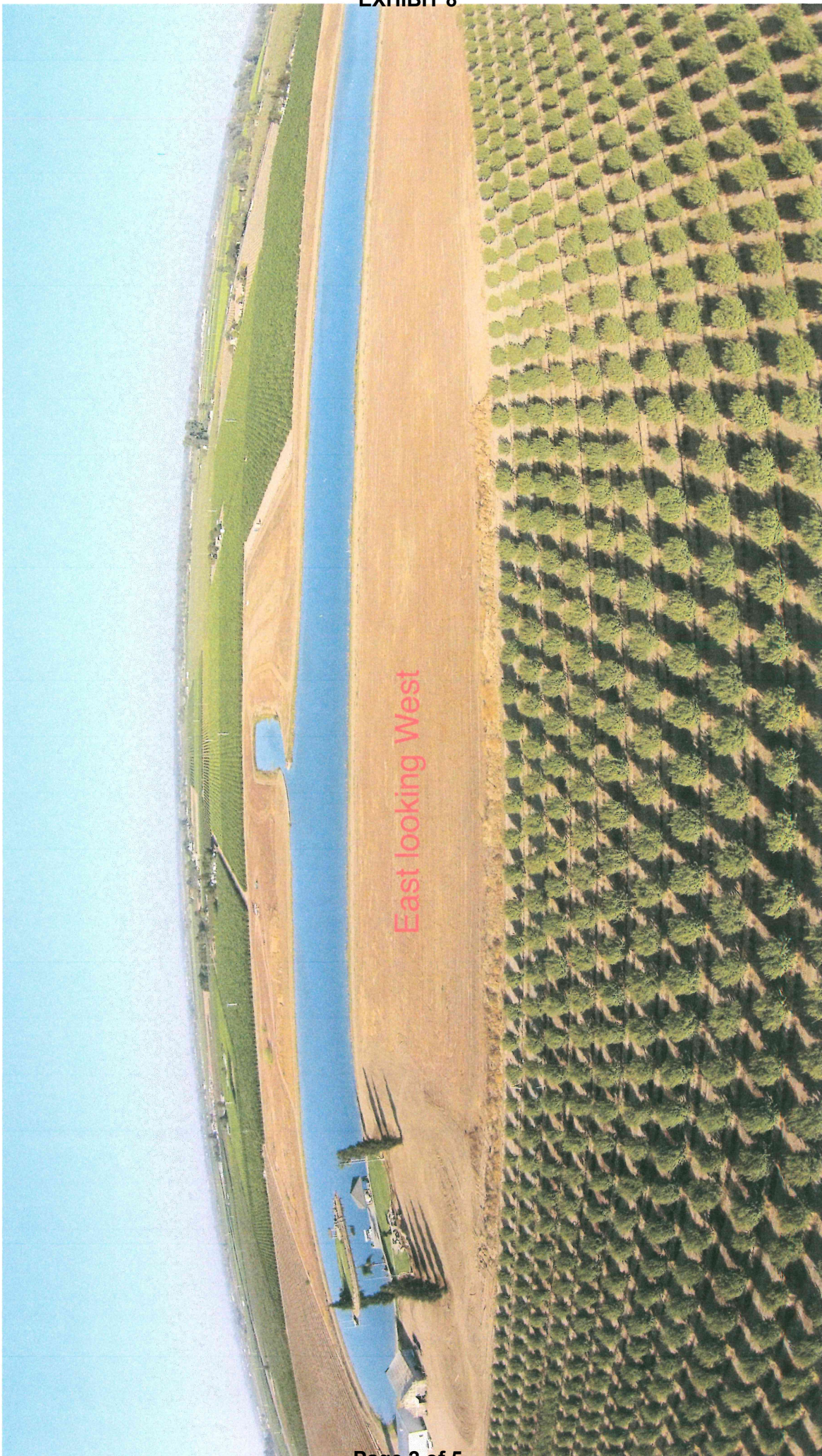
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|----|-------|-----------------------|------------------------|------------------------|---|----------|------------------------|---|
| G2 | SHEET | MSC JOB NO.<br>200002 | SCALE<br>3/16" = 1'-0" | DRAWN BY<br>N. Maxwell | CUP Application No.<br>Shredder Lake, LLC.<br>505 North Indianaola Avenue<br>Sanger, CA 93657 | Date     | Revision               | <br>got smart?<br>Maxwell Smart<br>CONSTRUCTION, INC.<br>CA Lic # 933018 |
|    |       |                       |                        |                        | Proposed Building Floor Plan  |          |                        |   |
|    |       |                       |                        |                        |   | 06/19/20 | Pre-Application Review |   |
|    |       |                       |                        |                        |   | 7/16/20  | CUP Application        |   |



|  |              |                              |                                |                                |   |  |                                   |   |
|--|--------------|------------------------------|--------------------------------|--------------------------------|---|--|-----------------------------------|---|
| <p style="font-size: 2em; font-weight: bold;">G3</p> | <p>SHEET</p> | <p>MSC JOB NO.<br/>20002</p> | <p>SCALE<br/>3/16" = 1'-0"</p> | <p>DRAWN BY<br/>N. Maxwell</p> | <p>CUP Application No.<br/>Shredder Lake, LLC.<br/>505 North Indianaola Avenue<br/>Sanger, CA 93657</p> | <p>Date Revision</p>   |                                   |  |
|  |              |                              |                                |                                |   | <p>03/20/20 Pre-Project Review<br/>06/19/20 Pre-Application Review<br/>7/16/20 CUP Application</p> | <p>Exterior Concept Elevation</p> |   |

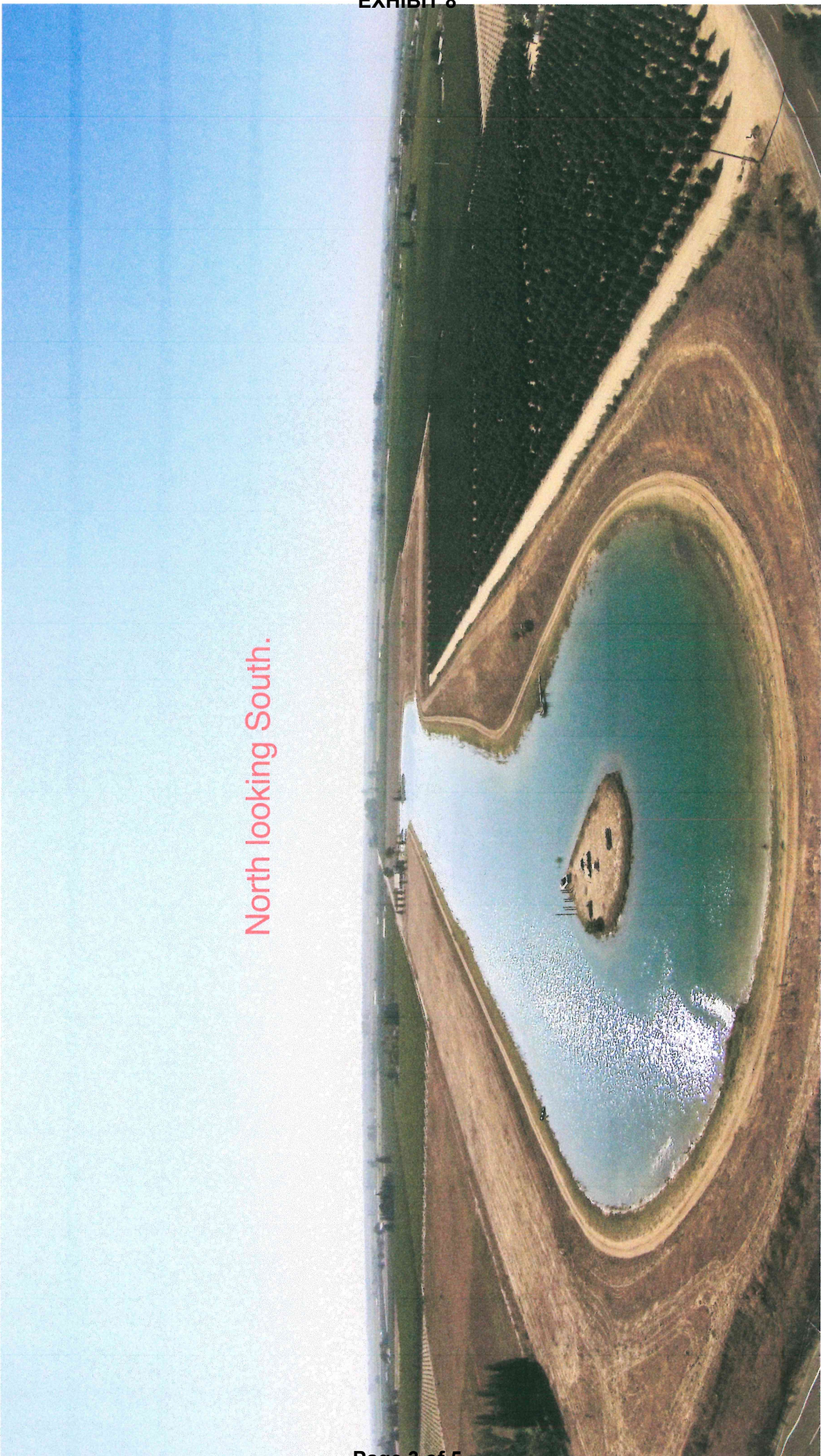




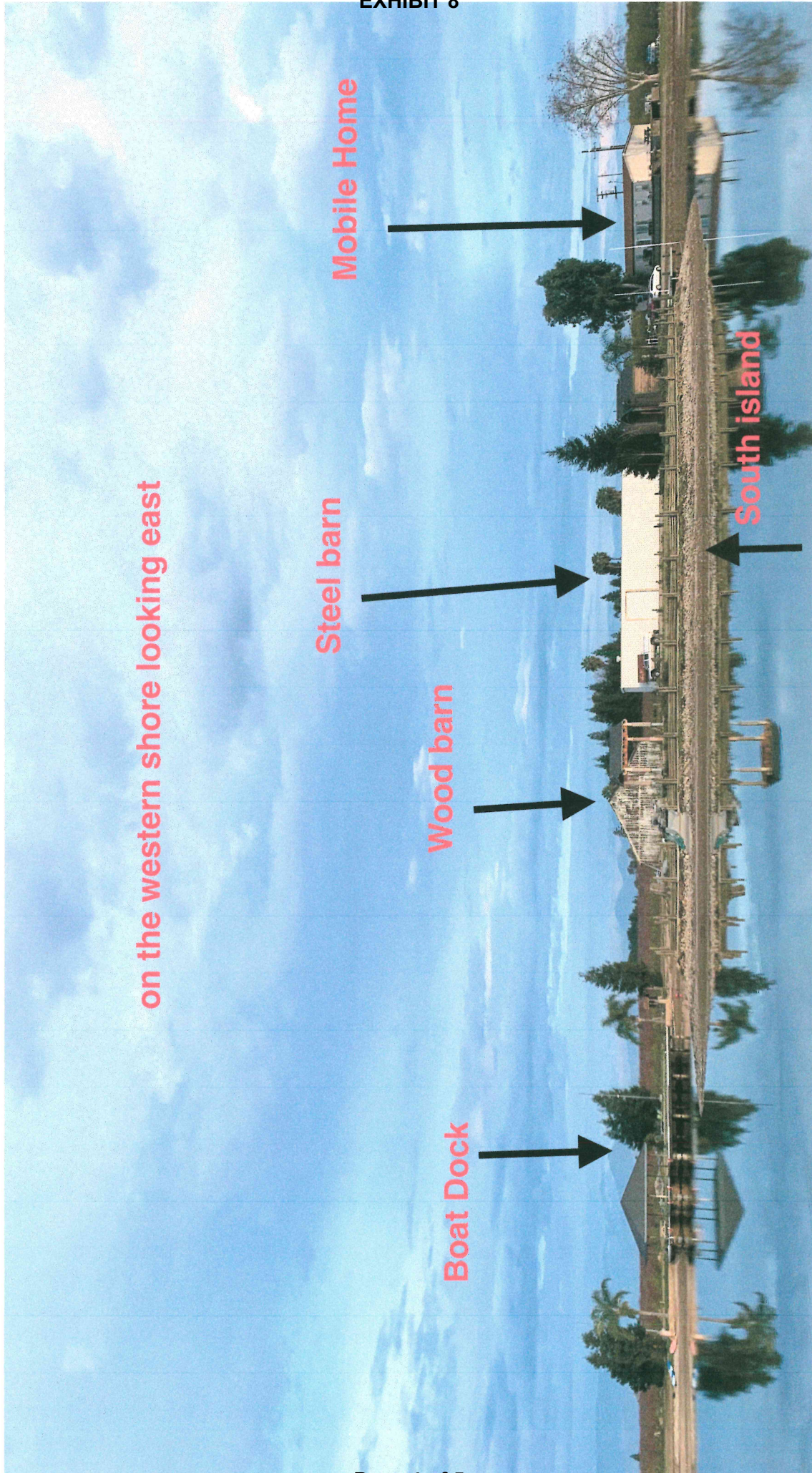


East looking West

North looking South.



on the western shore looking east



Boat Dock

Wood barn

Steel barn

Mobile Home

South island



West looking East





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Raymond J Lynott
- APPLICATION NOS.: Initial Study Application No. 7901 and Unclassified Conditional Use Permit Application No. 3686
- DESCRIPTION: Allow a high-intensity park on a 54.35-acre site in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District For the purposes of establishing a water ski club on an existing water feature, and development of an events venue.
- LOCATION: The project site is located the southwest corner of Belmont and Indianola Avenue, approximately two miles North of city limits of the City of Sanger (Sup. Dist. 5) (APN 314-031-73 & 74)

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The subject parcel is not located in an area designated as a scenic vista, nor is it located near a State Scenic Highway. Existing Development on the parcel includes a mobile home, a 4,000 square foot metal building, a 1,500 square foot barn, a 2,200 square foot dock & boathouse and water feature designed for waterskiing. The mobile home, barn, and metal building are comparable to typical uses in this area and on other parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project's proposed structures would impede views or be highly distracting. There are no trees or others natural features being removed as a result of this project. Therefore, the development will not impact any existing view, vista, or scenic resource.

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

## EXHIBIT 9

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is new lighting described as part of this application. Outdoor lights have the potential to impact neighboring properties by increasing glare or light pollution in an area. Therefore, the applicant will be required to direct all outdoor lighting at a downward angle to shine away from neighboring properties and the public road.

\* **Mitigation Measure**

1. *Prior to the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- B. Conflict with existing agricultural zoning or Williamson Act Contract?
- C. Conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is on land designated by the 2014 Fresno County Important Farmlands Map as Nonagricultural & Natural Vegetation. It is not classified as important or unique farmland, nor is it forested. The property is not restricted by a Williamson Act Contract. Parcel is in an area that is generally agricultural in nature with sporadic residential homesites.

- E. 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?



## EXHIBIT 9

FINDING: NO IMPACT:

Approval of this application will not result in the conversion of farmland, as the existing nonagricultural use of the land, which includes the existing water feature, is not changing.

### III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District had no comments on this project. A Green House Gas Analysis was prepared for the project and determined that the project would not generate direct or indirect greenhouse gas emissions that would result in a significant impact on the environment. The project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of greenhouse gasses.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The nearest sensitive receptor to this project is the single-family residence located approximately 320 feet to the east of the property. High intensity parks are not a type of use that typically produces objectionable odors or substantial concentrations of pollutants

### IV. BIOLOGICAL RESOURCES

Would the project:

## EXHIBIT 9

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?

FINDING: NO IMPACT:

The subject parcel has been improved with a residential area, and Water feature. The project site has been significantly graded and actively maintained and does not prove any significant habitat for species.

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

FINDING: NO IMPACT:

The water feature on site is a manmade feature that is maintained for waterskiing and ground water recharge. It is not a federally-protected wetlands.

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

FINDING: NO IMPACT:

This project is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state conservation plan.

## V. CULTURAL RESOURCES

Would the Project

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

## EXHIBIT 9

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52 (AB 52), this project was routed to the following Native American Tribal Governments with a request to consult: Table Mountain Rancheria, Picayune Rancheria of the Chukchansi Indians, and the Dumna Wo Wah. There were no requests for consultation received.

As this site has not been surveyed for cultural resources, it cannot be known with certainty that there are no such resources beneath the surface. Therefore, mitigation will be incorporated to require that work will stop if a resource is uncovered during the course of construction.

\* **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 shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The proposed new building will be subject to the most current requirements of the California Green Code. The proposed use is also not likely to conflict with state and local plans for renewable energy because the operation of an outpatient facility is not the type of use which requires large amounts of energy input.

## VII. GEOLOGY AND SOILS

Would the project:

**EXHIBIT 9**

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

FINDING: NO IMPACT:

The project is not located in an Alquist-Priolo Earthquake Fault Zone; however, it is located near the Clovis Fault, a pre-Quaternary fault (older than 1.6 million years) for which there is no historical evidence of recent age activity. While this fault is considered to be “potentially active”, the fault does not pass through the project site and there are no historical records of the fault’s activity. Therefore, impacts from the fault, including rupture and seismic shaking are considered to be minimal. The subject parcel is not in an area of landslide hazard according to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR). Similarly figure 9-5 (FCGPBR) indicates that the site is within the 0-20% area for the Probabilistic Seismic Hazards, which is the lowest risk.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site will be required to retain all run-off on site, per County Standards. Per Figure 9-6 (FCGPBR), the subject parcel is not in an area at risk of subsidence.

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

FINDING: NO IMPACT:

The subject property is not located in an area identified as having expansive soils, according to Figure 7-1 of the Fresno County General Plan Background Report (FCGPBR).

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

## EXHIBIT 9

FINDING: NO IMPACT:

There is an existing functional septic system on site an expanded system will be installed to address the increased demands during events. Any new septic system is subject to building permits and must meet County standard prior to construction. Reviewing Agencies and Departments did not express concerns to indicate that the proposed projects will result in any proposed parcel having soils incapable of adequately supporting the use of a septic tank or alternative wastewater disposal system.

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

FINDING: NO IMPACT:

No unique geologic features were identified on the property, and as previously discussed, the subject property is engaged in a commercial farming operation.

### VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: NO IMPACT:

A Green House Gas Analysis was prepared for the project, by Mitchell Air Quality Consulting, and determined that the project would not generate direct or indirect greenhouse gas emissions that would result in a significant impact on the environment. The project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of greenhouse gasses.

### IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**EXHIBIT 9**

FINDING: NO IMPACT:

The operation of this site as a high-intensity park has the potential to use common hazardous materials in quantities typically comparable to residential uses. There will be no routine transport, use, or disposal of hazardous material. There will be no onsite fuel storage facility for boats on the water, fuel will be brought to and taken from the site with the boats and in small fuel tanks.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment

FINDING: NO IMPACT:

The project site is not located within one-quarter mile of a school, and the project site is not included on a hazardous materials site

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

FINDING: NO IMPACT:

No emergency response or evacuation plans were identified which could be impacted by the project.

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

FINDING: NO IMPACT:

Review of this project by the Fresno County Fire Protection Department did not identify any risk of loss, injury, or death involving wildland fires. Areas designated to be at a high risk from wildland fires begin east of the Friant-Kern canal, approximately one half-mile east of the project site.

**X. HYDROLOGY AND WATER QUALITY**

Would the project:

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

FINDING: NO IMPACT:

## EXHIBIT 9

Water for the project will be provided by the existing well and some limited discharge to the ground water will occur appropriately through the onsite septic system.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will utilize the existing ground water well. The use is not anticipated to require more than a maximum of 1,250 gallons per day; which is less than 5% of annual sustainable groundwater yield (0.5-acre feet/year). Water for the waterskiing lake does not come from ground water; it receives surface water from the Irrigation District to operate as a groundwater recharge facility.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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

FINDING: NO IMPACT:

The project does not involve any significant grading that would significantly alter drainage patterns, nor the alteration of a stream course or other water course, or the addition of a substantial amount of impervious surface.

The majority of structures involved in this operation were constructed prior to submittal of this use application and existing regulations relating to the disposition of stormwater run-off will ensure that there is no off-site flooding or degradation of water quality. There are no community storm drainage systems in this area of the County and therefore the applicant will be required to retain the run-off onsite

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

FINDING: NO IMPACT:

## EXHIBIT 9

There is no housing proposed with this application and it is not located in an area of flood hazard as defined by the Federal Emergency Management Agency (FEMA), Map Panel No. 1620 of 3525. Figure 9-8 (FCGPBR) indicates that the project site is not in a location at risk of inundation by Dam Failure

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

FINDING: NO IMPACT:

The proposed project is not in conflict with any water quality control Plan or ground water sustainability plan. The existing well, which will continue to supply water for the project, will only use a fraction of the sustainable ground water yield.

### XI. LAND USE AND PLANNING

Would the project:

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

FINDING: NO IMPACT:

The project site is enclosed by the property lines of the subject parcel and will not physically divide an established community. The use of this parcel as a high-intensity park is permitted in Fresno County through approval of an Unclassified Conditional Use Permit. Outside of said permit, the project is able to meet all other development standards of the County without the need to process a variance.

### XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to Figure 7-7 (FCGPBR), the project site is not in an area designated for mineral recovery.

### XIII. NOISE



## EXHIBIT 9

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

An acoustical analysis was prepared by WJVA Acoustics, Inc., dated September 17, 2020. It concluded that the project-related noise levels are not expected to exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards.

To address the potential for noise impacts for events that occur after 10:00 p.m. a Noise Control Plan was recommended and shall be listed as mitigation measures.

\* **Mitigation Measure**

1. *Instrumentation: The project applicant shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at “slow” meter response and recording the maximum sound level (Lmax) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound level meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase.*
  2. *Training: The project applicant (or staff that will be conducting noise monitoring during outdoor events with amplified speech and music) must receive “hands-on” training in the proper use of the noise monitoring equipment from a qualified acoustical consultant.*
  3. *Measurement Location and Acceptable Noise Level: Taking into account the standard rate of noise attenuation with increased distance from a point source, and based upon the location of the outdoor PA system speakers (shown as Outdoor Event Area on Figure 2), noise levels must not exceed 50 dB at the property line between the project site and the adjacent property to the east (in the areas between SL-1 and SL-2 on Figure 2). If noise levels exceed 50 dB along this portion of the property line, noise levels would be expected to exceed 40 dB at the residence, and noise levels must be reduced at the noise source.*
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

## EXHIBIT 9

FINDING: NO IMPACT:

The project site is not located in the vicinity of a private or public airstrip.

### XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The operation of a high-intensity park is not the type of project which is known or expected to induce population growth. The entirety of the project site is within the boundaries of the 55-acre parcel and no housing or persons will be displaced.

### XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:
  - 1. Fire protection;
  - 2. Police protection;
  - 3. Schools;
  - 4. Parks; or
  - 5. Other public facilities?

FINDING: NO IMPACT:

Review of this application did not indicate the need for increased Fire or Police protection. It will not require improved parks, schools, or other public facilities because visitors to the event center are not expected to leave the project site until the conclusion of the event.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

This application will not increase the use of neighborhood parks or other recreational facilities. Guests and attendees at events held at this site will typically drive directly to the site, remain for the entire event, then drive back to their homes without lingering to explore the area or make use of local recreational facilities.

XVII. TRANSPORTATION/TRAFFIC

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project has the potential to temporarily impact traffic during larger events. With appropriate traffic management practices these brief increases should not be significant.

\* **Mitigation Measure**

1. *Prior to issuance of construction permits, building permits, or encroachment permits, the Applicant Developer shall prepare and submit a traffic control and management plan to Fresno County Department Public Works and Planning. The Plan shall also include provisions for Dust Control. Operation of the proposed High Intensity Park shall be in conformance with the approved Traffic Control and Management Plan*

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FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant will be required to adhere to the Traffic Control and Management Plan to be approved by the County.

\* **Mitigation Measure**

1. See Section XVI.B

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in Section V., the County provided notice to Native American Tribal Governments who have a cultural history within the area of the project. No resources were identified which were listed or eligible to be listed in the California Register of Historical Resources or determined to be otherwise significant. However, it cannot be determined with certainty that no such resources are present beneath the ground surface. Therefore, the mitigation measure identified in Section V., which prescribes certain actions in the event of a potentially significant discovery, would also reduce impacts on Tribal Cultural Resources to less than significant.

\* **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 shall be called to evaluate the findings and make any necessary mitigation*

## EXHIBIT 9

*recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The Project utilizes an onsite ground water well and a wastewater septic system, the other utility services are already provided to the existing site and no increase in the capacity of their infrastructure is required by the project.

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

FINDING: NO IMPACT:

As discussed in section X The project only uses 2% of the sustainable ground water yield.

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

FINDING: NO IMPACT:

The Project utilizes an onsite wastewater septic system, the other utility services are already provided to the existing site and no increase in the capacity of their infrastructure is required by the project.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

FINDING: NO IMPACT:

While the generation of solid waste at this site does present an increase in total solid waste that would need to be processed by the County on a daily basis, the contribution

## EXHIBIT 9

of the project site to overall capacity and waste reduction goals would be less than significant. During construction, the developer will be required to comply with Fresno County regulations which require percentages of the solid waste generated to be recycled or reused rather than discarded.

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will comply with existing regulations related to solid waste. Space is available on the parcel for regulation waste and recycle containers.

## XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located in an area which is considered a State Responsibility Area in regard to wildland fires. Review of this project by the Fire Department did not identify any parts of the project which would impair the implementation of an emergency response plan. The traffic flow of the site has been designed so as not to result in back-up onto the Road.

The project will be required to develop in accordance with Fresno County Regulations which restrict runoff from the site from being directed to the right-of-way or adjacent properties.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

EXHIBIT 9

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

\* **Mitigation Measure(s)**

- 1. *See Mitigation Measure(s) under Sections V and XVIII above.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively significant impacts were identified in the analysis.

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

FINDING: NO IMPACT:

The project will not result in environmental effects that will cause direct or indirect adverse effects on human beings

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

AESTHETICS: The proposed uses may result in the creation of new sources of light and glare in the area. The proposed mitigation to Hood and direct lighting away from adjacent properties and Public right-of-ways would result in a less than significant impact with the mitigation.

NOISE: An Acoustical analysis determined that the project is not expected to exceed County standards, to address the potential for amplified music from events to exceed the limits, mitigation measures to implement a Noise Control Plan are required.

TRANSPORTATION: To address the potential of temporary impacts on traffic during larger events. A mitigation measure requiring the use of an approved Traffic Control and Management Plan is being required.

**Mitigation Measures**

*See Sections I.D, XIII B & D, XVII B, and XVIII A.*

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3686, staff has concluded that the project will not have a significant effect on the environment.

It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities & Services Systems, and Wildfire.

Potential impacts related to Air Quality, Geology and Soils, and Hydrology and Water Quality have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, Noise, Transportation/Traffic, and Tribal Cultural Resources have been determined to be less than significant with adherence to the identified Mitigation Measures.

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

DR

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**EXHIBIT 10**

|  |   |   |   |   |                   |
|--|---|---|---|---|-------------------|
| File original and one copy with:<br><b>Fresno County Clerk<br/>2221 Kern Street<br/>Fresno, California 93721</b>   |   | Space Below For County Clerk Only.<br><br>CLK-2046.00 E04-73 R00-00 |   |   |                   |
| Agency File No:<br>Initial Study (IS) No 7901  |   | <b>LOCAL AGENCY<br/>PROPOSED MITIGATED<br/>NEGATIVE DECLARATION</b> |   | County Clerk File No:<br><b>E-</b>                              |                   |
| Responsible Agency (Name):<br>Fresno County  |   | Address (Street and P.O. Box):<br>2220 Tulare St. Sixth Floor       |   | City:<br>Fresno   |                   |
|  |   |   |   | Zip Code:<br>93721  |                   |
| Agency Contact Person (Name and Title):<br>David Randall   |   |   | Area Code:<br>559   | Telephone Number:<br>600-4052                                   | Extension:<br>N/A |
| Project Applicant/Sponsor (Name):<br>Mond J Lynott   |   |   | Project Title:<br>Unclassified Conditional Use Permit No 3685 |   |                   |
| Project Description: Unclassified Conditional Use Permit to allow the Use of a "High Intensity Park" per Zoning Ord. Sec. 853-B.12 & .13. for the purpose of establishing a waterski club, on an existing waterskiing lake, and events venue. The project is located on the southwest corner of Belmont and Indianola Avenue, approximately two miles North of the City of Sanger, on 54.35 acres comprised of two parcels 314-031-73 & 74. (Sup. Dist. 5)   |   |   |   |   |                   |
| Justification for Negative Declaration:<br>Based upon the Initial Study (IS 7901) prepared for Unclassified Conditional Use Permit No 3685, staff has concluded that the project will not have a significant effect on the environment.<br><br>It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities & Services Systems, and Wildfire.<br><br>Potential impacts related to Air Quality, Geology and Soils, and Hydrology and Water Quality have been determined to be less than significant.<br><br>Potential impacts relating to Aesthetics, Cultural Resources, Noise, Transportation/Traffic, and Tribal Cultural Resources have been determined to be less than significant with adherence to the identified Mitigation Measures.<br><br>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:<br>The proposed project will not have a significant impact on the environment.  |   |   |   |   |                   |
| Newspaper and Date of Publication:<br>Fresno Business Journal – November 9, 2020   |   |   |   | Review Date Deadline:<br>Planning Commission – December 9, 2020 |                   |
| Date:  | Type or Print Signature:<br>David Randall, Senior Planner |   |   | Submitted by (Signature):                                       |                   |

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

DR:  
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